

*Draft Regulations laid before Parliament under section 160(2A) of the Transport Act 2000, for
approval by resolution of each House of Parliament.*

DRAFT STATUTORY INSTRUMENTS

2020 No.0000

PUBLIC PASSENGER TRANSPORT, ENGLAND

The Public Service Vehicles (Open
Data) (England) Regulations 2020

Made - - - - 2020
Coming into force in accordance with regulation 1

The Secretary of State, in exercise of the powers conferred by section 141A of the Transport Act 2000(1), makes the following Regulations.

The Secretary of State has, in accordance with section 141A(10) of the Transport Act 2000, consulted such persons and organisations appearing to him to represent the interests of operators and users of relevant local services, such persons and organisations appearing to him to represent the interests of local transport authorities whose areas are in England, and such other persons and organisations as he considered appropriate.

A draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament pursuant to section 160(2A) of the Transport Act 2000(2).

Citation and commencement

1.—(1) These Regulations may be cited as the Public Service Vehicles (Open Data) (England) Regulations 2020.

(2) These Regulations come into force twenty-one days after the day on which they are made.

Interpretation

2.—(1) In these Regulations—

“the 1986 Regulations” means the Public Service Vehicles (Registration of Local Services) Regulations 1986(3);

(1) 2000 c.38. Section 141A was inserted by section 18(1) of the Bus Services Act 2017 (c.21).
(2) Section 160(2A) was inserted by paragraph 22(3) of Schedule 2 to the Bus Services Act 2017, and was amended by section 18(3)(b) of, and paragraph 7(3) of Schedule 4 to, that Act.
(3) S.I. 1986/1671.

“App” means a software programme, for use on an electronic device, which provides passengers with information about the planned and current operation of relevant local services in order to help them make informed decisions about their journeys;

“the bus open data digital service internet site” means the internet site designated by the Secretary of State from time to time for the provision, in accordance with these Regulations, of information about relevant local services;

“complex fare and ticket information” means information about fares that vary depending on—

- (a) the route taken;
- (b) the duration of the journey;
- (c) the type and the number of passengers;
- (d) the method of payment;
- (e) the amount of subsequent travel undertaken in a given period;
- (f) whether or not a discount or a cap is applied to the fare;

“operator” is to be construed in accordance with section 137(7) of the Transport Act 1985⁽⁴⁾;

“public holiday” means Christmas Day, Good Friday, the first Monday in May, or a day that is a bank holiday in England and Wales in accordance with paragraph 1 of Schedule 1 to the Banking and Financial Dealings Act 1971⁽⁵⁾;

“public service vehicle operator’s licence” means a public service vehicle operator’s licence granted under the provisions of Part 2 of the Public Passenger Vehicles Act 1981⁽⁶⁾;

“relevant local service” has the meaning given by section 141A(12)(a) of the Transport Act 2000, except that it does not include a community bus service in relation to which a community bus permit has been granted under section 22 of the Transport Act 1985⁽⁷⁾;

“the relevant registration functions” has the meaning given by section 6G(10) of the Transport Act 1985⁽⁸⁾;

“simple fare and ticket information” means information about—

- (a) adult single and return fares and tickets;
- (b) child single and return fares and tickets;
- (c) group fares and tickets;
- (d) period tickets;
- (e) single operator fares and tickets;
- (f) multi-operator fares and tickets;
- (g) zonal fares and tickets;
- (h) the ways in which fares may be paid;
- (i) which tickets can be purchased in advance and which can only be purchased on board a vehicle;
- (j) age restrictions;
- (k) time restrictions;

“stopping place” has the meaning given by section 137(1) of the Transport Act 1985;

(4) 1985 c.67. Section 137(7) was amended by paragraph 6 of Schedule 2 to the Concessionary Bus Travel Act 2007 (c.13).

(5) 1971 c.80.

(6) 1981 c.14.

