

Order laid before Parliament under section 3(4) of the Public Passenger Vehicles Act 1981, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1999 No.

ROAD TRAFFIC

The Traffic Areas (Reorganisation) (Wales) Order 1999

<i>Made</i>	- - - -	<i>9th March 1999</i>
<i>Laid before Parliament</i>		<i>10th March 1999</i>
<i>Coming into force</i>	- -	<i>1999</i>

The Secretary of State for the Environment, Transport and the Regions in exercise of the powers conferred by sections 3(2) and (3) and 80(2) of the Public Passenger Vehicles Act 1981⁽¹⁾, and in exercise of all other powers enabling him in that behalf, and after consultation with the Council on Tribunals in accordance with section 8(1) of the Tribunals and Inquiries Act 1992⁽²⁾, hereby makes the following Order:—

Commencement and citation

- 1.—(1) This Order may be cited as the Traffic Areas (Reorganisation) (Wales) Order 1999.
(2) The provisions of the Order shall come into force on the fourteenth day after the day on which this Order is approved by resolution of each House of Parliament.

Interpretation

2. In this Order—
“the 1981 Act” means the Public Passenger Vehicles Act 1981;
“the 1995 Act” means the Goods Vehicles (Licensing of Operators) Act 1995⁽³⁾;
“the 1990 Order” means the Traffic Areas (Reorganisation) Order 1990⁽⁴⁾;
“goods vehicle operator’s licence” means an operator’s licence within the meaning of section 2 of the 1995 Act;

(1) 1981 c. 14; section 3 was amended by paragraphs 4(2) of Part II of Schedule 2 to the Transport Act 1985 (c. 67) (“the 1985 Act”), section 14A was inserted by section 25 of the 1985 Act.
(2) 1992 c. 53.
(3) 1995 c. 23.
(4) S.I.1991/288; Schedule 1 was amended by S.I. 1991/634.

“operating centre”, in relation to a goods vehicle operator’s licence, has the meaning given by section 7(3) of the 1995 Act and, in relation to a PSV operator’s licence, has the meaning given by section 82(1) of the 1981 Act;

“PSV operator’s licence” has the meaning given by section 82(1) of the 1981 Act;

“review” means a review of a goods vehicle operating centre in accordance with sections 30 to 32 of the 1995 Act;

“the reorganisation date” has the meaning given by article 4; and

“transferred part of the North-Western Traffic Area” means the area transferred by article 3(3) to the Welsh Traffic Area.

Reorganisation of Traffic Areas

3.—(1) In this Order “the reorganisation date” means the date that this Order comes into force.

(2) On the reorganisation date, the South-Wales Traffic Area shall be abolished and in accordance with paragraph (4) the area which that Traffic Area comprises shall become part of the Welsh Traffic Area.

(3) On the reorganisation date, and in accordance with paragraph (4) the part of the North-Western Traffic Area which comprises the former counties of Clwyd and Gwynedd shall be transferred to the Welsh Traffic Area, and the rest shall remain as the North-Western Traffic Area.

(4) On the reorganisation date Schedule 1 to the 1990 Order shall be amended as follows—

(a) in column (1) “Welsh” shall be substituted for “South-Wales”;

(b) in column (2) “Clwyd” and “Gwynedd” shall be deleted, and “Wales” shall be substituted for “the Counties of Dyfed, Gwent, Mid Glamorgan, Powys, South Glamorgan and West Glamorgan”.

Construction and amendment of enactments and other documents

4.—(1) A reference in any enactment passed or made before the reorganisation date or in any other document made or issued before that date to the South-Wales Traffic Area, or to the traffic commissioner for the South-Wales Traffic Area, shall, in relation to any time on or after that date, be construed as a reference to the Welsh Traffic Area, or (as the case may be) the traffic commissioner for the Welsh Traffic Area.

(2) In respect of the transferred part of the North-Western Traffic Area, any reference in any enactment passed or made before the reorganisation date or in any other document made or issued before that date to the North-Western Traffic Area, or to the traffic commissioner for the North-Western Traffic Area, shall, in relation to any time on or after that date, be construed as a reference to the Welsh Traffic Area, or (as the case may be) the traffic commissioner for the Welsh Traffic Area.

