
 STATUTORY INSTRUMENTS

1983 No. 1714

PUBLIC PASSENGER VEHICLES

The Traffic Areas (Reorganisation) (No. 2) Order 1983

Made - - - - - 10th May 1983
Laid before Parliament 12th May 1983
Coming into Operation 1st December 1983

ARRANGEMENT OF ORDER

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SCHEDULE

Traffic areas

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The Secretary of State for Transport, in exercise of the powers conferred by sections 3(2) and (3) and 80(2) of the Public Passenger Vehicles Act 1981 (a),

 (a) 1981 c. 14.

and of all other enabling powers, and after consultation with the Council on Tribunals in accordance with section 10(1) of the Tribunals and Inquiries Act 1971(a), hereby makes the following Order:—

Commencement and citation

1.—(1) This Order shall come into operation on the fourteenth day after the day on which it is approved by resolution of each House of Parliament.

(2) This Order may be cited as the Traffic Areas (Reorganisation) (No. 2) Order 1983.

Revocation

2. The Traffic Areas (Provisions on Variation) Order 1933(b) and the Traffic Areas (Reorganisation) Order 1983(c) are hereby revoked.

Interpretation

3.—(1) In this Order—

“licensing authority” in relation to an operator’s licence has the meaning given by section 59(1) of the 1968 Act, and in relation to a licence under Part IV of the Road Traffic Act 1972(d) has the meaning given by section 113(1) of that Act;

“operator’s licence” has the meaning given by section 60(1) of the 1968 Act;

“public service vehicle”, “PSV operator’s licence”, and “road service licence” have the meanings respectively given by section 82(1) of the 1981 Act;

“the 1968 Act” means the Transport Act 1968(e);

“the 1981 Act” means the Public Passenger Vehicles Act 1981.

(2) In this Order, unless the context otherwise requires, any reference to—

(a) a numbered Article is a reference to the Article bearing that number in this Order;

(b) a numbered paragraph is a reference to the paragraph bearing that number in the Article in which it appears.

(3) In this Order, unless the context otherwise requires, any reference to traffic commissioners shall, in relation to a licence to drive a public service vehicle or an application for such a licence or any action in respect of such a licence, be construed as a reference to the authority specified in section 22(2) of the 1981 Act.

(a) 1971 c. 62.

(b) S.R. & O. 1933/1101.

(c) This Order, not having been approved by Parliament, was never registered.

(d) 1972 c. 20.

(e) 1968 c. 73.

(4) For the purposes of this Order a matter shall be treated as completed notwithstanding that it is, or may become, subject to an appeal or a requirement for reconsideration.

Traffic areas

4.—(1) On and after 1st April 1984 the number of traffic areas is reduced from the eleven areas specified in section 3(1) of the 1981 Act to the nine areas specified in the Schedule to this Order.

(2) Those nine areas have the names specified in column 1 in the Schedule to this Order and comprise the areas specified in column 2 of that Schedule.

Amendment of enactments

5.—(1) On and after 1st April 1984, section 80 of the 1981 Act is varied so that—

- (a) in subsection (1), for the words “on the signed maps whose boundary is delineated thereon by a red line” there are substituted the words “in Article 4(2) of, and the Schedule to, the Traffic Areas (Reorganisation) (No. 2) Order 1983”;
- (b) in subsection (2), the words “and if, by virtue of subsection (3) of that section” to the end are omitted; and
- (c) subsections (3) and (4) are omitted.

(2) Any reference in any Act enacted before 1st April 1984 or in any subordinate legislation made before that date to a traffic area of a name specified in an item in column 2 of the Table to Article 6(1) shall, on and after 1st April 1984, be construed as a reference to the traffic area specified in that item in column 3 of that Table.

Traffic Commissioners

6.—(1) Any appointment made before 1st April 1984 of a person as a chairman of traffic commissioners for a traffic area specified in an item in column 2 in the Table below and which appointment is extant immediately before that date shall, on and after that date, be deemed to be an appointment as chairman of the traffic commissioners for the traffic area specified in that item in column 3 of that Table.

