
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.

Signed by authority of the Secretary of State for Transport

20th November 2017

Jesse Norman
Parliamentary Under Secretary of State
Department for Transport

SCHEDULE

Regulations 3(1)(a), 4(1)(a) and 5(1)(a)

RELEVANT INFORMATION

1. How and when a local service operated by an operator is used by passengers.
2. How and when the local service is likely to be used by passengers once the plan or scheme has been made or, as the case may be, varied.
3. The structure of fares for journeys on the local service.
4. The types of tickets used by passengers, and by particular types of passenger, on the local service.
5. Time taken for journeys, and parts of journeys, on the local service including information about adherence to timetables at all times or at certain times of the day.
- 6.—(1) The total distance, in miles or kilometres, covered by all vehicles used by the operator in operating qualifying local services in the relevant area.
(2) In this paragraph—
“qualifying local services” has the meaning given in regulation 3(1) of the Enhanced Partnership Plans and Schemes (Objections) Regulations 2017⁽⁸⁾;
“relevant area” means the area covered by the plan or scheme.
7. The vehicles used by the operator in providing the local service, including information about the age of those vehicles, emissions and types of fuel or power.
8. The result of any activities undertaken with a view to promoting increased passenger use of the local service.
9. The particulars of the local service’s registration under section 6 of the Transport Act 1985⁽⁹⁾.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 of these Regulations prescribes additional information to be provided by operators of local bus services to a franchising authority in connection with that authority’s functions under the Transport Act 2000 (“the 2000 Act”). That information relates to the fixed and variable costs involved in operating the local services in the franchising authority’s area and to the vehicles used by the operator in providing those local services, including information about the age of those vehicles and about relevant requirements concerning emissions and types of fuel or power.

Regulation 3 of these Regulations prescribes that the information specified in the Schedule is to be provided by operators of local bus services to a local transport authority in England in connection

⁽⁸⁾ S.I.2017/ .

⁽⁹⁾ Section 6 is amended by paragraph 2(2) of Schedule 10 to the Education and Inspections Act 2006 (c.40), sections 48, 49 and 65 of the Local Transport Act 2008 (c.26) and sections 11, 12 and 20 of, and paragraph 2 of Schedule 1 to, the Bus Services Act 2017 and by S.I.2010/1158 and 2013/1644.

with the preparation by that authority of an enhanced partnership plan or scheme made under the 2000 Act.

Regulation 4 of these Regulations prescribes that the information specified in the Schedule (with a qualification in relation to paragraph 2) is to be provided by operators of local bus services to a local transport authority in England in connection with the review of an enhanced partnership plan or the operation of an enhanced partnership scheme or in connection with determining whether, and if so how, to vary such a plan or scheme.

Regulation 5 of these Regulations applies in cases where there is a proposal to vary an enhanced partnership plan to include another local transport authority. It prescribes that the information specified in the Schedule is to be provided by operators of local bus services to a local transport authority in England in connection with that proposed variation.

Information required under regulations 3, 4 and 5 need only relate to the area of the plan or scheme and cannot be required in relation to a period more than 5 years preceding the date of the request.

A full impact assessment has not been published for these Regulations. However, an assessment has been made of the impact of the Bus Services Act 2017. Copies of that impact assessment may be obtained from the Buses and Taxis Division, Department for Transport, 2/12 Great Minster House, 33 Horseferry Road, London SW1P 4DR or from the Bus Services Act page on gov.uk: <https://www.gov.uk/government/publications/bus-services-bill-impact-assessments>.

An Explanatory Memorandum is published alongside this instrument on www.legislation.gov.uk.