(7) Section 22 was amended by Part 3 of Schedule 7 to the Local Transport Act 2008 (c.26) and by S.I. 2013/1644.

(8) Section 6G was inserted by section 14(2) of the Bus Services Act 2017 (c.21).

“timing point” means a specific stopping place that a service attempts to reach at a scheduled time;

“traffic commissioner” means a commissioner appointed under section 4 of the Public Passenger Vehicles Act 1981⁽⁹⁾ and includes a local transport authority where, in relation to an enhanced partnership scheme, the relevant registration functions of a traffic commissioner have been delegated to a local transport authority in accordance with section 6G of the Transport Act 1985.

(2) In these Regulations references to registration, in relation to a relevant local service, are to be construed in accordance with section 141A(12)(b) of the Transport Act 2000.

(3) In these Regulations references to a relevant local service that operates or is to operate in the area to which the franchising scheme relates are to be construed as references to a relevant local service that—

- (a) is provided, or is to be provided, under a local service contract⁽¹⁰⁾,
- (b) is, or is to be, an interim service⁽¹¹⁾, or
- (c) is provided, or is to be provided, under a service permit⁽¹²⁾,

in the area to which the franchising scheme relates.

(4) In these Regulations any document or information communicated by electronic means shall be deemed—

- (a) to have been sent, where the sender can produce a copy of the electronic communication that—
 - (i) contained the document or information;
 - (ii) shows the time and date the electronic communication was sent; and
 - (iii) shows that the electronic communication was sent to the person to whom it was addressed;
- (b) to have been sent by the sender referred to in sub-paragraph (a), where that person can produce a copy of the electronic communication that shows that the communication was sent by them; and
- (c) not to have been tampered with or otherwise modified after the time and date shown on the electronic communication as the time and date on which that communication was sent.

Route, operator, stopping place and timetable information

3.—(1) Subject to paragraphs (3) and (4) and regulations 7(1), 8 and 10 the information set out—

- (a) in paragraph (2)(a) to (j) must be provided to the Secretary of State by—
 - (i) an operator of a registered relevant local service in relation to the operation of that service in the relevant area⁽¹³⁾;
 - (ii) an applicant for the registration of particulars of a relevant local service in relation to the operation of that service in the relevant area; or

⁽⁹⁾ Section 4 was substituted by section 3 of the Transport Act 1985 and amended by sections 2 and 3 of the Local Transport Act 2008 (c.26).

⁽¹⁰⁾ “Local service contract” is defined in section 123A(5) of the Transport Act 2000.

⁽¹¹⁾ “Interim service” is to be construed in accordance with section 123O(2) of the Transport Act 2000.

⁽¹²⁾ “Service permit” is to be construed in accordance with section 123P(2) of the Transport Act 2000.

⁽¹³⁾ “Relevant area” means England outside Greater London in accordance with section 141A(12)(d) of the Transport Act 2000.

- (iii) a local transport authority(14) that is also a franchising authority(15) in relation to any relevant local service that operates or is to operate in the area to which the franchising scheme relates;
 - (b) in paragraph (2)(k) must be provided to the Secretary of State by an applicant for the variation of the registration of particulars of a relevant local service, or a local transport authority that is also a franchising authority in relation to any relevant local service that operates in the area to which the franchising scheme relates; and
 - (c) in paragraph (2)(l) must be provided to the Secretary of State by an applicant for the cancellation of the registration of particulars of a relevant local service, or a local transport authority that is also a franchising authority in relation to any relevant local service that operates or ceases to operate in the area to which the franchising scheme relates.
- (2) The information referred to in paragraph (1) is—
- (a) the name, and where applicable the trading name, of the operator or, as the case may be, the applicant;
 - (b) the operator’s or, as the case may be, applicant’s National Operator Code(16) and the number of its public service vehicle operator’s licence applicable to the service;
 - (c) the number or name of the service or proposed service;
 - (d) except where the service operates in an area to which a franchising scheme relates and is one to which section 123J(5) of the Transport Act 2000 does not apply, the number under which the service is registered with a traffic commissioner;
 - (e) the route of the service or proposed service, including the principal starting and finishing points;
 - (f) the stopping places of the service or proposed service in the order of stopping;
 - (g) information to ensure identification of a stopping place, comprising—
 - (i) the stop code, taken from the Secretary of State’s National Public Transport Access Nodes(17) database;
 - (ii) the Ordnance Survey grid reference;
 - (iii) relevant landmarks;
 - (iv) a topographic reference taken from the National Public Transport Gazetteer(18); and
 - (v) an indication of whether the stopping place is, or is to be, used as a timing point;
 - (h) the arrival and departure time at each stopping place or, where applicable, the frequency of the service;
 - (i) the days on which the service runs, or is to run, and any public holidays or other days on which the service does not, or will not, run;