TABLE

1 Item No.	2 Traffic area before 1st April 1984	3 Traffic area on and after 1st April 1984
1.	Scottish	Scottish
2.	North-Western	North-Western
3.	Northern	North-Eastern
4.	West Midland	West Midland
5.	Eastern	Eastern
6.	South Wales	South Wales
7.	Western	Western
8.	Metropolitan	Metropolitan
9.	South-Eastern	South-Eastern
10.	Yorkshire	North-Eastern
11.	East Midland	Eastern

(2) The provisions of paragraph (1) apply in respect of any deputy chairman appointed under paragraphs 4, 5 and 6 of Schedule 2 to the 1981 Act in the same manner as they apply to a chairman.

(3) Any nomination made before 1st April 1984 of a person to a panel in respect of a traffic area by a council mentioned in section 5(3) (b) or (c) of the 1981 Act and which nomination is extant immediately before that date shall, on and after that date, be deemed to be a nomination to a panel in respect of the traffic area or areas specified in the Schedule to this Order in which lies all or part of the area of the council which made the nomination.

Debts and liabilities

7.—(1) Any debt which immediately before 1st April 1984 is due to traffic commissioners or a licensing authority shall, on and after that date, become due to the traffic commissioners or, as the case may be, to the licensing authority deemed, under the terms of this Order, to have acted in the matter to which the debt relates.

(2) Any liability which immediately before 1st April 1984 is a liability of traffic commissioners or a licensing authority shall, on and after that date, become a liability of the traffic commissioners or, as the case may be, the licensing authority deemed, under the terms of this Order, to have acted in the matter to which the liability relates.

Reports

8.—(1) The first report required pursuant to section 55 of the 1981 Act to be made by the traffic commissioners for a traffic area after 31st March 1984 shall, in so far as it relates to a time before 1st April 1984, be made to the Secretary of State as regards the traffic area or traffic areas as constituted before 1st April 1984 the office of which lay within the area of the traffic commissioners making the report.

(2) The first report required pursuant to section 59(3) of the 1968 Act to be

made by a licensing authority after 31st March 1984 shall, in so far as it relates to a time before 1st April 1984, be made to the Secretary of State as regards the traffic area or traffic areas as constituted before 1st April 1984 the office of which lay within the area of the licensing authority making the report.

Records

9. Any obligation which traffic commissioners or a licensing authority had before 1st April 1984 to keep records shall, on and after that date, be the obligation of the traffic commissioners or, as the case may be, the licensing authority deemed, under the terms of this Order, to have acted in the matter to which the records relate.

Transitional provisions about completed matters

10.—(1) Save as provided in Article 11 or paragraph (2) or (3), any licence, permit or consent granted or any other action completed before 1st April 1984 by traffic commissioners or a licensing authority shall, on and after that date, be deemed to have been granted or taken by the traffic commissioners or licensing authority who would have granted that licence, permit or consent or taken the other action if, at the time when it was granted or taken, the provisions of Articles 4 and 6 had been in force.

(2) In so far as any licence, permit, consent or other action is subject to any provision in Article 12 or 13, the provisions of Article 12 or, as the case may be, Article 13 shall prevail over the provisions of paragraph (1).

(3) In relation to an operator's licence or a PSV operator's licence in force on 31st March 1984, the provisions of paragraph (1) shall not apply so as to make unlawful anything which, by virtue of the licence, would have been lawful but for the provisions of Article 4.

(4) For the purposes of section 50(5) of the 1981 Act, and so far as it relates to that subsection, section 50(10) of that Act, any failure before 1st April 1984 by traffic commissioners against which an appeal is made shall, on and after that date, be deemed to have been a failure of—

- (a) in a case where the application is for a licence, the traffic commissioners who would, by virtue of paragraph (1) or Article 11(1) or (3), be deemed to have granted the licence had the application been granted before 1st April 1984;
- (b) in a case where the application is for the variation or removal of any condition attached to a licence, the traffic commissioners who, by virtue of paragraph (1) or Article 11(1) or (3), are deemed to have granted the licence.

Transitional provisions about completed matters affecting more than one traffic area

11.—(1) In a case where, by virtue of Article 10(1), the grant of any road service licence, or any action pertaining to such a licence, would, but for the provisions of this paragraph, be deemed to have been made by two or more sets of traffic commissioners the grant or other action is, in relation to any traffic

area in which any part of the service authorised by the licence lies, deemed to have been made by the traffic commissioners for that area.

