



Vehicle & Operator Services Agency

LOCAL BUS SERVICE REGISTRATION IN SCOTLAND

GUIDE FOR OPERATORS

This guide and the application forms for local bus service registration in Scotland and all other operator licensing guides and forms are available on the Traffic Area Network website. In addition, the site can provide help and information to transport operators, local authorities, partner organisations, hire companies and the public. Also available on line are the Traffic Area Office publications "Notices & Proceedings" and "Applications & Decisions". Check out the website at www.transportoffice.gov.uk

CONTENTS

INTRODUCTION	Page 2
QUESTIONS AND ANSWERS	Page 3
1. WHAT IS A LOCAL SERVICE?	
2. WHAT IS MEANT BY SEPARATE FARES?	
3. ARE EXCURSIONS AND TOURS LOCAL SERVICES?	
4. MUST ALL LOCAL SERVICES BE AVAILABLE TO THE GENERAL PUBLIC?	
5. WHAT IS A REGISTRATION?	
6. WHO CAN REGISTER A LOCAL SERVICE?	
7. WHAT SHOULD I DO BEFORE REGISTERING MY SERVICE?	
8. IS THERE A REQUIREMENT TO INFORM ANYONE BEFORE I REGISTER A SERVICE?	
9. HOW DO I REGISTER MY SERVICE?	
10. WHO MUST REGISTER A SERVICE THAT IS PROVIDED BY MORE THAN ONE OPERATOR?	
11. WHAT SORT OF DETAILS DO I HAVE TO GIVE TO REGISTER MY SERVICE?	
12. WHAT IF I WANT TO START IN LESS THAN 56 DAYS?	
13. MUST I SEND A COPY OF MY FORM TO ANYONE ELSE?	
14. IS THERE A FEE FOR REGISTRATION?	
15. CAN MY APPLICATION BE REFUSED?	
16. HOW WILL I KNOW MY REGISTRATION HAS BEEN ACCEPTED OR REFUSED?	
17. HOW LONG ARE REGISTRATIONS VALID?	
18. WILL I HAVE TO RUN THE SERVICE EXACTLY AS REGISTERED?	
19. WHAT HAPPENS IF I DO NOT RUN AS REGISTERED OR FAIL TO COMPLY WITH, OR CONTRAVENE LEGISLATIVE REQUIREMENTS?	
20. WHAT IF I WANT TO VARY OR CANCEL THE SERVICE?	
21. HOW WILL I KNOW WHAT OTHER OPERATORS HAVE REGISTERED?	
22. CAN ANY RESTRICTIONS BE PLACED ON THE SERVICE I WISH TO RUN?	
23. CAN I CHALLENGE SUCH RESTRICTIONS?	
24. WHAT IF I CANNOT RUN MY SERVICE UNDER THE CONDITIONS?	
25. WHAT IF I DISOBEY THE CONDITIONS?	
26. WHAT SUBSIDIES ARE AVAILABLE FOR RUNNING LOCAL SERVICES?	
27. MUST ALL SUBSIDISED SERVICES BE PUT OUT TO TENDER?	
28. IF MY SERVICE DOESN'T PAY CAN I ASK TO BE SUBSIDISED?	
29. CAN I CLAIM BUS SERVICE OPERATORS' GRANT (FORMERLY CALLED FUEL DUTY REBATE)?	
30. WHAT HAPPENS ABOUT CONCESSIONARY FARES?	
Appendix 1 TRAFFIC AREA OFFICES	Page 12
Appendix 2 RELEVANT AUTHORITIES	Page 14
Appendix 2 (a) CONTACT POINTS AT RELEVANT AUTHORITIES	Page 15
Appendix 2 (b) MAP OF LOCAL AUTHORITIES	Page 18
Appendix 3 HOW TO REGISTER THE PARTICULARS OF YOUR LOCAL BUS SERVICE IN SCOTLAND	Page 19
Appendix 4 CASES WHEN SERVICES IN SCOTLAND MAY BE REGISTERED, CANCELLED OR CHANGED: (A) WITH LESS THAN 56 DAYS NOTICE, AND (B) WITHIN 90 DAYS OF THE START OR LAST CHANGE TO A SERVICE	Page 23
Appendix 5 CASES WHERE A REGISTERED SERVICE MAY BE VARIED WITHOUT VARIATION TO THE REGISTRATION	Page 24
Appendix 6 DIAL-A-BUS AND OTHER DEMAND RESPONSIVE TYPE LOCAL SERVICE REGISTRATION APPLICATIONS	Page 25
Appendix 7 STANDARDS FOR LOCAL BUS SERVICES	Page 27

INTRODUCTION

Legislation governing local bus services was devolved to the Scottish Executive by virtue of Section 53 of the Scotland Act 1998.

Anyone who wants to run a local bus service in Scotland should read this booklet. It answers a number of questions about the local bus service registration system introduced by the Transport Act 1985 (as amended) and revised by the Transport (Scotland) Act 2001.

Local bus services can only be run if they have been registered. To register a service you must have a valid PSV operator's licence (or a Section 22 community bus permit). If you do not have either of these you should read the **"Guide to PSV Operator Licensing"** available from Traffic Area Offices (addresses and telephone numbers are given in Appendix 1). It also explains what public service vehicles (PSVs) are and how they should be operated.

This booklet will tell you how to register your service and describes how the local bus service registration system works in Scotland.

This is not a legal document. If you want to know the legal position you should look at the Transport Act 1985, especially section 6, which was amended by the Transport (Scotland) Act 2001, and the Public Service Vehicles (Registration of Local Services) (Scotland) Regulations 2001 (SSI 2001/219 as amended by SSI 2001/251 and SSI 2002/548). All are available from The Stationery Office Limited and can be ordered from booksellers.

The Transport (Scotland) Act 2001 makes provision for a local transport authority to:

- Make Quality Partnership schemes (QPs) (section 3) to improve the quality of local services and facilities provided in specific areas or reduce or limit traffic congestion, noise or air pollution;
- Make Quality Contracts (QCs) (section 13) for the purpose of implementing their relevant general policies in a way which is economic, efficient and effective;
- Determine what ticketing arrangements and schemes should be made available (section 28), and
- Determine what local bus information should be made available to the public and the way in which it should be made available. There is a duty placed upon the local transport authority to require an operator to provide it with such information as it may specify, at such times, and in such a manner as may be specified by the authority (section 33).

In a QP each party commits to delivering improvements aimed at securing better quality bus services. The 2001 Act provided for QPs to become statutory to enable the exclusion of non-conforming operators from particular facilities and infrastructure. The Traffic Commissioner has a key role in this process as section 8(4) of the Act requires operators of services in a statutory QP to notify the Traffic Commissioner in writing that they will run services to the standard set out in the QP agreement. Adherence to this commitment then becomes a condition of continued registration of the service.

Further information about QPs, QCs, ticketing arrangements & schemes and the provision of information about bus services is given in the Scottish Executive publication "Explanatory Notes to Transport (Scotland) Act 2001" and the Guidance on Part 2 (Bus Services) of the Transport (Scotland) Act 2001.

1. WHAT IS A LOCAL SERVICE?

It is a service using Public Service Vehicles (PSVs) to carry passengers at separate fares over short distances. The route can be of any overall length, as long as throughout its length passengers can get off within 24.15 kms (15 miles) (measured in a straight line) of the place at which they were picked up.

If on a long distance service there are some parts of the route where passengers can make local journeys of 24.15 kms (15 miles) or less, then those parts of the route should be registered as separate local services.

2. WHAT IS MEANT BY SEPARATE FARES?

This is where each passenger makes a separate payment to the driver, conductor or an agent to use the service. The passengers may pay as they get on the bus, or they may buy tickets in advance, have season tickets or use concessionary passes. Payment can also be by some indirect means (e.g. a concert ticket which includes travel). These are all separate fares.

3. ARE EXCURSIONS AND TOURS LOCAL SERVICES?

On an excursion or tour all the passengers must travel together to the same place or places and then return together to the place at which they got on. (They need not get on at exactly the same place). Excursions and tours are only local services that need to be registered if:

- Separate fares are paid, and
- The whole journey is within a 24.15 km (15 mile) radius of the starting point, and
- They run one or more times a week for at least 6 weeks in a row.

If you are not sure how long the service will run you should register it to be on the safe side.

4. MUST ALL LOCAL SERVICES BE AVAILABLE TO THE GENERAL PUBLIC?

No, for example schools and works services may be local services if any of the users pay a separate fare (especially if passengers pay different amounts depending on how far they travel). But this type of service is not a local service and does not have to be registered if all of the following conditions apply:

- Someone other than the operator or his agent is responsible for arranging the journey and for bringing the passengers together;
- The journey is not advertised beforehand to the general public;
- All passengers travel to or from the same place (e.g. a school or factory); and
- Passengers pay the same fare no matter how far they travel.