Traffic Commissioners

5.—(1) Subject to paragraph (2), nothing in this Order shall affect the appointment of a traffic commissioner or a deputy traffic commissioner.

(2) The traffic commissioner for the Welsh Traffic Area shall be the person who immediately before the reorganisation date was the traffic commissioner for the South-Wales Traffic Area.

Debts and liabilities

6.—(1) Any debt in respect of the South-Wales Traffic Area or the transferred part of the North-Western Traffic Area which is due immediately before the reorganisation date shall be treated as a debt due to the traffic commissioner for the Welsh Traffic Area.

(2) Any liability in respect of the South-Wales Traffic Area or the transferred part of the North-Western Traffic Area which is outstanding immediately before the reorganisation date shall be treated as the liability of the traffic commissioner for the Welsh Traffic Area.

Goods vehicle operators' and PSV operators' licences

7. The Schedule to this Order shall have effect in relation to goods vehicle operators' licences and PSV operators' licences.

Continuity of exercise of functions

8.—(1) Nothing in this Order shall affect the validity of anything done by a traffic commissioner before the reorganisation date.

(2) Anything which immediately before the reorganisation date is in the process of being done by or in relation to a traffic commissioner in relation to the South-Wales Traffic Area or the transferred part of the North-Western Traffic Area may be continued by or in relation to the traffic commissioner for the Welsh Traffic Area.

(3) Anything done by or in relation to a traffic commissioner before the reorganisation date in relation to the South-Wales Traffic Area or the transferred part of the North-Western Traffic Area shall, so far as is required for continuing its effect on or after that date, have effect as if done by or in relation to the traffic commissioner for the Welsh Traffic Area.

(4) Without prejudice to the generality of paragraphs (2) and (3), those paragraphs apply in particular to—

- (a) any decision or determination made by a traffic commissioner;
- (b) any licence, permission, consent, approval, authorisation, exemption, dispensation or relaxation granted by a traffic commissioner;
- (c) any notice, direction or certificate given by or to a traffic commissioner;
- (d) any application, request, proposal, representation or objection made to a traffic commissioner;
- (e) any condition or requirement imposed by a traffic commissioner;
- (f) any undertaking given to a traffic commissioner;
- (g) any matter affecting fees;
- (h) any appeal against a decision of a traffic commissioner and any order made on such an appeal;
- (i) any appeal allowed or dismissed by a traffic commissioner;
- (j) any proceedings instituted by or against a traffic commissioner.

(5) The foregoing provisions of this article are subject to article 6 and without prejudice to the Schedule.

Inquiries

9.—(1) This article applies where—

- (a) an inquiry held by a traffic commissioner under any Act or statutory instrument has begun before the reorganisation date; and
- (b) but for this article, the matter to be determined at the inquiry would fall to be determined in whole or in part by the traffic commissioner for the South-Wales Traffic Area or the North-Western Traffic Area.

(2) In such a case, the traffic commissioner holding the inquiry may if he thinks fit, on and after the reorganisation date, continue to hold the inquiry (if it is not already completed) and, after it has been completed, make the determination.

(3) Any determination made by virtue of this article shall have effect as if it had been made by the traffic commissioner to whom, but for this article, the determination would have fallen to be made.

(4) Paragraphs (1) to (3) shall apply with appropriate modification where an inquiry is held by a deputy traffic commissioner.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

9th March 1999

Larry Whitty
Department of the Environment, Transport and
the Regions

THE SCHEDULE

Article 7

GOODS VEHICLE OPERATORS' LICENCES AND PSV OPERATORS' LICENCES

PART I

Existing goods vehicle operators' licences

Cases where only one existing licence held by a person has effect in the Welsh Traffic Area

1.—(1) Subject to paragraph 3 of this Schedule, this paragraph applies where, immediately before the reorganisation date either—

- (a) the places specified as operating centres in a goods vehicle operator's licence are all situated in the South-Wales Traffic Area, and no place in the transferred part of the North-Western Traffic Area is specified as an operating centre immediately before that date in any other goods vehicle operator's licence held by the same person; or
- (b) the places specified as operating centres in a goods vehicle operator's licence are all situated in the transferred part of the North-Western Traffic Area, and no place in the South-Wales Traffic Area is specified as an operating centre immediately before that date in any other goods vehicle operator's licence held by the same person.