(14) “Local transport authority” is defined in section 108(4) of the Transport Act 2000.

(15) “Franchising authority” is defined in section 123A(4) of the Transport Act 2000.

(16) The National Operator Code (NOC) is contained in the NOC database which is maintained by Traveline, a partnership between local authorities and transport operators in the United Kingdom which provides a public transport route planner service. The NOC is a unique national operator code which is used instead of regional operator codes to identify individual operators and their public names. The NOC is used in Traveline’s national database.

(17) The National Public Transport Access Nodes (NAPTAN) database lists all points of access to public transport in Great Britain. It records approximately 400,000 bus stops across England, Scotland and Wales, as well as other transport terminals including railway stations and airports. The NAPTAN database is managed by the Department for Transport and updated on a voluntary basis by local authorities.

(18) The National Public Transport Gazetteer (NPTG) is a database providing topographic information about cities, towns villages and other settlements in the United Kingdom. It provides a useful way of describing places and towns. Data from the NPTG supports the NAPTAN database. The NPTG database is maintained under contract by the Department for Transport.

- (j) where the service is, or is to be, provided for the purpose of serving a school, college or other educational establishment, the dates of terms for that school, college or other educational establishment;
 - (k) any change in the information provided under sub-paragraphs (a) to (j); and
 - (l) where the service has been or is to be terminated, information about the termination.
- (3) The requirement under paragraph (1)(a) to provide the information set out in paragraph (2) (a) to (j) applies only in relation to a relevant local service which—
- (a) is in operation on and after 31st December 2020; or
 - (b) commences, or is to commence, operation after that date.
- (4) The requirement under paragraph (1)(c) to provide the information set out in paragraph (2) (l) applies only in relation to a relevant local service which has been or is to be terminated after 31st December 2020.

Manner and form of provision of route, operator, stopping place and timetable information

- 4.—(1) The information provided to the Secretary of State under regulation 3 must—
- (a) be provided electronically to the bus open data digital service internet site; and
 - (b) be provided—
 - (i) in the case of an operator that provides, or an applicant that is to provide, no more than forty relevant local services in the relevant area, by means of—
 - (aa) a link to the operator’s or applicant’s chosen website, being a link which must lead directly to the information in the form of a file in TransXChange standard format for the relevant local service, or
 - (bb) a file in TransXChange standard format for the relevant local service; or
 - (ii) in the case of any other operator or applicant or a local transport authority, by means of a link to the operator’s, applicant’s or, as the case may be, local transport authority’s chosen website, being a link which must lead directly to the information in the form of a file in TransXChange standard format for the relevant local service.
- (2) Where information provided to the Secretary of State under regulation 3 is provided in accordance with paragraph (1)(b) by means of a link to its chosen website, the operator, applicant or, as the case may be, local transport authority must ensure that the link continues to work for as long as the obligation to provide the information under regulation 3 applies.
- (3) In these Regulations “TransXChange standard format” means the United Kingdom transport industry standard format for publishing route and timetable information⁽¹⁹⁾.

