

ACCOMPANYING DOCUMENTS
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Bus Services (Wales) Bill

[AS INTRODUCED]

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Bus Services (Wales) Bill

[AS INTRODUCED]

An Act of the National Assembly for Wales to make provision about bus services and for connected purposes.

Having been passed by the National Assembly for Wales and having received the assent of Her Majesty, it is enacted as follows:

PART 1

OVERVIEW

1 Overview of Act

- (1) This section gives an overview of the main provisions of this Act.
- (2) Part 2 makes changes to local transport authorities' powers under the 2000 Act to make schemes regulating the provision of local bus services in their areas; in particular –
 - (a) Chapter 1 makes provision in respect of Welsh partnership schemes (formerly known as “quality partnership schemes”), a type of scheme under which local transport authorities make facilities available, or take measures, for the benefit of any operators of local bus services that agree to provide the services in accordance with standards set by the authorities;
 - (b) Chapter 2 makes provision in respect of Welsh franchising schemes (formerly known as “quality contracts schemes”), a type of scheme under which local bus services may be provided on an exclusive basis under contracts granted by local transport authorities;
 - (c) Chapter 3 makes provision for a power for local transport authorities to require information from operators of local bus services in connection with Welsh partnership schemes or Welsh franchising schemes, and about the onward disclosure of the information.
- (3) Part 3 amends the 1985 Act to allow local transport authorities to provide local bus services, including through a company.
- (4) In Part 4 –
 - (a) Chapter 1 amends the 1985 Act to give local transport authorities power to require certain information from operators of local bus services who propose to cancel or vary the provision of those services, and makes provision about the onward disclosure of the information;

- (b) Chapter 2 amends the 2000 Act to give the Welsh Ministers a power by regulations to require persons specified by the regulations to make certain information about local bus services available to persons who use or may use those services.
- (5) Part 5 makes general provision, including provision defining the expressions “1985 Act” and “2000 Act”.

PART 2

SCHEMES FOR THE PROVISION OF LOCAL BUS SERVICES

CHAPTER 1

WELSH PARTNERSHIP SCHEMES

Amendments to the 2000 Act

2 Welsh partnership schemes

- (1) The 2000 Act is amended as follows.
- (2) For the italic heading before section 114 substitute –
- “Bus services: Welsh partnership schemes”.*
- (3) In section 114 (quality partnership schemes) –
- (a) in subsection (1) –
- (i) for “quality” substitute “Welsh”;
- (ii) for “their local transport policies” substitute “the policies contained in their local transport plan”;
- (b) in subsection (1A), for “quality” substitute “Welsh”;
- (c) for subsections (2) and (3) substitute –
- “(2) A Welsh partnership scheme is a scheme falling within –
- (a) subsection (2A) or (2B), or
- (b) both subsections (2A) and (2B).
- (2A) A scheme falls within this subsection if it is a scheme under which –
- (a) the authority or authorities provide particular facilities in the whole or part of their area, or combined area, and
- (b) operators of local services may not use those facilities unless they provide the services in accordance with standards specified in the scheme.
- (2B) A scheme falls within this subsection if it is a scheme under which –
- (a) the authority or authorities take particular measures in the whole or part of their area, or combined area, that are served, or proposed to be served, by local services, and

(b) operators of local services on routes with one or more stopping places in the area to which such a measure relates are required to provide the services in accordance with standards specified in the scheme.

5 (3) A scheme may not be made unless the authority or authorities are satisfied that—

(a) the facilities to be provided, or measures to be taken, and

(b) the provision of local services in accordance with the standards specified in the scheme,

10 are likely to achieve one or more of the outcomes described in subsection (3ZA) in relation to the whole or part of the authority's area, or the authorities' combined area.

(3ZA) The outcomes mentioned in subsection (3) are—

15 (a) an improvement in the quality or effectiveness of local services (for example, improvements in the quality of vehicles or facilities used for or in connection with the provision of local services);

(b) a reduction or limitation of traffic congestion, or noise or air pollution;

20 (c) other improvements in local services of benefit to users of those services (for example, an increase in the use of local services or an end to, or a reduction in, a decline in the use of local services).";

(d) in subsection (4), for "quality" substitute "Welsh";

25 (e) omit subsections (5) to (10);

(f) in subsection (11), for "quality" substitute "Welsh";

(g) in subsection (12), for "quality" substitute "Welsh";

(h) for the section heading substitute "Welsh partnership schemes".

3 Facilities and measures

30 After section 114 of the 2000 Act insert—

"114A Facilities and measures

(1) The facilities to be provided under a Welsh partnership scheme—

35 (a) must be facilities provided at specific locations along routes served, or proposed to be served, by local services within the area to which the scheme relates, or facilities which are ancillary to such facilities, but

(b) may not be facilities which are required to be provided as a result of section 139 or 140.

- (2) A measure to be taken under a Welsh partnership scheme –
- (a) must be taken for the purpose of –
 - (i) increasing the use of local services serving routes with one or more stopping places in the area to which the measure relates or ending or reducing a decline in the use of such services, or
 - (ii) improving the quality or effectiveness of local services serving routes with one or more stopping places in the area to which the measure relates, but
 - (b) may not be a measure which is required to be taken as a result of section 139 or 140.
- (3) Subsection (4) applies where –
- (a) a facility to be provided, or
 - (b) a measure to be taken,
- requires the making of a traffic regulation order in respect of a road for which the Secretary of State is, or the Welsh Ministers are, the traffic authority (see section 121A of the Road Traffic Regulation Act 1984 (c. 27)).
- (4) Where this subsection applies –
- (a) the Welsh partnership scheme must be made by –
 - (i) the local transport authority or authorities, and
 - (ii) the Secretary of State or the Welsh Ministers, acting jointly, and
 - (b) the relevant references to the authority or authorities are to be read as including the Secretary of State or the Welsh Ministers (as the case may be).
- (5) For the purpose of subsection (4)(b) the relevant references are –
- (a) in this Act, the references in –
 - (i) section 114(2A), (2B) and (4),
 - (ii) sections 115 to 120, and
 - (iii) section 127(7), and
 - (b) the references in paragraph 27(3) of Schedule 9 to the Road Traffic Regulation Act 1984.”

4 Service standards

After section 114A of the 2000 Act (as inserted by section 3 of this Act) insert—

“114B Service standards

(1) The service standards specified in a Welsh partnership scheme may—

(a) impose requirements about the frequency or timing of particular local services or local services of particular descriptions (a “route requirement”), or

(b) impose any other requirement as to the standard of local services (an “operational requirement”).

(2) A route requirement may, in particular, determine the frequency or timing in relation to a local service—

(a) by reference only to that service, or

(b) by reference to that service and other local services, taken together.

(3) An operational requirement may, in particular, impose a requirement—

(a) to be met by vehicles used to provide local services or particular descriptions of local services;

(b) about ticketing, fares and the manner in which entitlement to travel may be evidenced;

(c) about providing information to the public about local services or particular descriptions of local services, or otherwise publicising such services;

(d) as to the dates on which operators may change the timing of local services, or local services of particular descriptions.

(4) An operational requirement to be met by vehicles may, in particular—

(a) require information to be provided to passengers by means of particular electronic equipment, or electronic equipment of particular descriptions, in vehicles;

(b) be a requirement about emissions or types of fuel or power.

(5) An operational requirement such as is described in subsection (3)(b) may, in particular—

(a) specify persons from whom tickets may be purchased or to whom fares may be paid;

(b) require arrangements to be made for—

(i) travel to, within or through particular areas,

(ii) travel at particular times,

- (iii) travel on particular local services or particular descriptions of local services,
- (iv) travel on particular journeys or on particular descriptions of journey, or
- 5 (v) travel by persons of particular descriptions;
- (c) require arrangements to be made entitling persons to make a journey, or journeys, involving—
- (i) both travel on one or more local services and travel by one or more connecting rail or tram services, or
- 10 (ii) the use of local services provided by more than one operator;
- (d) impose requirements about—
- (i) the fare for travel such as is described in paragraph (b) or (c) (including specifying that no fare may be payable in particular circumstances), and
- 15 (ii) the terms and conditions upon which such travel is made available.
- (6) For the purposes of subsection (5)(c)(i), a “connecting rail or tram service”, means a service for the carriage of passengers by rail or tram (or both) running between—
- 20 (a) a station or stopping place at, or in the vicinity of, which local services stop and which serves any part of the area to which the Welsh partnership scheme relates, and
- (b) any other place.
- 25 (7) An operational requirement may require operators of local services—
- (a) to establish and operate arrangements facilitating the operation of the Welsh partnership scheme;
- (b) to co-operate with each other (whether in pursuance of arrangements such as are described in paragraph (a) or otherwise).
- 30 (8) A service standard specified in a Welsh partnership scheme has effect only in relation to so much of a local service as is provided in the area to which the scheme relates.
- 35 (9) A Welsh partnership scheme may not specify service standards in relation to the use of vehicles under community bus permits.

114C Objections to service standards

- (1) A service standard which is –
- (a) a route requirement, or
 - (b) an operational requirement of a type such as is described in section 114B(3)(b),
- may not be specified in a Welsh partnership scheme if a sufficient number of operators of qualifying local services in the area to which the scheme relates make an admissible objection.
- (2) Section 122(3) to (5) makes further provision about objections under this section.”

5 Notice and consultation

In section 115 of the 2000 Act (notice and consultation requirements) –

- (a) in subsection (1) –
 - (i) for “quality” substitute “Welsh”;
 - (ii) for “at least one newspaper circulating” substitute “such manner as the authority or authorities consider appropriate for bringing it to the attention of persons”;
- (b) in subsection (2), for “and standards of services” substitute “, measures and service standards”;
- (c) in subsection (4) –
 - (i) insert “and” after paragraph (a);
 - (ii) omit paragraphs (c) and (d) (and the “and” between those paragraphs).

6 Making and postponing a Welsh partnership scheme

- (1) In section 116 of the 2000 Act (making of scheme) –
- (a) after subsection (1) insert –
 - “(1A) The scheme may provide for –
 - (a) different facilities to be provided by the authority or authorities;
 - (b) different measures to be taken by the authority or authorities;
 - (c) operators of local services to be required to provide local services in accordance with different service standards,
 as from different dates after the scheme comes into operation.”;
 - (b) in subsection (2) –
 - (i) after paragraph (a) insert –
 - “(aa) the measures to be taken under it by the authority or authorities,”;

(ii) for paragraph (b) substitute –

“(b) the service standards in accordance with which operators are to provide local services,”;

(iii) in paragraph (d) omit “which must not be less than five years.”;

(iv) for paragraph (e) substitute –

“(e) if –

(i) any facilities are to be provided,

(ii) any measures are to be taken, or

(iii) operators are to be required to provide local services in accordance with any service standards,

as from a date after the scheme comes into operation, the date from which they are to be so provided, taken or required.”;

(c) for subsections (4) to (4E) substitute –

“(4) The date as from which any particular facilities are to be provided, or any particular measure is to be taken, must not be earlier than the latest of –

(a) the date falling 3 months after the date on which notice is given under subsection (6),

(b) the date by which, in the opinion of the authority or authorities, it will be reasonably practicable for them to provide the facilities or take the measure,

(c) the date falling 3 months after –

(i) the date on which any traffic regulation order required for the provision of the facilities or the taking of the measure is made, or

(ii) if more than one such order is required, the date on which the last order is made,

(d) in a case where, as from the date by which the facilities are to be provided or the measure is to be taken, operators of local services on routes –

(i) along which the facilities are to be provided, or

(ii) with one or more stopping places in the area to which the measure relates,

are to be required to provide local services in accordance with particular service standards, the date by which, in the opinion of the authority or authorities, it will be reasonably practicable for those operators to provide those services in accordance with the particular standards.

