WELSH STATUTORY INSTRUMENTS

# 2004 No. 1827 (W.203)

# PUBLIC PASSENGER TRANSPORT, WALES

## The Bus Service Operators Grant (Wales) (Amendment) Regulations 2004

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| *Made - - - -* | *14 July 2004* |
| *Coming into force - -* | *31 July 2004* |

The National Assembly for Wales, in exercise of the powers conferred upon it by section 154(5) of the Transport Act 2000(**1**), hereby makes the following Regulations:

**Citation, commencement and application**

**1.**—(1) These Regulations may be cited as the Bus Service Operators Grant (Wales) (Amendment) Regulations 2004 and come into force on 31 July 2004.

(2) These Regulations apply to Wales.

**Amendment of principal Regulations**

**2.** The Bus Service Operators Grant (Wales) Regulations 2002(**2**) ("the principal Regulations") are amended as provided in regulations 3 and 4.

**Amendment of interpretation provisions**

**3.** In Regulation 2 of the principal Regulations, insert in the appropriate place in alphabetical order—

> ""fixed stopping place" ("*man aros gosodedig*") means a stopping place at a fixed location"; and
>
> "flexible service" ("*gwasanaeth hyblyg*") means a service:
>
> (i) which serves one or more local communities or neighbourhoods within a specific geographical area,
>
> (ii) which, while it may have fixed sections of route, is in the entirety of its operation so flexible that it is not practicable to identify in advance all the roads to be traversed at any given time,

(**1**) 2000 c. 38.
(**2**) S.I.2002/2022 (W.206), which was amended by S.I. 2003/943 (W.124).

(iii) which is provided primarily for the purpose of carrying passengers who have booked in advance of the journey and whose collective requirements determine the route of each journey notwithstanding that other persons may also be travelling,

(iv) all the seats of which are available for use by members of the general public, and

(v) which is provided in consideration of the payment of individual passenger fares which are not subject to variation according to the number of passengers carried on the journey.".

**Amendment of conditions for payment of grant**

**4.**—(1) Regulation 3 of the principal Regulations (eligibility for grant) is amended as follows—

(2) In paragraph (1)(b), omit the words from "which is provided" to "a time table) and".

(3) For paragraph (2)(b) substitute—

"(b) the stopping arrangements are such that—

(i) all the fixed stopping places (whether marked or otherwise generally recognised) other than at the service termini are located where they are likely to be used with reasonable frequency by members of the general public, and

(ii) in any section of the area of operation of the service where there are no fixed stopping places, the arrangements for determining when and where passengers may be taken up and set down are such that members of the general public may take advantage of them with reasonable frequency;".

(4) For paragraph (2)(c) substitute—

"(c) members of the general public are able to make a single journey between two stopping places (to the extent that such journeys are provided for in the registered particulars having regard to boarding and alighting restrictions) upon payment of a fare that is not a deliberate deterrent to their use of the service,

(ca) in the case of a flexible service, the advance booking arrangements are such that they do not act as a deterrent to members of the general public wishing to make a single journey which is otherwise provided for in the particulars of registration;".

(5) In paragraph (2)(d), for "such members" substitute "members of the general public".

(6) For paragraph (3)(b) substitute—

"(b) the stopping arrangements are such that—

(i) all the fixed stopping places (whether marked or otherwise generally recognised) are located where they are likely to be used with reasonable frequency by members of the general public, and

(ii) in any section of the area of operation of the service where there are no fixed stopping places, the arrangements for determining when and where passengers may be taken up and set down are such that members of the general public may take advantage of them with reasonable frequency;".

(7) For paragraph (3)(c) substitute—

"(c) members of the general public are able to make a single journey between two stopping places (to the extent that such journeys are provided for in the registered particulars having regard to boarding and alighting restrictions) upon payment of a fare that is not a deliberate deterrent to their use of the service,

(ca) in the case of a flexible service, the advance booking arrangements are such that they do not act as a deterrent to members of the general public wishing to make a single journey which is otherwise provided for in the particulars of registration;".