Fare and ticket information

- 5.—(1) Subject to paragraphs (3) and (4) and regulations 7(2) and (3), 9, 11 and 12 the information set out—
- (a) in paragraph (2)(a) and (b) must be provided to the Secretary of State by—
 - (i) an operator of a registered relevant local service in relation to the operation of that service in the relevant area;

⁽¹⁹⁾ The TransXChange standard is owned by the Secretary of State for Transport. It is currently used primarily for bus service registration and creation of journey planning information. Electronic copies of the standard can be found free of charge at <https://www.gov.uk/government/publications/transxchange-downloads-and-schema>. Hard copies of the standard can be obtained free of charge from the Buses and Taxis Division, Department for Transport, Great Minster House, 33 Horseferry Road, London, SW1P 4DR.

- (ii) an applicant for the registration of particulars of a relevant local service in relation to the operation of that service in the relevant area; or
 - (iii) a local transport authority that is also a franchising authority in relation to any relevant local service that operates or is to operate in the area to which the franchising scheme relates; and
- (b) in paragraph (2)(c) must be provided to the Secretary of State by an operator of a registered relevant local service in relation to the operation of that service in the relevant area or a local transport authority that is also a franchising authority in relation to any relevant local service that operates in the area to which the franchising scheme relates.
- (2) The information referred to in paragraph (1) is—
- (a) simple fare and ticket information for the service;
 - (b) complex fare and ticket information for the service;
 - (c) any change in the information provided under sub-paragraphs (a) and (b).
- (3) The requirement under paragraph (1)(a) to provide the information set out in paragraph (2) (a) applies only in relation to a relevant local service which—
- (a) is in operation on and after 7th January 2021; or
 - (b) commences, or is to commence, operation after that date.
- (4) The requirement under paragraph (1)(a) to provide the information set out in paragraph (2) (b) applies only in relation to a relevant local service which—
- (a) is in operation on and after 7th January 2023; or
 - (b) commences, or is to commence, operation after that date.

Manner and form of provision of fare and ticket information

- 6.—(1) The information provided to the Secretary of State under regulation 5 must—
- (a) be provided electronically to the bus open data digital service internet site; and
 - (b) be provided—
 - (i) in the case of an operator that provides, or an applicant that is to provide, no more than forty relevant local services in the relevant area, by means of—
 - (aa) a link to the operator’s or applicant’s chosen website, being a link which must lead directly to the information in the form of a file in the United Kingdom profile of the Netex standard format for the relevant local service, or
 - (bb) a file in the United Kingdom profile of the Netex standard format for the relevant local service; or
 - (ii) in the case of any other operator or applicant or a local transport authority, by means of a link to the operator’s, applicant’s or, as the case may be, local transport authority’s chosen website, being a link which must lead directly to the information in the form of a file in the United Kingdom profile of the Netex standard format for the relevant local service.

(2) Where information provided to the Secretary of State under regulation 5 is provided in accordance with paragraph (1)(b) by means of a link to its chosen website, the operator, applicant or, as the case may be, local transport authority must ensure that the link continues to work for as long as the obligation to provide the information under regulation 5 applies.

(3) In this regulation “the United Kingdom profile of the Netex standard format” means the version of the Netex standard format used by the United Kingdom bus industry.

(4) “Netex standard format” means the Network Timetable Exchange standard format, which is the European transport industry standard format for publishing multimodal fare and ticket information, amongst other types of information⁽²⁰⁾.

Time when requirement to provide information applies

- 7.—(1) The requirement to provide the information set out in regulation 3(2)(a) to (j) applies—
- (a) for any relevant local service in operation on and after 31st December 2020, from that date;
 - (b) for any relevant local service which is to commence operation on or after 1st January 2021, in accordance with regulation 10.
- (2) The requirement to provide the information set out in regulation 5(2)(a) applies—
- (a) for any relevant local service in operation on and after 7th January 2021, from that date;
 - (b) for any relevant local service which is to commence operation on or after 8th January 2021, in accordance with regulation 11.
- (3) The requirement to provide the information set out in regulation 5(2)(b) applies—
- (a) for any relevant local service in operation on and after 7th January 2023, from that date;
 - (b) for any relevant local service which is to commence operation on or after 8th January 2023, in accordance with regulation 12.