(2) In a case where, by virtue of Article 10(1), the grant of any operator's licence, or any action pertaining to such a licence, would, but for the provisions of this paragraph, be deemed to have been made by two or more licensing authorities the grant or other action is deemed to have been made by the licensing authority specified in Article 14(1).

(3) In a case where, by virtue of Article 10(1), the grant of a PSV operator's licence, or any action pertaining to such a licence would, but for the provisions of this paragraph, be deemed to have been made by two or more sets of traffic commissioners the grant or other action is deemed to have been made by the traffic commissioners specified in Article 14(2).

Transitional provisions about uncompleted public sittings and inquiries

12.— (1) Where, before 1st April 1984, a public sitting under section 54 of the 1981 Act has been arranged but not started by traffic commissioners, the arrangement shall, on and after that date, be deemed to have been made by the traffic commissioners specified in Article 14(2).

(2) Where, before 1st April 1984, an inquiry under section 87 of the 1968 Act has been arranged but not started by a licensing authority the arrangement shall, on and after that date, be deemed to have been made by the licensing authority specified in Article 14(1).

(3) Where, before 1st April 1984, a public sitting under section 54 of the 1981 Act has been started, but not finished, by traffic commissioners the sitting shall—

- (a) be continued by the traffic commissioners specified in Article 14(2) if that results in the continuation being made by the same person or persons who started the sitting; and
- (b) be started afresh by those traffic commissioners in any other case.

(4) Where, before 1st April 1984, an inquiry under section 87 of the 1968 Act has been started, but not finished, by a licensing authority the inquiry shall—

- (a) be continued by the licensing authority specified in Article 14(1) if that results in the continuation being made by the same person who started the inquiry; and
- (b) be started afresh by that licensing authority in any other case.

Transitional provisions about other uncompleted matters

13.— (1) Without prejudice to the provisions of Article 12, and except as provided in paragraph (2), where, before 1st April 1984 —

- (a) any application, request or requirement has been made to, but not determined or discharged by, traffic commissioners or a licensing authority, or
- (b) any matter has been started, but not finished, by traffic commissioners or a licensing authority,

the application, request or requirement shall on and after that date be deemed to have been made to, and any action taken by such traffic commissioners or licensing authority in respect of the application, request or requirement or other matter shall be deemed to have been taken by, the traffic commissioners specified in Article 14(2) or, as the case may require, the licensing authority specified in Article 14(1).

(2) Except in a case to which paragraph (4) refers, where, before 1st April 1984, any application, request or requirement has been made to traffic commissioners or a licensing authority and no action has, before 1st April 1984, been taken by the traffic commissioners or licensing authority in respect of the application, request or requirement, the same shall be deemed to have been made to the traffic commissioners or licensing authority to whom the application, request or requirement would, on 1st April 1984, have correctly been made.

(3) If before 1st April 1984, for any reason other than one arising from a matter mentioned in paragraph (1) or (2), traffic commissioners have, or a licensing authority has, any standing in an uncompleted matter the traffic commissioners specified in Article 14(2) or, as the case may be, the licensing authority specified in Article 14(1) shall, on and after that date, be deemed to have that standing.

(4) Any application made before 1st April 1984 to traffic commissioners by virtue of section 9(8) or 21(1)(b) of the 1981 Act shall, on and after that date, be deemed to have been made to the traffic commissioners for the traffic area specified in Article 14(2).

Licensing authorities and traffic commissioners referred to in Articles 11, 12 and 13

14.—(1) The licensing authority referred to in Articles 11(2), 12(2) and (4) and 13(1) and (3) is the licensing authority for the traffic area specified in the Schedule to this Order in which lies the place which was the office of the licensing authority which made the grant or took the action or had the standing before 1st April 1984.

(2) The traffic commissioners referred to in Articles 11(3), 12(1) and (3) and 13(1), (3) and (4) are the traffic commissioners for the traffic area specified in the Schedule to this Order in which lies the place which was the office of the traffic commissioners who made the grant or took the action or had the standing before 1st April 1984.

The effect of the completion of uncompleted matters

15. Where, in accordance with the provisions of Article 12 or 13, any matter is completed by traffic commissioners specified in Article 14(2) or, as the case may be, by a licensing authority specified in Article 14(1), that matter shall be deemed to have been completed by the traffic commissioners specified in Article 10(1) or Article 11(1) or (3) or, as the case may require, by the licensing authority specified in Article 10(1) or Article 11(2).