It may not always be easy to tell if a service is a local one or not. If you are not sure, ask the Traffic Area Office for help. See paragraph 29 for eligibility of your service for bus service operators' grant (formerly called fuel duty rebate).

5. WHAT IS A REGISTRATION?

A registration is a notice of the local service you want to operate. To register you must give the Traffic Commissioner a full description of the service you will be running. The Traffic Commissioner can take action against any operator who does not run his service as registered, or who runs a local service without registering it.

All local services need to be registered except for:

- Local services run under a Quality Contract;
- Local services run under an agreement with the Strategic Rail Authority to replace any rail services which have been temporarily disrupted or withdrawn; or
- Excursions and tours that do not run at least once a week for at least 6 weeks in a row (e.g. a service which runs once a fortnight or less).

6. WHO CAN REGISTER A LOCAL SERVICE?

Anyone who holds a valid PSV operator's licence can register a local bus service, as long as the licence does not have a condition imposed upon it which stops him from operating that sort of service. (Paragraph 19 explains how this can happen).

The following may also register local bus services:

- The holder of a community bus permit can register a community bus service;
- A (local) education authority can register a school bus service provided by its own vehicles;
- Licensed taxi operators can register by obtaining a 'special PSV operator's licence' which is quite simple to get (see ***"A Guide to PSV Operator Licensing"***).

7. WHAT SHOULD I DO BEFORE REGISTERING MY SERVICE?

Registering a service is a serious step to take. Before you make your registration you should think carefully about the need for your service and the practical side of running it. Is the route suitable, and have you got the right sort of vehicle? Can the timetable be kept to given the traffic conditions on the route? Remember you must run the service just as you have registered it, for at least a period of 90 days from the date on which the period of notice expires, even if members of your staff are ill or a vehicle is off the road. You must have some back-up arrangements for these types of eventualities.

Before you register your service you should talk to the local authority (**See Appendices 2, 2(a) and 2 (b)**) about your route and stopping places, especially if you want to use roads not already served by buses or if you want to use new bus stops. You should ensure that you also consult with the owners of any bus station through which the proposed service is hoped to operate, so that access and a designated stance may be confirmed before the service is the subject of an application to the Traffic Commissioner. They may be able to identify and help sort out problems with traffic congestion and road safety before you send in your registration. If such problems are not solved a local authority may put restrictions on the roads you want to use, or they may ask the Traffic Commissioner to determine Traffic Regulation Conditions (TRCs) (**see Paragraph 22**). You should also check with the Scottish Traffic Area Office to see if there are any TRCs already in force in the area in which you want to run your service.

8. IS THERE A REQUIREMENT TO INFORM ANYONE BEFORE I REGISTER A SERVICE?

Yes. After you have liaised with the local authority you must inform the relevant authority or authorities* 14 days before making an application to the Traffic Commissioner. Once you have done this you should register the service with the Traffic Commissioner, confirming that you informed all relevant authorities 14 days previously.

*Relevant authority means Strathclyde Passenger Transport (SPT), or a local authority within whose area there will be a stopping place for the service. (**Appendices 2, 2 (a) and 2 (b) give further details**).

9. HOW DO I REGISTER MY SERVICE?

The Scottish Traffic Area Office will give you an application form (PSV 350 (Scotland)). You should fill this in carefully, giving all the details needed about the service. Send it with the fee to the Scottish Traffic Area Office. **(Appendix 1 gives the addresses of the Traffic Area Offices and details of the areas they cover)**. If the service has stopping places outwith Scotland the Scottish Traffic Area will copy your application to the other relevant Traffic Area Offices.

You should allow plenty of time, as in most cases you must give 56 days notice before your service can start **(see Appendix 3)**. This period of notice begins on the date on which the Traffic Commissioner receives your registration. The application will be accepted only if it provides all required details and you have sent copies of the complete application to all relevant authorities. For the few circumstances where a shorter period of notice can be accepted, **please read Appendix 4**. Remember you must run the service for a period of at least 90 days from the date on which the period of notice expires, unless (in the case of a service to be operated under subsidy contract from a relevant authority, or a service operated for a fixed period only) the application or timetable gives notice of an earlier date on which the service will cease to operate, and that date is accepted by the Traffic Commissioner. It is recognised that there may be occasions when a batch of services are being changed some of which are not caught by the 90 days rule and some which are, and the relevant authority might be sympathetic to (or positively want) the 56 days period to apply to all the services. In such cases the Traffic Commissioner will require to see written support from the relevant authority in order to determine if it is appropriate to accept 56 days notice in respect of those services which are caught by the 90 days rule.

10. WHO MUST REGISTER A SERVICE THAT IS PROVIDED BY MORE THAN ONE OPERATOR?

If you want to run a service jointly with another PSV operator, you have a choice. Either:

- Each operator registers separately the part of the timetable he will run; or
- One of the operators (the co-ordinator) registers the service for all the operators involved (he must give a full list of all the operators, their addresses and their PSV operators' licence numbers).

You should note that the Competition Act 1998 now applies to all agreements in road passenger transport services in Great Britain. If you and another operator, or a group of operators, have any kind of agreement which restricts your commercial freedom in any way, you must send details of it to the Office of Fair Trading (OFT). The OFT considers that, in general, agreements between operators to run joint services, or to agree timetables or headways on common routes or stretches of routes, are likely to be in breach of the Act. The OFT is, however, always willing to discuss particular cases informally, and at no cost. Contact the OFT on the Buses hotline telephone number on 020 7211 8140, or e-mail the Buses Team on oftbusenquiries@oft.gov.uk, or by post to

Bus competition team
Office of Fair Trading
Fleetbank House
2-6 Salisbury Square
London EC4A 8JX

before the restrictions start, and no more than 3 months after the agreement is made. Even if you register with the Traffic Commissioner you still have to send details of the agreement to the Office of Fair Trading.

11. WHAT SORT OF DETAILS DO I HAVE TO GIVE TO REGISTER MY SERVICE?

1. The name of the operator of the service and the number of its PSV operator's licence or community bus permit (if any).
2. The principal starting point and finishing point of the service.

3. An indication of whether or not the service consists of excursions or tours.
4. A description of the route, and of any modifications of the route for the purpose of particular journeys, which is sufficient to identify the roads to be traversed, accompanied by a map detailing which roads are to be used and, where appropriate, in which direction (for an excursion or tour service – see sub-paragraph 11 below).
5. The route number of the service.
6. Details of stopping arrangements, including whether all indicated and generally recognised stops on the route will be used and if not what the stopping arrangements will be to ensure consistency, you should discuss the naming of stops with the relevant local authority(ies), who will also need to know of any stopping place that you intend to use which is not already in use. (For an excursion or tour service – see sub-paragraph 11 below).
7. An indication of any of the stopping places where the vehicles used on the service will stand for longer than the time required to pick up or set down passengers.
8. A description of any reversing manoeuvres.
9. The date when the service is to start, and also (if appropriate) the last date of operation.
10. A timetable for the service, indicating the days in the year when the service will be provided and the proposed times of individual services at principal points on the route, save when the service interval is 10 minutes or less when a statement of that fact may be given. (For an excursion or tour service – see sub-paragraph 11 below).
11. In the case of an excursion or tour, in substitution for the information required by sub-paragraphs 4, 6 and 10 above, the following may be provided:
 - a. An outline of the route indicating the points (if any other than the starting point) at which passengers are to be taken up;
 - b. The period or periods of the year during which the service is to be operated; and
 - c. The maximum number of vehicle departures to be made on any one day.
12. In any case where sub-paragraph 11 above does not apply and, because of the nature of the proposed service, it is not possible to provide the information required by sub-paragraphs 2, 4 or 10 above, such further particulars of the service as may be required to provide a complete description of it. (See Appendix 5 for advice about dial a bus and demand responsive type services).

The service will not be registered unless the proper form is correctly filled in and all the necessary documents are attached. **Help on filling in the form is given in Appendix 3.**

12. WHAT IF I WANT TO START IN LESS THAN 56 DAYS

You will not be allowed to do this unless one of circumstances detailed in **Appendix 4** applies in your case. These need the agreement of the Traffic Commissioner who will require, in some cases, that the application is accompanied by written confirmation of support from all relevant authorities.

13. MUST I SEND A COPY OF MY FORM TO ANYONE ELSE?

Yes, you must send a copy of the completed form and the documents asked for to every relevant authority within whose area the service would run, even if you have advised the authorities at an earlier stage. **Please also read Appendix 2. (Appendix 2 (a) lists the names, addresses telephone and fax numbers and e-mail addresses of the contact points at relevant authorities, Appendix 2 (b) is a map of local authorities).**

14. IS THERE A FEE FOR REGISTRATION?

Yes. A fee (currently £40) will be charged for registrations. This fee will be changed from time to time. The Scottish Traffic Area Office can tell you what the current fee is. You must send a cheque or postal order with your application form (**not cash**) or else the application will not be accepted. (Fees may be paid in advance and held on account. In addition payment by credit/debit card is being introduced shortly. Please contact the Scottish Traffic Area Office for further information).

