

2015 No. 420

PUBLIC PASSENGER TRANSPORT

**The Public Service Vehicles (Registration of Local Services)
(Scotland) Amendment Regulations 2015**

Made - - - - - *9th December 2015*

Laid before the Scottish Parliament *11th December 2015*

Coming into force - - - *31st January 2016*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 6(2)(a), (3)(a), (8)(a) and (9) of the Transport Act 1985(a) and by section 60(1), (1A) and (2) of the Public Passenger Vehicles Act 1981(b) and all other powers enabling them to do so.

In accordance with section 61(2) of the Public Passenger Vehicles Act 1981(c), they have consulted with such representative organisations as they think fit.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Public Service Vehicles (Registration of Local Services) (Scotland) Amendment Regulations 2015 and come into force on 31st January 2016.

(2) In these Regulations, “the principal Regulations” means the Public Service Vehicles (Registration of Local Services) (Scotland) Regulations 2001(d).

Amendment of the principal Regulations

2.—(1) The principal Regulations are amended as follows.

(2) In regulation 2(1) (interpretation), after the definition of “the 1985 Act” insert—

““confirmation notice” means a notice issued to an operator, in writing, by a relevant authority confirming that the authority has received and considered a notification submitted under regulation 4(1);”.

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- (a) 1985 c.67. Section 6 was amended by the Transport (Scotland) Act 2001 (asp 2), section 46. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).
- (b) 1981 c.14. Section 134 of the Transport Act 1985 (“the 1985 Act”) provides that section 60 of the Public Passenger Vehicles Act 1981 (“the 1981 Act”) shall have effect as if Parts I and II of the 1985 Act were contained in the 1981 Act. See section 60(2) of the 1981 Act for definitions of “prescribed” and “regulations”. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).
- (c) Section 135 of the 1985 Act provides that section 61 of the 1981 Act shall have effect as if Parts I and II of the 1985 Act were contained in that Act. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).
- (d) S.S.I. 2001/219, to which there are amendments not relevant to these Regulations.

(3) In regulation 4 (applications for registration)—

(a) for paragraph (1) substitute—

“(1) The operator must submit notification of any proposed application for registration, or any proposed application for the variation or cancellation of a registration, to the relevant authority or authorities.

(1A) The operator may not submit an application for registration, or an application for the variation or cancellation of a registration, to the traffic commissioner before—

(a) the operator has received a confirmation notice from the relevant authority (or confirmation notices from all relevant authorities, where there is more than one); or

(b) the expiry of 28 days after the date of notification under paragraph (1),

whichever is earlier.”; and

(b) in paragraph (3), for “the requirement in paragraph (1) has been met” substitute “the requirements in paragraphs (1) and (1A) have been met”.

(4) In regulation 6(1) (periods of notice), for “56” substitute “42”.

Application of regulation 2(4)

3. The amendment made by regulation 2(4) does not have effect in relation to an application to the traffic commissioner which was notified to a relevant authority under regulation 4(1) of the principal Regulations before 31st January 2016.

St Andrew’s House,
Edinburgh
9th December 2015

DEREK MACKAY
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Public Service Vehicles (Registration of Local Services) (Scotland) Regulations 2001 (“the principal Regulations”).

Section 6 of the Transport Act 1985 provides that particulars of certain local public transport services must be registered with the traffic commissioner. The provisions made by these Regulations relate to these registrations.

Regulation 4 of the principal Regulations sets out the application procedure in respect of registrations. Regulation 2 of these Regulations amends the period of a notification of a proposed application for registration or proposed application for variation or cancellation of a registration. It also amends the period of notice in relation to any registration from 56 days to 42 days.

There is savings provision to ensure that the overall timescale is preserved for applications notified to relevant authorities prior to the coming into force of these Regulations (regulation 3).

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