



# Bus Services Act 2017

## 2017 CHAPTER 21

### *Franchising schemes*

#### **5 Power to obtain information about local services**

After section 143 of the Transport Act 2000 insert—

##### **“143A Power to obtain information: franchising schemes**

- (1) A franchising authority may, in connection with their functions under this Part in relation to franchising schemes, require an operator of local services to provide them 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.
- (2) If two or more franchising authorities are exercising functions under this Part in relation to the same franchising scheme or proposed franchising scheme, each of them may, in connection with their functions under this Part in relation to franchising schemes, 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.
- (3) For the purposes of this section, information about the local services operated by an operator in an area is relevant information if it is—
  - (a) information about the total number of journeys undertaken by passengers on the local services operated by the operator in the area;
  - (b) information about the structure of fares for journeys on those local services;
  - (c) information 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;

---

*Status: This is the original version (as it was originally enacted).*

---

- (d) information about the total distance covered by vehicles used by the operator in operating those local services;
  - (e) information about persons employed by the operator in the provision of those local services;
  - (f) information 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;
  - (g) information of such description as is specified in regulations made by the Secretary of State.
- (4) The powers in subsections (1) and (2) may not be used to require an operator to provide information relating to periods that fall more than five years before the date of the demand.
- (5) If a franchising authority or authorities require the consent of the Secretary of State under section 123C before preparing an assessment under section 123B, that consent must be given before the authority or any of them may exercise the powers in subsections (1) and (2).
- (6) 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 franchising authority.
- (7) If it appears to a franchising authority that an operator of a local service has failed to take all reasonable steps to comply with a requirement imposed under this section, the authority must inform a traffic commissioner.
- (8) A franchising authority that have obtained information under this section may—
- (a) use the information for the purposes of their functions under this Part in relation to franchising schemes, and
  - (b) supply the information to a person specified in subsection (9) for use in connection with the same franchising scheme or the same proposed franchising scheme.
- (9) The persons referred to in subsection (8) are—
- (a) a franchising authority;
  - (b) a person providing services to a franchising authority;
  - (c) a person carrying out functions under section 123D.
- (10) The requirements in sections 123E and 123G about publishing documents do not require a franchising authority to publish information obtained by the authority, or another franchising authority exercising functions under this Part in relation to the same franchising scheme or proposed franchising scheme, 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.”