Changes to route, operator, stopping place and timetable information: time when information about changes must be provided

8.—(1) This regulation applies to all services for which the information referred to in regulation 3(2) to (j) must be provided.

(2) Where the operator of a registered relevant local service makes an application to a traffic commissioner for the variation or cancellation of the registration of the service, the information referred to in regulation 3(2)(k) or (l) must be provided to the Secretary of State by the date on which the application is made to the traffic commissioner.

- (3) In a case where—
- (a) the information falling within regulation 3(2)(k) does not require an application to be made to a traffic commissioner for the variation or cancellation of the registration of the service; or
 - (b) a registered relevant local service is to be varied without variation of the registration in any of the cases specified in regulation 9(2) of the 1986 Regulations⁽²¹⁾,

the operator of a registered relevant local service must provide the information to the Secretary of State before the change takes effect.

(4) A local transport authority that is also a franchising authority must provide the information referred to in—

- (a) regulation 3(2)(k) at least 28 days before the date on which the change is to take effect;
- (b) regulation 3(2)(l) at least 28 days before the date on which the termination is to take effect except where it is not reasonably practicable to give such notice before the service is terminated, in which case the information must be provided as soon as is reasonably practicable.

⁽²⁰⁾ The Netex standard is owned by the European Committee for Standardisation (CEN). Electronic copies of the United Kingdom profile of the Netex standard can be found free of charge at <http://netex.uk/netex/>. Electronic copies of the Netex standard can be found free of charge at <http://netex-cen.eu/>. Hard copies of the standards can be obtained free of charge from the Buses and Taxis Division, Department for Transport, Great Minster House, 33 Horseferry Road, London, SW1P 4DR.

⁽²¹⁾ Relevant amending S.I.s are 1988/1879, 1989/1064, 1994/3271, 2002/182, 2004/10 and 2010/1172.

(5) Where a traffic commissioner accepts an application for the cancellation of the registration of a relevant local service, the operator must, immediately before the cancellation is to take effect—

- (a) remove from its chosen website the file in TransXChange standard format relating to that service; or
- (b) as the case may be, remove from the bus open data digital service internet site the file in TransXChange standard format relating to that service.

(6) Where, as a result of a variation or revocation of a franchising scheme⁽²²⁾, a relevant local service is cancelled, a local transport authority that is also a franchising authority must immediately before the cancellation is to take effect remove from its chosen website the file in TransXChange standard format relating to that service.

Changes to fare and ticket information: time when information about changes must be provided

9.—(1) This regulation applies to all services for which the information referred to in regulation 5(2) or must be provided.

(2) The information falling within regulation 5(2)(c) must be provided to the Secretary of State by—

- (a) the operator of a registered relevant local service; or
- (b) a local transport authority that is also a franchising authority in relation to any relevant local service that operates in the area to which the franchising scheme relates,

before the date on which the change is to take effect.

Relevant local services that commence operation on or after 1st January 2021: time when route, operator, stopping place and timetable information must be provided

10.—(1) This regulation applies to relevant local services that are to commence operation on or after 1st January 2021.

(2) Except where paragraph (3) applies, the information referred to in regulation 3(2)(a) to (j) must be provided to the Secretary of State by an applicant for the registration of particulars of a relevant local service by the date on which the application is made to a traffic commissioner.

(3) This paragraph applies where the application for the registration of particulars of a relevant local service is one to which regulation 5 of the Public Service Vehicles (Registration of Local Services) (Franchising Schemes Transitional Provisions and Amendments) (England) Regulations 2018⁽²³⁾ applies.