(2) In such a case, the goods vehicle operator's licence shall, so far as is required for continuing its effect on and after the reorganisation date, have effect as if it had been granted by the traffic commissioner for the Welsh Traffic Area.

Cases where more than one existing licence held by a person has effect in the Welsh Traffic Area

2.—(1) Subject to paragraph 3 of this Schedule, this paragraph applies where, immediately before the reorganisation date—

- (a) the places specified as operating centres in a goods vehicle operator's licence are situated in the South-Wales Traffic Area; and
- (b) the person who holds that licence holds a North-Western Traffic Area good vehicle operator's licence in which the places specified as operating centres are all situated in the transferred part of the North-Western Traffic Area,

and in such a case the licences held by that person in which the places specified as operating centres are situated in the Welsh Traffic Area shall be collectively referred to in this paragraph as "the relevant licence".

(2) In such a case, on and after the reorganisation date—

- (a) each separate licence which forms part of the relevant licence shall be treated as subsisting independently until its amalgamation in accordance with sub-paragraph (3) below or its termination in accordance with the 1995 Act, whichever is the earlier, although for the purposes of section 8(2) of the 1995 Act the licences which constitute the relevant licence shall be deemed to be one licence; and
- (b) so far as is required for continuing its effect on and after the reorganisation date, each separate licence referred to in paragraph (a) above shall have effect as if either of them had been granted by the traffic commissioner for the Welsh Traffic Area, and any operating centre specified may be reviewed by the traffic commissioner as though reorganisation had not taken place.

(3) Unless the holder and the traffic commissioner for the Welsh Traffic Area have agreed an earlier amalgamation date, a separate licence (“the amalgamating licence”) referred to in sub-paragraph (2)(a) above shall lose its independent subsistence by its amalgamation with the other separate licence (“the continuing licence”) on the review date of an operating centre specified in the amalgamating licence under section 30 of the 1995 Act.

(4) If separate licences referred to in sub-paragraph (2)(a) above are not similarly classified under section 3(1) of the 1995 Act the traffic commissioner for the Welsh Traffic Area shall before the amalgamation takes place consider whether the requirements for a standard licence are met, and if he is satisfied that these are met he shall, unless he has good reason for limiting that licence, determine that the amalgamated licence shall be a standard licence; and for the purpose of making the determination under this sub-paragraph the traffic commissioner may require the licence-holder to provide an undertaking in respect of any vehicles authorised to be used under the licence and that undertaking shall be recorded in the licence.

(5) If either of the licences being amalgamated is a standard international licence, a licence classification determined under sub-paragraph (4) above shall authorise the use of a goods vehicle for the carriage of goods on both national and international transport operations unless the traffic commissioner has good reason for limiting that authorisation; and for the purpose of that authorisation the traffic commissioner may require the licence-holder to provide an undertaking in respect of any vehicles authorised to be used under the licence and that undertaking shall be recorded in the licence.

(6) The traffic commissioner for the Welsh Traffic Area shall transfer to the amalgamated licence any conditions or limitations for restricting or using the vehicles which are already attached to the transferring or existing licences, provided he is satisfied that those conditions or limitations are appropriate to the new circumstances, but shall in any event amend the specifications of maximum numbers under sections 6(1) and (2) of the 1995 Act so that the licence-holder is left in the same position as he was immediately before the amalgamation, or as near to that position as is practicable, and for these purposes the traffic commissioner may require from the licence-holder a statement equivalent to one provided under section 8(3)(a) of the 1995 Act by an applicant for a new licence.