(4A) Despite subsection (4), particular facilities may be provided, or a particular measure may be taken, from such other date as may be agreed between the authority or authorities and every operator of local services on routes –

- (a) along which the facilities are to be provided, or
- (b) with one or more stopping places in the area to which the measure relates.

(4B) The date as from which operators are to be required to provide local services in accordance with particular service standards must be no earlier than the latest of –

- (a) the date falling 3 months after the date on which notice is given under subsection (6),
- (b) the date by which, in the opinion of the authority or authorities, it will be reasonably practicable for operators to provide local services in accordance with the particular standards,
- (c) in a case where, as from the date by which particular facilities are to be provided or a particular measure is to be taken, operators of local services on routes –

- (i) along which the facilities are to be provided, or
- (ii) with one or more stopping places in the area to which the measure relates,

are to be required to provide local services in accordance with particular service standards, the date referred to in subsection (4)(b), or

- (d) in a case such as is referred to in paragraph (c) but where one or more traffic regulation orders are required for the provision of the facilities or the taking of the measure, the date referred to in subsection (4)(c).

(4C) Despite subsection (4B), the authority or authorities and every operator of local services to which a service standard is to apply may agree a different date from which the operators are to be required to provide the services in accordance with that standard.”;

- (d) in subsection (6)(a), for “at least one newspaper circulating” substitute “such manner as the authority or authorities consider appropriate for bringing it to the attention of persons”.

(2) In section 117 of that Act (postponement) –

- (a) in subsection (1A), after paragraph (b) insert –

“(ba) the date as from which any particular measure is to be taken under the scheme.”;

- (b) in subsection (3)(a), for “at least one newspaper circulating” substitute “such manner as the authority or authorities consider appropriate for bringing it to the attention of persons”;
- (c) in the section heading, after “facilities” insert “, measures”.

5 **7 Effect of a Welsh partnership scheme**

In section 118 of the 2000 Act (effect of scheme) –

- (a) in subsection (1) –
 - (i) for paragraph (a) substitute –
 - 10 “(a) provide each of the specified facilities or take each of the specified measures not later than the date specified for it to be provided or taken under the scheme,”;
 - (ii) in paragraph (b), for “it” substitute “the facilities or keep the measures in effect”;
- (b) in subsection (2), after “facilities” insert “, take the measures or keep the measures in effect”;
- (c) for subsections (3) and (4) substitute –
 - 20 “(3) Nor does it apply in the case of the Secretary of State or the Welsh Ministers if the Secretary of State is, or the Welsh Ministers are, unable to provide the facilities or take the measures or keep the measures in effect owing to the variation or revocation of a traffic regulation order.
 - (4) The operator of a local service may not use facilities provided under a Welsh partnership scheme unless the operator provides the service in accordance with the service standards required by the scheme that are relevant to the use of those facilities.
 - 25 (4A) Where a measure has been taken under a Welsh partnership scheme, the operator of a local service may not use a stopping place in the area to which that measure relates unless the operator provides the service in accordance with the service standards required by the scheme that are relevant to the use of such a stopping place.
 - 30 (4B) But subsections (4) and (4A) do not apply where an operator is temporarily unable to provide a service in accordance with a service standard because of circumstances beyond the operator's control.”;
- (d) in subsection (5), for “But subsection (4) does” substitute “And subsections (4) and (4A) also do”.

8 Welsh partnership schemes involving existing facilities or measures

In section 119 of the 2000 Act (regulations about schemes involving existing facilities) –

(a) for subsection (1) substitute –

“(1) The appropriate national authority may by regulations make provision about the specifying in Welsh partnership schemes of –

(a) facilities which are already being provided before the schemes are proposed (“existing facilities”);

(b) measures which are already in effect before the schemes are proposed (“existing measures”).”;

(b) in subsection (2) –

(i) after paragraph (a) insert –

“(aa) provide that existing measures may not be specified if they were in effect before such a date,”;

(ii) for paragraphs (b), (c) and (d) substitute –

“(b) provide that –

(i) particular existing facilities or classes of existing facilities, or

(ii) particular existing measures or classes of existing measures,

may not be specified (whenever they were first provided or taken),

(c) provide that –

(i) particular existing facilities or classes of existing facilities, or

(ii) particular existing measures or classes of existing measures,

may be specified only in circumstances prescribed by the regulations,

(d) provide that, in circumstances prescribed by the regulations –

(i) particular existing facilities or classes of existing facilities, or

(ii) particular existing measures or classes of existing measures,

may be specified only with the consent of a person prescribed by, or determined in accordance with, the regulations,”;

(iii) in paragraph (e), after “facilities” insert “or existing measures”;

(c) in the section heading, after “facilities” insert “or measures”.

9 Variation and revocation of Welsh partnership schemes

(1) In section 120 of the 2000 Act (variation or revocation of schemes) –

- (a) in subsection (1), for “quality” substitute “Welsh”;
- (b) after subsection (1) insert –

5 “(1A) In particular a scheme may be varied so as to extend the period for which it is to remain in operation.”;

- (c) in subsection (2), for “persons who have given an undertaking to provide a service to the standard specified in” substitute “operators of local services to whom subsection (4) or (4A) of section 118 applies in respect of”.

10 (2) In section 121 of that Act (supplementary provision about variations) –

- (a) in subsection (1), for “quality” substitute “Welsh”;
- (b) in subsection (3) –

- (i) for “quality” substitute “Welsh”;
- (ii) in paragraph (a), after “facilities” insert “or traffic regulation measures”;
- 15 (iii) in paragraph (b), after “facilities” insert “or measures”;

- (c) in subsection (4), after “traffic regulation facilities” insert “, or measures which are traffic regulation measures,”;

(d) in subsection (5) –

- 20 (i) after “traffic regulation facilities”, where it first occurs, insert “, or measures which are traffic regulation measures,”;
- (ii) in paragraph (a), after “facilities” insert “or the taking of those measures”;
- (iii) in paragraph (b), after “traffic regulation facilities” insert “, or other measures which are traffic regulation measures,”;

(e) in subsection (7) –

- 25 (i) omit paragraph (a);
- (ii) in paragraph (c), for “National Assembly for Wales” substitute “Welsh Ministers”;

(f) in subsection (8), for “quality” substitute “Welsh”;

(g) after subsection (8) insert –

30 “(9) For the purposes of this section measures are traffic regulation measures, in relation to a traffic regulation authority and a Welsh partnership scheme, if that authority was required to be a maker of the scheme because it originally specified those measures or would have been required to be a maker of it had it done so.”

10 Regulations and guidance about Welsh partnership schemes

(1) In section 122 of the 2000 Act (regulations about schemes) –

(a) in subsection (1) –

(i) in paragraph (a), for “quality” substitute “Welsh”;

(ii) for paragraph (aa) substitute –

“(aa) the types of service standards which may be objected to under section 114C;

(ab) the content or operation of schemes which specify service standards of a type which may be objected to under that section;”

(iii) omit paragraph (d);

(iv) in paragraph (f), for “quality” substitute “Welsh”;

(b) after subsection (2) insert –

“(2A) Regulations under subsection (1)(aa) may –

(a) amend section 114C(1) so as to –

(i) specify a further type of service standard which may be objected to under that section,

(ii) remove a type of service standard so that it may not be so objected to, or

(iii) otherwise modify the description of a type of service standard specified in that section;

(b) make such other amendments to this Act in consequence of provision made under paragraph (a) as the appropriate national authority thinks fit.”;

(c) for subsection (3) substitute –

“(3) As regards schemes which include a service standard which may be objected to under section 114C, regulations under subsection (1)(a) or (ab) may in particular make provision –

(a) for section 114C not to apply in such circumstances as may be prescribed;

(b) requiring such schemes to include provision falling within subsection (4) in such circumstances as may be prescribed;

(c) for a service standard of a type which may be objected to under section 114C not to be revised if a sufficient number of the persons who are operators of qualifying local services in the area to which the scheme relates make an admissible objection to the revision;

- 5 (d) in prescribed circumstances where such schemes, or any provisions of such schemes, are subject to postponement under section 117, for a service standard of a type which may be objected to under section 114C not to take effect unless prescribed conditions are satisfied;
- (e) as to what constitutes a sufficient number of the persons who are operators of qualifying local services for the purposes of objecting to a service standard or to the revision of a standard;
- 10 (f) as to the meaning of “admissible objection” and “operators of qualifying local services” for those purposes;
- (g) as to the procedure for making objections under section 114C or under regulations made under paragraph (c) of this subsection (including specifying time limits for making objections);
- 15 (h) as to the determination of any question whether an objection has been validly made (including whether an objection is an admissible objection or whether an operator is an operator of qualifying local services) or whether a sufficient number of objections have been made;
- 20 (i) as to when a service standard ceases to have effect following admissible objections from a sufficient number of the persons who are operators of qualifying local services in the area to which the scheme relates.
- 25 (3A) Regulations containing provision of the kind described in subsection (3)(e) may, in particular –
- (a) specify that a sufficient number of persons is –
- 30 (i) all persons providing qualifying local services in the area in question at such time as the regulations may specify, or
- (ii) such number of persons as, together, provide at least such proportion of the qualifying local services in the area in question as is specified in the regulations, in addition to being at least such proportion of all persons providing those services as is specified in the regulations;
- 35 (b) make provision about determining the proportion of qualifying local services provided by an operator, including provision about the time by reference to which the proportion is to be determined.
- 40 (3B) Regulations making provision as to the meaning of “admissible objection” may in particular specify that an objection is not admissible unless the grounds for the objection are such as may be specified in the regulations.”;

(d) for subsection (4) substitute –

“(4) The provision referred to in subsection (3)(b) is –

- (a) as respects schemes which include route requirements, provision about the setting of frequencies or timings to which the requirements relate;
- (b) as respects schemes which include an operational requirement imposing a maximum fare that may be charged for particular journeys, or for journeys of particular descriptions, provision about the setting of such maximum;
- (c) provision specifying a minimum interval before any requirement such as is mentioned in paragraph (a) or (b) may be reviewed;
- (d) provision specifying a maximum interval before any such requirement must be reviewed;
- (e) provision specifying other circumstances in which any such requirements must or may be reviewed;
- (f) provision about revision of any such requirements after a review.”;

(e) in subsection (5)(a), for “requirements as to frequencies, timings or maximum fares” substitute “a route requirement or an operational requirement”;

(f) in subsection (6), for “subsection (3)(g)” substitute “subsection (3)(h)”;

(g) after subsection (6) insert –

“(7) In this section, “route requirement” and “operational requirement” have the same meanings as in section 114B.”

