
STATUTORY INSTRUMENTS

1991 No. 288

ROAD TRAFFIC

The Traffic Areas (Reorganisation) Order 1990

Made - - - - *19th December 1990*

Laid before Parliament *19th December 1990*

Coming into force

For the purposes of article 8 *4th March 1991*

For all other purposes *1st June 1991*

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(1), 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(2), hereby makes the following Order:—

Commencement and citation

1.—(1) This Order may be cited as the Traffic Areas (Reorganisation) Order 1990.

(2) Subject to paragraph (3), the provisions of the Order shall come into force on 1st June 1991 or 2 months after the day on which this Order is approved by resolution of each House of Parliament (whichever is the later).

(3) Article 8 shall come into force on the 14th day after the day on which the Order is approved by resolution of each House of Parliament.

Revocation

2. The Traffic Areas (Reorganisation) (No. 2) Order 1983(3) is hereby revoked.

(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); sections 4 and 5 were substituted by section 3(2) of that Act; section 12 was amended by paragraph 11 of Schedule 1 to that Act; sections 14A and 16(1A) were inserted respectively by sections 25 and 24(1) of that Act; section 16(3) was amended by Schedule 2, Part 11, paragraph 4(7)(b) to that Act; section 22 was amended by paragraph 5 of Schedule 1 to that Act; Part III was repealed by section 1 of that Act; section 50 was substituted by section 31 of that Act; section 52(1) was applied by section 126(1) of, and amended by paragraph 4(14) of Part II of Schedule 2 and Schedule 8 to that Act; section 54 was substituted by section 4 of that Act; section 60(1) was applied by section 134 of, and amended by paragraph 4(18) of Part II of Schedule 2 and paragraph 21(9) of Schedule 7 and Schedule 8 to that Act; section 61(2) was applied by section 135(1) of that Act; Schedule 2 was substituted by Schedule 2 of that Act.

(2) 1971 c. 62; Schedule 1 was amended by paragraph 2 of Part II of the Transport Act 1985 (c. 67).

(3) S.I.1983/1714.

Interpretation

3.—(1) In this Order—

“the 1968 Act” means the Transport Act 1968(4);

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

“the 1983 Order” means the Traffic Areas (Reorganisation) (No. 2) Order 1983;

“new area” and “transferred area” shall be construed in accordance with article 4(6);

“goods vehicle operator’s licence” means an operator’s licence within the meaning of section 60(1) of the 1968 Act;

“operating centre”, in relation to a goods vehicle operator’s licence, has the meaning given by section 92 of the 1968 Act and, in relation to a PSV operator’s licence has the meaning given by section 82 of the 1981 Act;

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

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

(2) In this Order, a reference to a traffic commissioner for an area, in relation to anything done before section 3 of the Transport Act 1985(5) came into force, includes a reference to the traffic commissioners or the chairman of the traffic commissioners for the area (as appropriate).

(3) 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.

New areas

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

(2) On reorganisation date, the Metropolitan Traffic Area shall be abolished. In accordance with paragraph (5), the greater part of the area which that Area comprises shall become part of the area of the traffic area known at the date of the making of this Order as the South-Eastern Traffic Area and the rest shall become part of the Eastern Traffic Area.

(3) On and after reorganisation date the South-Eastern Traffic Area shall be known as the South-Eastern and Metropolitan Traffic Area.

(4) Notwithstanding the revocation of the 1983 Order, the remaining 8 traffic areas specified in the Schedule to that Order shall continue to exist.

