

2004 No. 9

PUBLIC PASSENGER TRANSPORT, ENGLAND

**The Bus Service Operators Grant (Amendment) (England)
Regulations 2004**

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| <i>Made</i> - - - - | <i>19th January 2004</i> |
| <i>Laid before Parliament</i> | <i>21st January 2004</i> |
| <i>Coming into force</i> - - | <i>23rd February 2004</i> |

The Secretary of State for Transport, in exercise of the powers conferred by section 154(5) of the Transport Act 2000(a), hereby makes the following Regulations:

Citation, commencement and extent of application

1.—(1) These Regulations may be cited as the Bus Service Operators Grant (England) (Amendment) Regulations 2004 and shall come into force on 23rd February 2004.

(2) These Regulations apply to England only.

Amendment of principal Regulations

2.—(1) The Bus Service Operators Grant (England) Regulations 2002(b) (“the principal Regulations”) are amended as provided in regulations 3 and 4.

Amendment of interpretation provisions

3. In regulation 2 of the principal Regulations, after the definition of “domestic coach service”, there is inserted—

““fixed stopping place” and “flexible service” have the meanings respectively given in the Public Service Vehicles (Registration of Local Services) Regulations 1986(c), as those Regulations apply in England;”.

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), the words from “which is provided” to “a time table) and” are omitted.

(3) For paragraph (2)(b) there is substituted—

“(b) the stopping arrangements are such that—

(a) 2000 c. 38.

(b) S.I. 2002/1015, which was amended by S.I. 2003/1036.

(c) S.I. 1986/1671. The relevant amendments are by S.I. 2004/10.

- (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) there is substituted—

“(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” there is substituted “members of the general public”.

(6) For paragraph (3)(b) there is substituted—

“(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) there is substituted—

“(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;”.

(8) In paragraph (3)(d), for “such members” there is substituted “members of the general public”.

Signed by authority of the Secretary of State for Transport

19th January 2004

Tony McNulty
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations further amend the Bus Service Operators Grant (England) Regulations 2002 by:—

- (a) making provision for grant to be paid to operators of flexible bus services, particulars of which may be registered under the Public Service Vehicles (Registration of Local Services) Regulations 1986 as amended by the Public Service Vehicles (Registration of Local Services) (Amendment) (England and Wales) Regulations 2004, by taking account of the different stopping arrangements applying in the case of such services, and
- (b) removing the provision under which sections of bus route which have boarding and alighting restrictions are ineligible to grant on the grounds that passengers are unable to travel between certain pairs of stopping places.

A Regulatory Impact Assessment covering these Regulations and the Public Service Vehicles (Registration of Local Services) (Amendment) (England and Wales) Regulations 2004 has been prepared and copies may be obtained from the Buses and Taxis Division of the Department for Transport, Zone 3/13, Great Minster House, 76 Marsham Street, London SW1P 4DR (telephone number 020 7944 2275) or viewed on the Department's website, www.dft.gov.uk. A copy has been placed in the libraries of both Houses of Parliament.

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