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STATUTORY INSTRUMENTS

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**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<sup>(1)</sup> 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—

<sup>F1</sup> ...

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

[<sup>F2</sup>“emergency service” means a service urgently required for the purpose of—

- (a) maintaining an existing service;
- (b) securing the provision of a service in place of a service which has ceased to operate; or
- (c) securing the provision of a service to meet any public transport requirement which has arisen unexpectedly;]

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

*Status: Point in time view as at 01/10/2013.*

*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)*

F1  
...

[<sup>F3</sup>“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;]

[<sup>F4</sup>“local authority service” means a service that is administered and run by a relevant local authority under a permit granted under section 19 of the Transport Act 1985 using only local authority staff;]

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

[<sup>F5</sup>“London franchised service” means a service provided by Transport for London or any of its subsidiaries, or by any other person other than a not for profit section 19 operator in pursuance of an agreement entered into by Transport for London or any of its subsidiaries under section 156(2) of the Greater London Authority Act 1999;]

[<sup>F5</sup>“not for profit section 19 operator” means an undertaking, operating a local service under a permit granted under section 19 of the Transport Act 1985, whose purpose is not to carry on business for gain; ]

“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;

[<sup>F6</sup>“rail replacement service” means a service for the carriage of passengers by road provided temporarily in place of the whole or a part of any service for the carriage of passengers by railway that has been temporarily discontinued, reduced or modified;]

[<sup>F6</sup>“railway” has the meaning described as the “wider meaning” in section 81(2) of the Railways Act 1993;]

[<sup>F6</sup>“relevant local authority” means local transport authorities, district councils in England and London transport authorities;]

[<sup>F6</sup>“special amenity element fare” means a fare that is significantly high in relation to the general level of fares charged for comparable journeys; ]

F1  
...

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

[<sup>F7</sup>“temporary service” means a service that is intended to operate for less than six consecutive weeks and is not an emergency service;]

#### Textual Amendments

- F1** Words in [reg. 2](#) omitted (1.11.2011) by virtue of [The Bus Service Operators Grant \(England\) \(Amendment\) Regulations 2011 \(S.I. 2011/2448\)](#), regs. 1(1), **2(2)**
- F2** Words in [reg. 2](#) inserted (1.10.2013) by [The Bus Service Operators Grant \(England\) \(Amendment\) Regulations 2013 \(S.I. 2013/2100\)](#), regs. 1(2), **2(2)(a)**
- 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 (1.10.2013) by [The Bus Service Operators Grant \(England\) \(Amendment\) Regulations 2013 \(S.I. 2013/2100\)](#), regs. 1(2), **2(2)(b)**
- F5** Words in [reg. 2](#) inserted (1.10.2013) by [The Bus Service Operators Grant \(England\) \(Amendment\) Regulations 2013 \(S.I. 2013/2100\)](#), regs. 1(2), **2(2)(c)**
- F6** Words in [reg. 2](#) inserted (1.10.2013) by [The Bus Service Operators Grant \(England\) \(Amendment\) Regulations 2013 \(S.I. 2013/2100\)](#), regs. 1(2), **2(2)(d)**

**F7** Words in reg. 2 inserted (1.10.2013) by The Bus Service Operators Grant (England) (Amendment) Regulations 2013 (S.I. 2013/2100), regs. 1(2), 2(2)(e)

**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 [<sup>F8</sup>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) <sup>F9</sup>... 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 [<sup>F10</sup>;

<sup>F11</sup>(d) .....]

(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 <sup>F12</sup>... available to members of the general public and the service is regularly used by such members;
- [<sup>F13</sup>(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;]
- [<sup>F14</sup>(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) [<sup>F15</sup>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

(4) 1996 c. 56.

(5) 1985 c. 67.

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- (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 <sup>F16</sup>... available to members of the general public and the service is regularly used by such members;
- [<sup>F17</sup>(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;]
- [<sup>F18</sup>(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) [<sup>F19</sup>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; <sup>F20</sup> ...
- (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;
- [<sup>F21</sup>(g) the service is not a temporary service;
- (h) the service is not a London franchised service;
- (i) the service is not one in connection with which a special amenity element fare is charged;
- (j) the service is not operated primarily for the purposes of tourism or because of the historical interest of the vehicle used to deliver the service;
- (k) the service is not a local authority service; and
- (l) the service is not a rail replacement service.]
- (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)

- [<sup>F22</sup>(ca) persons in receipt of universal credit under Part 1 of the Welfare Reform Act 2012;]
- (d) persons in receipt of jobseeker's allowance under the Jobseekers Act 1995(7);
- [<sup>F23</sup>(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.
- <sup>F24</sup>(5) .....

### Textual Amendments

- F8** 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**
- F9** 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)**
- F10** 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)**
- F11** Reg. 3(1)(d) omitted (1.11.2011) by virtue of The Bus Service Operators Grant (England) (Amendment) Regulations 2011 (S.I. 2011/2448), regs. 1(1), **2(3)(a)**
- F12** Word in reg. 3(2)(a) deleted (1.10.2013) by The Bus Service Operators Grant (England) (Amendment) Regulations 2013 (S.I. 2013/2100), regs. 1(2), **2(3)**
- F13** 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)**
- F14** 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)**
- F15** 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)**
- F16** Word in reg. 3(3)(a) deleted (1.10.2013) by The Bus Service Operators Grant (England) (Amendment) Regulations 2013 (S.I. 2013/2100), regs. 1(2), **2(4)**
- F17** 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)**
- F18** 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)**
- F19** 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)**
- F20** Word in reg. 3(3)(e) deleted (1.10.2013) by The Bus Service Operators Grant (England) (Amendment) Regulations 2013 (S.I. 2013/2100), regs. 1(2), **2(5)**
- F21** Reg. 3(3)(g)-(l) inserted (1.10.2013) by The Bus Service Operators Grant (England) (Amendment) Regulations 2013 (S.I. 2013/2100), regs. 1(2), **2(6)**
- F22** Reg. 3(4)(ca) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **85**
- F23** 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**

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**Status:** Point in time view as at 01/10/2013.

**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)

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**F24** Reg. 3(5) omitted (1.11.2011) by virtue of The Bus Service Operators Grant (England) (Amendment) Regulations 2011 (S.I. 2011/2448), regs. 1(1), **2(3)(b)**

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**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

## 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.

**Status:**

Point in time view as at 01/10/2013.

**Changes to legislation:**

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