(2) In section 123 of that Act (guidance about schemes) –

(a) in subsection (1) –

- (i) for “The appropriate national authority” substitute “The Welsh Ministers”;
- (ii) omit “and metropolitan district councils”;
- (iii) for “quality” substitute “Welsh”;

(b) in subsection (2), omit “and councils”.

Amendments to the 1985 Act

11 Registration of local services and traffic commissioner functions

(1) In section 6 of the 1985 Act (registration of local services) –

(a) in subsection (2A)(a), omit “or 114(3A)” and “and quality partnership schemes”;

(b) after subsection (2A) insert –

“(2AA) Where –

- (a) a Welsh partnership scheme under section 114 of the Transport Act 2000 is in operation,
- (b) an application for registration is made in respect of a service which is to have one or more stopping places within the area to which the scheme relates, and
- (c) the service is not excluded from the scheme by virtue of section 116(3) of the Transport Act 2000,

sections 6AA and 6AB of this Act have effect in relation to the application.”;

(c) after subsection (7) insert –

“(7ZA) Subsection (7ZB) applies where –

- (a) a Welsh partnership scheme under section 114 of the Transport Act 2000 is in operation,
- (b) an application to cancel or vary a registration is made in respect of a service which has one or more stopping places within the area to which the scheme relates, and
- (c) the service is not excluded from the scheme by virtue of section 116(3) of the Transport Act 2000.

(7ZB) Where this subsection applies –

- (a) section 6AA of this Act has effect in relation to an application to cancel a registration;
- (b) sections 6AA and 6AB of this Act have effect in relation to an application to vary a registration.

(7ZC) Where a Welsh partnership scheme under section 114 of the Transport Act 2000 is in operation, the registration of a service may also be cancelled under section 6AC of this Act.”

(2) In section 6A of that Act –

- (a) in subsection (1)(a), omit “or 114(3A)” and “or a quality partnership scheme”;
- (b) in subsection (8)(c), omit “or section 118(4)”;
- (c) in subsection (12) –
 - (i) omit the definition of “quality partnership scheme”;
 - (ii) omit paragraph (b) of the definition of “registration criteria”;
 - (iii) in paragraph (a) of the definition of “relevant operator”, omit “or 118(4)”.

(3) After section 6A of that Act insert –

“6AA Welsh partnership schemes: applications for registration etc. where restrictions have been imposed

(1) This section applies in any case where –

- 5 (a) any registration restrictions imposed under section 114(3A) of the Transport Act 2000 are in force in the case of a Welsh partnership scheme (“the scheme”), and
- 10 (b) an application for registration, or for variation or cancellation of registration, is made under section 6 of this Act in respect of a local service in relation to which those restrictions have effect.

(2) The traffic commissioner, before deciding whether or not to accept the application, must give a notice complying with subsection (3) to –

- 15 (a) each relevant authority, and
- (b) each relevant operator.

(3) The notice must –

- 20 (a) identify the application and state that it has been made;
- (b) provide prescribed particulars of the application;
- (c) inform the persons to whom it is required to be sent of the right of each of them to make relevant representations to the traffic commissioner about the application.

(4) If no relevant representations are made –

- 25 (a) in the case of an application for registration or variation of registration, the application is to be accepted unless it is to be refused in accordance with section 6AB;
- (b) in the case of an application for cancellation of registration, the application is to be accepted.

(5) If any relevant representations are made, the traffic commissioner must decide whether the effect of accepting the application would be detrimental to the provision of local services under the scheme.

(6) The traffic commissioner may decide that question only after –

- 30 (a) considering those representations,
- (b) taking account of any other relevant applications and any relevant representations made in relation to those applications,
- (c) holding such inquiries under section 54 of the 1981 Act as the traffic commissioner may think fit, and
- 35 (d) applying the registration criteria.

- (7) If the traffic commissioner decides that the effect of accepting the application would not be detrimental to the provision of such services –
- (a) in the case of an application for registration or variation of registration, the application is to be accepted unless it is to be refused in accordance with section 6AB;
 - (b) in the case of an application for cancellation of registration, the application is to be accepted.
- (8) If the traffic commissioner decides that the effect of accepting the application would be detrimental to the provision of such services, the traffic commissioner may –
- (a) refuse to accept the application, or
 - (b) require the applicant to resubmit the application with such amendments as the traffic commissioner considers appropriate.
- (9) An appeal against any decision of a traffic commissioner under this section may be made to the Upper Tribunal by any of the following persons –
- (a) the person who made the application;
 - (b) any relevant authority that made relevant representations;
 - (c) any relevant operator who made relevant representations.
- (10) Regulations may be made for the purposes of carrying this section into effect; and the provision that may be made by any such regulations includes provision –
- (a) as to the procedure for giving notice under subsection (2);
 - (b) prescribing the particulars of the application that are to be provided in such a notice;
 - (c) as to the procedure for making relevant representations;
 - (d) as to the procedure to be followed by the traffic commissioner in determining the application.
- (11) The power to make regulations under subsection (10) is exercisable by –
- (a) the Welsh Ministers, in the case of a scheme relating to an area in Wales only, or
 - (b) in any other case, the Secretary of State and the Welsh Ministers acting jointly.
- (12) In this section –
- “registration criteria” means the criteria specified in the scheme by virtue of section 114(3C) of the Transport Act 2000;

“relevant application” means any application under section 6 of this Act—

- (a) which is made in respect of a local service in relation to which the registration restrictions have effect, and
- (b) which (whenever made) is awaiting the decision of a traffic commissioner;

“relevant authority” means the local transport authority, or any of the local transport authorities, operating the scheme;

“relevant operator” means—

- (a) any operator of local services in relation to which registration restrictions imposed under section 114(3A) of the Transport Act 2000 in respect of the scheme have effect;
- (b) any other operator of local services which might be affected if the application were to be accepted;

“relevant representations” means representations that the effect of accepting the application would be detrimental to the provision of services under the scheme, having regard to the registration criteria;

“the traffic commissioner” means the traffic commissioner dealing with the application mentioned in subsection (1).

- (13) In this section and in sections 6AB to 6AD, “local transport authority” has the meaning given in section 108(4) of the Transport Act 2000.

6AB Welsh partnership schemes: registration and variation of services to be provided in accordance with service standards

- (1) This section applies where—
- (a) service standards are specified in a Welsh partnership scheme, and
 - (b) a person (“the applicant”) makes an application for registration, or for variation of registration, under section 6 in respect of a local service which would be required to be provided in accordance with a particular service standard if the application were granted.
- (2) If a traffic commissioner considers that the applicant is unlikely to be able to provide the service in accordance with the service standard, the traffic commissioner must refuse the application.
- (3) If a traffic commissioner accepts the application, any service standard in accordance with which the local service is to be provided must be recorded in the registration.

- (4) Before making a decision under this section the traffic commissioner must give notice to—
- (a) the applicant, and
 - (b) the local transport authority, or authorities, operating the scheme,
- informing them of their right to make representations to the traffic commissioner about the application.
- (5) An appeal against any decision of a traffic commissioner under this section may be made to the Upper Tribunal by any of the following persons—
- (a) the applicant;
 - (b) a local transport authority operating the scheme (whether alone or jointly with another authority), provided the authority made representations to the commissioner about the application before the decision was made.
- (6) Regulations may make provision—
- (a) as to the procedure for giving notice under subsection (4);
 - (b) as to the procedure for making representations following such a notice;
 - (c) as to the procedure to be followed by a traffic commissioner in determining an application such as referred to in subsection (1) (b).
- (7) The power to make regulations under subsection (6) is exercisable by—
- (a) the Welsh Ministers, in the case of a Welsh partnership scheme relating to an area in Wales only, or
 - (b) in any other case, the Secretary of State and the Welsh Ministers acting jointly.
- (8) In this section and sections 6AC and 6AD—
- “service standard” means a standard such as may be specified in a Welsh partnership scheme;
- “Welsh partnership scheme” means a scheme under section 114 of the Transport Act 2000.

6AC Cancellation of registration where service not operated in accordance with service standard specified in a Welsh partnership scheme

- (1) A traffic commissioner may cancel the registration of a local service if—
- (a) the service is required to be provided in accordance with a service standard specified in a Welsh partnership scheme, and

(b) the traffic commissioner considers that the service is not being provided in accordance with that standard.

(2) Before deciding to cancel a service under subsection (1), the traffic commissioner must give notice to—

(a) the operator of the service, and

(b) the local transport authority, or authorities, operating the scheme,

informing them of the commissioner's intention to cancel the service and of their right to make representations to the commissioner about the intended cancellation.

(3) A cancellation under subsection (1) becomes effective on the date prescribed by the appropriate authority by regulations.

(4) Where the registration of a service is cancelled under subsection (1), the operator of the service may appeal to the Upper Tribunal against the cancellation.

(5) Where—

(a) a local authority operating the scheme (whether alone or jointly with another authority) makes representations following a notice given under subsection (2), and

(b) the traffic commissioner decides not to cancel the service, the authority may appeal to the Upper Tribunal against that decision.

(6) Regulations may make such supplemental provision as the appropriate authority thinks appropriate in connection with cancellations under subsection (1).

(7) Regulations under subsection (6) may, in particular, make provision—

(a) preventing cancellation where the operator of a service satisfies conditions prescribed by the regulations;

(b) as to the procedure for cancellation under subsection (1);

(c) as to the procedure for giving notice under subsection (2);

(d) as to the procedure for making representations following such a notice;

(e) as to the giving of notice to the operator and to the authority, or authorities, operating the scheme of a decision not to cancel.

(8) For the purposes of subsections (3) and (6), the "appropriate authority" is—

(a) the Welsh Ministers, in the case of regulations applying to a Welsh partnership scheme relating to an area in Wales only, or

(b) in any other case, the Secretary of State and the Welsh Ministers acting jointly.

6AD Welsh partnership schemes: supplemental provision about appeals

(1) For the purposes of section 13(2) of the Tribunals, Courts and Enforcement Act 2007 (appeals to Court of Appeal etc. against decisions of the Upper Tribunal) as it applies to a right of appeal against the decision of the Upper Tribunal on—

(a) an appeal under—

(i) section 6AA(9),

(ii) section 6AB(5),

(iii) section 6AC(4) or (5), or

(b) a further appeal under section 6N(4) (further appeal to the Upper Tribunal following appeal to a local transport authority),

the persons mentioned in subsection (2) are to be treated as parties to a case.

(2) The persons are—

(a) the person operating, or proposing to operate, the service in question,

(b) the local transport authority or authorities operating the relevant Welsh partnership scheme, and

(c) a traffic commissioner.”

12 Traffic commissioner functions where Welsh partnership scheme in force

After section 6J of the 1985 Act insert—

“6K Traffic commissioner functions where Welsh partnership scheme in force

(1) This section applies where—

(a) a Welsh partnership scheme specifies a service standard which is a route requirement (within the meaning given by section 114B of the Transport Act 2000), and

(b) either—

(i) a local service that is an intra-area service,

(ii) particular services at least one of which is such a service, or

(iii) a particular description of services which includes or is capable of including such a service,

must be provided in accordance with that service standard.