(5) On reorganisation date the limits of those 8 areas shall be those specified in Schedule 1 to this Order and the limits of the following traffic areas—

(a) the North-Western Traffic Area,

(b) the North-Eastern Traffic Area,

(c) the Eastern Traffic Area,

(d) the Western Traffic Area, and

(e) the area known at the date of the making of this Order as the South-Eastern Traffic Area,

(4) 1968 c. 73; section 59 was amended by the Transport Act 1985 (c. 67); sections 60(4) and 71(6) were amended by the Road Traffic Acts 1960 and 1972, Road Traffic Regulation Act 1967 and Transport Act 1968 (Metrication) Regulations 1981 (S. 1, 1981/1373); sections 67(2) and 69(4) were amended by Schedule 4 to the Road Traffic Act 1974 (c. 50); sections 69C(2), 69D(3), 69E(1), 69G(2) and (3) were added by Schedule 4 to the Transport Act 1982 (c. 49); sections 71(6), 85(1), 86, 89(1) and 91(1) and (2) were amended by Part II of Schedule 9 to the Transport Act 1980 (c. 34).

(5) 1985 c. 67.

shall be altered accordingly.

(6) In this Order—

“transferred area” means an area which immediately before reorganisation date is in one traffic area and after that date, by virtue of this Order, becomes part of another traffic area; and

“new area”, in relation to a transferred area, means the traffic area of which, on and after reorganisation date, the transferred area forms part.

Construction and amendments of enactments and other documents

5.—(1) In section 80(1) of the 1981 Act, for the words “in Article 4(2) of, and the Schedule to, the Traffic Areas (Reorganisation) (No. 2) Order 1983” there shall be substituted the words “in article 4 of, and Schedule 1 to, the Traffic Areas (Reorganisation) Order 1990”.

(2) Any reference in any enactment passed or made before reorganisation date or in any other document made or issued before that date to the Metropolitan Traffic Area or to the Traffic Commissioner for that Area shall, in relation to any time on or after that date, be construed as a reference to the South-Eastern and Metropolitan Traffic Area or (as the case may be) the Traffic Commissioner for that Area.

Traffic Commissioners

6.—(1) Subject to paragraph (2), nothing in this Order shall affect the appointment of the traffic commissioner or a deputy traffic commissioner for any of the 8 traffic areas that remain in existence after reorganisation date.

(2) The Traffic Commissioner for the South-Eastern Traffic Area shall on and after reorganisation date be known as the Traffic Commissioner for the South-Eastern and Metropolitan Traffic Area.

Debts and liabilities

7.—(1) Any debt due to the Traffic Commissioner for the Metropolitan Traffic Area immediately before reorganisation date shall become due to the Traffic Commissioner for the South-Eastern and Metropolitan Traffic Area and any debt due to any other traffic commissioner shall continue to be due to that traffic commissioner.

(2) Any liability of the Traffic Commissioner of the Metropolitan Traffic Area outstanding immediately before reorganisation date shall become a liability of the traffic Commissioner for the South-Eastern and Metropolitan Traffic Area and any liability of any other traffic commissioner shall continue to be a liability of that traffic commissioner.

Goods vehicle operators' and PSV operators' licences

8. Schedule 2 to this Order shall have effect in relation to goods vehicle operators' licences and PSV operators' licences.

Continuity of exercise of functions

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

(2) Anything which immediately before reorganisation date is in the process of being done by or in relation to a traffic commissioner in relation to a transferred area may be continued by or in relation to the traffic commissioner for the new area.

(3) Anything done by or in relation to a traffic commissioner before reorganisation date in relation to a transferred 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 new 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 fee paid by or to a traffic commissioner;
- (g) any appeal against a decision of a traffic commissioner and any Order made on such an appeal;
- (h) any appeal allowed or dismissed by a traffic commissioner;
- (i) any proceedings instituted by or against a traffic commissioner.

(5) The foregoing provisions of this article are subject to article 7 and without prejudice to Schedule 2.

Inquiries

10.—(1) This article applies where—

- (a) an inquiry held by a traffic commissioner under any Act or statutory instrument has begun before 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 a different traffic area.

(2) In such a case, the traffic commissioner holding the inquiry may if he thinks fit, on and after 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 Transport.

