

Guidance on changes to Bus Service Registration in Scotland

Introduction

Under the [Transport Act 1985](#) local bus services must be registered with the Traffic Commissioner. Section 2 defines the meaning of local services and section 6 sets out the registration requirement.

Registered services are subject to a regulatory regime administered by the Traffic Commissioner which aims to ensure the delivery of services to the proposed standard. The regime helps provide an important element of stability in the local bus network and facilitates the timely provision of information to bus users and others affected by planned changes in services. By giving advance notice of changes, the regime allows the relevant authority (defined as any Passenger Transport Authority or local authority within whose area there will be a stopping place for the service) to consider whether to take action to avoid potential adverse consequences of proposed changes. The details of local bus services are generally required to be registered with the Commissioner before they come into operation. The Commissioner has powers to act against operators if services are not being operated as registered.

While the bus service registration regime in Scotland generally works well, the Scottish Government considers that there are a number of areas where there is room for improvement. The changes made are designed to create time for more detailed discussion between bus operators and the relevant authorities without lengthening the overall process, offering both parties the opportunity to work collaboratively to their benefit and, ultimately, to that of the bus user.

This draft Guidance is designed to come into effect at the same time as the proposed legislative changes set out in [the Public Service Vehicles \(Registration of Local Services\) \(Scotland\) Amendment Regulations 2015](#)

Background

On 31 July 2015 Transport Scotland published [Changes to Bus Registration in Scotland: Analysis of Responses and Next Steps](#) in response to the 2014 Consultation on improvements to bus registration procedure in Scotland. The Consultation sought changes through amendments to [The Public Service Vehicles \(Registration of Local Services\) \(Scotland\) Regulations 2001](#), non-legislative means (guidance, code of conduct) or a combination of the two.

Following the consultation and discussion with stakeholder groups the Scottish Government introduced the [Public Service Vehicles \(Registration of Local Services\) \(Scotland\) Amendment Regulations 2015](#) setting out the following changes to the bus service registration regime:-

- extend the pre-registration notice period from 14 days to 28 days.
- reduce the period of registration from 56 days to 42 days. In conjunction with the extension of the pre-registration notice period, this change preserves the overall timetable from notification to service change at 70 days (although if both operator

and authority agree, the operator may submit the registration earlier in the pre-registration period, as set out below).

The changes are designed to offer the relevant transport authorities the opportunity to better manage the effects of planned bus service changes, new services and withdrawal of services on the transport network with the ultimate aim of providing greater certainty and information to bus users and potential new users. Interventions may include offering financial or other support to influence planned proposals before they are registered, while maintaining the overall competition-based approach to bus service provision.

Guidance for public transport authorities and bus service operators

In tandem with the legislative changes, this Guidance is designed to offer pointers as to how the pre-registration consultation period might profitably be used by public transport authorities and bus service operators.

It is important that the pre-registration process becomes more meaningful and fosters consultation between operator and authority on changes to the bus network. The lengthened pre-registration period is intended to be used by both bus operator and the relevant authority to discuss proposed registrations in partnership and to allow them to seek to resolve potential difficulties before they arise.

Of course, the Scottish Government recognises that bus operators and public transport authorities have different imperatives. However, both parties also have a shared interest in a robust and resilient transport network that is used and valued by the passenger.

By providing additional time at the front end of the registration process, it is envisaged that many of the difficulties currently encountered can be resolved by discussion at an earlier stage, making the actual registration process simpler and reducing the number of faulty applications submitted for registration.

In addition, although in the consultation some local authority representatives voiced misgivings about the impact of reducing the registration period to 42 days, they should find that the additional time allocated to the pre-registration period results in fewer inaccurate applications being submitted for registration. The fact that the overall period from notification to service change remains at 70 days will also allow authorities to plan for changes and begin to prepare some formats of public information earlier in the process.

The following guidance draws on best practice examples and aims to facilitate greater dialogue and information sharing between operators and authorities, in particular, how to make better use of the pre-registration notification period to iron out any potential difficulties before they arise.

1. Pre-registration consultation period

All operators planning to register a new service or a change to an existing service or to deregister a service should consult with the public transport authorities through whose areas the service operates 28 days before submitting the registration to the Traffic Commissioner. For the purposes of this Guidance, the term 'consult' means to provide information, discuss, consider and action matters agreed by both parties.

The consultation process should include the following steps and adhere to the following time frames.

Day 1:

The operator sends the registration document, along with associated timetables and maps, to the relevant authority or authorities. If the proposal is to vary existing services, or replace existing registrations with new ones, a summary of the changes should also be included. The authority should issue an email to acknowledge receipt of documents from the operator.