(2) Where two or more local transport authorities are jointly operating a Welsh partnership scheme, they must determine which of them is the lead authority for the purposes of this section.

- 5
- (3) Where subsection (2) applies, references to a local transport authority in subsections (4) to (8) and sections 6L to 6N are to be read as references to the lead authority.
- (4) The local transport authority must carry out the relevant registration functions as regards intra-area services if directed to do so by –
- (a) the Welsh Ministers, where the Welsh partnership scheme relates to an area in Wales only;
- (b) in any other case, either the Welsh Ministers or the Secretary of State.
- 10
- (5) The Welsh Ministers must notify –
- (a) a traffic commissioner of a direction given by them under subsection (4)(a);
- (b) a traffic commissioner and the Secretary of State of a direction given by them under subsection (4)(b).
- 15
- (6) The Secretary of State must notify a traffic commissioner and the Welsh Ministers of a direction given by the Secretary of State under subsection (4)(b).
- (7) On receipt of a notification given under subsection (5) or (6), the traffic commissioner must delegate the relevant registration functions to the authority and the authority must carry them out until such time as the scheme in question comes to an end.
- 20
- (8) A delegation under subsection (7) has effect from –
- (a) the date on which the scheme in question or, as the case may be, the variation of the scheme has effect, or
- 25
- (b) such later date as the traffic commissioner and the local transport authority may agree.
- (9) Where a delegation under subsection (7) has effect, sections 6AA to 6AC are to be read as if –
- 30
- (a) in section 6AA(12), for the definition of “relevant authority” there were substituted –
- ““relevant authority” means a local transport authority that made the scheme jointly with another authority but which is not the lead authority for the purposes of section 6K;”
- 35
- (b) in section 6AB –
- (i) for subsection (4)(b) there were substituted –
- “(b) a local transport authority which made the scheme jointly with another authority but which is not the lead authority for the purposes of section 6K;”
- 40

- (ii) in subsection (5)(b), for “a local transport authority which made the scheme (whether alone or jointly with another authority),” there were substituted “a local transport authority such as is referred to in subsection (4)(b),”;
- (c) in section 6AC –
- (i) for subsection (2)(b) there were substituted –
- “(b) a local transport authority which made the scheme jointly with another authority but which is not the lead authority for the purposes of section 6K,”;
- (ii) in subsection (5)(b), for “a local transport authority which made the scheme (whether alone or jointly with another authority)” there were substituted “a local transport authority such as is referred to in subsection (2)(b)”.

(10) In this section and in sections 6L to 6O –

“intra-area service”, in relation to a Welsh partnership scheme, means a local service that only has stopping places in the area to which the scheme relates;

“local transport authority” has the meaning given in section 108(4) of the Transport Act 2000;

“relevant registration functions”, in relation to a Welsh partnership scheme, means the functions of a traffic commissioner under sections 6 and 6AA to 6AC so far as relating to –

(a) in the case of functions relating to the variation of registration, services that would be intra-area services if varied as proposed, or

(b) in the case of any other function, intra-area services;

“service standard” means a standard such as may be specified in a Welsh partnership scheme;

“Welsh partnership scheme” means a scheme under section 114 of the Transport Act 2000.

6L Local transport authority carrying out relevant registration functions: fees

- (1) Where a local transport authority is carrying out relevant registration functions, the authority may charge fees in respect of an application under section 6 for –
- (a) the registration of an intra-area service;
- (b) the variation of the registration of a service that, as varied, would be or would continue to be an intra-area service;

- (c) the cancellation of the registration of an intra-area service.
- (2) Fees under subsection (1) are –
- (a) to be determined by or in accordance with regulations;
- (b) to be payable by such persons and at such times as the regulations may provide;
- (c) to be payable in one sum or in instalments, as provided for by the regulations.
- (3) If a fee or instalment of a fee under subsection (1) has not been paid, the local transport authority may decline to proceed with the application until the fee or instalment is paid.
- (4) Amounts received in respect of fees charged under subsection (1) are payable to, and may be retained by, the local transport authority (and accordingly they are not payable to a traffic commissioner).
- (5) Where a fee is chargeable under subsection (1), fees may not be charged under section 52 of the 1981 Act (as applied by section 126 of this Act) in respect of an application referred to in that subsection.

6M Local transport authority carrying out relevant registration functions: records of registration etc.

- (1) Where a local transport authority is carrying out relevant registration functions, the authority must keep a record of –
- (a) the services registered and the registrations varied or cancelled by the authority under section 6;
- (b) the registration restrictions imposed under section 114(3A) of the Transport Act 2000 that are recorded by the authority as having effect in relation to services registered by the authority under section 6;
- (c) the service standards in accordance with which services registered by the authority under section 6 are to be provided;
- (d) the services cancelled by the authority under section 6AC.
- (2) The authority must allow the record to be inspected at all reasonable times by members of the public.
- (3) The authority must supply to a traffic commissioner particulars of everything the authority keeps a record of under subsection (1).
- (4) A record kept under this section is admissible in evidence of the matters required under this section to be entered in that record.

(5) A copy of an entry made in such a record in pursuance of this section purporting to be –

- (a) signed on behalf of the authority keeping the record, and
- (b) certified as a true copy,

is evidence of the matters stated in that entry without proof of the signature or authority of the person signing it.

6N Local transport authority carrying out relevant registration functions: appeals

(1) Where a local transport authority is carrying out relevant registration functions, any appeal under –

- (a) section 6AA(9),
- (b) section 6AB(5), or
- (c) section 6AC(4) or (5),

is to be made to a traffic commissioner.

(2) On an appeal to which subsection (1) applies, a traffic commissioner may –

- (a) uphold the decision,
- (b) quash the decision, or
- (c) substitute for the decision made another decision that the authority could have made.

(3) Regulations may make provision –

- (a) as to the time within which, and the manner in which, appeals to which subsection (1) applies may be made, and
- (b) as to the procedure to be followed in connection with such appeals.

(4) A decision of a traffic commissioner on an appeal to which subsection (1) applies may be appealed to the Upper Tribunal by –

- (a) the person who appealed to the traffic commissioner, or
- (b) the local transport authority or authorities operating the relevant Welsh partnership scheme.

6O Local transport authority carrying out relevant registration functions: supplemental provision

(1) The Welsh Ministers may by regulations make such supplemental provision as they think appropriate in connection with the carrying out of relevant registration functions by a local transport authority.

- (2) Regulations under subsection (1) may, in particular, include provision—
- (a) about the form of records kept under section 6M(1) and the particulars they must contain;
 - (b) about the manner in which particulars may be supplied to a traffic commissioner under section 6M(3).
- (3) Regulations under section 6L(2)(a), 6N(3) or subsection (1) of this section may be made by—
- (a) the Welsh Ministers, in the case of regulations applying to Welsh partnership schemes relating to areas in Wales only, or
 - (b) in any other case, the Secretary of State and the Welsh Ministers acting jointly.”

CHAPTER 2

WELSH FRANCHISING SCHEMES

13 Power to make Welsh franchising schemes etc.

- (1) For section 124 of the 2000 Act (quality contracts schemes) substitute—

“124 Welsh franchising schemes

- (1) A local transport authority for an area in Wales, or two or more such authorities acting jointly, may make a Welsh franchising scheme covering the whole or any part of their area, or combined area.
- (2) A Welsh franchising scheme may not be made unless the authority or authorities have complied with sections 124A to 124D.
- (3) A Welsh franchising scheme is a scheme under which—
- (a) the authority or authorities determine what local services should be provided in the area to which the scheme relates and any additional facilities or services which should be provided in that area, and
 - (b) local services may only be provided in that area in accordance with local franchise contracts (subject to sections 127(5) and 132C).
- (4) A local franchise contract, in relation to a Welsh franchising scheme, means a contract entered into under section 130 under which—
- (a) the authority or authorities grant to another person the exclusive right to operate the local services to which the contract relates, and
 - (b) that person undertakes to provide the services on such terms (including in particular as to frequency, fares and standard of service) as may be specified in the contract.

(5) The terms as to standard of service that may be specified include terms about requirements which vehicles being used to provide the service must meet, including requirements about emissions or types of fuel or power.

(6) A local franchise contract may be made on terms –

(a) which include provision for the making of payments by the authority or authorities to the person undertaking to provide the local service;

(b) requiring one or more of the parties to provide additional facilities or services.

(7) Section 88(1) of the Transport Act 1985 (application to subsidy agreements of sections 89 to 92 of that Act) does not apply in relation to local franchise contracts.

(8) In considering whether to make a Welsh franchising scheme, a local transport authority must have regard to the desirability, in appropriate cases, of making a scheme jointly with another such authority.”

(2) In the italic heading before section 124, for “quality contracts scheme in Wales” substitute “Welsh franchising schemes”.

14 Procedure for making Welsh franchising schemes

(1) After section 124 of the 2000 Act insert –

“124A Assessment of proposed scheme

(1) An authority or authorities that propose to make a Welsh franchising scheme must prepare an assessment of the proposed scheme.

(2) The assessment must –

(a) describe the effects that the scheme is likely to produce, and

(b) compare making the scheme to one or more other courses of action.

(3) The assessment must also include consideration of –

(a) whether the proposed scheme would contribute to the implementation by the authority or authorities of –

(i) the policies contained in their local transport plan, and

(ii) other policies affecting local services that they have adopted and published,

(b) whether the proposed scheme would contribute to the implementation by neighbouring local transport authorities of –

(i) the policies contained in their local transport plan, and

(ii) other policies affecting local services that they have adopted and published,

- (c) how the authority or authorities would make and operate the proposed scheme,
- (d) whether the authority or authorities would be able to afford to make and operate the proposed scheme,
- 5 (e) whether the proposed scheme would represent value for money,
- (f) the extent to which the authority or authorities are likely to be able to secure that local services are operated under local franchise contracts,
- 10 (g) the likely impact of the proposed scheme on small and medium-sized bus operators providing local services in the area to which the scheme relates, and
- (h) the authority's or authorities' proposals for excluding any local services from the scheme under section 127(5).
- 15 (4) Subsections (2) and (3) do not prevent other matters being included in an assessment.

124B Audit of assessment

- (1) If, after preparing an assessment of a proposed scheme under section 124A, the authority or authorities wish to proceed with the proposed scheme, they must obtain a report from an independent auditor on the assessment.
- 20 (2) The auditor's report must state whether, in the auditor's opinion –
- (a) the information relied on by the authority or authorities in considering the matters referred to in section 124A(3)(d) and (e) (affordability and value for money of proposed scheme) is of sufficient quality,
- 25 (b) the analysis of that information in the assessment is of sufficient quality, and
- (c) the authority or authorities had due regard to guidance issued under section 134A(1)(a) in preparing the assessment.
- 30 (3) The Welsh Ministers must issue guidance about the matters an auditor is to take into account when forming an opinion as to whether the information relied on, and the analysis of that information, by an authority or authorities is of sufficient quality for the purposes of subsection (2).
- 35 (4) An auditor must, in preparing a report for the purposes of this section, have regard to such guidance.
- (5) In this section "auditor", in relation to a proposed scheme, means –
- (a) the Auditor General for Wales, or

(b) a person eligible for appointment as a statutory auditor by virtue of Chapter 2 of Part 42 of the Companies Act 2006 (“the 2006 Act”).