(7) Where one of the separate licences referred to in sub-paragraph (2)(a) above is due to terminate (“the terminating licence”), as a consequence of amalgamation or other circumstances, the traffic commissioner for the Welsh Traffic Area may vary the other of those licences (“the continuing licence”) under section 17 of the 1995 Act so that if any vehicle authorised to be used under the terminating licence or operating centre specified in the terminating licence is transferred to the continuing licence, then the direction to vary under this sub-paragraph shall make provision for the payment of fees due in respect of any authorised vehicles which are transferred, which fee shall include a charge for each specified motor vehicle based on the period from the date of variation to the fee-due date of the continuing licence under which the vehicles are to be authorised.

(8) Nothing in this paragraph shall be construed as enabling a person to be granted a goods vehicle operator’s licence in respect of a traffic area if he already holds or is treated as already holding such a licence in respect of that area.

Cases where an existing licence held by a person has effect in the Welsh Traffic Area and in the North-Western Traffic Area

3.—(1) This paragraph has effect where the places specified immediately before the reorganisation date as operating centres in an existing North-Western Traffic Area goods vehicle operator’s licence are places which, on and after that date, are situated in both the Welsh Traffic Area and in the North-Western Traffic Area, whether or not before the reorganisation date the licence holder also had a licence issued by the traffic commissioner for the South-Wales Traffic Area.

(2) In such a case, the traffic commissioner for the North-Western Traffic Area shall, before the reorganisation date and after consulting the holder of the licence, give a direction—

- (a) which splits the existing licence so that there is a new licence for the Welsh Traffic Area and a varied licence for the North-Western Traffic Area (each such licence being referred to in this paragraph as a “new licence”), and, in relation to each vehicle specified in the existing licence, specifies the particular new licence to which each vehicle is assigned;
- (b) assigns the maximum number of motor vehicles specified in the existing licence to a particular new licence; and
- (c) assigns the maximum number of trailers specified in the existing licence to a particular new licence.

(3) A traffic commissioner for the North-Western Traffic Area may, after consulting the holder of the existing licence and at any time before the reorganisation date, give a direction varying any direction given by him under sub-paragraph (2) above.

(4) Where a direction has been given under sub-paragraph (2) or (3) above, paragraphs 1 and, subject to sub-paragraph (6) below, paragraph 2 of this Schedule shall, as the case may be, have effect in respect of a new licence to which there has been an assignment under the direction, as if immediately before the reorganisation date—

- (a) the only places specified as operating centres in the new licence on the reorganisation date were those situated in the traffic area appropriate to it;
- (b) the vehicles specified in the licence on that date were those assigned to that new licence under this paragraph;
- (c) the maximum number of motor vehicles specified in the new licence on that date were the number of motor vehicles assigned to that new licence under this paragraph; and
- (d) the maximum number of trailers specified in the licence on that date were the number of trailers assigned to that new licence under this paragraph;

and in so far as the licence has effect by virtue of paragraph 1 or 2 of this Schedule and of the foregoing provisions of this sub-paragraph, it shall have effect for each new licence as if, immediately before the reorganisation date, the new licence had been varied as set out in paragraphs (a) to (d) of this sub-paragraph.

(5) If the traffic commissioner for the North-Western Traffic Area as respects a licence fails to give a direction under sub-paragraph (2) before the reorganisation date, the functions under that sub-paragraph as respects that licence shall be exercisable on or after that date by the traffic commissioner for the North-Western Traffic Area in consultation with the traffic commissioner for the Welsh Traffic Area.

(6) Where the situation in sub-paragraph (1) above occurs and in the Welsh Traffic Area the licence-holder already holds a goods vehicle operator’s licence, then paragraph 2(3) of this Schedule shall apply on the basis that the transfer of any vehicle authorised to be used on a terminating licence shall be to that goods vehicle operator’s licence.

