



Update on the Public Service Vehicles (Registration of Local Services) (Provision of Service Information) (Scotland) Regulations 2022

Committee Operations

Date of meeting 27 January 2023

Date of report 4 January 2023

Report by Chief Executive

1. Object of report

To update the Committee on the establishment of Regulations regarding to the provision of bus service information.

2. Background

Members will recall that the 2019 Transport (Scotland) Act included provisions relating to Bus service information, in particular in relation to cancelled and varied services¹. This section of the legislation was enacted through the establishment of Regulations which were laid in the Scottish Parliament on 1 December 2022, and come into force on 1 April 2023.

The Regulations detail the information sharing process that local bus operators and transport authorities must follow when an operator notifies an affected authority that a registered local bus service is to be varied or cancelled. These regulations enable any affected transport authority, such as SPT, to obtain specific service information from an operator and, in limited circumstances, share it with other prospective operators who may wish to bid to provide a similar service to the one being withdrawn or varied commercially.

The Regulations are intended to assist any affected authority's considerations on whether to consider intervention via a subsidised solution before the operator's application (i.e. for cancellation or variation) is considered by the Traffic Commissioner for Scotland. Prior to this legislation operators may have chosen to provide SPT with such information voluntarily, or not depending on the circumstances. The legislation makes the provision of such information mandatory and in more specific detail.

Full details of the Regulations are available at:

<https://www.legislation.gov.uk/ssi/2022/358/contents/made>

3. Outline of proposals

The Regulations set out the scope of information that can be required from local bus operators, namely:

- passenger numbers

¹ https://www.spt.co.uk/media/af5f4rsq/sptp060320_agenda8.pdf

- passenger journeys
- fares paid
- ticket types
- revenue obtained from the service

The new power requires operators to ensure that they have appropriate records and that they are in a position to share them prior to deciding to change or discontinue a local service. The Regulations make provision about certain elements of the information-sharing process. These prescribe:

- the time periods within which an affected authority can request information, and an operator must provide that information
- the information which an affected authority may require from an operator (namely patronage and revenue information)
- the circumstances in which an affected authority cannot request information
- the form in which an operator may provide the required information

The affected authority can only require information for the preceding 12 months or a shorter period if the service has not been operating for long.

The prescribed period for an affected authority to require information relating to the local service is 7 days beginning with the day after the day on which the affected authority receives notification of the proposed application for the variation or cancellation.

Where an operator does not provide the information requested by an affected authority (or does not provide it timeously), it may be subject to enforcement by the Office of the Traffic Commissioner for Scotland.

The Regulations do not apply where the proposed application to vary or cancel the registration is an application to;

- Vary a service to provide additional stopping places for the service (without removing any such stopping places),
- Vary a service so as to increase the frequency of the service,
- Vary a service so as to extend the period in any day for which the service operates,
- Vary a service by adjusting the timetable of the service without significantly affecting the level of the service provided, and the adjusted timings are either:
 - In no case more than 10 minutes earlier or later than those in the registered timetable, or
 - Required to adapt the service to a variation in a connecting rail, ferry or air service.

4. Conclusions

In conclusion, the Regulations on the provision of Bus service information will assist SPT's considerations on whether to consider intervention via a subsidised solution, before the

operator's application to vary or cancel a service is determined by the Traffic Commissioner for Scotland.

This should assist in determining the need for intervention via a subsidised solution, and its financial sustainability in line with SPT's Framework for Supported Services and within limited budget availability.

While the legislation is unlikely to reduce or deter negative service variations or cancellations, any subsequent tenderers for consequential Supported Service solutions will be able to do so with full sight of such information, which should hopefully drive best value.

This measure is also a small step in the right direction towards open data between operators and authorities which will help with planning of future services, this being something which SPT will look at as part of the development of the Strathclyde Regional Bus Strategy.

5. Committee action

The Committee is recommended to note:

- the content of the provisions of the Regulations detailed above, in respect of improved provision of information on cancelled or varied bus services; and
- that SPT Officers will continue to engage with Transport Scotland, Bus Operators, Councils, CPT & The Office of the Traffic Commissioner, ahead of the Regulations coming into force on 1 April 2023.

6. Consequences

Policy consequences	<i>In line with the developing new Regional Transport Strategy.</i>
Legal consequences	<i>Provisions introduced by virtue of the Public Service Vehicles (registration of Local Services) (Provision of Service Information) (Scotland) Regulations 2022.</i>
Financial consequences	<i>No financial consequences at this stage.</i>
Personnel consequences	<i>None directly.</i>
Equalities consequences	<i>None directly.</i>
Risk consequences	<i>None directly.</i>
Climate Change, Adaptation & Carbon consequences	<i>None at present.</i>

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