15. CAN MY APPLICATION BE REFUSED?

The Traffic Commissioner must accept all properly completed applications to register services but he will refuse to register a service if:

- You do not have a valid PSV operator's licence or community bus permit;
- Your PSV operator's licence has a condition on it which stops you from running the type of service you have applied to register;
- The application form does not give enough information about the service (in this case you will be asked for further details);
- You have not enclosed the fee (or made payment by other arrangements):
- It runs in an area covered by a Quality Contract (unless it is exempt from the QC).

16. HOW WILL I KNOW MY REGISTRATION HAS BEEN ACCEPTED?

The Scottish Traffic Area Office will send you an acknowledgement letter with the date of registration, the serial number of the registered service and the date on which the service can start (normally 56 days from the date the application was received). The same information will be sent to the relevant authorities.

17. HOW LONG ARE REGISTRATIONS VALID?

The registration is valid for as long as you want to run the service and until you cancel it, unless the application or timetable gives notice of the last day the service will operate (e.g. in the case of a service operated under subsidy contract from a relevant authority, or a service operated for a fixed period only). Unless otherwise stated in the registration, you must however operate for at least 90 days.

18. WILL I HAVE TO RUN THE SERVICE EXACTLY AS REGISTERED?

Yes. When you register your service you are committing yourself to running it in the way you have described on the form. That is why it is very important to get the details of the service absolutely right when you apply. You should keep a copy of the application form so that you know what you have registered and can refer to it if you wish to apply to change the registration at a later date.

- You will have to run to the registered timetable on Christmas Day, Good Friday and other public and local holidays, unless you state otherwise on the timetable. If you know that you will run a Sunday service or no service at all on any of these days you should show this on the timetable. You should state any special arrangements you have for local and public holidays. That will avoid the need to register these as variations later on.
- If you are running school or works services you should show on your timetable that they will run only on days when the school, factory etc is open. If the public can use these services you should also show this on the timetable.
- Other sorts of service, which the public need to get from place to place, must be run to the route and timetable that is registered.

- If roads along the line of route are temporarily closed (e.g. because of a road accident) you may follow any suitable diversionary route for as long as necessary. However, you should liaise with the relevant authority to agree a suitable diversionary route for longer-term road closures. You will be expected to take all reasonable steps to inform passengers and potential passengers of the temporary arrangements.

Please also study Appendix 7, which give details of Standards for Local Bus Services.

19. WHAT HAPPENS IF I DO NOT RUN AS REGISTERED OR FAIL TO COMPLY WITH, OR CONTRAVENE LEGISLATIVE REQUIREMENTS?

If, without reasonable excuse, you:

- Fail to operate a local service registered under section 6 (see note a.) of the 1985 Act;
- Operated a local service in contravention of that section or section 8(4) (see note b.) or 22(1)(b.) or (2) (see note c.) of the 2001 Act; or
- Fail to comply with section 32(1) (see note d.) or 34(3) (see note e.) of the 2001 Act,

the Traffic Commissioner:

- May put a condition on your PSV operator's licence that stops you from running certain local services, or any local service at all. In addition the Traffic Commissioner may also cancel the registrations you have made; and/or
- May impose a penalty of up to £550 (see note f.) multiplied by the number of vehicles you are licensed to use under all PSV operator's licences held by you.

The Traffic Commissioner may do either or both of these things, but will not consider doing so without proper investigation, which may reveal that you have a good reason for not running your service reliably. You have a right to appeal to the Transport Tribunal if you think you have been unfairly treated.

Notes:

a. Relates to the registration of local services.

b. Relates to an undertaking given by an operator to provide a local service to a specified standard when using the facilities of a Quality Partnership scheme, and the provision of that service to that standard when using the facilities.

c. Relates to any breach to the terms of a Quality Contract scheme by the operation of a local service not included in that scheme.

d. Relates to the implementation of the arrangements required by a local transport authority that has introduced a ticketing scheme.

e. Relates to the duty of local service operators to provide information to a local transport authority

f. Or such other amount as Scottish Ministers may by order specify.

20. WHAT IF I WANT TO VARY OR CANCEL THE SERVICE?

You must first inform the relevant local transport authority(s) of your intentions at least 14 days before you apply to the Traffic Commissioner to vary or cancel the registration on form PSV 355 (Scotland).

You are required to give the Traffic Commissioner 56 days notice from the date the variation application is received, to the date you wish the changes or cancellation to take effect. In certain circumstances a shorter period of notice may apply (see Appendix 4). A fee (currently £40) is payable for any variation, but there is no charge for cancellations.

New services and varied services must run for at least 90 days from the date on which the period of notice expires or the variation became effective, unless (in the case of a service to be operated under subsidy contract from a relevant authority, or a service operated for a fixed period only) the application or timetable gives notice of an earlier date when the service will cease to operate, and that date is accepted by the Traffic Commissioner. Even if you only vary the route of a service, you must still provide complete details for the service.

Where an operator wishes to vary or cancel a registration, the operator shall, for the period of 21 days ending with the day before the day on which the variation or cancellation has effect, display in each vehicle provided under the relevant service, a notice informing passengers that such an application has been made and where information on the variation or cancellation can be obtained.

There are certain cases where a service may be varied without variation of the registration {See Appendix 5 for details}.

21. HOW WILL I KNOW WHAT OTHER OPERATORS HAVE REGISTERED?

The Traffic Area Office publishes details of local services that have been registered in 'Notices & Proceedings', which comes out every fortnight. Changes to and cancellations of services are also published there.

You can obtain copies of 'Notices & Proceedings' on 'subscription' (currently £3.50 per issue), or free by e-mail. You can also view 'Notices & Proceedings' on the Traffic Area Network website www.transportoffice.gov.uk

Alternatively you can look at a copy of 'Notices & Proceedings' at the Scottish Traffic Area Office during the hours at which the public counter is open. You may also look at local service registrations at the public counter or ask for copies of them to be sent to you at a cost to cover copying and postage.

22. CAN ANY RESTRICTIONS BE PLACED ON THE SERVICE I WISH TO RUN?

In special cases, yes. At the request of a local authority responsible for traffic ('a traffic authority'), the Traffic Commissioner may attach Traffic Regulation Conditions (TRCs) to your PSV operator's licence, if it is thought that they are needed, to stop danger to road users or reduce severe traffic congestion, noise or air pollution in a particular area.

Conditions can affect:

- The stopping places;
- The times vehicles may stop and for how long;
- Routes of services;
- The turning or reversing manoeuvres vehicles may make; and
- The number of vehicles or their frequency.

If several operators are running local services in an area, TRCs will be attached to the licences of each operator, although sometimes it may be necessary to make slight differences between operators (for example to allocate stops to particular services).

23. CAN I CHALLENGE SUCH RESTRICTIONS?

A notice of proposed Traffic Regulation Conditions will be published in 'Notices & Proceedings' and any operators who will be affected by the proposal will be told of it. If you have a registered service that will, or may, be affected by a proposal, you can ask the Traffic Commissioner for an inquiry. You must do so within 28 days of the notice being published.

In some cases the Traffic Commissioner may decide that the conditions must start straight away, and in such circumstances will tell all operators concerned and the conditions will be put on their licences. Operators will still have the chance to ask for an inquiry if they feel the conditions are unfair or unsuitable. They must do so within 28 days of the decision being published in 'Notices & Proceedings'.

If an operator is unhappy with the decision taken by the Traffic Commissioner he can appeal to the Secretary of State. This must be done within 28 days of the decision being published in 'Notices & Proceedings'.

If at a later date the operator feels that the TRCs are no longer needed or should be changed, he can apply to the Traffic Commissioner to make these changes. If the Traffic Commissioner refuses to take any action, or comes to an unfavourable decision, the operator can appeal to the Secretary of State.

24. WHAT IF I CANNOT RUN MY SERVICE UNDER THE CONDITIONS?

In this case you must change the registration. You have 28 days in which to do so. In the meantime, you must obey the TRCs, and run your service as best you can under them. You will not be penalised for failing to run the service as registered, and you will not have to pay a fee if you change the registration because of these TRCs.

25. WHAT IF I DISOBEY THE CONDITIONS?

It is against the law to disobey Traffic Regulation Conditions, or any other conditions on your PSV operator's licence. (Please note: The Traffic Commissioner may place a condition on your licence that forbids you from running some types of services, or any local services at all).

