
WELSH STATUTORY INSTRUMENTS

2009 No. 3293

The Quality Partnership Schemes (Wales) Regulations 2009

PART 3

**REVIEW OF REQUIREMENTS AS TO
FREQUENCIES, TIMINGS OR MAXIMUM FARES**

Interpretation of Part 3

16. For the purposes of this Part—

- (a) a review is “completed” on the latest of the following dates—
 - (i) where an objection to the whole or any part of the outcome of the review has been submitted by virtue of regulation 25(2), the date on which that objection is finally determined,
 - (ii) the date on which the time for the submission of an objection under regulation 25(2) expires without any such objection having been made, or
 - (iii) the date on which an objection made in accordance with regulation 25(2) is abandoned or withdrawn,and “objection” includes a reference to any further referral to a traffic commissioner for a determination under regulation 11, as applied by regulation 25;
- (b) a request for a review of a requirement as to frequencies, timings or maximum fares is an “excepted request” if the lead authority is of the opinion that, since the relevant date, there has not been a change in market conditions which materially affects the ability of the operator or operators making the request, acting in a competent and efficient manner, to secure an appropriate rate of return from continuing to operate existing services to the standard specified in the scheme;
- (c) “existing services” means, in relation to a particular operator, all local services registered under section 6 of the 1985 Act in the name of that operator—
 - (i) which have one or more stopping places in the area to which the scheme relates; and
 - (ii) in respect of which, on the day on which the lead authority, without a request from a relevant participating operator, decides to start a review or, as the case may be, a request for a review is made by a relevant participating operator, the registration is extant;
- (d) “maximum fares requirement period” has the meaning given in regulation 17(2);
- (e) “participating operator” means, in relation to a particular scheme, an operator—
 - (i) who has given a written undertaking to the traffic commissioner in accordance with section 118(4)(a) of the Act in respect of that scheme; a
 - (ii) who is, at the relevant date, operating local services in accordance with the terms of that undertaking;

- (f) “relevant date” in relation to a requirement as to frequencies, timings or maximum fares, means either—
 - (i) the date on which the requirement or, where a requirement as to maximum fares is varied in accordance with a formula, that formula was first introduced; or
 - (ii) where there has been a previous review of that requirement or formula, the date on which that review was completed;
- (g) “relevant participating operator” means, in relation to any requirement as to frequencies, timings or maximum fares specified in a scheme, a participating operator to whom that requirement applies; and
- (h) “review notice” means a notice issued by a lead authority to start a review of requirements as to frequencies, timings or maximum fares under these Regulations.