(4) Where paragraph (3) applies, the applicant must provide to the Secretary of State the information referred to in regulation 3(2)(a) to (j) by the end of the period of notice specified in section 6(2)(b) (registration of local services) of the Transport Act 1985 as modified by regulation 5(2)(a) (short notice registration before a franchising scheme is in operation) of the Public Service Vehicles (Registration of Local Services) (Franchising Schemes Transitional Provisions and Amendments) (England) Regulations 2018.

(5) A local transport authority that is also a franchising authority must, in relation to a relevant local service that is to operate in the area to which the franchising scheme relates, provide to the Secretary of State the information referred to in regulation 3(2)(a) to (j) at least 28 days before the date on which the service is to come into operation.

⁽²²⁾ “Franchising scheme” is to be construed in accordance with section 123A(3) of the Transport Act 2000.

⁽²³⁾ [S.I. 2018/406](#).

Relevant local services that commence operation on or after 8th January 2021: time when simple fare and ticket information must be provided

11.—(1) This regulation applies to relevant local services that are to commence operation on or after 8th January 2021.

(2) Where this regulation applies, the information referred to in regulation 5(2)(a) must be provided to the Secretary of State by—

- (a) an applicant for the registration of particulars of a relevant local service; or
- (b) a local transport authority that is also a franchising authority in relation to any relevant local service that is to operate in the area to which the franchising scheme relates,

before the date on which the service is to commence operation.

Relevant local services that commence operation on or after 8th January 2023: time when complex fare and ticket information must be provided

12.—(1) This regulation applies to relevant local services that are to commence operation on or after 8th January 2023.

(2) Where this regulation applies, the information referred to in regulation 5(2)(b) must be provided to the Secretary of State by—

- (a) an applicant for the registration of particulars of a relevant local service; or
- (b) a local transport authority that is also a franchising authority in relation to any relevant local service that is to operate in the area to which the franchising scheme relates,

before the date on which the service is to commence operation.

Automatic vehicle location data

13.—(1) The operator of a registered relevant local service must, in relation to the operation of that service in the relevant area, provide the bus open data digital service internet site with automatic vehicle location data.

(2) A local transport authority that is also a franchising authority must provide the bus open data digital service internet site with automatic vehicle location data for any relevant local service which operates in the area to which the franchising scheme relates.

(3) The information provided under paragraph (1) or (2) must be updated no more frequently than every ten seconds and no less frequently than every thirty seconds.

(4) The requirement to provide information under paragraph (1) or (2) applies—

- (a) in respect of a service in operation on and after 31st December 2020, from 7th January 2021;
- (b) in respect of a service that is first provided on or after 1st January 2021, from the beginning of the day on which that service is first provided.

(5) In this regulation, “automatic vehicle location data” means data, in respect of any vehicle while it is being used to provide a relevant local service, that meets the requirements of the Vehicle Monitoring Service version of the Standard Interface for Real Time Information⁽²⁴⁾ and which comprises—

(24) The Standard Interface for Real Time Information is a European technical standard for exchanging between different computer systems information about the planned, current or projected performance of public transport operations. The Vehicle Monitoring Service version allows for identification of the exact location of a vehicle along its route. Hard copies of the standard can be obtained free of charge from the Buses and Taxis Division, Department for Transport, Great Minster House, 33 Horseferry Road, London, SW1P 4DR.

- (a) information as soon as it becomes available about the location of the vehicle along a route;
- (b) where available, the location of the vehicle in relation to a stopping place;
- (c) the vehicle identifier;
- (d) the name or number of the service;
- (e) the time the vehicle started its journey; and
- (f) the finishing point of the vehicle.

Information about the operation of services

14.—(1) Paragraph (2) applies to—

- (a) the operator of a registered relevant local service in relation to the operation of that service in the relevant area;
- (b) a local transport authority that is also a franchising authority in relation to any relevant local service which operates in the area to which the franchising scheme relates.

(2) Subject to paragraph (3), the operator or, where applicable, the local transport authority must provide the bus open data digital service internet site with data about punctuality of relevant local services in the previous calendar year, in the form of a file in electronic form, by 31st March of the following calendar year.