26. WHAT SUBSIDIES ARE AVAILABLE FOR RUNNING LOCAL SERVICES?

Relevant local transport authorities will offer subsidy contracts for services which are not commercial but which they think are socially necessary. If a local transport authority wants to subsidise any service it may ask for tenders from operators, and the subsidy contract will be given to the operator who offers the best value for money. It could pay you to get in touch with the local transport authority and ask them to send you details of all their invitations to tender, or of any type that would interest you.

27. MUST ALL SUBSIDISED SERVICES BE PUT OUT TO TENDER?

The Local Government in Scotland Act 2003 abolished the obligation placed upon Local Authorities and Passenger Transport Authorities, up to EC minimum tendering levels, to invite tenders for subsidised passenger transport services. The provisions in the Act came into effect on 1 April 2003. From that date, Local Authorities and passenger Transport Authorities must use the principles of Best Value in the procurement of such services. When a local transport authority needs to start a service at short notice (e.g. when another operator has given it up), and the amount of the contract exceeds EC minimum tendering levels, it can award a short-term contract without going to tender, but must then go out to tender as soon as possible.

28. IF MY SERVICE DOESN'T PAY CAN I ASK FOR IT TO BE SUBSIDISED?

It is not a function of the Traffic Commissioner to subsidise services. You can ask a council or SPT to subsidise a service if it is not making any money, though they do not have to agree to do so. Even if they do agree to subsidise it, they may have to put it out to tender, so there is always the risk that another operator will win the tender.

29. CAN I CLAIM BUS SERVICE OPERATORS' GRANT (BSOG) (FORMERLY CALLED FUEL DUTY REBATE (FDR))?

Bus service operators' grant is payable for registered local services as long as:

- They are not excursions or tours;
- They satisfy certain other conditions; basically to make sure that the general public can use them.

Further information about the conditions applying and how to claim bus service operators' grant is available from the Department for Transport, Operators' Grants Section, Zone 3/09, Great Minister House, 76 Marsham Street, London SW1P 4DR. or by telephoning 0207 944 2281

(new operator applications) and 0207 944 2200 (general enquiries). E-mail enquiries should be addressed to Jim.Malone@dft.gsi.gov.uk.

30. WHAT HAPPENS ABOUT CONCESSIONARY FARES?

The Scottish Executive reached agreement with COSLA and the local authorities to enhance concessionary fare arrangements for elderly/disabled people and schemes were introduced in October 2002. Further changes to equalise the age at which men and women become eligible for concessionary fares came into force on 1 April 2003. Please contact your local transport authority for further information.

APPENDIX 1

TRAFFIC AREA OFFICES

Traffic Area	Responsible for	Address
Scottish	Scotland.	Argyle House 3 Lady Lawson Street Edinburgh EH3 9SE Tel: 0131 200 4927 Fax: 0131 529 8501
North Eastern	The metropolitan boroughs within South Yorkshire, Tyne and Wear and West Yorkshire. The counties of Durham, Northumberland, Nottinghamshire and North Yorkshire, the Districts of Darlington, East Riding of Yorkshire, Hartlepool, Kingston upon Hull, Middlesborough, North Yorkshire, North East Lincolnshire, Nottingham, Redcar and Cleveland, Stockton-on-Tees and York.	Hillcrest House 386 Harehills Lane Leeds LS9 6NF Tel: 0113 254 3227 Fax: 0113 248 9607
North Western	The Metropolitan boroughs Within Greater Manchester and Merseyside, the counties of Cheshire, Cumbria, Derbyshire and Lancashire, the Districts of Blackburn with Darwen, Blackpool, Derby City, Halton and Warrington.	Hillcrest House 386 Harehills Lane Leeds LS9 6NF Tel: 0113 254 3227 Fax: 0113 248 9607
Eastern	The Counties of Bedfordshire Buckinghamshire, Cambridgeshire Hertfordshire, Essex, Leicestershire Lincolnshire (except the Districts of North Lincolnshire and North East Lincolnshire), Norfolk, Northamptonshire and Suffolk.	Hillcrest House 386 Harehills Lane Leeds LS9 6NF Tel: 0113 254 3227 Fax: 0113 248 9607
West Midland	The Metropolitan Boroughs within the West Midlands The Counties of Shropshire, Staffordshire, Warwickshire and Worcestershire. The Districts of Herefordshire, Stoke-on-Trent and Telford and Wrekin.	Hillcrest House 386 Harehills Lane Leeds LS9 6NF Tel: 0113 254 3227 Fax: 0113 248 9607
Wales	Wales	Hillcrest House 386 Harehills Lane Leeds LS9 6NF Tel: 0113 254 3227 Fax: 0113 248 9607

Western	<p>The counties of Cornwall, Devon, Dorset, Gloucestershire, Hampshire, Oxfordshire, Somerset and Wiltshire.</p> <p>The Districts of Bath and North East Somerset, Bournemouth, Bracknell Forest, Bristol, Exeter, Isle of Wight, North Somerset, Plymouth, Poole, Portsmouth, Reading, Slough, Southampton, South Gloucestershire, Swindon, Torbay, West Berkshire, Windsor and Maidenhead and Wokingham.</p>	<p>Hillcrest House 386 Harehills Lane Leeds LS9 6NF Tel: 0113 254 3227 Fax: 0113 248 9607</p>
South Eastern & Metropolitan	<p>Greater London</p> <p>The counties of Kent, Surrey, East Sussex and West Sussex</p>	<p>Hillcrest House 386 Harehills Lane Leeds LS9 6NF Tel: 0113 254 3227 Fax: 0113 248 9607</p>

APPENDIX 2

RELEVANT AUTHORITIES

Regulations state that:

- “Relevant authority” means, in relation to a local service, a Passenger Transport Authority (PTA) or a local authority within whose area there will be a stopping place for the service;
- Operators shall inform all the relevant authorities 14 days before making an application to the Traffic Commissioner, and;
- A copy of an application for registration or variation or cancellation of a registration shall be delivered or sent by the applicant to each relevant authority no later than the date on which the application is made to the Traffic Commissioner.

The Local Government (Scotland) Act 1995 (which was enacted on 1 April 1996) defines the current Statutory Area of the only PTA in Scotland, Strathclyde Passenger Transport (SPT).

SPT should be informed about, and sent copies of applications for, services with stopping places as follows:

- Services in the whole of the Council areas of Glasgow, West Dumbartonshire, East Dumbartonshire, North Lanarkshire, East Renfrewshire, Renfrewshire, and Inverclyde;
- Services in the whole of South Lanarkshire EXCEPT Duneaton ward (see Note (a));
- Services in the whole of North Ayrshire EXCEPT the islands of Cumbrae and Arran (see Note (a));
- Services in the whole of South Ayrshire EXCEPT the Maybole/Girvan/ Ballantrae areas (see Note (a));
- Services in the whole of East Ayrshire EXCEPT the Patna/Dalmellington/New Cumnock areas (see Note (a)); and,
- Services in Argyll & Bute south of a straight line drawn between Whistlefield and Luss (see Note (b)).

Notes: In the case of:

(a) South Lanarkshire, North Ayrshire, South Ayrshire, and East Ayrshire the relevant authority for those parts outwith the SPT Statutory Area is indeed the Council. However, in all four cases the Council would immediately pass local service registration applications to SPT as their agent in all public transport as they employ SPT to look at the impact of local service changes from a social need point of view. Accordingly applications for those parts outwith the SPT Statutory Area should be sent to SPT.

(b) Applications for services (i) wholly north of the line between Whistlefield and Luss should go to the Council; (ii) any which cross the line should go to both SPT and the Council; and (iii) any wholly south of the line should only go to SPT.

Elsewhere in Scotland local councils should be informed about, and sent copies of applications for, services with stopping places in their areas.

(See Appendix 2 (a) for CONTACT POINTS AT RELEVANT AUTHORITIES and APPENDIX 2 (b) for a MAP OF LOCAL AUTHORITIES.