5 (6) For the purposes of this section an auditor is independent, in relation to an assessment of a proposed scheme, if—

(a) the auditor is the Auditor General for Wales, or

10 (b) in the case of a person who is not the Auditor General for Wales, and treating the assessment as if it were a statutory audit under Part 42 of the 2006 Act and the authority or authorities as if they were an audited person under that Part, the auditor would not be prevented from acting as statutory auditor of the audited person by subsection (2) or (3) of section 1214 of the 2006 Act (independence requirement).

124C Notice and consultation requirements

15 (1) This section applies if, after obtaining an auditor’s report under section 124B, the authority or authorities wish to proceed with the proposed scheme.

(2) The authority or authorities must—

20 (a) publish a consultation document relating to the scheme (see subsection (3)),

(b) publish the assessment of the scheme,

(c) publish the auditor’s report on that assessment, and

25 (d) give notice of the scheme in such manner as the authority or authorities consider appropriate for bringing it to the attention of persons in the area to which it relates.

(3) A consultation document must include—

(a) a description of the area to which the scheme relates,

(b) a description of the areas within that area for which different provision is proposed to be made (if any),

30 (c) a description of the local services that are proposed to be provided under local franchise contracts,

(d) a description of the local services that are proposed to be excluded from the scheme under section 127(5),

(e) the date on which the scheme is proposed to be made,

35 (f) the date or dates by which it is proposed that local franchise contracts first be entered into,

(g) a description of the authority’s or authorities’ plans for consulting in order to seek views on how well the scheme is working,

- (h) a statement about how, in conducting the procurement process for the provision of local services, the authority or authorities propose to facilitate the involvement of small and medium-sized operators in the provision of local services,
- 5 (i) a summary of the assessment of the scheme prepared under section 124A, and
- (j) the date by which responses to the consultation document must be received.
- (4) A notice under subsection (2)(d) must –
- 10 (a) describe the proposed scheme, and
- (b) state where copies of the scheme and the documents mentioned in subsection (2)(a) to (c) may be inspected.
- (5) After giving notice under subsection (2)(d), the authority or authorities must consult –
- 15 (a) all persons operating local services in the area to which the scheme relates,
- (b) all other persons holding a PSV operator's licence or a community bus permit who would, in the opinion of the authority or authorities, be affected by the scheme,
- 20 (c) such persons as appear to the authority or authorities to represent employees of persons falling within paragraph (a),
- (d) such organisations appearing to the authority or authorities to be representative of users of local services in the area to which the scheme relates as they think fit,
- 25 (e) such organisations appearing to the authority or authorities to be representative of operators of local services in the area to which the scheme relates as they think fit,
- (f) a National Park authority any part of whose area would, in the opinion of the authority or authorities, be affected by the proposed scheme,
- 30 (g) any local transport authority any part of whose area would, in the opinion of the authority or authorities, be affected by the proposed scheme,
- (h) a traffic commissioner,
- 35 (i) the chief constable for each police area covering the whole or part of the area to which the proposed scheme relates, and
- (j) the Competition and Markets Authority.
- (6) The authority or authorities may modify the proposed scheme after consulting those persons and organisations.

124D Response to consultation

- (1) An authority or authorities that conduct a consultation under section 124C must publish a report setting out –
- (a) the authority's or authorities' response to the consultation, and
 - (b) the authority's or authorities' decision on whether to make the scheme.
- (2) If the authority or authorities decide to make the scheme, the report must set out how, in conducting the procurement process for the provision of local services, they will facilitate the involvement of small and medium-sized operators in the provision of local services.
- (3) The authority or authorities must give notice of the report to a traffic commissioner."

(2) Omit section 125 (notice and consultation requirements).

(3) Omit section 126 (approval of proposed schemes).

15 Making a Welsh franchising scheme etc.

- (1) For section 127 of the 2000 Act (making of scheme) substitute –

"127 Making of a Welsh franchising scheme

- (1) If the authority or authorities publishing a report under section 124D have decided to make the scheme, they must do so, and publish it, at the same time as the report is published.
- (2) The scheme must specify –
- (a) the area to which it relates,
 - (b) the local services intended to be provided under local franchise contracts,
 - (c) the date on which local franchise contracts may first be entered into, and
 - (d) the minimum period that is to expire between the making of a local franchise contract and the provision of a local service under the contract.
- (3) A scheme may specify –
- (a) areas within the area to which the scheme relates ("scheme sub-areas"),
 - (b) for each scheme sub-area, the date on which a local franchise contract to provide a local service in that scheme sub-area may first be entered into, and
 - (c) for each scheme sub-area, the minimum period that is to expire between the making of a local franchise contract to provide such a service and the provision of such a service under the contract.

- (4) A scheme may not specify under subsection (2)(d) or (3)(c) a period of less than six months.
- (5) The scheme may provide that—
- (a) local services specified in it, or
 - (b) local services of a class specified in it,
- are to be excluded from the scheme, subject to such conditions (if any) as may be specified in it.
- (6) If the scheme relates to an area to which a Welsh partnership scheme also relates, the franchising scheme must include—
- (a) in a case where the Welsh partnership scheme relates only to—
 - (i) the area to which the Welsh franchising scheme relates, or
 - (ii) a part of that area,provision revoking the Welsh partnership scheme, or
 - (b) in any other case, provision varying the Welsh partnership scheme so that it ceases to relate to any part of the area to which the Welsh franchising scheme relates.
- (7) Not later than 14 days after the date on which the scheme is made, the authority or authorities must—
- (a) give notice of the scheme in such manner as the authority or authorities consider appropriate for bringing it to the attention of persons in the area to which it relates, and
 - (b) send a copy of the scheme to a traffic commissioner.
- (8) The notice must state—
- (a) that the scheme has been made, and
 - (b) where a copy of the scheme may be inspected.
- (9) The Welsh Ministers may by regulations amend subsection (4) to change the period mentioned for the time being in that subsection."

(2) In section 128 of the 2000 Act (postponement of scheme)—

(a) for subsection (1) substitute—

"(1) An authority or authorities that have made a Welsh franchising scheme may decide that the date or dates specified under section 127(2)(c) or 127(3)(b) is or are to be postponed by such period, not exceeding 6 months, as they think fit.";

(b) after subsection (2) insert—

"(2A) The date or dates specified under section 127(2)(c) or 127(3)(b) may be postponed under subsection (1) once only.";

(c) in subsection (3), in paragraph (a), for "in at least one newspaper circulating" substitute "in such manner as they consider appropriate for bringing it to the attention of persons";

(d) after subsection (3) insert –

“(3A) The notice must include a statement of the reasons for the decision.”;

(e) for subsection (4) substitute –

“(4) The Welsh Ministers may by regulations amend the maximum period of postponement specified in subsection (1).”;

(f) omit subsection (5);

(g) in the section heading, for “scheme” substitute “local franchise contracts”.

16 Effect of local franchise contracts

(1) For section 129 of the 2000 Act (effect of scheme) substitute –

“129 Effect of local franchise contracts: registration requirements and provision of services

(1) Where a Welsh franchising scheme has been made, subsection (2) applies as soon as the effective time of any local franchise contract to which the scheme relates is reached, subject to subsection (3).

(2) No local service may be provided in the area to which the scheme relates unless –

(a) it is provided under a local franchise contract,

(b) it is an interim service (see section 132C), or

(c) it is a local service registered under section 6 of the Transport Act 1985 by virtue of section 6B of that Act.

(3) If the scheme provides for scheme sub-areas, subsection (2) applies in relation to each scheme sub-area as soon as the effective time of any local franchise contract for the provision of a local service in that scheme sub-area is reached; and the reference in subsection (2) to the area to which the scheme relates is to be read as a reference to the scheme sub-areas.

(4) Subsection (2) does not apply in relation to –

(a) services excluded from the scheme as a result of section 127(5),
or

(b) services provided under a community bus permit.

(5) The effective time, in relation to a local franchise contract, is the beginning of the day on which a local service may first be provided under the contract (see sections 130(4) and 131).”

(2) For section 130 of that Act (tendering for quality contracts) substitute –

“130 Local franchise contracts

(1) If two or more authorities have made a Welsh franchising scheme jointly, a local franchise contract for a local service specified in the scheme is to be entered into by the authorities acting jointly.

- (2) An authority or authorities may not enter into a local franchise contract with a person unless the person holds –
- (a) a PSV operator’s licence, or
 - (b) a community bus permit.
- (3) But subsection (2)(a) does not include a licence to which a condition is attached under section 26 of the Transport Act 1985 (power of traffic commissioner to attach conditions to licences) prohibiting the holder from using vehicles under the licence to provide local services of all descriptions or of any description to which the condition relates.
- (4) A person may not provide a local service under a local franchise contract until the expiry of the period that, under the scheme, must expire between the making of the contract and the provision of the local service under the contract (see section 127(2)(d) and section 127(3)(c)).
- (5) After entering into a local franchise contract, the authority or authorities must give notice of the contract to –
- (a) a traffic commissioner, and
 - (b) all operators of local services who are, in the opinion of the authority or authorities, likely to be affected by the contract.
- (6) The notice must set out –
- (a) the local services to be provided in accordance with the contract, and
 - (b) the duration of the contract.
- (7) The notice must be given within a period of 14 days beginning with the date on which the local franchise contract in question is entered into.
- (8) This section is subject to section 131 (exceptions to section 130).”
- (3) For section 131 of that Act (exceptions from section 130) substitute –

“131 Exceptions to section 130

- (1) A local franchise contract may specify as the time when a local service may first be provided under the contract a time before the expiry of such period as is described in section 130(4), and that service may be provided from that time, if the authority or authorities determine that action is urgently required for the purpose of –
- (a) maintaining an existing service,
 - (b) securing the provision of a service in place of a service which has ceased to operate, or
 - (c) securing the provision of a service to meet any public transport requirement which has arisen unexpectedly and ought in the opinion of the authority to be met without delay.

(2) A determination under subsection (1) must be made at or before the time that the authority or authorities enter into the contract."

(4) In section 6 of the 1985 Act (registration of services)–

(a) after subsection (2) insert –

5 “(2ZA) But subsection (2) does not apply to–

(a) a service provided under a local franchise contract within the meaning given by section 124(4) of the Transport Act 2000, or

(b) an interim service within the meaning given by section 132C of that Act.”;

10 (b) in subsection (2B)–

(i) for paragraph (a) substitute –

“(a) a Welsh franchising scheme under section 124 of the Transport Act 2000 has been made,”;

(ii) in paragraph (c), for “127(4)” substitute “127(5)”;

15 (iii) in paragraph (d), for “quality contract” substitute “local franchise contract”;

(c) in subsection (7A)–

(i) for paragraph (a) substitute –

20 “(a) a Welsh franchising scheme under section 124 of the Transport Act 2000 has been made,”;

(ii) in paragraph (d), for “127(4)” substitute “127(5)”;

(iii) in paragraph (e), for “quality contract” substitute “local franchise contract”.

