

**Changes to legislation:** There are currently no known outstanding effects for the Bus Services Act 2017, Cross Heading: Transport Act 2000 (c. 38). (See end of Document for details)

## SCHEDULES

### SCHEDULE 2

#### FURTHER AMENDMENTS: FRANCHISING SCHEMES

##### *Transport Act 2000 (c. 38)*

- 5 The Transport Act 2000 (as amended by the Local Transport Act 2008) is amended as follows.

#### Commencement Information

**II** Sch. 2 para. 5 in force for certain purposes at Royal Assent and 27.6.2017 otherwise, see s. 26(3)

- 6 In the heading preceding section 124, after “schemes” insert “ in Wales ”.

#### Commencement Information

**I2** Sch. 2 para. 6 in force for certain purposes at Royal Assent and 27.6.2017 otherwise, see s. 26(3)

- 7 (1) Section 124 (quality contracts schemes) is amended as follows.
- (2) In subsection (1), after “authority”, in the first place it occurs, insert “ for an area in Wales ”.
- (3) Omit subsections (1A) and (1B).
- (4) In subsection (2)—
- (a) at the end of paragraph (a), insert “ and ”;
  - (b) in paragraph (b), omit “in the case of a scheme for an area in Wales,”;
  - (c) omit paragraph (c) and the “and” preceding it.
- (5) Omit subsection (2A).
- (6) In subsection (9)—
- (a) after “authority”, in the first place it occurs, insert “ for an area in Wales ”;
  - (b) after “another” insert “ such ”.
- (7) Omit subsection (9A).
- (8) Omit subsections (11) to (13).

#### Commencement Information

**I3** Sch. 2 para. 7 in force for certain purposes at Royal Assent and 27.6.2017 otherwise, see s. 26(3)

- 8 In section 125 (notice and consultation requirements)—

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- (a) in subsection (1)—
  - (i) at the end of paragraph (b), insert “ and ”;
  - (ii) omit paragraph (d) and the “and” preceding it;
- (b) in subsection (1A)(b), omit “or, as the case may be, (1A)”;
- (c) in subsection (3)(e), omit “if the proposed scheme relates to an area in Wales,”.

**Commencement Information**

**I4** [Sch. 2 para. 8](#) in force for certain purposes at Royal Assent and 27.6.2017 otherwise, see [s. 26\(3\)](#)

- 9 In section 126 (approval of proposed schemes for areas in Wales), omit subsection (A1).

**Commencement Information**

**I5** [Sch. 2 para. 9](#) in force for certain purposes at Royal Assent and 27.6.2017 otherwise, see [s. 26\(3\)](#)

- 10 Omit sections 126A to 126E (QCS boards for schemes for areas in England).

**Commencement Information**

**I6** [Sch. 2 para. 10](#) in force for certain purposes at Royal Assent and 27.6.2017 otherwise, see [s. 26\(3\)](#)

- 11 In section 127 (making of scheme)—
- (a) in subsection (1), omit paragraph (a);
  - (b) in subsection (1)(b), omit “in the case of a scheme for an area in Wales,”;
  - (c) omit subsection (1A);
  - (d) in subsection (1B), omit paragraph (a) and the “and” following it;
  - (e) in subsection (10), omit “(1A),”.

**Commencement Information**

**I7** [Sch. 2 para. 11](#) in force for certain purposes at Royal Assent and 27.6.2017 otherwise, see [s. 26\(3\)](#)

- 12 Omit sections 127A and 127B (appeals: schemes for areas in England).

**Commencement Information**

**I8** [Sch. 2 para. 12](#) in force for certain purposes at Royal Assent and 27.6.2017 otherwise, see [s. 26\(3\)](#)

- 13 In section 131A (continuation of schemes for further periods)—
- (a) in subsection (2)—
    - (i) in paragraph (a), omit “, if the scheme is for an area in Wales, or”;
    - (ii) omit paragraph (b);
  - (b) omit subsection (4);
  - (c) in subsection (5)—

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- (i) in paragraph (b), omit “or, as the case may be, paragraphs (b) to (d) of section 124(1A)”;
- (ii) in paragraph (c), omit “or, as the case may be, (1A)”.

**Commencement Information**

**I9** Sch. 2 para. 13 in force for certain purposes at Royal Assent and 27.6.2017 otherwise, see s. 26(3)

- 14 Omit section 131C (continuation of schemes for areas in England: procedure).

**Commencement Information**

**I10** Sch. 2 para. 14 in force for certain purposes at Royal Assent and 27.6.2017 otherwise, see s. 26(3)

- 15 In section 131E (appeals where proposed continuation considered exempt), in subsection (13), omit the words from “If” to “Wales,”.

**Commencement Information**

**I11** Sch. 2 para. 15 in force for certain purposes at Royal Assent and 27.6.2017 otherwise, see s. 26(3)

- 16 Omit section 131F (appeals where proposed continuation considered non-exempt).