APPENDIX 2 (a)

CONTACT POINTS AT RELEVANT AUTHORITIES

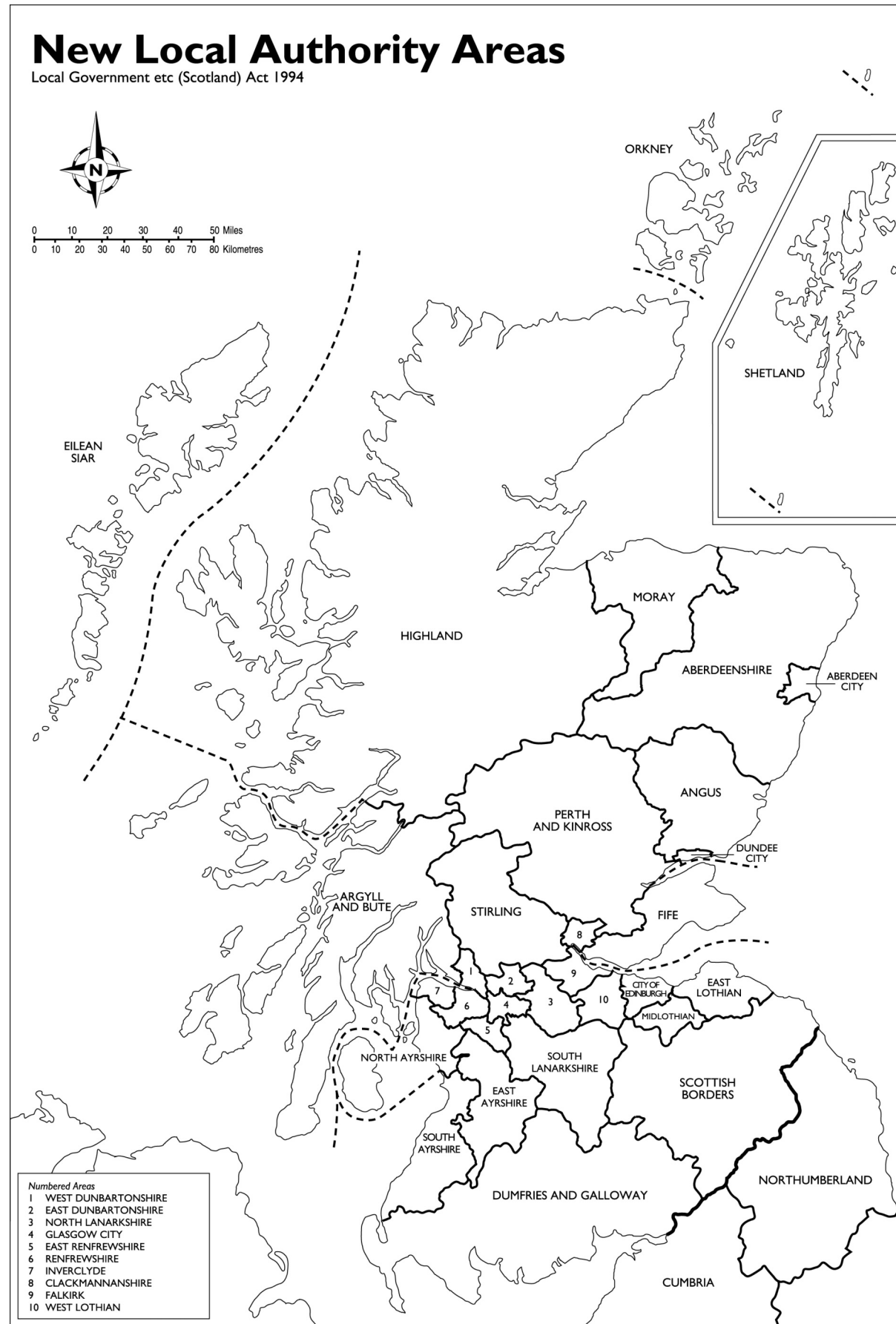
Council & Address	Contact	Telephone & Fax	E-mail
Aberdeen City Council Planning Officer (Public Transport) Environmental and Property Department St Nicholas House Broad Street ABERDEEN AB10 1WL	Richard Waters	(01224) T: 523762 F: 523764	rwaters@roads.aberdeen.net.uk
Aberdeenshire Council Head of Transportation Public Transport Unit Woodhill House Westburn Road ABERDEEN AB16 5GB	Eric Guthrie	(01224) T: 664580 F: 662005	eric.guthrie@aberdeenshire.gov.uk
Angus Council Transport Manager Planning & Transport Department St James House St James Road FORFAR Angus DD8 2ZD	Lesley Millar	(01307) T: 473700 F: 473711	millarle@angus.gov.uk
Argyll & Bute Council Transportation Manager Argyll & Bute Council Transportation and Property Department Manse Brae LOCHGILPHEAD Argyll PA31 8RD	Blair Fletcher	(01546) T: 604643 F: 603749	blair.fletcher@argyll-bute.gov.uk
Clackmannanshire Council Public Transport Officer Development Services Greenfield ALLOA FK10 2AD	David Taylor	(01259) T: 452542 F: 452535	dtaylor@clacks.gov.uk
Comhairle nan Eilean Siar Transport Co-ordination Officer Technical Services Council Headquarters Sandwick Road STORNOWAY Isle of Lewis HS1 2BW	David Smart	(01851) T: 709592 F: 709482	dsmart@cne-siar.gov.uk
Dumfries and Galloway Council Principal Technician Strategy and Transportation Militia House English Street DUMFRIES DG1 2HR	Douglas Kirkpatrick	(01387) T: 260383 F: 260124	douglas.kirkpatrick@dumgal.gov.uk
Dundee City Council Head of Transportation Planning & Transportation Department Tayside House 28 Crichton Street DUNDEE DD1 3RB	Iain Sherriff	(01382) T: 433116 F: 433013	iain.sherriff@dundeecity.gov.uk

East Ayrshire Council Principal Engineer Roads and Transportation Division Greenholm Street KILMARNOCK Ayrshire KA1 4DJ	Keith Orton	(01563) T: 555714 F: 574062	keith.orton@east-ayrshire.gov.uk
East Lothian Council Transport Services Officer Environment & Technical Services John Muir House HADDINGTON EH41 3HA	David Kerr	(01620) T: 827660 F: 827715	d.kerr@eastlothian.gov.uk
The City of Edinburgh Council Public Transport Manager City Development Department 1 Cockburn Street EDINBURGH EH1 1BJ	Max Thomson	(0131) T: 4693631 F: 4693635	max.thomson@edinburgh.gov.uk
Falkirk Council Public Transport Co-ordinator Development Services Abbotsford House David's Loan FALKIRK FK2 7YZ	Stephen Bloomfield	(01324) T: 504723 F: 504914	stephen.bloomfield@falkirk.gov.uk
Fife Council Transportation Manager Transportation Services Rothesay House North Street GLENROTHES Fife KY7 5LT	Trond Haugen	(01592) T: 413106 F: 413061	trond.haugen@fife.gov.uk
Highland Council Transport Development Officer Roads & Community & Protective Services Council Buildings Glenurquhart Road INVERNESS IV3 5NX	David Summers	(01463) T: 702613 F: 702606	david.summers@highland.gov.uk
Midlothian Council Public Transport Manager Transportation Unit Fairfield House 8 Lothian Road DALKEITH EH22 3ZN	Brian Sharkie	(0131) T: 271 3520 F: 271 3537	brian.sharkie@midlothian.gov.uk
Moray Public Transport Manager The Moray Council Public Transport Unit Academy Street ELGIN IV30 1LL	Peter Findlay	(01343) T: 562541 F: 545628	peter.findlay@moray.gov.uk
North Lanarkshire Traffic and Transportation Manager North Lanarkshire Council Department of Planning and Environment Fleming House 2 Tryst Road CUMBERNAULD G67 1JW	John Marran	(01236) T: 616253 F: 616438	marranj@northlan.gov.uk
Orkney Islands Senior Transport Officer Orkney Islands Council Education Department School Place KIRKWALL Orkney KW15 1NY	Alison Muir	(01856) T: 888753 F: 876327	alison.m.muir@orkney.gov.uk

Perth & Kinross Public Transport Manager Perth & Kinross Council Planning & Transportation Services Pullar House 35 Kinnoull Street PERTH PH1 5GD	Andrew Warrington	(01738) T: 476530 F: 476510	awarrington@pkc.gov.uk
Scottish Borders Council Passenger Transport Officer Technical Services Council Headquarters Newtown St Boswells MELROSE Roxburghshire TD6 0SA	John Dellow	(01835) T: 825200 F: 825071	jdellow@scotborders.gov.uk
Shetland Islands Council Service Manager – Transport Operations Infrastructure Services Department Transport and Development Services Grantfield LERWICK Shetland ZE1 0NT	Ian Bruce	(01595) T: 744872 F: 744869	ian.bruce@sic.shetland.gov.uk
South Ayrshire Council Group Leader, Traffic and Transportation Department of Strategy & Design Services Burns House Burns Statue Square AYR KA7 1UT	David McIntyre	(01292) T: 616368 F: 616367	david.mcintyre@south-ayrshire.gov.uk
Stirling Council Operations Manager Transport Co-ordination Centre Viewforth STIRLING +FK8 2ET	Drew Anderson	(01786) T: 442708 F: 442631	andersond@stirling.gov.uk
Strathclyde Passenger Transport Head of Operations Strathclyde Passenger Transport Consort House 12 West George Street GLASGOW G2 1HN	George Heaney	(0141) T: 333 3177 F: 332 3076	george.heaney@spt.co.uk
West Lothian Council Public Transport Manager Strategic Planning & Transportation County Buildings LINLITHGOW West Lothian EH49 7EZ	Roy Mitchell	(01506) T: 775282 F: 775265	roy.mitchell@westlothian.gov.uk

APPENDIX 2 (b)

MAP OF LOCAL AUTHORITIES



APPENDIX 3

HOW TO REGISTER THE PARTICULARS OF YOUR LOCAL BUS SERVICE IN SCOTLAND

To register you must give the details of the service you will be running, using the correct application form (PSV350 (Scotland)). Note: Application forms can be downloaded from the TAN website at www.transportoffice.gov.uk

If you wish to start your service in less than 56 days you have to be eligible to do so under one of the cases given in **Appendix 4**. You must also fill in and attach form PSV350A (Scotland).

