SCOTTISH STATUTORY INSTRUMENTS

2025 No. 137

TRANSPORT

The Public Service Vehicles (Registration of Local Services) (Local Services Franchises Transitional Provisions) (Scotland) Regulations 2025

Made - - - -	*29th April 2025*
Laid before the Scottish Parliament	*1st May 2025*
Coming into force - -	*10th June 2025*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 13T(1), (3) and (4) of the Transport (Scotland) Act 2001(**a**), and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Public Service Vehicles (Registration of Local Services) (Local Services Franchises Transitional Provisions) (Scotland) Regulations 2025 and come into force on 10 June 2025.

(2) In these Regulations—

"the 1985 Act" means the Transport Act 1985(**b**),

"the 2001 Act" means the Transport (Scotland) Act 2001,

"the 2001 Regulations" means the Public Service Vehicles (Registration of Local Services) (Scotland) Regulations 2001(**c**),

"exempt service" means a service exempted from a franchising framework in accordance with section 13D(2) of the 2001 Act,

"registration" means the registration of the prescribed particulars of a service pursuant to section 6 of the 1985 Act,

"service" has the same meaning as in section 6(1) of the 1985 Act(**d**),

"traffic regulation conditions" has the meaning given by section 7(1) of the 1985 Act,

"transitional period" means, in relation to a service included in a franchising framework, the period starting on the date on which the framework is made by virtue of section 13K(2) of the 2001 Act and ending on the earlier of the date on which the framework comes into operation in relation to that service by virtue of section 13K(5) of that Act or ceases to have effect by virtue of section 13Q of that Act.

(**a**) 2001 asp 2. Section 13T was inserted by section 38 of the Transport (Scotland) Act 2019 (asp 17). Section 13T(5) contains a definition of "prescribed" relevant to the exercise of the powers under which these Regulations are made.
(**b**) 1985 c. 67.
(**c**) S.S.I. 2001/219; relevant amending instruments are S.S.I. 2012/32 and S.S.I. 2015/420.
(**d**) Section 6(1) was amended by paragraph 14 of schedule 27 of the Transport Act 2000 (c. 38).

Notice period in relation to a variation or cancellation of a registration before a franchising framework is in operation

2.—(1) This regulation applies to an application during the transitional period to vary or cancel the registration of a service that—

(a) is included in the franchising framework, and

(b) is not an exempt service.

(2) Section 6(8)(a) of the 1985 Act has effect in relation to an application to which this regulation applies as if the date on which the period referred to in that section ends is 112 days after the date on which the traffic commissioner accepts the application.

(3) This regulation does not apply where an application is to vary a registration only—

(a) to enable the operator of a service to comply with traffic regulation conditions or any other provision made by or under an enactment prohibiting or restricting the use of any road by vehicular traffic, or

(b) in respect of a change in the operator's address.

Effect of a franchising scheme on an application for registration, variation or cancellation

3. Where an application for registration, or the variation or cancellation of a registration, is received by the traffic commissioner during the transitional period in relation to a service that—

(a) is included in a franchising framework, and

(b) is not an exempt service,

the traffic commissioner must not accept that application on or after the date on which the franchising framework has come into operation in respect of that service in accordance with section 13K(5) of the 2001 Act.

Application period for registration when a franchising framework is in operation

4.—(1) Where sections 6 to 9 of the 1985 Act do not have effect in relation to a service included in a franchising framework by virtue of section 13B(1)(a) of the 2001 Act, the provisions of the 1985 Act specified in paragraph (2) nevertheless have effect in relation to that service.

(2) The provisions of the 1985 Act are—

(a) section 6(1) and (4) to (7), and

(b) section 6(2)(a) and (9) so far as it introduces regulations 1, 2, 4, 5, 11 and 13 of the 2001 Regulations (and those regulations also have effect).