Days 1-14:

The authority considers the content of the registration, highlighting any omissions or mistakes, if found, and identifying potential changes that would impact on their communities. If required registration information is discovered to be missing (e.g. timetables and maps are incomplete) the operator should resubmit the application immediately.

The authority should consider whether:

- (i) The service/changes are complementary to the current public transport network.
- (ii) A supported socially necessary service would be required.
- (iii) The registration would cause concerns for safety or uncompetitive practices.
- (iv) The service could in practice operate as registered.
- (v) Another authority's or the Regional Transport Partnership's view is required if the service is cross-boundary or has regional strategic implications.
- (vi) Any stance allocations have been agreed

Where potential changes have been identified, or a particular issue arises, a meeting or dialogue should be had between authority and operator to discuss these and provide the authority with the opportunity to respond.

In line with the recommendations of the Competition Commission's Local Bus Services Market Investigation, in instances where services are being withdrawn, operators should automatically provide data on revenue and patronage of services to the relevant authority.

Days 15-27:

The operator considers the comments from the authority and provides a counter response. Where applicable, the operator may make changes to the registration. The operator submits its final intended registration to all authorities through whose areas the service operates. As a matter of good practice this should be provided a minimum of 7 days before the registration is submitted to the Traffic Commissioner.

If both the authority and operator agree, the operator may submit the registration after the initial 14-day pre-registration period. This will, of course, depend on the authority being satisfied that this leaves them sufficient time to plan for the changes proposed. Where services are cross boundary, all authorities must agree to the early submission.

The relevant authority or authorities should return to the operator confirmation that consultation has taken place. This confirmation notice, available on the Traffic Commissioner's website, will then be submitted by the operator to the Office of the Traffic Commissioner with the relevant application form for the proposed registration.

If at the end of the 28-day pre-registration consultation period a 'confirmation notice' has not been received, the operator is still able to submit the registration to the Traffic Commissioner. Unless the disagreement is an issue on which the Traffic Commissioner can intervene, the registration will be accepted by the Commissioner.

2. Registration period

The application for registration should include a confirmation from the relevant authority that it has been properly consulted (a confirmation notice). The authority also has the opportunity to separately highlight to the Traffic Commissioner any concerns that were not resolved during the pre-registration period. The registration period will last for 42 days and begins when the Traffic Commissioner receives an application for registration.

To be clear, the provision of this additional information does not alter the duties or remit of the Traffic Commissioner for Scotland. However, this information is expected to provide useful evidence for evaluation of the effectiveness or otherwise of the changes to the registration system and to inform policy decisions in the future.

Day 1:

The operator submits the registration to the Traffic Commissioner.

Days 2- 42:

The Traffic Commissioner considers the registration. If the relevant authority has indicated that they have not been consulted or that they are not in agreement with the content, the Traffic Commissioner should examine the circumstances. The powers for refusing registrations will be restricted, as currently, to the following instances:

- (i) The operator does not hold a valid PSV operator's licence or community bus permit.
- (ii) The operator's licence has a condition on it which stops the operator running the type of service applied for.
- (iii) The service runs in an area covered by a Quality Contract, unless it is exempt from the Quality Contract.
- (iv) The registration document has not been completed properly or the fee has not been enclosed, in which case the Traffic Commissioner can seek additional information and the fee from the operator.

Throughout, the aim should be for good data accuracy and adherence to timescales.

3. Registration form

The amended form will allow for information on the consultation undertaken with the relevant authority to be recorded. In terms of s. 4(2) of The Public Service Vehicles (Registration of Local Services) (Scotland) Regulations 2001, the Traffic

Commissioner for Scotland can require such information and in such form as they reasonably require in connection with the application.

It will require as a minimum

- (i) the names of all authorities that the service passes through,
- (ii) whether they have been consulted,
- (iii) the date they were informed of the registration,
- (iv) the date of response (if any) from the authority,
- (v) whether the operator has amended the registration during the 28 day pre-registration consultation period and the date when the amended documents were resubmitted to the authority.

Where a registration has been submitted without agreement from the authority, this should be clearly stated and a reason for this disagreement given from the authority. The authority should also be able to state whether requested information was not supplied by the operator.

Where a registration has been submitted without the 'confirmation notice' from the authority, the operator should clearly state why they have been unable to secure this from the authority. In reaching a decision on whether the guidance has been followed, the authority may be expected to explain to the Traffic Commissioner why a 'confirmation notice' was withheld.

To be clear, the provision of this additional information does not alter the duties or remit of the Traffic Commissioner for Scotland. However, this information is expected to provide useful evidence for evaluation of the effectiveness or otherwise of the changes to the registration system and to inform policy decisions in the future.