PART II

Existing PSV Operators' Licences

Cases where only one existing licence held by a person has effect in the Welsh Traffic Area

4.—(1) Subject to paragraph 6 of this Schedule, this paragraph applies where, immediately before the reorganisation date either—

- (a) the places specified as operating centres in a PSV operator’s licence are all situated in the South-Wales Traffic Area and no place in the transferred part of the North-Western Traffic

Area is specified as an operating centre immediately before that date in any other PSV operator's licence held by the same person; or

- (b) the places specified as operating centres in a PSV operator's licence are all situated in the transferred part of the North-Western Traffic Area, and no place in the South-Wales Traffic Area is specified as an operating centre immediately before that date in any other PSV operator's licence held by the same person.

(2) In such a case, the PSV operator's licence shall, so far as is required for continuing its effect on and after the reorganisation date, have effect as if it had been granted by the traffic commissioner for the Welsh Traffic Area.

Cases where more than one existing licence held by a person has effect in the Welsh Traffic Area

5.—(1) Subject to paragraph 6 of this Schedule, this paragraph applies where, immediately before the reorganisation date—

- (a) the places specified as operating centres in a PSV operator's licence are situated in the South-Wales Traffic Area; and
- (b) the person who holds that licence holds a North-Western Traffic Area PSV operator's licence in which the places specified as operating centres are all situated in the transferred part of the North-Western Traffic Area,

and in such a case the licences held by that person in which the places specified as operating centres are situated in the Welsh Traffic Area shall be collectively referred to in this paragraph as “the relevant licence”.

(2) In such a case, on and after the reorganisation date—

- (a) each separate licence which forms part of the relevant licence shall be treated as subsisting independently until its amalgamation in accordance with sub-paragraph (3) below or its termination in accordance with section 15 of the 1981 Act, whichever is the earlier, although for the purposes of section 12(3) of the 1981 Act the licences which constitute the relevant licence shall be deemed to be one licence; and
- (b) so far as is required for continuing its effect on and after the reorganisation date, each separate licence referred to in paragraph (a) above shall have effect as if either of them had been granted by the traffic commissioner for the Welsh Traffic Area.

(3) Unless the holder and the traffic commissioner for the Welsh Traffic Area have agreed an earlier amalgamation date, a separate licence (“the amalgamating licence”) referred to in sub-paragraph (2)(a) above shall lose its independent subsistence by its amalgamation with the other separate licence (“the continuing licence”) on the date when the fee payable for the first of those licences to remain in force becomes due but in any event within five years of the re-organisation date.

(4) If separate licences referred to in sub-paragraph (2)(a) above are not similarly classified under section 13(1) of the 1981 Act the traffic commissioner for the Welsh Traffic Area shall before the amalgamation takes place consider whether the requirements for a standard licence are met, and if he is satisfied that these are met he shall, unless he has good reason for limiting that licence, determine that the amalgamated licence shall be a standard licence; and for the purpose of making the determination under this sub-paragraph the traffic commissioner may require the licence-holder to provide an undertaking in respect of any vehicles authorised to be used under the licence and that undertaking shall be recorded in the licence.

(5) If separate licences referred to in sub-paragraph (2)(a) above are not similarly classified under section 13(2) of the 1981 Act the traffic commissioner for the Welsh Traffic Area shall before the amalgamation takes place consider whether the requirements for an international licence are met, and if he is satisfied that these are met he shall, unless he has good reason for limiting that licence,

determine that the amalgamated licence shall be an international licence; and for the purpose of making the determination under this sub-paragraph the traffic commissioner may require the licence-holder to provide an undertaking in respect of any vehicles authorised to be used under the licence and that undertaking shall be recorded in the licence.

(6) The traffic commissioner for the Welsh Traffic Area—

- (a) shall attach a condition regarding the maximum number of vehicles to be specified in the amalgamated PSV operator's licence, and for this purpose—
 - (i) in the case of a restricted licence the number shall not, except in the case prescribed under regulation 25 of the Public Service Vehicles (Operators' Licences) Regulations 1995⁽⁵⁾ exceed two, and
 - (ii) the condition may specify different maximum numbers for different descriptions of vehicle; and
- (b) may transfer to the amalgamated licence conditions for restricting or using the vehicles which are already attached to the separate licences continuing to have effect by virtue of sub-paragraph (2)(a) provided he is satisfied those conditions are appropriate to the new circumstances; and
- (c) may take into account any undertakings, including those given earlier, by the licence-holder provided he is satisfied the undertakings are appropriate to the new circumstances.

