
STATUTORY INSTRUMENTS

2002 No. 1015

PUBLIC PASSENGER TRANSPORT, ENGLAND

The Bus Service Operators Grant (England) Regulations 2002

Made - - - - 9th April 2002
Laid before Parliament 10th April 2002
Coming into force - - 1st May 2002

The Secretary of State for Transport, Local Government and the Regions, in exercise of the powers conferred upon him by section 154(5) of the Transport Act 2000⁽¹⁾ hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Bus Service Operators Grant (England) Regulations 2002 and shall come into force on 1st May 2002.

(2) These Regulations extend to England only.

Commencement Information

II Reg. 1 in force at 1.5.2002, see [reg. 1\(1\)](#)

Interpretation

2. In these Regulations—

[^{F1}“apex fare” means, in relation to a journey, a fare which is obtained by purchasing a ticket for that journey at least seven clear days before the date of travel and which is not more than 90% of the full adult fare which would be payable on purchasing such a ticket on the day of travel;]

“disabled person” has the same meaning as in section 1 of the Disability Discrimination Act 1995⁽²⁾;

[^{F2}“domestic coach service” means a bus service which—

(a) carries passengers at separate fares;

(1) 2000 c. 38.
(2) 1995 c. 50.

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(b) operates between two scheduled stops in England and Wales (at least one of which is in England), whether or not the service terminates at one or both of these stops; and

(c) is not a local service;]

[^{F3}“fixed stopping place” and “flexible service” have the meanings respectively given in the Public Service Vehicles (Registration of Local Services) Regulations 1986, as those Regulations apply in England;]

“local service” has the same meaning as in section 2 of the Transport Act 1985⁽³⁾;

“public passenger transport services” means all those services on which members of the public rely from getting from place to place, when not relying on private facilities of their own;

[^{F4}“statutory travel concession permit” has the same meaning as in section 145 of the Transport Act 2000;]

“stopping place” has the same meaning as in section 137(1) of the Transport Act 1985.

Textual Amendments

- F1** Words in [reg. 2](#) inserted (1.5.2003) by [The Bus Service Operators Grant \(Amendment\) \(England\) Regulations 2003 \(S.I. 2003/1036\)](#), regs. 1(1), **3(1)(a)**
- F2** Words in [reg. 2](#) inserted (1.5.2003) by [The Bus Service Operators Grant \(Amendment\) \(England\) Regulations 2003 \(S.I. 2003/1036\)](#), regs. 1(1), **3(1)(b)**
- F3** Words in [reg. 2](#) inserted (23.2.2004) by [The Bus Service Operators Grant \(Amendment\) \(England\) Regulations 2004 \(S.I. 2004/9\)](#), regs. 1(1), **3**
- F4** Words in [reg. 2](#) inserted (1.5.2003) by [The Bus Service Operators Grant \(Amendment\) \(England\) Regulations 2003 \(S.I. 2003/1036\)](#), regs. 1(1), **3(1)(c)**

Commencement Information

- I2** [Reg. 2](#) in force at 1.5.2002, see [reg. 1\(1\)](#)

Eligibility for grant

3.—(1) A bus service is an eligible bus service for the purposes of section 154 of the Transport Act 2000 (grants to bus service operators) if it is of one of the following classes—

(a) a local service provided or secured—

(i) by a [^{F5}local authority] pursuant to arrangements made under section 509 of the Education Act 1996⁽⁴⁾, or

(ii) for persons who have attained the age of sixty years or disabled persons, and in respect of which the conditions set out in paragraph (2) are satisfied;

(b) a local service, other than a service described in paragraph (1)(a) ^{F6}... in respect of which the conditions set out in paragraph (3) are satisfied;

(c) a bus service being provided by an operator to whom a permit under section 19 of the Transport Act 1985⁽⁵⁾ has been issued and remains in force, and in respect of which the conditions set out in paragraph (4) are satisfied^{[^{F7}];}

(d) a domestic coach service, to the extent of its travel in England, and in respect of which the conditions set out in paragraph (5) are satisfied].

(3) 1985 c. 67.

(4) 1996 c. 56.

(5) 1985 c. 67.

