SCOTTISH STATUTORY INSTRUMENTS

2001 No. 219

PUBLIC PASSENGER TRANSPORT

The Public Service Vehicles (Registration of Local Services) (Scotland) Regulations 2001

Made - - - -	*8th June 2001*
Laid before the Scottish Parliament - - - -	*8th June 2001*
Coming into force - -	*1st July 2001*

The Scottish Ministers, in exercise of the powers conferred by sections 6(2)(a), (3)(a), (8)(a), (9), and 8(6) of the Transport Act 1985(**1**) and by section 60(1)(e) and (f), (1A) and (2) of the Public Passenger Vehicles Act 1981(**2**) and of all other powers enabling them in that behalf, and after consultation with representative organisations in accordance with section 61(2) of the said Act of 1981(**3**), hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Public Service Vehicles (Registration of Local Services) (Scotland) Regulations 2001 and shall come into force on 1st July 2001.

(2) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

"the 1985 Act" means the Transport Act 1985;

"destination" means a word or words to describe the route or final destination;

"relevant authority" means, in relation to a local service, any Passenger Transport Authority or a local authority within whose area there will be a stopping place for the service;

(**1**) 1985 c. 67; section 6 was amended by the Transport (Scotland) Act 2001 (asp 2), section 46. Section 134 and 135 of the Transport Act 1985 provide that sections 60 and 61 of the Public Passenger Vehicles Act 1981 shall have effect as if Parts I and II of the Transport Act 1985 were contained in that Act. See section 60(2) of the 1981 Act for definitions of "prescribed" and "regulations". The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(**2**) 1981 c. 14. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(**3**) Section 61(2) was amended by section 135(1) of the Transport Act 1985.

"route number" means any number or combination of numbers and letters which designate a bus route; and

"week" means a period of 7 days beginning with a Monday.

(2) In these Regulations, the expressions listed in the left hand column of the table below have the meaning given by, or are to be interpreted in accordance with, the provisions listed in the right hand column of the table below.

Expression	*Provision of the 1985 Act*
"agreement providing for service subsidies"	section 63(10)(b)
"bus substitution service"	section 119(1)
"community bus service"	section 22(1)
"excursion or tour"	section 137(1)
"operator"	section 137(7)
"special licence"	section 12(2)
"traffic authority"	section 7(15)
"unconditional PSV operator's licence"	section 6(5)

(3) In these Regulations, any reference to—

(a) a numbered regulation is a reference to the regulation bearing that number in these Regulations; and

(b) a numbered paragraph is a reference to the paragraph bearing that number in the regulation in which the reference appears.

Revocations and transitional provisions

3.—(1) Subject to paragraph (2), the Regulations set out in Schedule 2 are hereby revoked.

(2) Without prejudice to sections 16 or 17 of the Interpretation Act 1978(**4**) these Regulations apply only in relation to applications for registration or for the variation or cancellation of a registration received by the traffic commissioner on or after the date on which these Regulations come into force.

Applications for registration

4.—(1) The operator shall inform the relevant authority or authorities 14 days before making an application in terms of this regulation.

(2) An application for registration or for the variation or cancellation of a registration shall not be accepted by the traffic commissioner to whom it is made unless the applicant gives to the commissioner such information and in such form as the commissioner shall reasonably require in connection with the application.

(3) Without prejudice to the generality of paragraph (2), the traffic commissioner shall require the operator to provide such evidence as the commissioner considers reasonable to satisfy the commissioner that the requirement in paragraph (1) has been met.

(**4**) 1978 c. 30.

(4) A copy of an application for registration or variation or cancellation of a registration shall be delivered or sent by the applicant to each relevant authority no later than the date on which the application is made to the traffic commissioner.

(5) The traffic commissioner shall send notice of the date of the acceptance by the commissioner of an application for registration or for the variation or cancellation of a registration to the applicant and to every relevant authority.

(6) The traffic commissioner shall from time to time consult operators and relevant authorities on the information and the form of the information that the commissioner may require under paragraph (2).

Prescribed particulars

5. The prescribed particulars of a service registered under section 6 of the 1985 Act are such of the particulars specified in Schedule 1 to these Regulations as are relevant to that service.