(7) The amalgamation by the traffic commissioner of separate licences which have continued by virtue of sub-paragraph (2)(a) shall not for the purposes of section 14A of the 1981 Act be construed as though he was granting a PSV operator's licence under the 1981 Act.

(8) Where one of the separate licences referred to in sub-paragraph (2)(a) above is due to terminate ("the terminating licence"), as a consequence of amalgamation or other circumstances, the traffic commissioner for the Welsh Traffic Area may vary the condition regarding the maximum number of vehicles which the holder may at any time use attached to another of those licences ("the continuing licence") so that any vehicle previously used under the terminating licence can be used under the continuing licence, and the direction to vary under this sub-paragraph shall make provision for the payment of fees due under the continuing licence, which fee shall include a charge for each additional motor vehicle based on the period from the date of variation to the fee-due date of the continuing licence.

(9) Where—

- (a) by virtue of the foregoing sub-paragraphs, a person is treated as holding more than one PSV operator's licence in respect of the Welsh Traffic Area; and
- (b) on the date on which one of those licences ("the terminating licence") is due to terminate proceedings are pending on an application by the person for a variation of another of those licences ("the continuing licence"); and
- (c) the application is such that if it were granted the person would be able to do under the continuing licence everything which he had been able to do under the terminating licence,

the terminating licence shall continue in force until—

- (i) the application; and
- (ii) any appeal under section 50 of the 1981 Act,

are disposed of, but without prejudice to the exercise in the meantime of the powers conferred by section 17 of the 1981 Act.

(5) S.I. 1995/2908.

(10) Nothing in this paragraph shall be construed as enabling a person to be granted an operator's licence in respect of a traffic area if he already holds or is treated as already holding such a licence in respect of that area.

Cases where an existing licence held by a person has effect in the Welsh Traffic Area and the North-Western Traffic Area

6.—(1) This paragraph has effect where the operating centres of the vehicles used under a PSV operator's licence before the reorganisation date, on and after that date are situated in both the Welsh Traffic Area and in the North-Western Traffic Area, whether or not before the reorganisation date the licence-holder also had a licence issued by the traffic commissioner for the South-Wales Traffic Area.

(2) In such a case, the traffic commissioner for the North-Western Traffic Area shall before reorganisation date and after consulting the holder of the licence, give a direction—

- (a) which splits the existing licence so that there is a new licence for the Welsh Traffic Area and a varied licence for the North-Western Traffic Area (each such licence being referred to in this paragraph as a “new licence”); and
- (b) assigns the maximum number of vehicles authorised under the existing licence to a particular new licence.

(3) A traffic commissioner for the North-Western Traffic Area may, after consulting the holder of the existing licence and at any time before the reorganisation date, give a direction varying any direction given by him under sub-paragraph (2) above.

(4) Where a direction has been given under sub-paragraph (2) or (3) above, paragraph 4 and paragraph 5 of this Schedule shall, as the case may be, have effect in respect of a new licence to which there has been an assignment under the direction, as if immediately before the reorganisation date—

- (a) the vehicles authorised on the licence on that date were those assigned to that new licence under this paragraph; and
- (b) the maximum number of motor vehicles authorised on the licence on that date were the number of motor vehicles assigned to that new licence under this paragraph,

and in so far as the licence has effect by virtue of paragraphs 4 or 5 of this Schedule, as the case may be, and of the foregoing provisions of this sub-paragraph, it shall have effect for each new licence as if, immediately before the reorganisation date, the new licence had been varied as set out in paragraphs (a) and (b) of this sub-paragraph.

(5) If the traffic commissioner for the North-Western Traffic Area as respects a licence, fails to give a direction under sub-paragraph (2) before the reorganisation date, the functions under that sub-paragraph as respect that licence shall be exercisable on or after that date by the traffic commissioner for the North-Western Traffic Area in consultation with the traffic commissioner for the Welsh Traffic Area.