If you wish to change or cancel a registration you should use form PSV355 (Scotland). In some cases you will need to send a new application form with this.

If you complete the forms in writing please use black ink to fill them in, as in some circumstances they will be photocopied.

When you have filled in the form send it to the Scottish Traffic Area Office.

HOW TO FILL IN THE FORM

Question 5

If you are the co-ordinator for a service provided by more than one operator, please give all their:

- Names;
- Addresses; and
- PSV operators' licence numbers.
- See also the advice at paragraph 10 of the Guide about guidance available from, and in some cases the requirement to inform the Office of Fair Trading.

If you operate the service from more than one Traffic Area, give your PSV operator's licence numbers for each Traffic Area.

If you hold a community bus permit(s) you should put that number down.

Questions 6, 7 & 8

Please give a full description of the principal starting and finishing points of your service (e.g. street name and town).

Question 10

Excursion and tours services only need to be registered if they run at least once a week for more than 6 weeks in a row.

You should show that they are excursion and tours services so that they can be cancelled without the usual 56 days' notice. Excursions and tours are not eligible for bus service operators' grant (formerly fuel duty rebate).

You do not have to give a full description of the excursions or tours service but you must, (using the route description sheet) given an outline of the route including any points where passengers are to be taken up (other than the starting point), an indication as to the period or periods in the year when the service will operate, and the maximum number of vehicle departures to be made on any one day.

Question 11

You cannot normally start less than 56 days from the date the Traffic Commissioner receives the registration application. **Appendix 4** to the Guide explains the limited circumstances when a shorter period of notice can be accepted. **When these circumstances apply you must also complete and attach form PSV 350A (Scotland).**

You will be required to provide the service for a period of at least 90 days beginning with the date given in answer to Question 11, unless (in the case of a service to be operated under subsidy contract from a relevant authority, or a service operated for a fixed period only) the application or timetable gives notice of an earlier date on which the service will cease to operate, and that date is accepted by the Traffic Commissioner.

Route description sheet

There is a blank 'Route description sheet' at the back of the form, which you should photocopy if you need extra sheets.

On the route description sheet you must:

- Describe the route, and any modifications of the route for the purposes of particular journeys, in sufficient detail to identify the roads to be traversed.
- Give details of stopping places, timing points, layover points and terminal points along the route where vehicles will stand for longer than the time needed to pick up or set down passengers;
- Give details of any deviations made on demand from a fixed route (how much it may deviate, where it might happen and how often); also state whether this is booked in advance by passengers or not; and
- Give details of any reversing manoeuvres and other manoeuvres that will result in a vehicle returning along any part of its route.

Route variations

All route variations must be registered.

If you want to change any part of the route you must give 56 days' notice to the Traffic Commissioner. In some cases shorter notice may be allowed (**see Appendix 4**).

If you make changes to the service without registering them you may have restrictions placed on your PSV operator's licence and/or have to pay a penalty of up to £550 multiplied by the number of vehicles which you are licensed to use under all PSV operator licences held by you.

Route Map

You must enclose a map with your application, showing the roads to be traversed. It should also show any:

- One way streets;
- Layover points;
- Terminal points; and
- Variations.

These maps will be photocopied so please mark them with red or black ink.

Stopping Points

You should provide details of stopping places, including whether all indicated and generally recognised bus stops on the route will be used and if not what the stopping arrangements will be. Please note that 'recognised bus stops' are signed stops and established unmarked stops (e.g. 'outside the Bull Inn'). Local authorities and existing bus operators are working together to give every recognised signed and unmarked bus stop in Scotland a unique identifier (name), and applicants will be able to obtain relevant information about existing bus stops along the line of a proposed route from the relevant local authority.

Question 14

Answer 'Yes' to question 14 if your vehicles, except when they are fully loaded, will pick up and set down passengers at every recognised bus stop along the route (excluding any special terminus arrangements).

Question 15

Answer 'Yes' to this question if there is a need for any new bus stops for your service.

If you answer 'Yes' you should discuss your service with the police and the local authority as soon as possible, to make sure that there would be no problems for road safety or traffic conditions.

Question 16

Answer 'Yes' to this question if any part of the service is to run without any fixed stopping places (e.g. picking up and setting down passengers anywhere on request – not using recognised stops).

If you answer 'Yes' you must give details on the stopping places sheet of:

- Those parts of the route which have no fixed stopping places;
- The stopping arrangements for these parts of the service.

Timetable

The timetable is a very important document that you must enclose with your application.

If there is always less than 10 minutes between journeys you may call it a frequent service; otherwise:

- For regular services give the times of operation in each hour (e.g. 10, 30 and 50 minutes past the hour);
- For irregular services give the times for every journey.

The timetable must show:

- The principal starting and finishing (terminal) points of the service;
- The route number(s) of the service;
- Timing points not more than 15 minutes apart (except where the next stop is more than 15 minutes running time from the preceding stop when that next stop will become the Timing Point). On services where running times will vary by time of day and/or day of week to take account of different operating speeds. This will be beneficial for passengers and make timetables more easily understood if the same Timing Points are used for all journeys on a service. The Traffic Commissioner will therefore require the 15-minute criterion to be met by the majority of journeys. It will be acceptable for running time between Timing Points to exceed 15 minutes, provided it is timetabled, on other journeys which have slower operating

speeds. The Traffic Commissioner will exercise discretion with regard to Timing Points for demand-responsive transport (**See Appendix 6**).

- The times of journeys
- Days of the week and times of the year when the service will operate;
- Exceptions when the service will not run (e.g. Christmas day, New Years day and other public or local holidays), or details of the level of service to be provided during public or local holidays (e.g. Sunday service will be operated);
- Journeys which pick up or set down at only a limited number of stops; and
- Short workings or other variations.

A copy of the up to date timetable (and fare table) must be carried on the vehicles running on the service and must be displayed, or be available in the vehicle(s) to passengers on request.

Changes to the timetable

Any changes to the timetable must be registered again, using the form PSV 355 (Scotland) with 56 days' notice given (**except in the cases given in Appendix 4**).

Unless you are running a pre-booked service (e.g. dial a bus, or demand responsive service) or a high frequency service at intervals of 10 minutes or less, you must register a full timetable and operate it as registered.

For information about timetables for special types of services (e.g. dial a bus, or demand responsive service) – see Appendix 6.

Bus service operators' grants (formerly fuel duty rebate) (see leaflet PSV360)

Any changes in your details for bus service operators' grant should be reported to:

Department for Transport
Operators' Grants Section
Zone 3/09
Great Minster House
76 Marsham Street
London SW1P 4DR

not to the Traffic Area Office.

Question 17

You must apply to register the particulars of your service with the Traffic Commissioners for every Traffic Area in which the service will operate; please list the Traffic Areas concerned here. You need only complete one form, which should be sent to the Traffic Area Office covering the place where the service will start. If the service has stopping places in more than one traffic area, the office to which you sent your application will copy it to the others.

Signing the form

The form must be signed by any person authorised to take responsibility for registering local bus services on behalf of the operator (e.g. the owner, partner, director or transport manager).

Please give your position in the business.

APPENDIX 4

CASES WHEN SERVICES IN SCOTLAND MAY BE REGISTERED, CANCELLED OR CHANGED:

**(A) WITH LESS THAN 56 DAYS' NOTICE AND,
(B) WITHIN 90 DAYS OF THE START, OR LAST CHANGE TO A SERVICE.**

(A) LESS THAN 56 DAYS:

Only in the following cases can the normal 56 days period of notice be reduced to a lesser period. Applications to register, cancel or change services must be made in the normal way using the appropriate form PSV350 (Scotland) (for registrations) or PSV355 (Scotland) (for cancellation or changes). But you must also complete and attach form PSV350A (Scotland) and send copies of these to the relevant authorities.

