



# Local Transport Act 2008

## 2008 CHAPTER 26

### PART 4

#### GENERAL PROVISIONS RELATING TO PASSENGER TRANSPORT

##### *Registration of local services*

#### **48 Determination of applications for registration where restrictions in force**

(1) Section 6 of the TA 1985 (registration of local services) is amended as follows.

(2) After subsection (2) (conditions for providing service) insert—

“(2A) Where—

- (a) any registration restrictions imposed under section 114(3A) of the Transport Act 2000 (quality partnership schemes) are in force, and
- (b) an application for registration is made in respect of a service in relation to which those restrictions have effect,

section 6A of this Act has effect in relation to the application.”.

(3) After section 6 of the TA 1985 insert—

#### **“6A Applications for registration etc where restrictions are in force**

(1) This section applies in any case where—

- (a) any registration restrictions imposed under section 114(3A) of the Transport Act 2000 are in force in the case of a quality partnership scheme (“the scheme”);
- (b) an application for registration, or for variation or cancellation of registration, is made under section 6 of this Act to a traffic commissioner in respect of a local service in relation to which those restrictions have effect; and

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- (c) the application is one which would fall to be accepted by the traffic commissioner, apart from this section.
- (2) In any such case the traffic commissioner, before deciding whether or not to accept the application, must give to—
- (a) each relevant authority, and
  - (b) each relevant operator,
- a notice complying with subsection (3) below.
- (3) The notice must—
- (a) identify the application and state that it has been made;
  - (b) provide prescribed particulars of the application;
  - (c) inform the persons to whom it is required to be sent of the right of each of them to make relevant representations to the traffic commissioner about the application.
- (4) If no relevant representations are made, the application is to be accepted.
- (5) If any relevant representations are made by a relevant authority or a relevant operator, the traffic commissioner must decide whether the effect of accepting the application would be detrimental to the provision of local services under the scheme.
- (6) The traffic commissioner may decide that question only after—
- (a) considering those representations;
  - (b) taking account of any other relevant applications and any relevant representations made in relation to those applications;
  - (c) holding such inquiries under section 54 of the 1981 Act as the traffic commissioner may think fit; and
  - (d) applying the registration criteria.
- (7) If the traffic commissioner decides that the effect of accepting the application would not be detrimental to the provision of such services, the application is to be accepted.
- (8) If subsection (7) above does not apply, the traffic commissioner may do any one or more of the following—
- (a) refuse to accept the application;
  - (b) require the applicant to amend the application in such respects as the traffic commissioner may require before submitting it again;
  - (c) if the applicant has not given a written undertaking under section 118(4) of the Transport Act 2000 in relation to the scheme, require the applicant to give such an undertaking before the application may be accepted.
- (9) An appeal against any decision of a traffic commissioner under this section may be made to the Transport Tribunal by any of the following persons—
- (a) the person who made the application;
  - (b) any relevant authority that made relevant representations against the application;
  - (c) any relevant operator who made relevant representations against the application.

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As respects appeals to the Transport Tribunal, see Schedule 4 to this Act.

- (10) An appeal lies (in accordance with paragraph 14 of Schedule 4 to this Act) at the instance of any of the persons mentioned in the paragraphs of subsection (9) above from a decision of the Transport Tribunal on an appeal under that subsection.
- (11) Regulations may be made for the purposes of carrying this section into effect; and the provision that may be made by any such regulations includes provision—
- (a) as to the procedure for giving notice under subsection (2) above;
  - (b) prescribing the particulars of the application that are to be provided in such a notice;
  - (c) as to the procedure for making relevant representations;
  - (d) as to the procedure to be followed in determining the application.

- (12) In this section—

“quality partnership scheme” means a scheme under section 114 of the Transport Act 2000;

“registration criteria” means the criteria specified in the scheme by virtue of section 114(3C) of the Transport Act 2000;

“relevant application” means any application under section 6 of this Act—

- (a) which is made in respect of a local service in relation to which the registration restrictions have effect, and
- (b) which (whenever made) is awaiting the decision of the traffic commissioner;

“relevant authority” means the authority, or any of the authorities, that made the scheme;

“relevant operator” means—

- (a) any operator of local services who has given an undertaking under section 118(4) of the Transport Act 2000 in respect of the scheme;
- (b) any other operator of local services which might be affected if the application were to be accepted;

“relevant representations” means representations that the effect of accepting the application would be detrimental to the provision of services under the scheme, having regard to the registration criteria.”.

#### **49 Applications for registration where quality contracts scheme in force**

- (1) Section 6 of the TA 1985 (registration of local services) is amended as follows.