(3) A traffic commissioner may, by virtue of paragraphs (1) and (2), accept an application for registration where such an application—

(a) relates to a service included in a franchising framework,

(b) relates to a service that is not an exempt service, and

(c) is received by the traffic commissioner while a franchising framework is in operation in relation to that service.

Notice period in relation to a registration after a franchising scheme is in operation

5.—(1) This regulation applies to an application for registration to which regulation 4(3) relates.

(2) Where the service in respect of which the application for registration is made ceases to be included in a franchising framework—

(a) the period of notice in relation to that registration for the purposes of section 6(2)(b) of the 1985 Act begins on the date on which the traffic commissioner receives the application and ends on the date on which the service ceases to be included in the franchising framework, and

(b) section 6(3) of the 1985 Act(**a**) and regulation 6(1)(a) of the 2001 Regulations do not apply to that registration.

Notice period in relation to a variation or cancellation of a registration after a franchising scheme is in operation

6.—(1) This regulation applies to an application to vary or cancel a registration to which regulation 4(3) relates.

(2) Where the service in respect of which the application for variation or cancellation is made ceases to be included in a franchising framework—

(a) the variation or cancellation becomes effective on the date on which the service ceases to be included in the franchising framework, and

(b) section 6(8) of the 1985 Act and regulation 6(1)(b) of the 2001 Regulations do not apply to that variation or cancellation.

Amendment of the 2001 Regulations

7.—(1) The 2001 Regulations are amended in accordance with paragraphs (2) to (4) .

(2) In regulation 2 (interpretation), after the definition of "the 1985 Act", insert—

> ""the 2025 Regulations" means the Public Service Vehicles (Registration of Local Services) (Local Services Franchises Transitional Provisions) (Scotland) Regulations 2025(**b**);".

(3) In regulation 6 (periods of notice)—

(a) in paragraph (1), after "to" insert "paragraph (4) and".

(b) after paragraph (3) insert—

"(4) This regulation does not apply to an application to which regulation 2(1) of the 2025 Regulations applies.".

JIM FAIRLIE
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
29th April 2025

(**a**) Section 6(3) was relevantly amended by Transport (Scotland) Act 2001 (asp 2).
(**b**) S.S.I. 2025/137.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations make provision about the registration and the variation or cancellation of registrations of services during the transition of a local bus market into, and out of, a franchising framework made by a local transport authority under the Transport (Scotland) Act 2001 ("the 2001 Act"). They make provision about registrations, and variations and cancellations of registrations when a franchising framework has been made but before sections 6 to 9 of the Transport Act 1985 ("the 1985 Act") cease to have effect in relation to services included in the franchising framework. They also make provision which enables services which could not otherwise be registered to be registered, varied or cancelled, and provide that the relevant notice period in relation to such services expires when a service is no longer included in the franchising framework.

Regulation 2 provides that when an application is made to vary or cancel a registration during the transitional period between the making of a franchising framework and its coming into operation in respect of a service included in it, the period that must expire before the variation or cancellation of that service is effective is 112 days after the traffic commissioner accepts the application.

Regulation 3 provides that the traffic commissioner must not, on or after the date on which a franchising framework comes into operation in respect of a service (other than an exempt service), accept an application to register, vary or cancel that service where that application was received during the transitional period in respect of that service.

Regulation 4 provides that certain provisions of the 1985 Act which would not have effect during the operation of a franchising framework nevertheless have effect in order to facilitate the registration, variation and cancellation of services when a franchising scheme is in operation.

Regulation 5 provides that where an application for registration of a service is received during the operation of a franchising framework and that service subsequently ceases to be included in a franchising framework, the notice period in relation to that registration for the purposes of section 6(2)(b) of the 1985 Act begins when the traffic commissioner receives the application and ends on the date on which the service ceases to be included in the framework. Regulation 6 makes similar provision in relation to applications to vary or cancel a service.

Regulation 7 amends the Public Service Vehicles (Registration of Local Services) (Scotland) Regulations 2001 to ensure that where regulation 2 of these Regulations apply the relevant regulations in those Regulations do not apply.

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