



Bus Services Act 2017

2017 CHAPTER 21

Enhanced partnership plans and schemes

14 Traffic commissioner functions

- (1) The Transport Act 1985 is amended as follows.
- (2) After section 6F (inserted by section 13) insert—

“6G Traffic commissioner functions where an enhanced partnership scheme in operation

- (1) This section applies where notice of—
 - (a) the making of an enhanced partnership scheme under section 138A of the Transport Act 2000, or
 - (b) the varying of an enhanced partnership scheme,is given to a traffic commissioner under section 138G(5) or 138M(6) of the Transport Act 2000 by a local transport authority or authorities.
- (2) The authority or authorities must also notify the traffic commissioner—
 - (a) whether or not the scheme, or the scheme as varied, specifies a route requirement, and
 - (b) in relation to each route requirement specified, whether or not it relates to—
 - (i) a particular service that only has stopping places in the area to which the scheme relates,
 - (ii) particular services at least one of which is such a service, or
 - (iii) a particular description of services which includes or is capable of including such a service.
- (3) In a case where the scheme, or the scheme as varied, relates to the whole or part of the combined area of two or more local transport authorities, the notification under subsection (2) must also state which of the authorities is the lead authority.

Changes to legislation: There are currently no known outstanding effects for the Bus Services Act 2017, Section 14. (See end of Document for details)

- (4) If the scheme, or the scheme as varied, specifies a route requirement that relates to a particular service that only has stopping places in the area to which the scheme relates, particular services at least one of which is such a service or a particular description of services which includes or is capable of including such a service—
- (a) a traffic commissioner must delegate the relevant registration functions as regards services that only have stopping places in that area to the authority or the lead authority (as the case may be), and
 - (b) the authority or the lead authority (as the case may be) must carry them out.
- (5) A delegation under subsection (4) has effect—
- (a) when the scheme comes into operation, or
 - (b) when the variation of the scheme takes effect (as the case may be).
- (6) If subsection (4) does not apply, the authority or the lead authority (as the case may be)—
- (a) may elect to carry out the relevant registration functions as regards services that only have stopping places in the area to which the scheme relates as from a particular time, and
 - (b) if that election is made, must notify a traffic commissioner of that election and the time selected.
- (7) If notification is given under subsection (6), a traffic commissioner must delegate the relevant registration functions to—
- (a) the authority, or
 - (b) the lead authority (as the case may be);
- and the authority or the lead authority (as the case may be) must carry them out.
- (8) A delegation under subsection (4) or (7) may come to end only when the scheme in question ceases to operate.
- (9) Regulations may be made for the purpose of carrying this section into effect.
- (10) In this section—
- “local transport authority” has the meaning given in section 108(4) of the Transport Act 2000;
- “the relevant registration functions”, in relation to an enhanced partnership scheme, means the functions of a traffic commissioner under sections 6, 6D and 6E of this Act so far as relating to—
- (a) in the case of functions relating to the variation of registration, services that would be relevant services if varied as proposed, or
 - (b) in the case of any other function, relevant services;
- “relevant service”, in relation to an enhanced partnership scheme, means a local service that only has stopping places in the area to which the scheme relates;
- “route requirement” has the same meaning as in section 6D.”
- (3) After section 6G (inserted by subsection (2)) insert—

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“6H Fees relating to relevant registration functions

- (1) This section applies where the relevant registration functions of a traffic commissioner are carried out by a local transport authority in accordance with section 6G.
- (2) The local transport authority may charge fees under this section in respect of—
 - (a) an application under section 6 of this Act for the registration of a relevant service,
 - (b) an application under section 6 of this Act for the variation of the registration of a service that, as varied, would be or continue to be a relevant service, and
 - (c) an application under section 6 of this Act for the cancellation of the registration of a relevant service.
- (3) The fees—
 - (a) are to be determined by or in accordance with regulations,
 - (b) are to be payable by such persons and at such times as the regulations may provide, and
 - (c) are to be payable in one sum or in instalments, as provided by the regulations.
- (4) If a fee or instalment of a fee due under this section has not been paid, the local transport authority may decline to proceed with an application referred to in subsection (2) to which the fee or instalment relates until the fee or instalment is paid.
- (5) Amounts received in respect of fees charged under this section are not payable to the traffic commissioner (and accordingly may be retained by a local transport authority).
- (6) Where this section applies, fees may not be charged under section 52 of the 1981 Act (as applied by section 126 of this Act) in respect of an application referred to in subsection (2).
- (7) In this section—
 - “local transport authority” has the meaning given in section 108(4) of the Transport Act 2000;
 - “relevant service” has the same meaning as in section 6G;
 - “the relevant registration functions” has the same meaning as in section 6G.”

- (4) After section 6H (inserted by subsection (3)) insert—

“6I Records of registration etc

- (1) This section applies where the relevant registration functions of a traffic commissioner are carried out by a local transport authority in accordance with section 6G.
- (2) The local transport authority must keep a record of—

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- (a) the local services that are registered and the registrations that are varied or cancelled by the authority under section 6;
 - (b) the requirements imposed under section 138A(5)(b) of the Transport Act 2000 that are recorded by the authority as applying to services registered under section 6;
 - (c) the local services that are cancelled by the authority under section 6E.
- (3) The authority must allow the record to be inspected at all reasonable times by members of the public.
- (4) The authority must supply to a traffic commissioner particulars of—
- (a) the local services that are registered and the registrations that are varied or cancelled by the authority under section 6;
 - (b) the requirements imposed under section 138A(5)(b) of the Transport Act 2000 that are recorded by the authority as applying to services registered under section 6;
 - (c) the local services that are cancelled by the authority under section 6E.
- (5) A record kept under this section is admissible in evidence of the matters required under this section to be entered in that record.
- (6) A copy of an entry made in such a record in pursuance of this section purporting to be—
- (a) signed on behalf of the authority by which the record is kept, and
 - (b) certified as a true copy,
- is evidence of the matters stated in that entry without proof of the signature or authority of the person signing it.
- (7) Regulations may be made for the purpose of carrying this section into effect and any such regulations may, in particular, make provision—
- (a) as to the form of records under this section and the particulars they must contain;
 - (b) as to the particulars to be supplied to a traffic commissioner under this section.
- (8) In this section—
- “local transport authority” has the meaning given in section 108(4) of the Transport Act 2000;
 - “the relevant registration functions” has the same meaning as in section 6G.”

Commencement Information

II S. 14 in force at Royal Assent for certain purposes, otherwise in force at 27.6.2017, see s. 26(3)

Changes to legislation:

There are currently no known outstanding effects for the Bus Services Act 2017, Section 14.