

EXECUTIVE NOTE

THE PUBLIC SERVICE VEHICLES (REGISTRATION OF LOCAL SERVICES) (SCOTLAND) AMENDMENT ORDER 2012

SSI 2012/32

This order amends the Public Service Vehicles (Registration of Local Services) (Scotland) Regulations 2001 by prescribing new particulars which must be registered before a local service may be provided.

The amendment Order is subject to negative resolution procedure.

Background

In accordance with section 6 of the Transport Act 1985 (“1985 Act”), local bus services are currently required to be registered with the Traffic Commissioner who oversees the regulatory regime to ensure that the service delivered matches the registration details. Section 2 of the 1985 Act provides the definition of a local service, part of this definition is that they are available to the general public.

The reason behind introducing these Regulations is to extend the definition of a local bus service to include Demand Responsive Transport (DRT) services. Therefore to be included as a local service means that the DRT services would need to be available to the general public. The benefit of this change is that once registered these DRT services would fall within the regulatory regime operated by the Traffic Commissioner and would be monitored to ensure that services are delivered as per the registration. In making this change, these DRT services will also qualify for the Scotland-wide Concessionary Travel Scheme thereby improving accessibility and social inclusion for eligible passengers in remote areas and ensuring that all passengers receive a regular and reliable transport service.

Definition of Demand Responsive Transport (DRT)

Demand Responsive Transport (DRT) is most simply described as any form of transport where day to day service provision is influenced by users’ demands. Commercial operators can provide DRT services although the majority of services in Scotland are provided by local authorities and voluntary organisations. Services are normally booked in advance by users and run on a fixed route or can be flexibly routed to suit users’ travel needs. Services can also be booked or arranged by public agencies to respond to travel needs for patient transport, school transport and social services. DRT services tend to be most beneficial to people with mobility difficulties who are unable to use conventional public transport services and to people living in areas where public transport services are limited. Most recognisable forms of DRT services include dial-a-ride and dial-a-bus services.

Definition of Scotland-wide Concessionary Travel Scheme

The Scotland-wide Free Bus Travel Scheme for Older and Disabled People provides free bus travel on local registered bus services and scheduled coach services

throughout Scotland to people who are sixty years of age or over and eligible disabled people who are resident in Scotland. Eligible residents of Orkney, Shetland and the Western Isles also receive two free return ferry journeys per year to the mainland.

Policy Objectives

The purpose of this amendment Order is to provide operators with increased choice and flexibility in the provision of bus services to the general public whether commercial or by local transport authorities. The changes are designed to include and incentivise the possibility of fully flexible and/or partly fixed route bus services available to the general public being provided on a commercial basis by bus operators.

Our policy proposals do not include transport services for specialist groups (Community Transport) such as, elderly, disabled, school children etc. These services already receive Bus Service Operators Grant (BSOG) but do not qualify for concessionary travel as they cannot be used as a registered service and they will still not qualify under our proposed changes.

Consultation

A 3 month consultation ran from 1 July - 30 September 2011 which invited comment from all Local Authorities and Bus Operators in Scotland, plus the 7 Regional Transport Authorities (RTPs), Association of Transport Co-ordinating Officers (ATCO), Confederation of Passenger Transport (CPT), Community Transport Association (CTA) and a range of other organisations and individuals the Scottish Government identified as having an interest in this consultation document.

Almost all of the responses received welcomed legislation aimed at helping to support and develop eligible fully flexible and/or partly fixed route bus services available to the general public across the country. The majority of the responses backed the policy intention and there were no significant issues raised in the consultation which required any significant alterations to the draft legislation.

Financial implications

There will be no additional increase to either the BSOG or Scotland-wide concessionary travel scheme budgets for 2012/13, although these proposed amendments will result in an additional strain on each budget. The current BSOG scheme is budget limited and the Scotland-wide concessionary travel scheme budget is capped.

Business and Regulatory Impact Assessment (BRIA)

The Business and Regulatory Impact Assessment (BRIA) supports the changes within the amendment Order. It can be viewed at <http://home.scotland.gov.uk>.

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