(5) In section 6B of that Act (applications for registration where quality contracts scheme in force)–

25 (a) in subsection (2), omit “notwithstanding anything in section 129(1)(a) of the Transport Act 2000 (sections 6 to 9 of this Act not to apply)”;

(b) in subsection (4), for “authority or authorities who made the quality contracts scheme” substitute “relevant authority or authorities”;

(c) after subsection (6) insert –

30 “(6A) Where the application is rejected, the person who made the application may appeal to the Upper Tribunal.”;

(d) in subsection (8), in the definition of “clearance certificate”, in the words after paragraph (b)–

(i) for “quality contracts” substitute “local franchise contracts”;

35 (ii) for “quality contracts scheme” substitute “Welsh franchising scheme”;

- (e) in subsection (8), for the definition of “the relevant authority or authorities” substitute –

““the relevant authority or authorities” means the local transport authority or authorities (within the meaning given in section 108(4) of the Transport Act 2000) who made the Welsh franchising scheme;”

- (f) in the section heading, for “quality contracts scheme in force” substitute “Welsh franchising scheme has been made”.

- (6) After section 6B of that Act insert –

“6BA Cancellation or variation of service where Welsh franchising scheme has been made

- (1) If a relevant authority or authorities consider that the continued registration of a service authorised by virtue of section 6B will have an adverse effect on services provided in their area under local franchise contracts, the authority or authorities may apply to the traffic commissioner for the service to be –

- (a) cancelled, or
(b) varied in such a manner as the authority or authorities consider would result in no such adverse effect.

- (2) The traffic commissioner must accept the application.

- (3) The traffic commissioner must notify the operator of the service that the service is to be –

- (a) cancelled or,
(b) varied.

- (4) Where a service is to be varied, the notice must set out how the service is to be varied.

- (5) An appeal against a cancellation or variation made under this section may be made to the Upper Tribunal by the operator of the service.

- (6) The Welsh Ministers may by regulations make further provision for the purposes of carrying this section into effect, including in particular provision –

- (a) as to the procedure for giving notice under subsection (3);
(b) as to when a cancellation or a variation takes effect.

- (7) In this section –

“local franchise contract” has the meaning given in section 124(4) of the Transport Act 2000;

“relevant authority or authorities” has the same meaning as in section 6B of this Act.”

17 Duration, review, variation and revocation of schemes

(1) In the 2000 Act, omit—

- (a) section 131A (continuation of schemes for further periods);
- (b) section 131B (meaning of “exempt continuation proposal”);
- (c) section 131D (continuation of schemes for areas in Wales: procedure);
- (d) section 131E (appeals where proposed continuation considered exempt).

(2) After section 131E of that Act (to be repealed by subsection (1)(d)) insert—

“131F Review of scheme

(1) Where an authority or authorities have made a Welsh franchising scheme, they must review the effectiveness of the scheme—

- (a) at least once in the period of 3 years beginning with the day on which the scheme was made, and
- (b) subsequently, at least once in each period of 3 years beginning with the day on which the previous review is concluded.

(2) In conducting a review under subsection (1), the authority or authorities must consider whether the scheme continues to contribute to the implementation of the policies mentioned in section 124A(3).

(3) The authority or authorities must publish a report of the review.”

(3) For section 132 (variation or revocation of scheme) substitute—

“132 Variation of scheme

“(1) An authority or authorities operating a Welsh franchising scheme may vary it.

(2) If the authority or authorities decide to vary the scheme, they must—

- (a) publish a notice of the decision, and
- (b) give notice of the decision to a traffic commissioner.

(3) The notice of the decision must state the date on which the variations of the scheme are to have effect.

(4) That date must fall after the period of six months beginning with the date on which notice of the decision is published.

(5) The notice must be published, and be given to a traffic commissioner, within the period of 14 days beginning with the date on which the decision was made.

(6) The variation of a scheme is subject to the same procedure as the making of a scheme except that—

- (a) the procedure may be modified or excluded in its application to the variation of a scheme by regulations under section 133,
- (b) sections 124A, 124B, and 124C(3)(i) do not apply, and

(c) section 124D(2) does not apply.

(7) If the variation of a Welsh franchising scheme would involve adding an area to the area to which the scheme relates, subsection (6) has effect in relation to the variation but without subsection (6)(b)."

5 (4) After section 132 (variation of scheme), as inserted by subsection (3), insert –

"132ZA Revocation of scheme

(1) An authority or authorities operating a Welsh franchising scheme may revoke it.

10 (2) The authority or authorities may revoke the scheme only if they are satisfied that –

(a) local services in the area to which the scheme relates are likely to be better if the scheme did not have effect,

(b) continuing with the scheme is likely to cause financial difficulties for the authority or authorities, or

15 (c) the burdens of continuing with the scheme are likely to outweigh the benefits of doing so.

(3) If the authority or authorities decide to revoke the scheme, the authority or authorities must –

(a) publish a notice of the decision, and

20 (b) give notice of the decision to a traffic commissioner.

(4) The notice must state the date on which the revocation is to have effect.

(5) The date of the revocation must fall after a period of six months beginning with the date on which notice of the decision is published.

25 (6) The notice must be published, and notice must be given to a traffic commissioner, within a period of 14 days beginning with the date on which the decision was made.

(7) The revocation of a scheme is subject to the same procedure as the making of a scheme except that –

30 (a) the procedure may be modified or excluded in its application to the revocation of a scheme by regulations under section 133, and

(b) section 124D(2) does not apply."

(5) Omit section 132A (appeals where proposed variation considered exempt).

35 (6) Omit section 132B (exemptions from section 132 for specific variations directed by Upper Tribunal).

18 Interim and replacement services

(1) In section 132C of the 2000 Act (power of authorities to provide services in exceptional circumstances) –

(a) in subsection (1), for “quality contract” substitute “local franchise contract”;

(b) for subsection (2) substitute –

“(2) The authority, or any one of the authorities, who entered into the local franchise contract may, in accordance with subsections (4) and (8) and section 132D –

(a) provide a local service (an “interim service”) in place of the old service or any part of it;

(b) secure the provision of such a service by another person.”;

(c) in subsection (4) –

(i) for “An authority who provide” substitute “A person who provides”;

(ii) for “authority”, where it second occurs, substitute “person”;

(d) omit subsections (5) to (7);

(e) in subsection (9), in the definition of “replacement service”, for “quality contract” substitute “local franchise contract”.

(2) In section 132D of that Act (period for which interim service may be provided) –

(a) in subsection (1), for “an authority may provide an interim service which” substitute “an interim service”;

(b) in subsection (2) –

(i) in paragraph (a), for “quality contract” substitute “local franchise contract”;

(ii) omit paragraph (b) and the preceding “or”;

(iii) for “the authority must not provide the interim service” substitute “the interim service must not be provided”;

(c) in subsection (3) –

(i) for “quality contract” substitute “local franchise contract”;

(ii) after “provide”, where it second occurs, insert “, or secure the provision of,”;

(d) omit subsections (4) to (8);

(e) in the words after the definitions of “relevant service” and “relevant part” in subsection (9) –

(i) for “quality contract”, in both places it occurs, substitute “local franchise contract”;

(ii) omit “, or issuing invitations to tender for such contracts”.

19 Regulations about schemes

(1) For section 133 of the 2000 Act (regulations about schemes) substitute—

“133 Regulations about schemes

(1) The Welsh Ministers may by regulations make further provision with respect to—

- (a) the procedure to be followed when making, varying or revoking Welsh franchising schemes;
- (b) the local services or classes of local services which must or may be excluded from schemes;
- (c) the conditions which must be, or may be, attached to such exclusions;
- (d) such other incidental matters in connection with Welsh franchising schemes as the Welsh Ministers think appropriate.

(2) The regulations may in particular make provision with respect to—

- (a) giving notice of proposed schemes or the proposed variation or revocation of schemes;
- (b) modifications of such proposals;
- (c) the form of schemes or variations;
- (d) giving notice of schemes which have been made or of the variation or revocation of schemes.

(3) The Welsh Ministers may also make regulations modifying or excluding the application of provisions of this Part, so far as relating to Welsh franchising schemes, in cases where a local transport authority, or two or more local transport authorities acting jointly, do either of the following—

- (a) propose or decide to vary a scheme under section 132 or propose or decide to revoke a scheme under section 132ZA;
- (b) having varied a scheme under section 132, propose or decide to postpone a date on which a local franchise contract to provide a local service specified in the scheme may first be entered into.”

(2) In section 134 of that Act (transitional provision about schemes)—

(a) for subsection (1) substitute—

“(1) The Welsh Ministers may by regulations make such transitional provisions as they consider appropriate in connection with—

- (a) making Welsh franchising schemes,
- (b) varying such schemes, and
- (c) revoking such schemes.”;

- (b) in subsection (3), for “quality contracts scheme” substitute “Welsh franchising scheme”.

20 Guidance in connection with schemes

For section 134A of the 2000 Act (guidance about schemes) substitute—

“134A Guidance about schemes

- (1) The Welsh Ministers must issue guidance—
- (a) concerning the preparation by local transport authorities of assessments under section 124A of proposed Welsh franchising schemes, and that guidance may, in particular, include guidance about methods to be used when assessing a proposed scheme;
 - (b) as to the matters to be taken into account by a local transport authority when selecting a person under section 124B to act as an independent auditor in relation to an assessment of a proposed Welsh franchising scheme.
- (2) The Welsh Ministers may issue guidance concerning the performance by local transport authorities of their other functions in relation to Welsh franchising schemes.
- (3) The authorities must have regard to guidance issued under this section.”

CHAPTER 3

PROVISION OF INFORMATION IN CONNECTION WITH WELSH PARTNERSHIP SCHEMES AND FRANCHISING SCHEMES

21 Welsh partnership schemes and franchising schemes: power to obtain information

After section 143B of the 2000 Act (provision of information: enhanced partnership schemes) insert—

“143C Power to obtain information in connection with Welsh partnership schemes and Welsh franchising schemes

- (1) In this section, references to a scheme are references to—
- (a) a Welsh partnership scheme, or
 - (b) a Welsh franchising scheme.
- (2) A local transport authority in Wales may, in connection with their functions under this Part in relation to a scheme, require an operator of local services to provide the authority with such relevant information about local services operated by the operator in the authority’s area, or any part of it, as the operator possesses or controls.