- (2) The conditions referred to in paragraph (1)(a) are that—
- (a) seats on the vehicle by means of which the service is provided are normally available to members of the general public and the service is regularly used by such members;
 - [^{F8}(b) the stopping arrangements are such that—
 - (i) all the fixed stopping places (whether marked or otherwise generally recognised) other than at the service termini are located where they are likely to be used with reasonable frequency by members of the general public, and
 - (ii) in any section of the area of operation of the service where there are no fixed stopping places, the arrangements for determining when and where passengers may be taken up and set down are such that members of the general public may take advantage of them with reasonable frequency;]
 - [^{F9}(c) members of the general public are able to make a single journey between two stopping places (to the extent that such journeys are provided for in the registered particulars having regard to boarding and alighting restrictions) upon payment of a fare that is not a deliberate deterrent to their use of the service,
 - (ca) in the case of a flexible service, the advance booking arrangements are such that they do not act as a deterrent to members of the general public wishing to make a single journey which is otherwise provided for in the particulars of registration;]
 - (d) [^{F10}members of the general public] are able to pay the fare at a place and in a manner which are not a deliberate deterrent to their use of the service; and
 - (e) arrangements are made which afford members of the general public a reasonable opportunity to inform themselves of the existence of the service, the times of its operation, and the places which it serves.
- (3) The conditions referred to in paragraph (1)(b) are that—
- (a) at least half of the accommodation on the vehicle by means of which the service is provided is normally available to members of the general public and the service is regularly used by such members;
 - [^{F11}(b) the stopping arrangements are such that—
 - (i) all the fixed stopping places (whether marked or otherwise generally recognised) are located where they are likely to be used with reasonable frequency by members of the general public, and
 - (ii) in any section of the area of operation of the service where there are no fixed stopping places, the arrangements for determining when and where passengers may be taken up and set down are such that members of the general public may take advantage of them with reasonable frequency;]
 - [^{F12}(c) members of the general public are able to make a single journey between two stopping places (to the extent that such journeys are provided for in the registered particulars having regard to boarding and alighting restrictions) upon payment of a fare that is not a deliberate deterrent to their use of the service,
 - (ca) in the case of a flexible service, the advance booking arrangements are such that they do not act as a deterrent to members of the general public wishing to make a single journey which is otherwise provided for in the particulars of registration;]
 - (d) [^{F13}members of the general public] are able to pay the fare at a place and in a manner which are not a deliberate deterrent to their use of the service;
 - (e) there is not displayed on the vehicle by means of which the service is provided any sign or description intended or likely to convey the impression that the service is only available to a particular category of person; and

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- (f) arrangements are made which afford members of the general public a reasonable opportunity to inform themselves of the existence of the service, times of its operation and the places which it serves.
- (4) The conditions referred to in paragraph (1)(c) are that the service is used wholly or mainly by—
- (a) persons who have attained the age of 60 years;
 - (b) disabled persons;
 - (c) persons in receipt of income support under section 124 of the Social Security Contributions and Benefits Act 1992⁽⁶⁾
 - (d) persons in receipt of jobseeker's allowance under the Jobseekers Act 1995⁽⁷⁾;
 - [^{F14}(dd) persons in receipt of employment and support allowance payable under Part 1 of the Welfare Reform Act 2007;]
 - (e) persons suffering a degree of social exclusion by virtue of unemployment, poverty or other economic factors, homelessness, geographical remoteness, ill health, or religious or cultural mores;
 - (f) persons who believe that it would be unsafe for them to use any public passenger transport services; or
 - (g) carers or persons under 16 years of age accompanying any of the foregoing.
- [^{F15}(5) The conditions referred to in paragraph (1)(d) are that—
- (a) the service provides half-price travel concessions (other than to persons travelling on an apex fare), on no fewer than 290 days per year, on no fewer than 21 days in any month except December, and on no fewer than 12 days in December (or pro rata if the service runs for part only of a year or month, the requirement being rounded down, as necessary, to the nearest whole number of days) to—
 - (i) persons who have attained the age of 60 years; and
 - (ii) any person to whom a current statutory travel concession permit has been issued, on production of the permit, or to any person who can demonstrate that he would be entitled to a statutory travel concession permit but for an agreement under section 145(6) of the Transport Act 2000;
 - (b) the service runs at least once per week for a period of not less than six consecutive weeks;
 - (c) seats on the vehicle by means of which the service is provided are normally available to members of the general public and the service is regularly used by such members;
 - (d) the service is operated in accordance with a timetable; and
 - (e) arrangements are made which afford members of the general public a reasonable opportunity to inform themselves of the existence of the service, times of its operation and the places which it serves.]

