STATUTORY INSTRUMENTS

2017 No. 1091

PUBLIC PASSENGER TRANSPORT, ENGLAND

The Franchising Schemes and Enhanced Partnership Plans and Schemes (Provision of Information) Regulations 2017

Made - - - -	*20th November 2017*
Laid before Parliament	*27th November 2017*
Coming into force - -	*19th December 2017*

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by sections 143A(3)(g) and 143B(11) of the Transport Act 2000(**1**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Franchising Schemes and Enhanced Partnership Plans and Schemes (Provision of Information) Regulations 2017 and come into force on 19th December 2017.

(2) In these Regulations—

"local service" has the meaning given in section 2 of the Transport Act 1985 Act(**2**) (local services);

"plan" means an enhanced partnership plan(**3**);

"scheme" means an enhanced partnership scheme(**4**).

(3) References in these Regulations to sections are to sections of the Transport Act 2000.

Relevant information for the purpose of section 143A

2. In addition to the information mentioned in paragraphs (a) to (f) of section 143A(3), the following information about the local services operated by an operator is relevant information for the purposes of section 143A (power to obtain information: franchising schemes)—

(**1**) 2000 c.38. Section 143A is inserted by section 5 of the Bus Services Act 2017 (c.21) and section 143B is inserted by section 10 of that Act.
(**2**) 1985 c.67.
(**3**) "Enhanced partnership plan" is defined in sections 138A(3) and 162 of the Transport Act 2000.
(**4**) "Enhanced partnership scheme" is defined in sections 138A(5) and 162 of the Transport Act 2000.

(a) information about the fixed and variable costs incurred by the operator in operating the local services in the franchising authority's(**5**) area;

(b) information about the vehicles used by the operator in operating those local services, including information about the age of those vehicles, emissions and types of fuel or power.

Relevant information for the purpose of section 143B(1)

3.—(1) Information is relevant information for the purposes of subsection (1) of section 143B (power to obtain information about local services: preparation of plans and schemes) if it—

(a) is information about the matters specified in the Schedule;

(b) relates to so much of a local service as is operated in the area covered by the proposed plan or scheme in connection with which the demand is made under that subsection; and

(c) relates to a period specified in the demand.

(2) In paragraph (1)(b), "proposed plan or scheme" means a plan or scheme in respect of which a local transport authority or authorities have given notice under section 138F(1)(a)(**6**) (notice of intention to make plan and scheme).

(3) A period specified in a demand as mentioned in paragraph (1)(c) must not include any period which falls more than five years before the date of the demand.

Relevant information for the purpose of section 143B(2)

4.—(1) Information is relevant information for the purposes of subsection (2) of section 143B (power to obtain information about local services: exercise of relevant functions) if it—

(a) is, subject to paragraph (2), information about the matters specified in the Schedule;

(b) relates to so much of a local service as is operated in the area covered by the plan or scheme in connection with which the demand is made under that subsection; and

(c) relates to a period specified in the demand.

(2) Information referred to in paragraph 2 of the Schedule is only relevant information for the purposes of paragraph (1) if an analysis of the matters referred to in that paragraph has been undertaken.

(3) A period specified in a demand as mentioned in paragraph (1)(c) must not include any period which falls more than five years before the date of the demand.

Relevant information for the purpose of section 143B(3)

5.—(1) In any case where a notice has been given under section 138L(1)(a)(**7**) in respect of a proposal to vary a plan to include another local transport authority, information is relevant information for the purpose of subsection (3) of section 143B if it—

(a) is information about the matters specified in the Schedule;

(b) relates to so much of a local service as is operated in the area that would be covered by the plan in connection with which the demand is made under that subsection (assuming the plan is varied as proposed); and

(c) relates to a period specified in the demand.

(2) A period specified in a demand as mentioned in paragraph (1)(c) must not include any period which falls more than five years before the date of the demand.

(**5**) "Franchising authority" is defined in sections 123A(4) and 162 of the Transport Act 2000.
(**6**) Section 138F is inserted by section 9 of the Bus Services Act 2017.
(**7**) Section 138L is inserted by section 9 of the Bus Services Act 2017.