- 5
- (3) If two or more local transport authorities are exercising functions under this Part in relation to the same scheme or proposed scheme, each of the authorities may, in connection with their functions under this Part in relation to the scheme, require an operator of local services to provide them with such relevant information about local services operated by the operator in the authorities' areas, or any part of those areas, as the operator possesses or controls.
- 10
- (4) For the purposes of this section, information is relevant information if it is information –
- 15
- (a) about the total number of journeys undertaken by passengers on the local services operated by the operator in the area;
 - (b) about the structure of fares for journeys on those local services;
 - (c) about revenue received from those local services, including information about revenue attributable to particular types of fares or derived from journeys undertaken on particular parts of those local services;
 - (d) about the total distance covered by vehicles used by the operator in operating those local services;
 - (e) about journeys that the operator has forecast will be undertaken by passengers on those services and revenue that the operator has forecast will be received from those services;
 - (f) of such description as is specified in regulations made by the Welsh Ministers.
- 20
- (5) For the purposes of this section as it relates to Welsh franchising schemes, information is also relevant information if it is information about persons employed by the operator in the provision of local services in the area.
- 25
- (6) The powers in subsections (2) and (3) may not be used to require an operator to provide information in relation to any period that falls outside the period of five years ending with the date on which the requirement is imposed.
- 30
- (7) The operator may be required –
- (a) to provide the information in any form in which, having regard to the manner in which the information is kept, it is reasonable to expect the operator to provide it, and
 - (b) to provide the information before the end of such reasonable period as may be specified by the local transport authority.
- 35
- (8) If it appears to the local transport authority that have required an operator of local services to provide the authority with information under this section that the operator has failed to take all reasonable steps to comply with a requirement imposed under this section, the authority must inform a traffic commissioner.
- 40

- (9) A local transport authority that have obtained information under this section may –
- (a) use the information for the purposes of the authority’s functions under this Part in relation to the scheme, and
 - (b) supply the information to a person specified in subsection (10) for use in connection with the same scheme or the same proposed scheme.
- (10) The persons referred to in subsection (9)(b) are –
- (a) a local transport authority;
 - (b) a person providing services to a local transport authority;
 - (c) in the case of a Welsh franchising scheme, a person carrying out functions under section 124B (audit of assessment of proposed scheme).
- (11) The requirements in sections 115 (Welsh partnership schemes: notice and consultation), 124C (Welsh franchising schemes: notice and consultation) and 124D (Welsh franchising schemes: response to consultation) do not require the publication of information obtained under this section if it is information that the authority could refuse to disclose in response to a request under –
- (a) the Freedom of Information Act 2000, or
 - (b) the Environmental Information Regulations 2004 (S.I. 2004/3391) or any regulations replacing those regulations.”

PART 3

LOCAL AUTHORITY BUS SERVICES

22 Provision of local bus services by local authorities

- (1) The 1985 Act is amended as follows.
- (2) After section 65 (co-operation between certain councils and London Regional Transport) insert –

“65A Power of councils in Wales to provide local services

- (1) A county or county borough council in Wales may provide local services, including services outside their county.
- (2) Subsection (1) does not permit a local service to be provided outside Wales unless the service includes one or more stopping places in Wales.
- (3) The power in subsection (1) may be exercised for the purpose of meeting a public transport requirement under section 63(1)(a), or otherwise than for that purpose.

- (4) A county or county borough council may provide services under subsection (1) through a company.
- (5) For the purposes of subsection (4), “company” means a company within the meaning given by section 1(1) of the Companies Act 2006.
- 5 (6) A council must, in exercising functions under this section, have regard to any guidance issued by the Welsh Ministers.”
- (3) In section 63, after subsection (5A) insert –
- 10 “(5B) For the purpose of subsection (5)(a) above in its application to a county or county borough council in Wales, the provision by a council of a service under section 65A, or the possibility of such a service being provided, may be disregarded.”
- (4) In section 66(1) (exclusion of powers of certain councils to run bus undertakings), after “Subject to” insert “section 65A and”.

PART 4

INFORMATION ABOUT LOCAL BUS SERVICES

CHAPTER 1

PROVISION OF SERVICE INFORMATION BY OPERATORS OF LOCAL SERVICES

23 Variation or cancellation of local services: provision of service information

After section 6BA of the 1985 Act (as inserted by section 16(6) of this Act) insert –

20 **“6BB Variation or cancellation of registration: provision of service information about local services in Wales**

- 25 (1) This section applies where the operator of a local service registered under section 6 has, in accordance with regulations under that section, notified a local transport authority in Wales in whose area the service has a stopping place of a proposal to vary or cancel the registration of the service.
- (2) The local transport authority may require the operator to provide the authority with such information relating to the service as may be prescribed, within such period as may be prescribed.
- 30 (3) The information that may be prescribed under subsection (2) is information relating to –
- (a) the number of passengers using the service, the journeys made by them and the fares paid by them, and
 - (b) the revenue obtained by operating the service.

- (4) A local transport authority may not require information under subsection (2) –
- (a) otherwise than for the purpose of the exercise of the authority’s functions under section 63 of this Act;
 - (b) in relation to any period that falls outside the period of three years ending with the date on which the requirement is imposed.
- (5) Subsection (6) applies where a local transport authority imposes, under subsection (2), a requirement for information relating to the revenue obtained by operating a service.
- (6) The operator subject to the requirement, may, at the same time as it provides the authority with the information –
- (a) request that the authority does not disclose the information under section 6BC(3), on the basis that disclosure of the information would damage the commercial interests of the operator, and
 - (b) provide the authority with evidence in support of the request.
- (7) In this section and in sections 6BC and 6BD, “local transport authority” has the meaning given by section 108(4) of the Transport Act 2000.
- (8) The power in subsection (2) to make regulations is exercisable by the Welsh Ministers.

6BC Disclosure of information provided under section 6BB etc.

- (1) A local transport authority in Wales may not disclose information they receive from an operator by virtue of section 6BB unless the disclosure is authorised by this section.
- (2) Information of the type mentioned in section 6BB(3)(a) may be disclosed by the authority to –
- (a) any person for the purpose of securing the provision by that person of any public passenger transport service the authority consider may be required to replace or supplement the service being varied or cancelled;
 - (b) another local transport authority in Wales in whose area the service being varied or cancelled has a stopping place;
 - (c) any prescribed person for such purposes as may be prescribed.
- (3) Information of the type mentioned in section 6BB(3)(b) may, subject to subsections (4) to (6), be disclosed by the authority to –
- (a) any person for the purpose of securing the provision by that person of any public passenger transport service the authority consider may be required to replace or supplement the service being varied or cancelled;

- (b) another local transport authority in Wales in whose area the service being varied or cancelled has a stopping place.
- (4) If an operator has submitted evidence in support of a request under section 6BB(6) that information be withheld from disclosure, the authority must –
- (a) decide, on the basis of the evidence submitted, whether the authority is satisfied that disclosure of the information is likely to damage the commercial interests of the operator, and
- (b) notify the operator of the decision.
- (5) Where subsection (4) applies in relation to a local transport authority, the authority may not disclose the information under subsection (3) unless –
- (a) the authority has decided that disclosure of the information is unlikely to damage the commercial interests of the operator, and
- (b) the authority has complied with subsection (4)(b).
- (6) Information may not be disclosed under subsection (3)(a) otherwise than in the form of an aggregated annual figure.
- (7) Subsection (8) applies where a local transport authority disclose information to another local transport authority by virtue of subsection (2)(b) or (3)(b).
- (8) The other local transport authority –
- (a) may not use the information otherwise than for the purpose of the exercise of the authority's functions under section 63 of this Act;
- (b) may not disclose the information unless the disclosure is authorised by subsection (9) or (10).
- (9) Information provided to the other authority by virtue of subsection (2)(b) may be disclosed by that authority to –
- (a) any person for the purpose of securing the provision by that person of any public passenger transport service the authority consider may be required to replace or supplement the service being varied or cancelled;
- (b) any prescribed person for such purposes as may be prescribed.
- (10) Information provided to the other authority by virtue of subsection (3)(b) may be disclosed by that authority to any person for the purpose mentioned in subsection (9)(a); but information may not be disclosed under this subsection otherwise than in the form of an aggregated annual figure.
- (11) A person to whom information is disclosed by a local transport authority by virtue of subsection (2)(a), (2)(c), (3)(a), (9) or (10) may not disclose the information.

- (12) Any person who, without reasonable excuse, discloses information in contravention of this section commits an offence.
- (13) A person guilty of an offence under subsection (12) is liable on summary conviction to a fine.
- (14) The powers in subsections (2)(c) and (9)(b) to make regulations are exercisable by the Welsh Ministers.

6BD Power for Welsh Ministers to make supplemental provision about sections 6BB and 6BC

- (1) Regulations made by the Welsh Ministers may make supplemental provision in relation to sections 6BB and 6BC.
- (2) The provision that may be made by virtue of subsection (1) includes, in particular, provision—
- (a) excluding or modifying the application of section 6BB in circumstances specified by the regulations;
 - (b) about procedures to be followed by local transport authorities in connection with the exercise of prescribed functions;
 - (c) requiring prescribed functions to be exercised before the expiry of a period of time specified by the regulations;
 - (d) about matters to be taken into account by local transport authorities before exercising prescribed functions;
 - (e) about procedures to be followed by operators subject to a requirement to provide information imposed under section 6BB;
 - (f) requiring information to be provided to local transport authorities in a form or manner specified by the regulations;
 - (g) specifying for the purposes of section 6BB(4) circumstances in which a requirement to provide information under section 6BB is to be treated as having been imposed by a local transport authority;
 - (h) requiring operators to keep records of such information as may be specified by the regulations.
- (3) Regulations made by the Welsh Ministers may amend section 6BB for the purpose of substituting a different period for the period specified for the time being in subsection (4) of that section (period beyond which information may not be required from an operator).
- (4) Regulations made the Welsh Ministers may provide for a traffic commissioner not to accept an application to vary or cancel the registration of a local service if the operator has failed to comply with a requirement to provide information imposed by virtue of section 6BB.”

CHAPTER 2

POWER TO REQUIRE INFORMATION ABOUT BUS SERVICES

24 Power to require provision of information about bus services

After section 141A of the 2000 Act (power to require provision of information about English bus services) insert –

“141B Power to require provision of information about Welsh bus services

(1) The Welsh Ministers may by regulations –

(a) require applicants for the registration of relevant local services, or for the variation or cancellation of any such registration, to provide prescribed information –

(i) in relation to the services, or

(ii) in connection with the application;

(b) require operators of registered relevant local services to provide prescribed information in relation to the services;

(c) require local transport authorities to provide prescribed information in relation to relevant local services which have one or more stopping places in their areas;

(d) require traffic commissioners to provide prescribed information that is held by them in relation to relevant local services.

(2) The information that may be prescribed is such information within subsection (3) as appears to the Welsh Ministers to be required in order to make information about relevant local services available to users or prospective users of those services.

(3) The information within this subsection is –

(a) information about routes, stopping places, timetables, fares and tickets,

(b) information about changes or proposed changes to routes, stopping places, timetables, fares and tickets, and

(c) information about the operation of the services.

(4) The information within subsection (3)(c) includes –

(a) live information, that is to say information provided immediately it becomes available about –

(i) the number of passengers using the services, and

(ii) the location of vehicles operating the services and the time at which they stop, or are expected to stop, at stopping places, and

(b) information about the operation of the services in the past.

(5) The regulations may make provision about—

(a) the person to whom the information is to be provided (but this is subject to subsection (6)),

(b) the time when it is to be provided, and

(c) the manner and form in which it is to be provided (including, in particular, provision requiring it to be provided electronically).

(6) Provision made by virtue of subsection (5)(a) may not require the information to be provided to a person other than—

(a) the Welsh Ministers;

(b) a local transport authority whose area is in Wales;

(c) a prescribed person, being a person who provides or facilitates the provision of, or is to provide or facilitate the provision of, information about relevant local services to users or prospective users of those services.