Textual Amendments

- F5** Words in [reg. 3\(1\)\(a\)\(i\)](#) substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) \(Local and Subordinate Legislation\) Order 2010 \(S.I. 2010/1172\)](#), art. 1(1), [Sch. 3 para. 43](#)
- F6** Words in [reg. 3\(1\)\(b\)](#) omitted (23.2.2004) by virtue of [The Bus Service Operators Grant \(Amendment\) \(England\) Regulations 2004 \(S.I. 2004/9\)](#), regs. 1(1), [4\(2\)](#)

(6) 1992 c. 4.
 (7) 1995 c. 18.

- F7** Reg. 3(1)(d) inserted (1.5.2003) by The Bus Service Operators Grant (Amendment) (England) Regulations 2003 (S.I. 2003/1036), regs. 1(1), **4(2)**
- F8** Reg. 3(2)(b) substituted (23.2.2004) by The Bus Service Operators Grant (Amendment) (England) Regulations 2004 (S.I. 2004/9), regs. 1(1), **4(3)**
- F9** Reg. 3(2)(c)(ca) substituted for reg. 3(2)(c) (23.2.2004) by The Bus Service Operators Grant (Amendment) (England) Regulations 2004 (S.I. 2004/9), regs. 1(1), **4(4)**
- F10** Words in reg. 3(2)(d) substituted (23.2.2004) by The Bus Service Operators Grant (Amendment) (England) Regulations 2004 (S.I. 2004/9), regs. 1(1), **4(5)**
- F11** Reg. 3(3)(b) substituted (23.2.2004) by The Bus Service Operators Grant (Amendment) (England) Regulations 2004 (S.I. 2004/9), regs. 1(1), **4(6)**
- F12** Reg. 3(3)(c)(ca) substituted for reg. 3(3)(c) (23.2.2004) by The Bus Service Operators Grant (Amendment) (England) Regulations 2004 (S.I. 2004/9), regs. 1(1), **4(7)**
- F13** Words in reg. 3(3)(d) substituted (23.2.2004) by The Bus Service Operators Grant (Amendment) (England) Regulations 2004 (S.I. 2004/9), regs. 1(1), **4(8)**
- F14** Reg. 3(4)(dd) inserted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 3) Regulations 2008 (S.I. 2008/1879), regs. 1(1), **12**
- F15** Reg. 3(5) inserted (1.5.2003) by The Bus Service Operators Grant (Amendment) (England) Regulations 2003 (S.I. 2003/1036), regs. 1(1), **4(3)**

Commencement Information

- I3** Reg. 3 in force at 1.5.2002, see **reg. 1(1)**

Signed by authority of the Secretary of State for Transport, Local Government and the Regions

Sally Keeble
Parliamentary Under Secretary of State,
Department for Transport, Local Government
and the Regions

9th April 2002

Status: Point in time view as at 05/05/2010.

Changes to legislation: There are currently no known outstanding effects for the The Bus Service Operators Grant (England) Regulations 2002. (See end of Document for details)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations describe the “eligible bus services” for the purposes of section 154 of the Transport Act 2000 (“the 2000 Act”). Under that section grants may be made to operators of eligible bus services towards their costs in operating the service. These Regulations re-enact the previous eligibility rules for fuel duty rebates under section 92 of the Finance Act 1965, which is superseded by section 154 of the 2000 Act. But these Regulations (regulation 3(1)(c) and (4)) extend eligibility to services provided by a range of non-profit making community transport bodies whose services do not follow a fixed route or timetable and are for use by particular categories of passengers, rather than the general public.

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