(3) The requirement referred to in paragraph (2) applies to the part of the calendar year falling on and after the date on which these Regulations come into force, and to subsequent calendar years.

Information about stopping places and changes to stopping places

15.—(1) A local transport authority must provide the Secretary of State's National Public Transport Access Nodes database with the following information in electronic form in relation to each stopping place in its area—

- (a) the location;
- (b) the stop code⁽²⁵⁾ or the nodes code taken from the Secretary of State's National Public Transport Access Nodes database;
- (c) the area code;
- (d) the Ordnance Survey grid reference;
- (e) relevant landmarks;
- (f) a topographic reference taken from the National Public Transport Gazetteer;
- (g) details of any change in the location.

(2) The provision of information under paragraph (1) must commence by 31st December 2020.

Use and disclosure of information provided to the Secretary of State

16.—(1) Subject to paragraphs (2) and (3), any information provided to the Secretary of State under regulations 3, 5, 13, 14 or 15 must be made available by the Secretary of State—

- (a) publicly;
- (b) in electronic form;
- (c) free of charge; and
- (d) without any restriction on its use and further disclosure.

(25) The stop code is the Association of Transport Co-ordinating Officers' stop code which is a unique identifier for bus stops.

(2) A person will not be able to use in any App that they have developed or may develop any information made available under paragraph (1) without having first provided the Secretary of State with the following information in electronic form—

- (a) their name and, where applicable, trading name;
- (b) their land-line telephone number or a mobile telephone number;
- (c) their address; and
- (d) their e-mail address.

(3) A person will not be able to use in any App that they have developed or may develop any information made available under paragraph (1) if the person—

- (a) does not acknowledge in a statement of attribution in any App that they have developed or may develop using information made available under paragraph (1) that the information has been taken from the bus open data digital service internet site;
- (b) does not state in any App that they have developed or may develop using information made available under paragraph (1) that while the Secretary of State strives to preserve the integrity and quality of information on the bus open data digital service internet site, the Secretary of State cannot warrant the accuracy or quality of the information on the site;
- (c) in any way implies or explicitly states that any App they have developed or may develop using information made available under paragraph (1) has the endorsement, affiliation, support or approval of the Secretary of State;
- (d) does not publish the date on which any file mentioned in regulation 4(1)(b)(i) or 6(1)(b)(i) was created;
- (e) uses the information made available under paragraph (1) in a manner that unreasonably impinges on the ability of others to use it; or
- (f) uses the information made available under paragraph (1) unlawfully.

Review

17.—(1) The Secretary of State must from time to time—

- (a) carry out a review of the regulatory provision contained in these Regulations; and
- (b) publish a report setting out the conclusions of the review.

(2) The first report must be published before the end of the period of five years beginning with the date on which these Regulations come into force.

(3) Subsequent reports must be published at intervals not exceeding 5 years.

(4) Section 30(4) of the Small Business, Enterprise and Employment Act 2015(26) requires that a report published under this regulation must, in particular—

- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a);
- (b) assess the extent to which those objectives are achieved;
- (c) assess whether those objectives remain appropriate; and
- (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way that involves less onerous regulatory provision.

(5) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

Signed by authority of the Secretary of State for Transport

Date

Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision to allow for the development of bus information applications or “Apps” for use on, for example, mobile telephones and other mobile devices in order to help passengers make informed decisions about their journeys. This is achieved by requiring bus operators (“operators”) and certain local authorities, in England outside Greater London to make their bus data available to the Secretary of State who will in turn publish it on an internet website.

Regulation 3 requires operators and local transport authorities in areas where such an authority has implemented or will implement a franchising scheme (“franchising authorities”) to provide certain key information to the Secretary of State including the routes, operators, stopping places and timetables of bus services.

