

2012 No. 33

TRANSPORT

**The Bus Service Operators Grant (Scotland) Amendment
Regulations 2012**

Made - - - - - *8th February 2012*

Laid before the Scottish Parliament *10th February 2012*

Coming into force - - - *1st April 2012*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 38(5) and 81(2) of the Transport (Scotland) Act 2001(a) and of all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Bus Service Operators Grant (Scotland) Amendment Regulations 2012 and come into force on 1st April 2012.

Amendment of the Bus Service Operators Grant (Scotland) Regulations 2002

2.—(1) The Bus Service Operators Grant (Scotland) Regulations 2002(b) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) after the definition of “disabled person” insert—

““fixed stopping place” means a stopping place (within the meaning of section 137(1) of the Transport Act 1985(c)) at a fixed location;

“flexible service” has the meanings given in regulation 2(2A) of the Public Service Vehicles (Registration of Local Services) (Scotland) Regulations 2001(d);”;

(b) after the definition of “public passenger transport services” insert—

““registered particulars” means the particulars prescribed for the purposes of section 6(2)(a) of the Transport Act 1985;”;

(c) omit the definition of “stopping place”.

(3) In regulation 3 (eligibility for grant)—

(a) in paragraph (1)(b), omit the words from “which is provided” to “a timetable) and”;

(a) 2001 asp 2.

(b) S.S.I. 2002/289.

(c) 1985 c.67. 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).

(d) S.S.I. 2001/219. The relevant amendments are by S.S.I. 2012/32.

- (b) 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 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 public may take advantage of them with reasonable frequency;”;
- (c) for paragraph (2)(c) substitute—
- “(c) members of the 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 public wishing to make a single journey which is otherwise provided for in the registered particulars;”;
- (d) in paragraph (2)(d) for “such members” substitute “members of the public”;
- (e) 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 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 public may take advantage of them with reasonable frequency;”;
- (f) for paragraph (3)(c) substitute—
- “(c) members of the 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 public wishing to make a single journey which is otherwise provided for in the registered particulars;”;
- (g) in paragraph (3)(d) for “such members” substitute “members of the public”.

KEITH BROWN

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
8th February 2012

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Bus Service Operators Grant (Scotland) Regulations 2002 by—

- (a) making provision for a 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) (Scotland) Regulations 2001 as amended by the Public Service Vehicles (Registration of Local Services) (Scotland) Amendment Regulations 2012, 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 for grant on the grounds that passengers are unable to travel between certain pairs of stopping places.

A Business and Regulatory Impact Assessment covering these Regulations and the Public Service Vehicles (Registration of Local Services) (Scotland) Amendment Regulations 2012 has been prepared and may be viewed at <http://home.scotland.gov.uk>.

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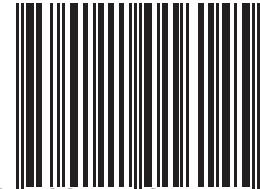
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