(7) The regulations may provide that a reference in the regulations to a standard according to which the information is to be provided is to be construed as a reference to that standard as it has effect from time to time.

(8) The regulations may make provision as to the use and disclosure of the information, including provision for the information to be made available free of charge and without restrictions on its use and disclosure.

(9) The regulations may make different provision for different areas.

(10) Before making regulations under this section the Welsh Ministers must consult—

(a) such persons or organisations as appear to the Welsh Ministers to represent the interests of operators and users of relevant local services,

(b) such persons or organisations as appear to the Welsh Ministers to represent the interests of local transport authorities whose areas are in Wales, and

(c) such other persons or organisations as the Welsh Ministers consider appropriate.

(11) In this section—

(a) “relevant local service” means a local service which has one or more stopping places in Wales,

(b) references to registration, in relation to a relevant local service, are to registration under section 6 of the Transport Act 1985, and

(c) “prescribed” means prescribed by regulations under this section.

(12) Where a local service is or is to be provided both inside and outside of Wales, any part of the service which is or is to be provided in England is to be treated as a separate service for the purposes of subsection (11)(a) if there is any stopping place for that part of the service in England.”

PART 5

GENERAL

10 25 **Meaning of “1985 Act” and “2000 Act”**

In this Act—

“the 1985 Act” means the Transport Act 1985 (c. 67);

“the 2000 Act” means the Transport Act 2000 (c. 38).

26 **Consequential and supplemental amendments**

15 The Schedule contains consequential and supplemental amendments.

27 **Power to make consequential etc. provision by regulations**

(1) Regulations may, if the Welsh Ministers consider it necessary or appropriate for the purposes of this Act, make—

(a) supplemental, incidental or consequential provision;

20 (b) transitory, transitional or saving provision.

(2) Regulations under subsection (1) may amend, repeal or revoke an enactment.

(3) The power to make regulations under subsection (1) is exercisable by statutory instrument.

(4) A statutory instrument containing regulations under subsection (1) that amends or repeals any provision of—

(a) an Act of Senedd Cymru,

(b) a Measure of the National Assembly for Wales, or

(c) an Act of Parliament,

25 may not be made unless a draft of the instrument has been laid before, and approved by resolution of, Senedd Cymru.

(5) Where subsection (4) does not apply in relation to a statutory instrument containing regulations made under subsection (1), the instrument containing the regulations is subject to annulment in pursuance of a resolution of Senedd Cymru.

(6) In this section, “regulations” means regulations made by the Welsh Ministers.

28 Coming into force

- (1) This section and sections 25, 27 and 29 come into force on the day after the day on which this Act receives Royal Assent.
- (2) The other provisions of this Act come into force on a day appointed by the Welsh Ministers in an order made by statutory instrument.
- (3) An order under subsection (2) may –
 - (a) make different provision for different purposes;
 - (b) make transitional, transitory or saving provision.

29 Short title

The short title of this Act is the Bus Services (Wales) Act 2021.

SCHEDULE
(introduced by section 26)

CONSEQUENTIAL AND SUPPLEMENTAL AMENDMENTS

The Road Traffic Regulation Act 1984 (c. 27)

- 5 1 (1) The Road Traffic Regulation Act 1984 is amended as follows.
- (2) In section 1 (traffic regulation orders outside Greater London) –
- (a) in subsection (3B)(a), for “quality” substitute “Welsh”;
- (b) in subsection (3C), after paragraph (a) insert –
- 10 “(aza) measures taken pursuant to a Welsh partnership scheme under that Part;”.
- (3) In paragraph 27(3) of Schedule 9 –
- (a) after “facilities” insert “, or the taking of measures,”;
- (b) for “quality” substitute “Welsh”.

The Transport Act 1985 (c. 67)

- 15 2 (1) The 1985 Act is amended as follows.
- (2) In section 6 (registration), in subsection (9)(e), after “section 141A(1)(a)” insert “or, as the case may be, section 141B(1)(a)”.
- (3) In section 82(4A) (bus stations: restrictions on discriminatory practices, etc.), for “quality”, where it second occurs, substitute “Welsh”.
- 20 (4) In section 134 (regulations, rules and orders), in subsection (7) –
- (a) after paragraph (b) insert –
- “(ba) section 6AA(10);
- (bb) section 6AB(6);
- (bc) section 6AC(6);”
- 25 (b) after paragraph (c) insert –
- “(ca) section 6BA(6);
- (cb) section 6BB(2);
- (cc) section 6BC(2)(c) and (9)(b);
- (cd) section 6BD(1), (3) and (4);
- 30 (ce) section 6L(2)(a);
- (cf) section 6N(4);
- (cg) section 6O(1);”.

(5) In section 135 (procedure for making regulations, rules and orders), in subsection (8) –

(a) after paragraph (b) insert –

“(ba) section 6AA(10);

(bb) section 6AB(6);

(bc) section 6AC(6);”

(b) after paragraph (c) insert –

“(ca) section 6BA(6);

(cb) section 6BB(2);

(cc) section 6BC(2)(c) and (9)(b);

(cd) section 6BD(1), (3) and (4);

(ce) section 6L(2)(a);

(cf) section 6N(4);

(cg) section 6O(1);”.

The Transport Act 2000 (c. 38)

3 (1) The 2000 Act is amended as follows.

(2) In the italic heading before section 123A (franchising schemes), after “franchising schemes” insert “in England”.

(3) In section 123A (franchising schemes), in the section heading, after “franchising scheme” insert “: England”.

20 (4) In section 134B (application of TUPE) –

(a) in subsection (1), for paragraph (a) substitute –

“(a) at the effective time of a local franchise contract, local services cease to be provided by a person (the “former operator”) in accordance with section 129(2) in –

25 (i) the area to which the relevant Welsh franchising scheme relates, or

(ii) in the case of a franchising scheme which provides for scheme sub-areas, the relevant scheme sub-area;”;

(b) in subsection (2), for paragraph (a) substitute—

“(a) local services which, at the effective time of a local franchise contract, a person (the “former operator”) would be required by section 129(2) to cease providing in—

- (i) the area mentioned in subsection (1)(a)(i), or
- (ii) the area mentioned in subsection (1)(a)(ii) (as the case may be),

cease to be provided by the former operator before the effective time of that local franchise contract, and”;

(c) in subsection (6), for “Secretary of State” substitute “Welsh Ministers”;

(d) in subsection (9), for “Secretary of State” substitute “Welsh Ministers”;

(e) in each of the following provisions, for “quality contracts scheme” substitute “Welsh franchising scheme” —

- (i) subsection (2), paragraph (b);
- (ii) subsection (7), in the three places it occurs;
- (iii) subsection (10), in both places it occurs;

(f) in each of the following provisions, for “quality contract” substitute “local franchise contract” —

- (i) subsection (1), paragraph (b);
- (ii) subsection (7), paragraph (e).

(5) In section 153 (competition test) —

(a) in subsection (1)(a), for “quality”, where it second occurs, substitute “Welsh”;

(b) in subsection (3), in the definition of “voluntary agreement”, for “quality”, where it second occurs, substitute “Welsh”.

(6) In section 155 (sanctions) —

(a) in subsection (1) —

- (i) in paragraph (ab), after “section” insert “6BB or”;
- (ii) in paragraph (b), after “118(4)” insert “or (4A)” and for “129(1)(b)” substitute “129(2)”;
- (iii) in paragraph (c), after “section 141A” insert “or 141B”;

(b) after subsection (1ZD) insert —

“(1ZDA) Where a traffic commissioner is satisfied that the operator of a local service has failed to take all reasonable steps to comply with a requirement imposed under section 143C of this Act, the traffic commissioner may make one or more orders under subsection (1A)(a) or (d).”;

(c) in subsection (3)(b), for “National Assembly for Wales” substitute “Welsh Ministers”;

(d) in subsection (5)(a), for “National Assembly for Wales” substitute “Welsh Ministers”.

(7) In section 160 (regulations and orders under Part 2) –

(a) in subsection (2), for “National Assembly for Wales” substitute “Welsh Ministers”;

(b) after subsection (2) insert –

“(2AA) A statutory instrument containing regulations made under –

(a) section 127(9);

(b) section 128(4);

(c) section 133;

(d) section 134(1);

(e) section 134B(6);

(f) section 143C(4)(f);

shall be subject to annulment in pursuance of a resolution of Senedd Cymru.”

(c) after subsection (2A) insert –

“(2B) A statutory instrument containing regulations under section 141B(1) shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru.

(2C) A statutory instrument containing regulations made by the Welsh Ministers (whether alone or jointly with the Secretary of State) under –

(a) section 119(1);

(b) section 122(1), other than regulations to which subsection (2D) applies,

shall be subject to annulment in pursuance of a resolution of Senedd Cymru.

(2D) A statutory instrument containing regulations made by the Welsh Ministers (whether alone or jointly with the Secretary of State) under section 122(1) which include provision amending this Act (see section 122(2A)) shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, Senedd Cymru.”;

(d) in subsection (3)(b), for “the National Assembly for Wales” substitute “Senedd Cymru”.

(8) In section 162 (interpretation of Part 2) –

(a) in the definition of “appropriate national authority” –

(i) omit “a quality partnership scheme, a quality contracts scheme or”;

(ii) for “National Assembly for Wales”, in both places it occurs, substitute “Welsh Ministers”.

(b) after that definition insert –

““appropriate national authority”, in relation to a Welsh partnership scheme, means –

- (a) the Welsh Ministers, as respects a scheme relating to an area in Wales, or
- (b) the Secretary of State and the Welsh Ministers acting jointly, as respects a scheme relating to an area in England and Wales,”;

(c) for the definition of “effective time” substitute –

““effective time” –

- (a) has the meaning given by section 123J(7) in relation to a local service contract;
- (b) has the meaning given by section 129(5) in relation to a local franchise contract,”;

(d) for the definition of “interim service” substitute –

““interim service” –

- (a) has the meaning given by section 123O in relation to a franchising scheme;
- (b) has the meaning given by section 132C in relation to a Welsh franchising scheme,”;

(e) after the definition of “interim service” insert –

““local franchise contract” has the meaning given by section 124(4),”;

(f) omit the definitions of “quality contract”, “quality contracts scheme” and “quality partnership scheme”;

(g) for the definition of “scheme sub-areas” substitute –

““scheme sub-areas” –

- (a) has the meaning given by section 123H in relation to a franchising scheme;
- (b) has the meaning given by section 127 in relation to a Welsh franchising scheme,”;

(h) after the definition of “travel concession authority” insert –

““Welsh franchising scheme” is to be construed in accordance with section 124(3);

“Welsh partnership scheme” is to be construed in accordance with section 114(2).”

(9) In Schedule 10 to that Act (competition test) –

(a) in paragraph 1 –

(i) in sub-paragraph (1)(a), for “quality” substitute “Welsh”;

(ii) in sub-paragraph (2)(a), for “quality” substitute “Welsh”;

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(b) in paragraph 12(2)(b), for “quality”, where it second occurs, substitute “Welsh”;

(c) in paragraph 17(5)(c), for “quality”, where it second occurs, substitute “Welsh”.