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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision about quality partnership schemes which include requirements as to frequencies, timings and maximum fares. A quality partnership scheme is a scheme made by a local transport authority, or two or more local transport authorities, under which the authorities provide particular facilities at specific locations along the routes used by local bus services, and operators of local services who wish to use those facilities agree to provide services of a particular standard. Quality partnership schemes are made under Part 2 of the Transport Act 2000, as amended by the Local Transport Act 2008.

*Part 1* of the Regulations sets out general provisions. *Regulation 3* specifies that, where a scheme is to be made jointly by two or more authorities, one of those authorities must be identified as the lead authority for the purposes of these Regulations. This regulation also imposes obligations on a lead authority to consult and, where appropriate, act in accordance with the representations of the other authorities with whom the scheme is made. *Regulation 4* specifies that where a local bus service is operated under subsidy from the authority, and the effect of the subsidy agreement is that the service is provided to a standard proposed to be specified in a scheme, operators cannot object to the inclusion of that standard in the scheme.

*Part 2* of the Regulations defines, for the purposes of sections 114(6B) and 122(3)(c) of the Transport Act 2000, the terms “admissible objection” and “relevant operator”. It also prescribes the procedure to be followed by an operator who wishes to object to the inclusion of requirements as to frequencies, timings or maximum fares in a scheme. To be admissible an objection must be submitted by a relevant operator in accordance with the prescribed procedure, and must satisfy either or both of the grounds specified in *regulation 7(3)*. These are that it would either not be practicable, or it would not be commercially viable, for an operator to provide services to the standard specified. An objection must be submitted to the lead authority for a decision and, if the objector is unhappy with that decision, the matter may be referred to the traffic commissioner for a determination.

*Part 3* of the Regulations prescribes the procedure under which requirements as to frequencies, timings and maximum fares may be reviewed. Where a scheme sets requirements as to maximum fares, these must be reviewed at least every 12 months. No maximum period between reviews is prescribed for requirements as to frequencies and timings and it is for authorities to decide when they should take place. Where a prescribed number of operators request a review of the requirements which apply to them, the authority is generally under an obligation to carry out such a review. This obligation does not apply where it is less than 12 months since the previous review of those requirements, unless there has been a change in market conditions which materially affects the ability of the operator to secure an appropriate rate of return from operating the existing services. Following a review, operators may object to the outcome of that review, following the procedures in Part 2 of these Regulations.

An impact assessment has been prepared and copies can be obtained from the Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ. The assessment is annexed to the Explanatory Memorandum which can be found alongside the instrument on the Office of Public Sector Information website ([www.opsi.gov.uk](http://www.opsi.gov.uk)).