In the cases listed below, you may give less than 56 days' notice at the discretion of the Traffic Commissioner, who will require, in some cases, the application to be accompanied by written confirmation of the support from relevant authorities. An application:

- To register or vary a registration with respect to a service or part of a service which will be substantially similar to and replace a service or part of a service which you or another operator has ceased or is ceasing to operate;
- To vary or cancel the registration of a service which is either not available to the members of the general public or not regularly used by them;
- To vary or cancel the registration of a service in response to representations from a person authorised by either a traffic authority or chief officer of police on a matter concerning road traffic regulation or road safety;
- To register particulars of a new service, or vary the registration to augment an existing service, in order to provide the new or augmented service for a period not exceeding 21 days, in connection with a specified event or occasion which will cause an additional demand for a service;
- To vary the registration so as to vary or suspend a service during a period not exceeding 14 days in response to holidays taken by a substantial proportion of the population in that locality (if such changes were not incorporated into the original registration);
- Where due to circumstances which you could not reasonably have foreseen, you did not make an application in sufficient time for the normal 56 day period of notice;
- To register or vary a registration with respect to a service or part of a service in order to meet an urgent and exceptional public passenger transport requirement.

In the following cases no formal period of notice is required, and these do not need the support of form PSV350A (Scotland), but they will need to be detailed on the registration form (PSV350 (Scotland)) or the changes/cancellation form (PSV355 (Scotland)) as appropriate. An application:

- Where the service in question is a bus substitution service: and
- Where the registration is varied only to enable the service to comply with traffic regulation conditions (TRCs) or any other provision made by or under any enactment prohibiting or restricting the use of any road by traffic.

NB. Changes to the operators' address, telephone number or trading name do not need to be registered.

Any registrations, cancellations or changes of services, which do not fall into one of these sets of special cases described above, will need a minimum 56 days' notice from the date of receipt of the application by the Traffic Commissioner.

(B) WITHIN 90 DAYS OF THE START OR LAST CHANGE TO A SERVICE:

It is recognised that there may be occasions when a batch of services are being changed some of which are not caught by the 90 day rule and some which are, and the relevant authority might be sympathetic to (or positively want) the 56 day period to apply to all services. In such cases the Traffic Commissioner will require to see written support from the relevant authority in order to determine if it is appropriate to accept 56 days notice in respect of these services which are caught by the 90 days rule.

APPENDIX 5

CASES WHERE REGISTERED SERVICES MAY BE VARIED WITHOUT VARIATION OF THE REGISTRATION

- a) The route of any service may be varied to the extent required to comply with any temporary prohibition or restriction of the use of any road by traffic by or under any enactment or with any direction by a constable. (However the service must revert to the registered arrangements (or be formally varied) as soon as the temporary arrangements cease;
- b) A service which is provided by an education authority primarily to transport pupils to school is varied temporarily (e.g. for one or two days) so far as may be necessary to enable that authority to comply with its duty to provide such transport;
- c) A service, if the condition set out in paragraph d. is satisfied, is varied by the provision of additional vehicles which:
 - i. Are operated over any part of the route of the service; and
 - ii. Are operated as closely as possible to the timings in the registered timetable.
- d) The condition referred to in paragraph c. above is that the operator of the service has reasonable grounds to believe that, owing to special circumstances, the number of vehicles normally required to provide the service would, at the time the additional vehicles are to be provided, be insufficient to carry all persons wishing to travel on the service or to provide the service in accordance with the registered timetable.

APPENDIX 6

DIAL-A-BUS AND OTHER DEMAND RESPONSIVE TYPE LOCAL SERVICE REGISTRATION APPLICATIONS

You may also register a service that is run in response to passenger demand. Such services are usually provided on behalf of a relevant authority. The service may take pre-booked passengers from any point ('dial-a-ride') within a designated area or it may deviate from the core route to set down passengers where they want to go, within a designated area. If you wish to run a service like this, or any other type of demand responsive service and you cannot give the usual sort of route description or timetable: you must give the clearest possible description of how the service will run and how passengers can use it; you must then operate it in that way. A general statement that 'services will be operated on demand' is not acceptable.

The Traffic Commissioner for the Scottish Traffic Area expects each application for a dial a bus and other demand responsive type local services to provide adequate information. Applications should give the following information:

- A principal starting point and a finishing point (in the case of a service which does not have a fixed route, the operating centre may be given), and a route number;
- A route description – which details any modifications of the route for the purpose of particular journeys, which is both sufficient to identify the roads traversed and a map showing those roads. (If there is no specific detail of roads used, there should be a map that clearly defines the area within which the service operates. The boundary should preferably follow the line of a road, rather than a say, line across "open country", but if this is not possible (e.g. because of a "dead-end" road give as much information as possible).
- Details of stopping arrangements (e.g. recognised stops, hail and ride).
- Details of any points where the vehicle will stop for longer than the time required to pick up or set down passengers (layover points).
- Details of any reversing manoeuvres.
- A timetable that, where possible, should include details of the service frequency:
 - The approximate times for first and last journeys (when precise times cannot be given);
 - The maximum waiting time passengers may expect. (This may be either the maximum waiting time at the roadside for a bus on a scheduled timetable with variations on request, or the maximum waiting time from the agreed pick-up time on a pre-booked journey).
 - The days of the week when the service will operate;
 - Any sections of route that will run subject to "a telephoned request/passenger on board request only" (The arrangements for booking a journey. As a minimum the information should include the number to be telephoned and the amount of advance notice required – (e.g. booking to number xxx not later than zzz hours on the day before the date of travel)).
 - The maximum number of vehicles you will use at any one time of the service and their total carrying capacity.

These guidelines are not totally prescriptive. You may have a proposed service which comes close to them but does not fit exactly. In that case you may discuss your proposals with the Scottish Traffic Area for advice about whether your proposed service may be operated. The Traffic Commissioner will refuse to register the service if you do not give enough detail. Please be assured that the Traffic Commissioner and the staff of the Scottish Traffic Area Office do not wish to impede the provision of demand responsive and other types of innovative local services details of which might not readily

conform to the requirements set out in the answers to Question 11 and the guidance given in this Appendix. Prospective applicants are encouraged to contact the relevant authority and the Scottish Traffic Area Office for advice.

Failure to run the service in a satisfactory manner may mean that you will be stopped from running this type of service (See Question 19 of this Guide). The rules for varying your service are the same as those for a normal bus service (see Question 20 of this Guide).

APPENDIX 7

STANDARDS FOR LOCAL BUS SERVICES

INTRODUCTION

1. The Traffic Commissioners are the regulators of the bus industry and the registrars in their Traffic Areas of all local bus services (as defined by Section 6 of the Transport Act 1985). They have powers under that Act to take action against operators who fail to run their services in accordance with the registered particulars.
2. Guidance issued under the first edition of this Practice Direction, which was last updated in May 2002, set out the punctuality standards against which the reliability of local bus services should be measured.
3. Following the establishment of a Task and Finish Group under the auspices of the Bus Partnership Forum in 2003, a review of the current standards has been undertaken.
4. The Group's membership comprised the Confederation of Passenger Transport UK, the Local Government Association, the Association of Transport Co-ordinating Officers, the Passenger Transport Executive Group, and the Department for Transport with advice from the Senior Traffic Commissioner.
5. This Practice Direction has, therefore, been revised to reflect the findings of the Task and Finish Group.

PUNCTUALITY STANDARDS

6. It should be the overriding aim of operators to run their registered services to their published times. Nevertheless it is accepted that traffic and other hazards, such as road works, can cause short-term problems, and Commissioners therefore accept that a bus may be delayed in these circumstances. But they can see no justification for a bus to run early.
7. Whilst operators state that passengers, once aboard, do not like to be kept waiting if an early-running bus has to slow down to conform to the timetable, Commissioners believe that this is preferable to prospective passengers either missing an early-running bus or being kept waiting for a late-running one, particularly in inclement weather and at the many stops where no shelter is provided, and represents the better option whereby the passenger should be reassured by timetable information that the destination will be reached on time.
8. Traffic Commissioners have set a target whereby 95% of services should depart from the Timing Points within the bracket of up to 1 minute early and up to 5 minutes late. Decisions by the Court of Appeal and the Transport Tribunal have endorsed this approach. Whilst accepting that a general benchmark of this nature may not always be achievable, that target is the one to which operators should work.
9. Traffic Commissioners will expect all services to depart from the **starting point of the journey** within the following brackets:
 - a. **Frequent Services** These are described at paragraph 9 of the Schedule of SI 1986 No. 1671 PSV (Registration of Local Services) Regulations and at paragraph 10 of the Schedule to SSI 2001 No. 219 The PSV (Registration of Local Services) (Scotland) Regulations 2001 as routes on which "the service interval is 10 minutes or less". Commissioners will expect that on at least 95% of occasions:
 - i. **Six or more buses will depart within any period of 60 minutes, and**
 - ii. The interval between consecutive buses will not exceed 15 minutes.
 - b. **Timetabled Services** Commissioners will expect that 95% of buses will depart within the bracket "up to 1 minute early or up to 5 minutes late".

