



2011 CHAPTER 11

PART 1

PUBLIC PASSENGER TRANSPORT SERVICES

General

Provision of public passenger transport services

1.—(1) The Department must secure the provision of public passenger transport services with due regard to accessibility, economy, efficiency, safety of operation and sustainability.

(2) For that purpose the Department may—

- (a) enter into agreements with any operator for the provision of public passenger transport services;
- (b) enter into agreements with any person for the provision of services which are ancillary to public passenger transport services;
- (c) issue permits to any operator for the provision of non-contracted services;
- (d) determine the general level and structure of fares for services provided under a service agreement or a service permit;
- (e) provide vehicles, ticketing machines and systems, and other facilities on such terms as the Department thinks fit; and
- (f) exploit any commercial opportunities which the Department considers appropriate.

(3) The Department must, subject to subsection (1) and Regulation (EC) No. 1370/2007, secure that most public passenger transport services continue to be provided by the Holding Company and its subsidiaries.

(4) In this Act—

“public passenger transport services” means services available to the general public for the carriage of passengers and their luggage by road or rail at separate fares;

“service agreement” means an agreement entered into under this section;

“service permit” means a permit issued under this section.

(5) In this section—

“the Holding Company” has the same meaning as in the 1967 Act;

“non-contracted services” means public passenger transport services for the provision of which there is no service agreement, excluding rail services;

“operator” means—

(a) the railway undertaking; or

(b) any person who holds an operator’s licence;

“operator’s licence” means—

(a) a licence under Part 2 of the 1967 Act; or

(b) an operator’s licence within the meaning of the Taxis Act (Northern Ireland) 2008 (c. 4);

“the railway undertaking” has the same meaning as in the 1967 Act.

(6) References in this Act to the provision of services under a service agreement include references to securing the provision of services.

(7) A person who, without reasonable excuse, provides an unregulated service shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(8) In subsection (7), “unregulated service”, in relation to a person, means a public passenger transport service other than an exempt service or a service for the provision of which—

(a) there is a service agreement with that person; or

(b) that person holds a service permit or is otherwise authorised to provide that service.

(9) The Department may by regulations make provision as to services which are to be treated as exempt services for the purposes of subsection (8).