Regulation 4 requires operators and franchising authorities to provide the information under regulation 3 electronically either via a link to a file on a website or in the form of a standalone file. It also requires the information to be provided in the form of a file in TransXChange standard format.

Regulation 5 requires operators and franchising authorities to provide information about fares and tickets.

Regulation 6 requires that the information provided under regulation 5 must be provided electronically either via a link to a file on a website or in the form of a standalone file. It also requires the information to be provided in the form of a file in Netex standard format that accords with the version of that standard used by the United Kingdom bus industry.

Regulation 7 sets out when route, operator, stopping place and timetable information and fare and ticket information relating to services must start to be provided to the Secretary of State. The requirements to provide the various types of information are being phased in.

Regulation 8 requires an operator to provide information to the Secretary of State about changes to services relating to routes, operators, stopping places and timetables by the date on which the operator makes an application for variation of the registration of the service to a traffic commissioner. It also requires the details of cancelled services to be removed from the operator’s, franchising authority’s or Secretary of State’s website.

Regulation 9 requires operators and franchising authorities to provide information to the Secretary of State about changes to services relating to fares and tickets before the changes take effect.

Regulation 10(2) provides that an operator wishing to commence operation of a service on or after 1st January 2021 must supply route, operator, stopping place and timetable information to the Secretary of State by the date on which the operator makes an application for registration of the service to a traffic commissioner. But regulation 10(3) and (4) provide that this does not apply to operators in areas where a franchising scheme is to be introduced. In these areas, the operator must provide the information by the end of the period of notice ending with the date the operator has given to a traffic commissioner as the date on which the service will commence. Regulation 10(5) requires a franchising authority to supply the information at least 28 days before the date on which the service is to come into operation.

Regulation 11 requires that an operator or a franchising authority wishing to commence operation of a service on or after 8th January 2021 must supply simple fare and ticket information to the Secretary of State before the date the service comes into operation.

Regulation 12 requires that an operator or a franchising authority wishing to commence operation of a service on or after 8th January 2023 must supply complex fare and ticket information to the Secretary of State before the date the service comes into operation.

Regulation 13 provides that operators and franchising authorities must supply to the Secretary of State automatic vehicle location data in relation to their services. The information must meet the requirements of the Vehicle Monitoring Service version of the Standard Interface for Real Time Information. The information must be updated no more frequently than every ten seconds and no less frequently than every thirty seconds. The supply of this information must commence by 7th January 2021.

Regulation 14 requires operators and franchising authorities to provide to the Secretary of State information in electronic form about the punctuality of services in the previous calendar year by 31st March of the following calendar year.

Regulation 15 requires local transport authorities to provide the Secretary of State with information in electronic form about stopping places in their area and changes to that information. Local transport authorities will do this by supplying information to the National Public Transport Access Nodes database in respect of bus services. The supply of this information must commence by 31st December 2020.

Regulation 16(1) requires the Secretary of State to make the information provided to him under these Regulations publicly available, and to make it available in electronic form, free of charge and without any restrictions on how it can be used, except for those restrictions on the use of the information that are set out in regulation 16(2) and (3). The Secretary of State will do this by setting up the bus open data digital service internet site.

Regulation 17 requires the Secretary of State to carry out a review of the operation and effect of these Regulations and publish a report. The first report must be published before the end of the period of five years beginning with the date on which these Regulations come into force, and subsequent reports must be published at intervals not exceeding five years.

An impact assessment has not been produced for these Regulations because an assessment was made of the impact of the Bus Services Bill (which amended the Transport Act 2000) and this was updated to take account of any additional impact of these Regulations relating to bus open data. Copies of the assessment may be obtained from the Buses and Taxis Division, Department for Transport, 2/12 Great Minster House, 33 Horseferry Road, London SW1P 4DR or from the Bus Services Bill page on gov.uk

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/589730/bus-services-bill-ia-for-regulations-secodary-legislation.pdf

An Explanatory Memorandum for this instrument has been published alongside these Regulations at www.legislation.gov.uk.