
DRAFT STATUTORY INSTRUMENTS

2023 No.

The Public Service Obligations in Transport Regulations 2023

PART 5

Enforcement

Pre-action information requests

26.—(1) An interested party may make a request to a competent authority for information about its decision to enter into a public service contract or make a general rule.

(2) A request under paragraph (1)—

- (a) must be made in writing before the end of the period of one month beginning with the publication date for the contract or rule to which the request relates, and
- (b) must state that it is being made only for the purpose of deciding whether to bring proceedings before a court on the ground that the decision to enter into the contract or make the rule did not comply with these Regulations.

(3) Where a competent authority receives a request under paragraph (1), the authority must provide such information as would enable, or assist in, the making of a determination as to whether the decision complied with these Regulations.

(4) The information must be provided by the competent authority—

- (a) in writing, and
- (b) within 28 days of receiving the request for information.

(5) In providing information, a competent authority may impose such restrictions as it considers proportionate in order to protect—

- (a) commercially sensitive information;
- (b) confidential information;
- (c) information subject to legal privilege;
- (d) information the disclosure of which would be contrary to the public interest.

(6) Information provided in response to a request made under this section may be used only—

- (a) for the purpose for which it was requested, and
- (b) in accordance with any restrictions imposed by the competent authority under paragraph (5).