SCOTTISH STATUTORY INSTRUMENTS

2002 No. 289

TRANSPORT

The Bus Service Operators Grant (Scotland) Regulations 2002

Made - - - -	*10th June 2002*
Laid before the Scottish Parliament - - - -	*10th June 2002*
Coming into force - -	*1st July 2002*

The Scottish Ministers, in exercise of the powers conferred by sections 38(5) and 81(2) of the Transport (Scotland) Act 2001(**1**) and of all other powers enabling them in that behalf hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Bus Service Operators Grant (Scotland) Regulations 2002 and shall come into force on 1st July 2002.

Interpretation

2. In these Regulations–

"disabled person" has the same meaning as in section 1 of the Disability Discrimination Act 1995(**2**);

"local service" has the same meaning as in section 2 of the Transport Act 1985(**3**);

"public passenger transport services" means all those services on which members of the public rely for getting from place to place, when not relying on private facilities of their own;

"stopping place" has the same meaning as in section 137(1) of the Transport Act 1985.

Eligibility for grant

3.—(1) A bus service is an eligible bus service for the purposes of section 38 of the Transport (Scotland) Act 2001 (Grants to bus service operators) if it is of one of the following classes:–

(a) a local service provided or secured–

(**1**) 2001 asp 2.
(**2**) 1995 c. 50.
(**3**) 1985 c. 67.

(i) by a local education authority pursuant to arrangements made under section 51 of the Education (Scotland) Act 1980(**4**); or

(ii) for persons who have attained the age of sixty years or disabled persons,

and in respect of which the conditions set out in paragraph (2) are satisfied;

(b) a local service, other than a service described in paragraph (1)(a), which is provided by means of a vehicle adapted to carry more than eight passengers (or by a smaller vehicle, but only if the services are operated in accordance with a timetable) and in respect of which the conditions set out in paragraph (3) are satisfied; and

(c) a bus service being provided by an operator to whom a permit under section 19 of the Transport Act 1985 has been issued and remains in force, and in respect of which the conditions set out in paragraph (4) are satisfied.

(2) The conditions referred to in paragraph (1)(a) are that–

(a) seats on the vehicle by means of which the service is provided are normally available to members of the public and the service is regularly used by such members;

(b) the stopping places (other than those to or from which the service is mainly provided) are situated at locations where they are likely to be used with reasonable frequency by members of the public;

(c) such members are able to make a single journey between any two stopping places upon payment of a fare which is not a deliberate deterrent to their use of the service;

(d) such members are able to pay the fare at a place and in a manner which are not a deliberate deterrent to their use of the service; and

(e) arrangements are made which afford members of the public a reasonable opportunity to inform themselves of the existence of the service, the times of its operation, and the places which it serves.

(3) The conditions referred to in paragraph (1)(b) are that–

(a) at least half of the accommodation on the vehicle by means of which the service is provided is normally available to members of the public and the service is regularly used by such members;

(b) the stopping places are situated at locations where they are likely to be used with reasonable frequency by members of the public;

(c) such members are able to make a single journey between any two stopping places upon payment of a fare which is not a deliberate deterrent to their use of the service;

(d) such members are able to pay the fare at a place and in a manner which are not a deliberate deterrent to their use of the service;

(e) there is not displayed on the vehicle by means of which the service is provided any sign or description intended or likely to convey the impression that the service is only available to a particular category of person; and

(f) arrangements are made which afford members of the public a reasonable opportunity to inform themselves of the existence of the service, times of its operation and the places which it serves.

(4) The conditions referred to in paragraph (1)(c) are that the service is used wholly or mainly by–

(a) persons who have attained the age of 60 years;

(b) disabled persons;

(**4**) 1980 c. 44.