- (2) After subsection (2A) (which is inserted by section 48) insert—

“(2B) Where—

- (a) a quality contracts scheme under section 124 of the Transport Act 2000 is in force,
- (b) an operator proposes to provide a local service which is to have one or more stopping places within the area to which the scheme relates,

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- (c) the proposed service is not excluded from the scheme by virtue of section 127(4) of the Transport Act 2000, and
  - (d) the operator does not propose to provide the service under a quality contract by virtue of the scheme,
- section 6B of this Act has effect with respect to registration of that service.”.
- (3) After subsection (7) (variation or revocation of registration) insert—
- “(7A) Where—
- (a) a quality contracts scheme under section 124 of the Transport Act 2000 is in force,
  - (b) the operator of a local service registered under this section proposes to vary the registration,
  - (c) the service, as proposed to be varied, is to have one or more stopping places within the area to which the scheme relates,
  - (d) the service, as proposed to be varied, is not excluded from the scheme by virtue of section 127(4) of the Transport Act 2000, and
  - (e) the operator does not propose to provide the service, as proposed to be varied, under a quality contract by virtue of the scheme,
- section 6B of this Act has effect with respect to the variation of the registration.”.
- (4) In subsection (8) (time when variation etc becomes effective) after “Subject to regulations under this section” insert “and, in the case of variation, to section 6B of this Act,”.
- (5) After section 6A of the TA 1985 (which is inserted by section 48) insert—

**“6B Applications for registration where quality contracts scheme in force**

- (1) This section applies—
  - (a) by virtue of subsection (2B) of section 6 of this Act (“Case 1”), in relation to registration of the proposed local service mentioned in that subsection;
  - (b) by virtue of subsection (7A) of that section (“Case 2”), in relation to the proposed variation of the registration mentioned in that subsection.
- (2) Where this section applies, the operator may apply to a traffic commissioner—
  - (a) in Case 1, for registration of the proposed service under section 6 of this Act, or
  - (b) in Case 2, for variation of the registration under that section, notwithstanding anything in section 129(1)(a) of the Transport Act 2000 (sections 6 to 9 of this Act not to apply).
- (3) The traffic commissioner must not accept the application except in accordance with subsections (4) to (6) below.
- (4) On receipt of the application, the traffic commissioner must consult the authority or authorities who made the quality contracts scheme.

- (5) If, within the prescribed time, the traffic commissioner receives from the authority or authorities a clearance certificate in respect of the application, the traffic commissioner must—
  - (a) in Case 1, register the service under section 6 of this Act, or
  - (b) in Case 2, vary the registration under that section.
- (6) If the traffic commissioner does not receive such a certificate within that time, the application must be rejected.
- (7) In relation to Case 2, regulations may prescribe cases in which subsections (3) to (6) above do not apply.
- (8) In this section—

“clearance certificate” means a certificate that the provision—

  - (a) in Case 1, of the proposed local service, or
  - (b) in Case 2, of the local service as proposed to be varied,

will not have an adverse effect on local services provided under quality contracts in the area to which the quality contracts scheme relates;

“prescribed” means prescribed in regulations;

“the relevant authority or authorities” means the authority or authorities—

  - (a) who last continued the quality contracts scheme in force under section 131A of the Transport Act 2000, or
  - (b) if the scheme has not been so continued, who made it.”.

## **50 Traffic regulation conditions for anticipated traffic problems**

- (1) Section 7 of the TA 1985 (application of traffic regulation conditions to local services subject to registration under section 6 of that Act) is amended as follows.
- (2) In subsection (1) (traffic authority requesting traffic commissioner to exercise powers in relation to a particular traffic problem) after “particular traffic problem” insert “which has arisen or which the authority reasonably foresees is likely to arise”.
- (3) In subsection (4) (traffic commissioner to be satisfied that the conditions are required for certain purposes) for “are required” substitute “are, or are likely to be, required”.

## **51 Transport Tribunal to decide appeals against traffic regulation conditions**

- (1) Section 9 of the TA 1985 (appeals against traffic regulation conditions) is amended as follows.
- (2) In subsection (1) (appeals are to the Secretary of State) for “the Secretary of State” substitute “the Transport Tribunal”.
- (3) Omit subsections (3) and (4).
- (4) For subsection (5) (further appeal) substitute—

“(5) An appeal lies (in accordance with paragraph 14 of Schedule 4 to this Act) at the instance of any of the persons mentioned in subsection (6) below from a decision of the Transport Tribunal on an appeal under this section.”.

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- (5) In subsection (6)—
  - (a) for “the Secretary of State” substitute “the Transport Tribunal”;
  - (b) for “him” (in both places) substitute “the tribunal”.
- (6) Omit subsections (7) to (9).

## **52 Fees for registration of services**

- (1) Section 126(1) of the TA 1985 (application of section 52 of the PPVA 1981, which relates to fees, to registration of local services etc) is amended as follows.
- (2) In paragraph (a) after “for the variation” insert “or cancellation”.
- (3) After paragraph (a) insert—
  - “(aa) the continuation in force of registrations under that section;”.