19th December 1990

Christopher Chope
Parliamentary Under Secretary of State,
Department of Transport

SCHEDULE 1

TRAFFIC AREAS

(1) Names of Traffic Areas	(2) Areas comprised in Traffic Areas
Scottish	Scotland
North-Western	<ul style="list-style-type: none"> (a) (a) The Metropolitan Counties of Greater Manchester and Merseyside. (b) The Counties of Cheshire, Clwyd, Derbyshire, Gwynedd and Lancashire.
North-Eastern	<ul style="list-style-type: none"> (a) (a) The Metropolitan Counties of South Yorkshire, Tyne and Wear and West Yorkshire. (b) The Counties of Cleveland, Durham, Humberside, Northumberland, Nottinghamshire and North Yorkshire.
West Midland	<ul style="list-style-type: none"> (a) (a) The Metropolitan County of West Midlands. (b) The Counties of Hereford and Worcester, Salop, Staffordshire and Warwickshire.
Eastern	The Counties of Bedfordshire, Buckinghamshire, Cambridgeshire, Hertfordshire, Essex, Leicestershire, Lincolnshire, Norfolk, Northamptonshire and Suffolk.
South-Wales	The Counties of Dyfed, Gwent, Mid Glamorgan, Powys, South Glamorgan and West Glamorgan.
Western	Counties of Avon, Berkshire, Cornwall, Devon, Dorset, Gloucestershire, Hampshire, Isle of Wight, Oxfordshire, Somerset and Wiltshire.
South-Eastern and Metropolitan Area	<ul style="list-style-type: none"> (a) (a) The administrative area of Greater London. (b) The Counties of Kent, Surrey, East Sussex and West Sussex.

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

SCHEDULE 2

GOODS VEHICLE OPERATORS' LICENCES AND PSV OPERATORS' LICENCES

PART I

Existing goods vehicle operator' licences

Cases where only one existing licence held by a person has effect in a new area

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

- (a) the places specified as operating centres in a goods vehicle operator's licence are all situated in a transferred area; and
- (b) no place in the new 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 reorganisation date, have effect as if it had been granted by the traffic commissioner for the new area.

Cases where more than one existing licence held by a person has effect in a new area

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

- (a) the places specified as operating centres in a goods vehicle operator's licence are all situated in a transferred area; and
- (b) the person who holds that licence holds at least one other goods vehicle operator's licence in which the places specified as operating centres are all situated in the new area; and
- (c) there is not specified as an operating centre in any goods vehicle operator's licence held by that person, a place situated outside that new area as well as a place situated inside the area;

and all the licences held by that person in which the places specified as operating centres are situated in the new area are collectively referred to in this paragraph as "relevant licences".

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

- (a) the relevant licences shall remain valid notwithstanding the prohibition in section 62(1) of the 1968 Act on a person holding more than one goods vehicle operator's licence in respect of the same traffic area; and
- (b) so far as is required for continuing its effect on and after reorganisation date, the licence referred to in sub-paragraph (1)(a) above shall have effect as if it had been granted by the traffic commissioner for the new area.

(3) 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.

(4) Where—

- (a) by virtue of this paragraph a person is treated as holding more than one goods vehicle operator's licence in respect of a traffic area, and

- (b) on the date on which one of those licences (“the expiring licence”) is due to expire, proceedings are pending before the traffic commissioner for that area 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 expiring licence,
- the expiring licence shall continue in force until—
- (i) the application; and
 - (ii) any appeal under section 70 of the 1968 Act arising out of the application,
- are disposed of, without prejudice, however, to the exercise in the meantime of the powers conferred by section 69 of that Act.

Cases where an existing licence held by a person has effect in more than one new area

3.—(1) This paragraph has effect where the places specified immediately before reorganisation date as operating centres in a goods vehicle operator’s licence are places which, on and after that date, are situated in more than one traffic area (such an area being referred to in this paragraph as a “relevant area”).

(2) In such a case, the traffic commissioner who granted the licence shall, before reorganisation date and after consulting the holder of the licence, give a direction—

- (a) in relation to each vehicle specified in the licence, specifying the relevant area to which the vehicle is to be assigned;
- (b) except in a case where a licence does not permit the addition of authorised vehicles under section 61(1)(c) of the 1968 Act, assigning the maximum number of motor vehicles specified in the licence to a particular relevant area or assigning that number to two or more relevant areas;
- (c) assigning the maximum number of trailers specified in the licence to a particular relevant area or assigning that number to two or more relevant areas.

