EXPLANATORY MEMORANDUM TO

THE PUBLIC SERVICE VEHICLES (TRAFFIC COMMISSIONERS: PUBLICATION AND INQUIRIES) (AMENDMENT) REGULATIONS 2014

2014 No. 3142

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 To remove the requirement for a Traffic Commissioner to include in the information to be published in their journal 'Notices and Proceedings' about local bus services registered under section 6 of the Transport Act 1985 the types of vehicle the operator will use.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 This instrument is being made to remove an outdated requirement imposed by the Public Service (Traffic Commissioners: Publication and Inquiries) Regulations 1986 which is now inconsistent with other legislation.

5. Territorial Extent and Application

5.1 This instrument applies to Great Britain.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- What is being done and why

7.1 The Red Tape Challenge exercise launched by the Government in 2011 sought to identify regulations which are out of date, impose unnecessary requirements on business, place burdens on ordinary citizens or do not generally serve any useful function. One outcome of this exercise was a commitment to remove the outdated requirement from the Public Service Vehicles (Traffic Commissioners: Publication and Inquiries) Regulations 1986 (S.I. 1986/1629) (the "publication regulations") for the Traffic Commissioners to publish details of the type of vehicle that an operator will use on a local bus

service. This will address a discrepancy between the requirements of the publication regulations and those of the Public Service Vehicles (Registration of Local Services) Regulations 1986 (S.I. 1986/1671) and the Public Service Vehicles (Registration of Local Services) (Scotland) Regulations 2001 (SSI 2001/219) (the “registration regulations”).

7.2 The Traffic Commissioners are the regulators for the bus industry. Under the registration regulations (as amended) bus operators must register the services which they intend to operate with the Traffic Commissioners. The Schedule to the registration regulations sets out the information that operators need to provide to the Traffic Commissioners when registering a service.

7.3 Under the publication regulations, which are concerned with a reserved matter under the Scotland Act 1998, the Traffic Commissioners are obliged to publish details of each registration in "Notices and Proceedings", which acts as their public journal. The publication regulations set out the details that the Traffic Commissioners are required to publish to fulfil this obligation. For a local bus service registration, regulation 3(1) requires the Traffic Commissioners to publish the name and address of the person who made the application and the serial number allocated to the registration by the Traffic Commissioners; the starting date and terminal points of the service; a description of the route by reference to the principal places served; an indication of the frequency of the service and the days it will run; and the types of vehicle to be used.

7.4 In 2001 in respect of Scotland and in 2004 in respect of England and Wales, the requirement for operators to provide details of the largest category of vehicle to be used when applying to register a service was removed from the registration regulations (under SSI 2001/219 and SI 2004/10 respectively). This information was considered to be of little value as, in practice, operators often use more than one type of vehicle on a route depending on vehicle availability. However, the publication regulations continue to list 'type of vehicle' as part of the information which the Traffic Commissioners must publish in respect of every local bus service registration, despite the information no longer being routinely collected. The Traffic Commissioners are therefore unable to meet this requirement.

- Consolidation

7.5 No consolidation is necessary.

8. Consultation outcome

8.1 In February 2014, the Department for Transport consulted the Senior Traffic Commissioner inviting comments on whether the Traffic Commissioners agreed with the proposed amendment to the publication regulations to remove the outdated requirement. The response confirmed the Traffic Commissioners agreement. In March 2014 the Department for Transport consulted the Confederation of Passenger Transport which supported the proposed amendment.

9. Guidance

9.1 The Department for Transport does not intend to issue any guidance to accompany these Regulations.

10. Impact

10.1 There is expected to be no impact on business, charities or voluntary bodies.

10.2 There is expected to be no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument because no impact on the private or voluntary sector is foreseen.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 As the proposal is an amendment to the regulations to remove an outdated requirement on the Traffic Commissioners which has not been observed since 2004, the Department does not intend to conduct any formal monitoring or review.

13. Contact

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