
STATUTORY INSTRUMENTS

2009 No. 443

The Public Service Vehicles (Registration Restrictions) (England and Wales) Regulations 2009

Citation, commencement and extent

1.—(1) These Regulations may be cited as The Public Service Vehicles (Registration Restrictions) (England and Wales) Regulations 2009 and come into force on 6th April 2009.

(2) These Regulations extend to England and Wales⁽¹⁾.

Interpretation

2.—(1) In these Regulations—

“the 1985 Act” means the Transport Act 1985;

“decision” means the decision of a traffic commissioner under subsection (5) of section 6A of the 1985 Act (applications for registration etc. where restrictions are in force);

“notice” means, except in regulation 6 and paragraph (1) of the Schedule, the notice given by the traffic commissioner to relevant authorities and relevant operators under subsection (2) of section 6A of the 1985 Act.

(2) Except in regulation 6, any period of days prescribed in these Regulations is to be calculated excluding any day which is Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971⁽²⁾.

Procedure for giving notice

3.—(1) Subject to paragraph (3), a notice must be given in writing as soon as reasonably practicable after the date of receipt of the relevant application⁽³⁾, and in any event no more than 14 days after that date.

(2) For the purposes of section 6A(3)(b) of the 1985 Act⁽⁴⁾, a notice must include all of the following—

- (a) a copy of the relevant application to which the notice relates;
- (b) information about the procedure prescribed in regulation 4 for relevant authorities and relevant operators to make relevant representations to the traffic commissioner;
- (c) the address to which relevant representations should be sent;
- (d) where the service of relevant representations in electronic format is accepted, the fax number, e-mail address or other electronic address to which relevant representations may be sent;

(1) The power to make regulations under the powers in section 6 of the Transport Act 1985 has been devolved in relation to Scotland, under section 53 of the Scotland Act 1998. Section 6A of the Transport Act 1985 extends only to England and Wales.

(2) 1971 c. 80.

(3) The terms “relevant application”, “relevant authority”, “relevant operator” and “relevant representations” are defined in section 6A(12) of the Transport Act 1985, as inserted by section 48(3) of the Local Transport Act 2008.

(4) For the purposes of section 6A of the 1985 Act, section 137 of that Act provides that “prescribed” means prescribed by regulations.

- (e) the date by which relevant representations must be made, which must be not less than 21 days after the date of the notice; and
- (f) a list of the relevant authorities and relevant operators to whom the notice has been sent.

(3) Paragraph (1) does not apply if a relevant application does not contain all of the particulars prescribed for the purposes of section 6(2)(a) of the 1985 Act⁽⁵⁾ which are applicable to the application.

Procedure for making relevant representations

4.—(1) Relevant representations must—

- (a) be made in writing;
- (b) be served on the traffic commissioner who gave the notice no later than the date specified in accordance with regulation 3(2)(e); and
- (c) state the reasons why the relevant authority or, as the case may be, the relevant operator believes that the effect of accepting the relevant application would be detrimental to the provision of local services under the quality partnership scheme.

(2) Relevant representations may, where the notice includes any of the information described in regulation 3(2)(d), be served by fax or electronic communication.

(3) The relevant authority or, as the case may be, the relevant operator must, at the same time as they submit relevant representations to the traffic commissioner, send a copy of those representations to—

- (a) the person who made the relevant application; and
- (b) the persons listed in the notice in accordance with regulation 3(2)(f).

(4) Where a relevant authority or, as the case may be, a relevant operator submits relevant representations after the date stipulated in the notice in accordance with regulation 3(2)(e), but before the traffic commissioner has made a decision in respect of the relevant application to which the relevant representations relate, the traffic commissioner may take those representations into account if satisfied that—

- (a) there is an acceptable reason for the delay in submitting the representations; and
- (b) taking the representations into account will not delay the making of the decision.

Procedure to be followed in determining the application

5.—(1) Where relevant representations are made to the traffic commissioner, the traffic commissioner must notify the parties described in paragraph (2) in writing, within the periods described in paragraph (3), of the decision as to whether the relevant application is to be accepted.

(2) The parties are—

- (a) the person who made the relevant application;
- (b) any relevant authority who made relevant representations against the application; and
- (c) any relevant operator who made relevant representations against the application.

(3) The periods are—

- (a) within 21 days beginning with the date stipulated in the notice in accordance with regulation 3(2)(e); or

(5) The particulars are prescribed by regulation 4 of and the Schedule to the Public Service Vehicles (Registration of Local Services) Regulations 1986 (S.I. 1986/1671, amended by S.I. 2004/10, regulations 2 and 5). There are other amendments which are not relevant to these Regulations.

- (b) where the traffic commissioner holds an inquiry under section 54 of the Public Passenger Vehicles Act 1981⁽⁶⁾ (inquiries held by traffic commissioners) in respect of a relevant application, within 14 days beginning with the date of the conclusion of the inquiry.
- (4) Where the decision is to accept the relevant application, the notification referred to in paragraph (1) must specify the date, determined in accordance with regulation 6, on which the registration or, as the case may be, variation or cancellation of an existing registration, will take effect.
- (5) Where the traffic commissioner considers it to be necessary in order for a particular case to be dealt with fairly and justly, the traffic commissioner may, in accordance with paragraph (6), extend either of the periods prescribed in paragraph (3).
- (6) A period may be extended by virtue of paragraph (5) only for such period as the traffic commissioner considers appropriate in the circumstances of the case.

Period of notice for purposes of section 6 of the 1985 Act

- 6.—**(1) Where a relevant application is accepted by the traffic commissioner, the period of notice referred to in section 6(2)(b) or, as the case may be, the date described in section 6(8)(a) of the 1985 Act is such period or date as the traffic commissioner may determine in accordance with this regulation.
- (2) Unless the traffic commissioner decides that a shorter period should apply in accordance with paragraph (4), the date on which the period of notice expires must not be earlier than the later of the dates referred to in paragraph (3).
 - (3) The dates are—
 - (a) 28 days after the date on which the traffic commissioner notified the applicant of the decision in accordance with regulation 5(1); and
 - (b) the date cited in the relevant application as the date on which the applicant proposes to start to provide the new service or, as the case may be, to bring into effect the variation or cancellation of the registration of the service.
 - (4) The traffic commissioner may provide for the period of notice referred to in section 6(2)(b) or, as the case may be, section 6(8)(a) of the 1985 Act to be shorter than 28 days where the traffic commissioner considers that—
 - (a) due to exceptional circumstances, a shorter period would be appropriate; and
 - (b) it is reasonable to expect the operator to implement the new or, as the case may be, the revised particulars of the service within the shorter period.
 - (5) Where an application is made under section 6(7) of the 1985 Act to vary a registration to which registration restrictions imposed under section 114(3A) of the Transport Act 2000 have effect⁽⁷⁾, and that application is made in either of the cases described in paragraph (6), section 6(8) of the 1985 Act is modified to exclude the requirement of the expiry of a period.
 - (6) The cases are—
 - (a) where the registration is varied only to enable the operator of the service to comply with a traffic regulation condition or any other provision made by or under an enactment prohibiting or restricting the use of any road by vehicular traffic; or
 - (b) where the registration is varied only in respect of a change in the operator's address.

⁽⁶⁾ Section 54 was substituted by the Transport Act 1985, section 4.

⁽⁷⁾ 2000 c. 38. Section 114(3A) was inserted by section 13(4) of the Local Transport Act 2008.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Consequential amendments

7. The amendments in the Schedule have effect.

Signed by authority of the
Secretary of State

28th February 2009

Paul Clark
Parliamentary Under Secretary of State
Department for Transport