10. At **other timing points** the approach of Traffic Commissioners will be as follows:

a. **Frequent Services** Performance measurement will be based upon the Transport for London concept of excess waiting time. This is the difference between the average waiting time actually experienced by passengers and the waiting time which is expected from the Schedule. The target to be applied is that buses which are scheduled to run frequently are expected to operate regularly, ensuring that excess waiting time does not exceed 1¼ minutes. Statistically, for a service which is expected to run every 10 minutes, the average waiting time is half that gap (i.e. 5 minutes).

b. **Timetabled Services**

i. The **absolute minimum standard** which an operator will be expected to attain is that 70% of buses will depart within the bracket “up to 1 minute early or up to 5 minutes late”.

ii. Operators who fail to achieve this minimum standard of performance can expect to be visited by penalties being imposed by Traffic Commissioners in the upper range of penalties under Section 155 of the Transport Act 2000. This approach will apply where the operator cannot establish the existence of a reasonable excuse.

iii. For operators whose compliance is in the 70% - 95% bracket, Traffic Commissioners will adopt a graduated approach to the imposition of any penalty where they deem a penalty to be appropriate.

iv. Credit will be given to operators who, prior to any Public Inquiry, have implemented a Punctuality Improvement Partnership, drawn up jointly with the local transport authority.

11. Commissioners will expect 95% of all services to arrive at the final destination point no more than 5 minutes late, and they wish to emphasise that they would not expect to find undue recovery time inserted in the timetable towards the end of a journey.

12. Bus Compliance Officers and other monitoring agencies will record departure times from timing points except at final destination points where they will only check against late arrival times.

CONSIDERATIONS

13. In accepting that there will be short-term difficulties that may cause delays, Commissioners nevertheless believe that operators must construct their timetables to take account of known peaks of congestion etc. This may require different running speeds on particular sections of a route, or at different times of day, or on different days of the week. An operator always has the opportunity to persuade a Commissioner that there was a “reasonable excuse” for a bus failing to run to its registered timetable, but the Commissioner will be particularly interested in patterns of timekeeping and whether the operator had taken all reasonable steps to ensure buses run to their published times. Commissioners are of the view that it is more important to offer passengers a timetable that can normally be achieved rather than one which in theory relies upon clock face headway “which is easy for the public to remember” but which rarely achieves its aspirations. Operators are of course free to vary their registrations to meet changing circumstances, and Commissioners consider that where known problems regularly exist it is appropriate to vary the registration to reflect what is achievable and actually happening rather than retain an unworkable aspiration.

14. Commissioners will therefore consider the detailed circumstances of each route that is brought to their attention at a Public Inquiry. Operators should however be clear that Commissioners expect timetables to be realistic in the knowledge of the individual circumstances, including congestion, which affect each route. By allowing an operating bracket (see paragraphs 9 to 11 above) Commissioners are already building in a degree of flexibility, and would thereafter expect a properly constructed timetable normally to be achievable.

15. A Traffic Commissioner is generally required, in the event of a Public Inquiry investigating allegations that services are not being run in accordance with the registered particulars, to determine whether or not the operator had “reasonable excuse” for a failure. In arriving at that decision, a Commissioner will wish to consider whether the operator had managed registered services with the

objective of achieving appropriate levels of reliability and punctuality. In particular the Commissioner will wish to consider:

- a. Whether the registration has been regularly reviewed in the light of known road conditions and the resources available to the operator.
- b. Whether the control strategies are appropriate and adequate.
- c. Whether adequate resources are provided.

16. Following the implementation of Sections 154 and 155 of the Transport Act 2000 (in Scotland, Sections 38 and 39 of the Transport (Scotland) Act 2001), a Traffic Commissioner may impose a penalty up to but not exceeding £550 multiplied by the total number of vehicles which the operator is licensed to use under all the PSV operator's licences held by him. Clearly each case will have to be considered on its merits, but it is unlikely that the full penalty will be ordered unless the operator is found to have failed to achieve even 70% of the services running within the brackets set out in paragraphs 9 to 11 above.

TIMING POINTS

17. Historically operators have informed their Commissioner of "principal timing points" on a route (see also the Schedules to the Regulations already quoted). These are the only points where Bus Compliance Officers have been able to check on running times. There has been no prescribed gap, in time or distance, between these points, causing potential passengers at intermediate stops considerable uncertainty (exacerbated at the many stops in the country where no timetable is displayed). Since Commissioners have a responsibility for ensuring compliance, and thereby for looking after the interests of passengers all along a route, it is no longer acceptable that operators should only nominate Timing Points as and where they suit the operator.

18. The Traffic Commissioners consider that there needs to be a reasonable balance between the requirements of passengers for an accurate indication as to when a bus is due and the needs of the operator to have some degree of elasticity in running time, and they accept that some flexibility is necessary. Traffic Commissioners will therefore require operators to nominate Timing Points not more than 15 minutes apart (except where the next stop is more than 15 minutes running time from the preceding stop when that next stop will become the Timing Point). However they acknowledge that on many services running times will vary by time of day and/or day of week to take account of different operating speeds. It will be beneficial for passengers and make timetables more easily understood if the same Timing Points are used for all journeys on a service. Commissioners will therefore require the 15 minute criterion to be met by the majority of journeys. It will be acceptable for running time between Timing Points to exceed 15 minutes, providing it is timetabled, on other journeys which have slower operating speeds. Traffic Commissioners will exercise their discretion with regard to Timing Points for demand-responsive transport.

TIMETABLES

19. Traffic Commissioners are concerned to note that there are large areas of the country where timetable information is either totally lacking at bus stops or is not specific to the particular stop. They believe that this information is a basic requirement in encouraging potential passengers to make use of buses, and they wish to encourage operators to advertise their services in this way. They will recommend accordingly to local authorities to make a determination in terms of Section 139 of the Transport Act 2000/Section 33 of the Transport (Scotland) Act 2001.

IMPLEMENTATION

20. The revised tolerances for timekeeping (paragraphs 9 – 11 above) will become effective on 1 January 2005.

21. Principal Timing Points are included, as described in paragraphs 17 and 18, in all new registrations and variations to registrations received in Traffic Area Offices on or after that date.

GUIDING PRINCIPLES

22. After the original publication of this document, the Confederation of Passenger Transport (CPT) sought a meeting with the Department for Transport and the Commissioners to seek further clarification. As a result a further short note was agreed between the Commissioners and CPT, and this is now attached as Annex A.

23. A general graduated approach to the imposition of penalties under Section 155 of the Transport Act 2000 is set out at Annex B.

PUNCTUALITY TARGETS FOR LOCAL BUS SERVICES – GUIDING PRINCIPLES**INTRODUCTION**

Clarification has been sought from Traffic Commissioners following the publication of their paper entitled “Standard for Local Bus Services”. As a result, the following guidance note is issued to Operators.

PLANNING BY OPERATORS

Commissioners expect Operators to take reasonable steps to achieve the target level of punctuality. In particular they should:-

- Monitor closely the resources available to them, especially buses and drivers, and avoid making or holding on to timetables that they cannot run with those resources
- Collect and analyse as much information as practical on the punctuality of their services
- Regularly review registered timetables in the light of predictable traffic and operating conditions

COMMUNICATION BETWEEN OPERATORS AND TRAFFIC AREA OFFICES

Operators should contact their Traffic Area Office when services are unexpectedly disrupted for more than a short time and any event that was not known to the Operator in time to vary the timetable (for example unannounced road works or unexpected consequences of a known event). This will avoid resources being wasted on monitoring services during periods that would not be taken into account in assessing performance.

INVESTIGATIONS AND SUBSEQUENT PROCESS

Monitoring resources are limited, so exercises will normally be mounted where there have been complaints (including complaints from both the public and competitors). Where the results of the monitoring exercise indicate that there is a case to answer, the Vehicle Inspectorate Division of VOSA will forward a copy of the report to the Operator. The Operator will be given an opportunity to comment on any adverse findings before the report is submitted to the Traffic Commissioner for consideration of any formal action. Although the final report from the Vehicle Inspectorate Division will include references to journeys up to one minute early or five minutes late (i.e. those services which have operated within the “window of tolerance”), the Traffic Commissioner will decide in the other instances whether a reasonable excuse exists where this is put forward by the Operator. The Traffic Commissioner will then decide on the next course of action, which may include calling the Operator to a Public Inquiry. In making the decision, the Traffic Commissioner will take account of the factors set out in the Commissioners’ Guidance entitled “Standards for Local Bus Operators”.