

LOCAL TRANSPORT ACT 2008

EXPLANATORY NOTES

COMMENTARY

Part 3: Bus Services

Section 18: Regulations about schemes which specify frequencies, timings or fares

73. This section amends section 122 of the TA 2000, which makes provision for regulations about quality partnership schemes. The purpose of the amendments is to enable regulations to make specific provisions in respect of quality partnership schemes that include requirements as to frequencies, timings or maximum fares.
74. *Subsection (2)* inserts a new section 122(1)(aa), which enables regulations to make provision with respect to the “content or operation” of such schemes, in addition to “the procedure to be followed when making, varying or revoking a quality partnership scheme” (which is provided by the existing section 122(1)(a)). This is to allow regulations to cover matters such as those mentioned in new section 122(3), discussed below.
75. *Subsection (3)* inserts new subsections (3) to (6) into section 122. These new subsections provide that, as regards schemes which include requirements as to frequencies, timings or maximum fares, regulations made under section 122(1)(a) and (aa) may in particular make provision for a number of specified matters.
76. The provisions would enable such regulations, for example, to:
- specify certain circumstances (such as *de minimis* conditions) in which requirements as to frequencies, timings or maximum fares, or changes to such requirements, could be included in a scheme without needing to meet the requirements in section 114(6B) about admissible objections (new subsection (3)(a));
 - specify that, where schemes include requirements as to frequencies, timings or maximum fares, they must also include provision about how and when such requirements may or must be set, reviewed and revised (new subsection (3)(b), read with subsection (4));
 - specify that requirements as to frequencies, timings or maximum fares may be revised only if there are no “admissible objections” from “relevant operators” (new subsection (3)(c));
 - disapply the above requirements in prescribed circumstances where a scheme is subject to postponement under section 117 (new subsection (3)(d));
 - define the terms “admissible objection” and “relevant operator” for the purposes of section 114(6B) and section 122(3) (new subsection (3)(e) and (f)); and

*These notes refer to the Local Transport Act 2008 (c.26)
which received Royal Assent on 26 November 2008*

- make provision as to the determination of whether an objection is an “admissible objection”, or an operator is a “relevant operator”, within the meaning set out in regulations (new subsection (3)(g)).
77. The effect of new section 122(5) is to ensure that, where requirements as to frequencies, timings or maximum fares are revised in accordance with provision made in accordance with the new section 122(3)(b) described above, the provisions of section 120 of the TA 2000 (variation or revocation of schemes), which include requirements as to notice and consultation, do not apply.
78. New section 122(6) provides that regulations may make provision about the appointment and payment of certain persons in connection with the determination of whether an objection is an “admissible objection” or an operator is a “relevant operator”.