
STATUTORY INSTRUMENTS

2009 No. 443

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

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⁽¹⁾, 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.

(1) 2000 c. 38. Section 114(3A) was inserted by section 13(4) of the Local Transport Act 2008.