

*Changes to legislation: There are currently no known outstanding effects for the Bus Services Act 2017, SCHEDULE 4. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 4

Section 15

#### FURTHER AMENDMENTS: ENHANCED PARTNERSHIP PLANS AND SCHEMES

#### *Transport Act 1985 (c. 67)*

1 The Transport Act 1985 is amended as follows.

#### **Commencement Information**

**II** [Sch. 4 para. 1](#) in force for certain purposes at Royal Assent and 27.6.2017 otherwise, see [s. 26\(3\)](#)

2 (1) Section 7 (application of traffic regulation conditions to services registered under section 6) is amended as follows.

(2) After subsection (3) insert—

“(3A) Traffic regulation conditions may not be expressed to apply to an area to which an enhanced partnership scheme under section 138A of the Transport Act 2000 relates.”

(3) After subsection (14) insert—

“(14A) Where an enhanced partnership scheme under section 138A of the Transport Act 2000 comes into operation as regards an area, any traffic regulation condition expressed to apply in an area that consists of or includes the area to which the scheme relates ceases at that time to apply in the area to which the scheme relates.

(14B) A traffic commissioner may accordingly vary or revoke a traffic regulation condition (without a request being made).”

#### **Commencement Information**

**I2** [Sch. 4 para. 2](#) in force for certain purposes at Royal Assent and 27.6.2017 otherwise, see [s. 26\(3\)](#)

3 (1) Section 26 (conditions attached to a PSV operator's licence) is amended as follows.

(2) In subsection (1) (when conditions may be attached), in paragraph (b), for “or 129(1)(b)” substitute “, 129(1)(b) or 138J(9)”.

(3) In subsection (1)(bza), after “134B(7)(c)” insert “ or 138S(7)(c) ”.

(4) In subsection (1)(baa) (inserted by Schedule 2), after “143A” insert “ or 143B ”.

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**Commencement Information**

**I3** Sch. 4 para. 3 in force for certain purposes at Royal Assent and 27.6.2017 otherwise, see s. 26(3)

*Transport Act 2000 (c. 38)*

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

**Commencement Information**

**I4** Sch. 4 para. 4 in force for certain purposes at Royal Assent and 27.6.2017 otherwise, see s. 26(3)

- 5 In section 153 (competition test: functions and agreements relating to buses), in subsection (1)(a) (applying tests in relation to the exercise of functions relating to quality partnership schemes, etc), after “ticketing schemes” insert “, enhanced partnership schemes”.

**Commencement Information**

**I5** Sch. 4 para. 5 in force for certain purposes at Royal Assent and 27.6.2017 otherwise, see s. 26(3)

- 6 (1) Section 155 (sanctions relating to Part 2 of the Act) is amended as follows.
- (2) In subsection (1)(b), for “or 129(1)(b)” substitute “, 129(1)(b) or 138J(9)”.
- (3) In subsection (1)(ba), after “134B(7)(c)” insert “ or 138S(7)(c) ”.
- (4) After subsection (1ZA) (inserted by Schedule 2) insert—
- “(1ZB) Where a traffic commissioner is satisfied that—
- (a) a person has operated a local service in contravention of section 138J(9) 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 138J(9) of this Act,
- the traffic commissioner may make one or more orders under subsection (1A)(a) or (d).”
- (5) After subsection (1ZC) (inserted by Schedule 2) insert—
- “(1ZD) 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 143B the traffic commissioner may make one or more orders under subsection (1A)(a) or (d).”

**Commencement Information**

**I6** Sch. 4 para. 6 in force for certain purposes at Royal Assent and 27.6.2017 otherwise, see s. 26(3)

- 7 (1) Section 160 (regulations and orders under Part 2) is amended as follows.

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(2) In subsection (2), after “regulations under section 123A(4)” (inserted by Schedule 2 to this Act) insert “, 138F(10), 138G(9)”.

(3) In subsection (2A) (inserted by Schedule 2 to this Act), after “regulations under section 123A(4)” insert “, 138F(10), 138G(9)”.

#### Commencement Information

**I7** Sch. 4 para. 7 in force for certain purposes at Royal Assent and 27.6.2017 otherwise, see s. 26(3)

8 In section 162 (interpretation of Part 2 of the Act), in subsection (1), at the appropriate place insert—

““enhanced partnership plan” and “enhanced partnership scheme” have the meaning given by section 138A.”.

#### Commencement Information

**I8** Sch. 4 para. 8 in force for certain purposes at Royal Assent and 27.6.2017 otherwise, see s. 26(3)

9 (1) Schedule 10 (competition test: functions and agreements relating to buses) is amended as follows.

(2) In paragraph 1 (functions to which Part 1 of Schedule 10 applies)—

(a) after sub-paragraph (1)(b) (and before the “and”) insert—

“(ba) making and varying enhanced partnership schemes.”;

(b) after sub-paragraph (2)(b) (and before the “and”) insert—

“(ba) in the case of the function of making or varying an enhanced partnership scheme, once notice of a proposal to make or vary it has been given under section 138F(1) or 138L(1),”.

(3) In paragraph 12 (enforcement of decisions of Competition and Markets Authority), in sub-paragraph (2)(b), for “or a ticketing scheme” substitute “, a ticketing scheme or an enhanced partnership scheme”.

(4) In paragraph 17 (interpretation of Part 2 of Schedule 10), in sub-paragraph (5)(c), after “scheme” insert “, an enhanced partnership scheme”.

#### Commencement Information

**I9** Sch. 4 para. 9 in force for certain purposes at Royal Assent and 27.6.2017 otherwise, see s. 26(3)

**Changes to legislation:**

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