Transitional provisions about licences

16. Where the holder of a licence of a type specified in an item in column 2 of the Table below which is extant on 1st April 1984 applies, on the expiry of the licence, for one or more new licences, the provisions of the sections specified in that item in column 3 of that Table apply in relation to any such application.

TABLE

1 Item No.	2 Type of licence held	3 Provisions applied
1.	Operator's licence to which Article 11(2) applies.	Section 67(4) and (5) of the 1968 Act.
2.	PSV Operator's licence to which Article 11(3) applies.	Section 15(3) of the 1981 Act.
3.	Road service licence to which Article 11(1) applies.	Section 37(3) of the 1981 Act.

17.—(1) Where two or more PSV operator's licences which were granted by the traffic commissioners for different traffic areas are, by virtue of Article 10(1) or 11(3), or both, deemed to have been granted by the traffic commissioners of one traffic area, the provision of section 12(3) of the 1981 Act that a person shall not hold more than one PSV operator's licence granted by the traffic commissioners for the same area does not apply as regards any of those licences for so long as one or more of them remains extant.

(2) Where two or more operator's licences which were granted by the licensing authorities for different traffic areas are, by virtue of Article 10(1) or 11(2), or both, deemed to have been granted by the licensing authority of one traffic area the provision of section 62(1) of the 1968 Act that a person shall not at any time hold more than one operator's licence in respect of the same area does not apply as regards any of those licences for so long as one or more of them remains extant.

David Howell,
Secretary of State for Transport.

10th May 1983.

SCHEDULE

(Articles 4 and 14)

TRAFFIC AREAS

1	2
Names of Traffic Areas	Areas comprised in Traffic Areas
Scottish	Scotland
North-Western	(a) The Metropolitan Counties of Greater Manchester and Merseyside. (b) The Counties of Cheshire, Clwyd, Cumbria, Gwynedd and Lancashire. (c) The Borough of High Peak in the County of Derbyshire.
North-Eastern	(a) The Metropolitan Counties of South Yorkshire, Tyne and Wear and West Yorkshire. (b) The Counties of Cleveland, Durham, Humberside, Northumberland and North Yorkshire.
West Midland	(a) The Metropolitan County of West Midlands. (b) The Counties of Hereford and Worcester, Shropshire, Staffordshire and Warwickshire.
Eastern	(a) The Counties of Bedfordshire, Cambridgeshire, Leicestershire, Lincolnshire, Norfolk, Northamptonshire, Nottinghamshire and Suffolk. (b) The County of Derbyshire except the Borough of High Peak. (c) The County of Essex except the Districts of Basildon, Brentwood, Epping Forest and Harlow and the Borough of Thurrock.
South Wales	The Counties of Dyfed, Gwent, Mid Glamorgan, Powys, South Glamorgan and West Glamorgan.
Western	The Counties of Avon, Cornwall, Devon, Dorset, Gloucestershire, Somerset and Wiltshire.
Metropolitan	(a) The administrative area of Greater London. (b) The County of Hertfordshire. (c) The County of Surrey except the Borough of Surrey Heath and the District of Waverley. (d) The Districts of Basildon, Brentwood, Epping Forest and Harlow and the Borough of Thurrock in the County of Essex. (e) The Borough of Dartford and the District of Sevenoaks in the County of Kent.
South-Eastern	(a) The Counties of Berkshire, Buckinghamshire, East Sussex, Hampshire, Isle of Wight, Oxfordshire and West Sussex. (b) The County of Kent except the Borough of Dartford and the District of Sevenoaks. (c) The Borough of Surrey Heath and the District of Waverley in the County of Surrey.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, in exercise of the powers conferred by sections 3(2) and (3) and 80(2) of the Public Passenger Vehicles Act 1981—

- (a) reduces the number of traffic areas from the 11 areas specified in section 3(1) of that Act to the 9 areas specified in the Schedule to the Order (Article 4 refers);
- (b) makes the consequential and incidental provisions which appear to be necessary or expedient in consequence of that reduction (Articles 6 to 17 refer);
- (c) amends section 80 of that Act in consequence of the abolition of the signed maps as defined in subsection (3) of that section (Article 5(1) refers) and makes provisions as regards other enactments (Article 5(2) refers); and
- (d) revokes the orders specified in Article 2.

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