PART III

Pending Proceedings

Goods vehicle operators' licences

7.—(1) Subject to sub-paragraph (8) below, where an application has, before the reorganisation date, been made by the holder of a goods vehicle operator's licence for a new place to be specified as an operating centre in that licence under section 17(1)(g) of the 1995 Act and that place is situated in the South-Wales Traffic Area or in the transferred part of the North-Western Traffic

Area, the application shall, as from the reorganisation date, be treated as an application to the traffic commissioner for the Welsh Traffic Area for, as the case requires, either—

- (a) for a goods vehicle operator’s licence specifying that place as an operating centre; or
- (b) to vary a goods vehicle operator’s licence already held by the applicant in respect of the Welsh Traffic Area by directing that place to be specified in it as a new operating centre;

and any application made in connection therewith under section 17 of the 1995 Act shall be dealt with accordingly.

(2) Where—

- (a) an application for a goods vehicle operator’s licence, or an application to vary a goods vehicle operator’s licence, made before the reorganisation date falls to be determined after that date; and
- (b) at any time before the application is determined, the applicant holds a goods vehicle operator’s licence (“the existing licence”) in respect of a place which after the reorganisation date will be the Welsh Traffic Area,

references to that application, where after the reorganisation date, the application falls to be determined by more than one traffic commissioner, shall be references to the application as it relates to the traffic commissioner for the Welsh Traffic Area or the North-Western Traffic Area as the case may be.

(3) Where, by virtue of this Order, two applications for goods vehicle operators' licences made to different traffic commissioners are treated as having been made to a traffic commissioner for one traffic area, nothing in section 8(2) of the 1995 Act shall prevent the traffic commissioner granting an interim licence to the applicant in respect of both or either of those applications.

(4) Sub-paragraph (1) above shall not affect the operation of subsections (2) to (7) of section 19 of the 1995 Act in relation to any such application as is referred to in that sub-paragraph (and accordingly, notwithstanding sub-paragraph (1), those subsections shall continue to apply to the application after the reorganisation date and sections 8(3) and 12(1)(b) and (4) of the 1995 Act shall not apply to it).

(5) Sub-paragraph (2) above shall not affect the operation of section 8(3) or section 12(1)(b) and (4) of the 1995 Act in relation to any such application as is referred to in that sub-paragraph (and accordingly, notwithstanding sub-paragraph (2) above, those provisions shall continue to apply to the application after the reorganisation date and section 19(2) to (7) shall not apply to it).

(6) For the purposes of this paragraph, a person holds a goods vehicle operator’s licence in respect of a traffic area if he either holds or is treated as holding such a licence in respect of that area.

(7) In this paragraph, a reference to a goods vehicle operator’s licence does not include an interim licence.

(8) For the purposes of this paragraph, an interim licence is a licence issued under section 24 of the 1995 Act.

PSV operators' licences

8.—(1) An application for a PSV operator’s licence made before the reorganisation date shall, as from that date, be treated as an application to the traffic commissioner for the traffic area in which the places named in the application as operating centres are situated or, if there is more than one such area, to the traffic commissioner for each of those areas in so far as it relates to their respective areas.

(2) Where—

- (a) a decision on an application for a new PSV operator’s licence made before the reorganisation date falls by virtue of article 8 of this Order to be determined after that date by the traffic commissioner for the Welsh Traffic Area; and

(b) at the time the decision is made, the applicant holds a PSV operator’s licence in respect of the Welsh Traffic Area (“the existing licence”),
the traffic commissioner for the Welsh Traffic Area shall treat the application as an application for a variation of the existing licence.

(3) For the purposes of this paragraph, a person holds a PSV operator’s licence in respect of a traffic area if he either holds or is treated as holding such licence in respect of that area.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order creates a new traffic area which will cover Wales and be known as the Welsh Traffic Area. The area previously within the South-Wales Traffic Area (which is abolished) and the former counties of Clwyd and Gwynedd within the North-Western Traffic Area are transferred by this Order to the Welsh Traffic Area.

The Order contains supplementary and transitional provisions.