
WELSH STATUTORY INSTRUMENTS

2009 No. 3293

The Quality Partnership Schemes (Wales) Regulations 2009

PART 2

**DETERMINATION OF RELEVANT
OPERATOR AND ADMISSIBLE OBJECTION**

Definition of “admissible objection”

7.—(1) For the purposes of sections 114(6B) and 122(3)(c) of the Act “admissible objection” has the meaning given to it in this regulation.

- (2) An “admissible objection” is an objection—
- (a) made in accordance with the procedure prescribed in regulation 8; and
 - (b) which satisfies either or both of the grounds described in paragraph (3).
- (3) The grounds are that—
- (a) for either or both of the reasons listed in paragraph (4), it would not be practicable for the objector to provide particular relevant services, or relevant services of a particular description, to a specified standard which would apply to those relevant services if the scheme as proposed in the notice given under section 115(1) of the Act were to be made; or
 - (b) taking into account the matters listed in paragraph (5), it would not be commercially viable for the objector, acting in a competent and efficient manner, to provide relevant services to a specified standard which would apply to those relevant services if the scheme as proposed in the notice given under section 115(1) of the Act were to be made.
- (4) The reasons referred to in paragraph (3)(a) are that—
- (a) additional vehicles would need to be procured by the objector, or existing vehicles upgraded, to provide the service to the particular standard specified in the proposed scheme and it would not be practicable for the objector to procure the additional vehicles, or to upgrade existing vehicles, by the date specified in the proposed scheme; or
 - (b) additional staff would need to be employed by the objector to provide the service to the particular standard specified in the proposed scheme and it would not be practicable for the objector to employ the additional staff by the date specified in the proposed scheme.
- (5) The matters referred to in paragraph (3)(b) are—
- (a) the likely cost to the objector of providing relevant services to the particular standard which would apply to those services if the scheme as proposed in the notice given under section 115(1) of the Act were to be made;
 - (b) the income which the objector would be likely to receive from operating the relevant services, taking into account any additional fare revenue which is likely to accrue as a result of the—
 - (i) provision of facilities by the authority, and
 - (ii) improvements to the standard of services,

if the scheme as proposed in the notice given under section 115(1) of the Act were to be made; and

- (c) whether, taking into account the matters described in sub-paragraphs (a) and (b), the objector could be expected to secure an appropriate rate of return from the operation of the relevant services in the area to which the proposed scheme relates.
- (6) Subject to paragraphs (7) and (8), for the purposes of this regulation “relevant services” means, in relation to a particular operator—
- (a) all local services registered under section 6 of the 1985 Act in the name of that operator which have one or more stopping places in the area to which the scheme relates and in respect of which, on the day on which the authority or authorities first gave notice under section 115(1) of the Act, the registration was extant; or
 - (b) all proposed local services with one or more stopping places in the area to which the scheme relates in respect of which the operator had made an application to the traffic commissioner to register particulars under section 6 of the 1985 Act, and that application was made on or before the day on which the authority or authorities first gave notice under section 115(1) of the Act.
- (7) A local service is not a relevant service for the purposes of this regulation if, after the day on which the authority or authorities first gave notice under section 115(1) of the Act—
- (a) in respect of a local service to which paragraph (6)(a) applies, the operator submits an application to the traffic commissioner under section 6(7) of the 1985 Act to vary or cancel the registration of the service, and the effect is as described in paragraph (8); or
 - (b) in respect of a proposed local service to which paragraph (6)(b) applies, the operator withdraws the application to register the service.
- (8) The effect is that, at such time as the variation or cancellation takes effect the local service or, as the case may be, proposed local service, which, but for paragraph (7) and this paragraph, would be a relevant service, has no stopping places in the area to which the scheme relates.