**Commencement Information**

**I12** Sch. 2 para. 16 in force for certain purposes at Royal Assent and 27.6.2017 otherwise, see s. 26(3)

- 17 In section 132 (variation or revocation of scheme)—
- (a) in subsection (2), omit “or those set out in subsection (1A)(a) to (d) of that section”;
  - (b) in subsection (4A), omit paragraph (b);
  - (c) in subsection (5), omit paragraphs (a) to (c) and the “or” following paragraph (c);
  - (d) omit subsections (6) to (8).

**Commencement Information**

**I13** Sch. 2 para. 17 in force for certain purposes at Royal Assent and 27.6.2017 otherwise, see s. 26(3)

- 18 In section 132A (appeals where proposed variation considered exempt), in subsection (12), omit the words from “If” to “Wales,”.

**Commencement Information**

**I14** Sch. 2 para. 18 in force for certain purposes at Royal Assent and 27.6.2017 otherwise, see s. 26(3)

- 19 In section 132B (exemption from section 132 for specific variations directed by Tribunal), omit subsection (1)(a).

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**Commencement Information**

**I15** [Sch. 2 para. 19](#) in force for certain purposes at Royal Assent and 27.6.2017 otherwise, see [s. 26\(3\)](#)

- 20 In section 133 (regulations about schemes)—
- (a) in subsection (1)(b), omit “for areas in Wales”;
  - (b) omit subsection (1)(bb) and (bc);
  - (c) in subsection (2)(e), omit “for areas in Wales”;
  - (d) omit subsection (2)(ef) to (ei);
  - (e) omit subsection (3)(a);
  - (f) omit subsection (4)(b).

**Commencement Information**

**I16** [Sch. 2 para. 20](#) in force for certain purposes at Royal Assent and 27.6.2017 otherwise, see [s. 26\(3\)](#)

- 21 (1) Section 155 (sanctions imposed by traffic commissioners) is amended as follows.
- (2) In subsection (1) (when sanctions may be imposed), in paragraph (ba), after “section” insert “ 123X(7)(c), ”.
- (3) After subsection (1) insert—
- “(1ZA) Where a traffic commissioner is satisfied that—
- (a) a person has operated a local service in contravention of section 123J(3) of this Act, and
  - (b) in operating the local service, the person has failed to take all reasonable precautions and to exercise all due diligence to avoid contravening section 123J(3) of this Act,
- the traffic commissioner may make one or more orders under subsection (1A)(a) or (d).”
- (4) After subsection (1ZB) (inserted by Schedule 4) insert—
- “(1ZC) Where a traffic commissioner is satisfied that the operator of a local service has failed to take all reasonable steps to comply with a requirement imposed under section 143A of this Act, the traffic commissioner may make one or more orders under subsection (1A)(a) or (d).”

**Commencement Information**

**I17** [Sch. 2 para. 21](#) in force for certain purposes at Royal Assent and 27.6.2017 otherwise, see [s. 26\(3\)](#)

- 22 (1) Section 160 (regulations and orders under Part 2) is amended as follows.
- (2) In subsection (2), after “than” insert “ regulations under section 123A(4) ”.
- (3) After subsection (2) insert—
- “(2A) A statutory instrument containing regulations under section 123A(4) shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

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#### Commencement Information

**I18** Sch. 2 para. 22 in force for certain purposes at Royal Assent and 27.6.2017 otherwise, see s. 26(3)

- 23 (1) Section 162 (interpretation of Part 2) is amended as follows.
- (2) In subsection (1) (specific terms), at the appropriate place insert—
- ““effective time”, in relation to a local service contract, has the meaning given by section 123J(7),”;
  - ““franchising authority” has the meaning given by section 123A(4),”;
  - ““franchising scheme” is to be construed in accordance with section 123A(3),”;
  - ““interim service” has the meaning given by section 123O,”;
  - ““local service contract” has the meaning given by section 123A(5),”;
  - ““mayoral combined authority” has the meaning given by section 107A of the Local Democracy, Economic Development and Construction Act 2009,”;
  - ““scheme sub-area” has the meaning given by section 123H,”;
  - ““service permit” has the meaning given by section 123P,”.
- (3) In subsection (1), in the definition of “appropriate national authority”, omit paragraph (a) (meaning for schemes relating to areas in England).
- (4) In subsection (1), omit the definition of “QCS board”.
- (5) In subsection (4) (interpretation of references to Integrated Transport Authorities), omit the following entries— “ section 124(4)(a), (5) and (7), ”; “ section 127(3A), ”; “ section 127A(7), ”; “ section 130, ”; “ section 131, ”; “ section 132C, ”; “ section 132D, ”.

#### Commencement Information

**I19** Sch. 2 para. 23 in force for certain purposes at Royal Assent and 27.6.2017 otherwise, see s. 26(3)

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