Periods of notice

6.—(1) Subject to regulations 7 and 8—

(a) the period of notice prescribed for the purposes of section 6(3) of the 1985 Act shall be 56 days beginning with the date on which the traffic commissioner receives the application; and

(b) the period mentioned in section 6(8)(a) of that Act shall end with the last day of the period of notice prescribed in sub-paragraph (a) above.

(2) Where an operator has applied to the traffic commissioner to vary or cancel a registration under section 6(7) of that Act the operator shall, for the period of 21 days ending with the day before the day on which the variation or cancellation has effect, display in each vehicle provided under the relevant service, a notice informing passengers that such an application has been made and where information on the variation or cancellation can be obtained.

(3) In this regulation "relevant service" means any service which would be varied or cancelled by virtue of an application referred to in paragraph (2).

7.—(1) In the cases specified in paragraph (2);

(a) section 6(2) of the 1985 Act, where it applies, shall have effect as if for the reference in section 6(2)(b) to the period of notice there were substituted a reference to such period as the traffic commissioner may determine; and

(b) section 6(8) of the 1985 Act where it applies, shall have effect as if for the reference in section 6(8)(a) to the date on which the period mentioned in that paragraph is to expire there were substituted a reference to such date as the traffic commissioner may determine.

(2) The cases referred to in paragraph (1) are as follows:

(a) where an operator applies to register or vary a registration with respect to a service or part of a service which will be substantially similar to and replace a service or part of a service which that operator or another operator has ceased or is ceasing to operate;

(b) where an operator applies to vary or cancel the registration of a service which is either not available to members of the general public or not regularly used by them;

(c) where an operator applies to vary or cancel the registration of a service in response to representations from a person authorised by either a traffic authority or a chief officer of police on a matter concerning road traffic regulation or road safety;

(d) where an operator applies to register particulars of a new service, or vary the registration to augment an existing service, in order to provide the new or augmented service for a

period not exceeding 21 days, in connection with a specified event or occasion which will cause an additional demand for a service;

(e) where an operator applies to vary the registration so as to vary or suspend a service during a period not exceeding 14 days in response to holidays taken by a substantial proportion of the population in that locality;

(f) where an operator, due to circumstances which the operator could not reasonably have foreseen, failed to make an application in sufficient time for the period of notice applicable apart from this sub-paragraph to operate;

(g) where an operator applies to register or vary a registration with respect to a service or part of a service in order to meet an urgent and exceptional public passenger transport requirement.

8.—(1) In the cases specified in paragraph (2), subsection (3) of section 6 of the 1985 Act, where it applies, shall be modified to exclude the reference to the prescribed period, and subsection (8) of that section, where it applies, shall be modified to exclude the requirement of the expiry of a period.

(2) The cases referred to in paragraph (1) are as follows:—

(a) where the service in question is a bus substitution service; and

(b) where the registration is varied only to enable the service to comply with traffic regulation conditions or any other provision made by or under any enactment prohibiting or restricting the use of any road by traffic.

Variations of registered services

9.—(1) A registered service may be varied without variation of the registration in the cases specified in paragraph (2).

(2) The cases referred to in paragraph (1) are as follows:—

(a) the route of any service may be varied to the extent required to comply with any temporary prohibition or restriction of the use of any road by traffic by or under any enactment or with any direction by a constable;

(b) a service which is provided by an education authority primarily to transport pupils to school may be varied temporarily so far as may be necessary to enable that authority to comply with its duty to provide such transport;

(c) a service may, if the condition set out in paragraph (3) is satisfied, be varied by the provision of additional vehicles which—

(i) are operated over any part of the route of the service; and

(ii) are operated as closely as possible to the timings in the registered timetable.

(3) The condition referred to in paragraph (2)(c) is that the operator of the service has reasonable grounds to believe that, owing to special circumstances, the number of vehicles normally required to provide the service would, at the time the additional vehicles are to be provided, be insufficient to carry all persons wishing to travel on the service or to provide the service in accordance with the registered timetable.

Discontinued services

10.—(1) Subject to paragraphs (2) and (3), when the traffic commissioner is satisfied that a service is no longer being provided by the person who registered it, the commissioner shall cancel the registration of that service.

(2) The traffic commissioner shall not cancel a registration—