(3) A traffic commissioner may, after consulting the holder of the licence which would be affected and at any time before 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) above, paragraphs 1 and 2 of this Schedule shall have effect in respect of that licence in relation to each traffic area to which there has been an assignment under the direction, as if immediately before reorganisation date—

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

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

(5) If—

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

- (a) a traffic commissioner (other than the Traffic Commissioner for the Metropolitan Traffic Area), as respects a licence, fails to give a direction under sub-paragraph (2) before reorganisation date, the functions under that sub-paragraph as respects that licence shall nevertheless be exercisable by that traffic commissioner on or after that date, and
- (b) the Traffic Commissioner for the Metropolitan Traffic Area, as respects a licence, fails to give a direction under sub-paragraph (2) before reorganisation date, the functions under that sub-paragraph as respects that licence shall, on and after that date, be exercisable by the Traffic Commissioner for the South-Eastern and Metropolitan Traffic Area.

PART II

Existing PSV Operators' Licences

4.—(1) The traffic commissioner who has granted a PSV operator's licence may, at any time before reorganisation date and after consulting the holder of the licence, give a direction under this paragraph.

- (2) A direction under sub-paragraph (1) above is a direction—
 - (a) assigning the maximum number of vehicles specified in the licence to a traffic area other than that of the traffic commissioner giving the direction, or
 - (b) assigning that number to two or more areas (whether or not including the area of the traffic commissioner giving the direction) in such proportions as the traffic commissioner giving the direction thinks fit.

(3) A traffic commissioner shall not give a direction under this paragraph assigning a number of vehicles to a traffic area unless it appears to him that there is a place within the limits of that area as specified in Schedule 1 to this Order which—

- (a) the holder of the licence is using and on and after reorganisation date intends to use as an operating centre; and
- (b) is within the old area.

(4) A traffic commissioner may, after consulting the holder of the licence who would be affected and any time before reorganisation date, give a direction varying any direction given by him under sub-paragraph (1) above.

(5) Where a direction has been given under sub-paragraph (1) above, the licence to which it relates shall—

- (a) be valid notwithstanding the prohibition in section 12(3) of the 1981 Act on a person holding more than one *PSV operator's licence in respect of the same traffic area, and
- (b) so far as is required for continuing its effect on and after reorganisation date in respect of each traffic area to which a number of vehicles has been assigned under the direction, have effect (if not granted by the traffic commissioner giving the direction) as if it had been granted by the traffic commissioner for the traffic area in question and as if the maximum number of vehicles specified in the licence were the number so assigned to that area.

(6) If—

- (a) a traffic commissioner (other than the Traffic Commissioner for the Metropolitan Traffic Area), as respects a licence, fails to give a direction under sub-paragraph (1) above before reorganisation date, the functions under that sub-paragraph as respects that licence shall nevertheless be exercisable by that traffic commissioner on or after that date, and
- (b) the Traffic Commissioner for the Metropolitan Traffic Area, as respects a licence, fails to give a direction under sub-paragraph (1) above before reorganisation date, the functions

under that sub-paragraph as respects that licence shall, on and after that date, be exercisable by the Traffic Commissioner for the South-Eastern and Metropolitan Traffic Area.

(7) A traffic commissioner shall not give a direction under sub-paragraph (6) above assigning a number of vehicles to a new area unless he is satisfied that there is a place within the new area which—

- (a) the holder of the licence had, before reorganisation date, been using as an operating centre, and
- (b) is within the old area.

(8) 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 a traffic area, and
- (b) on the date on which one of those licences ("the expiring licence") is due to expire proceedings are pending before the traffic commissioner for that area 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 expiring licence,

the expiring 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.

(9) In this paragraph a reference to the maximum number of vehicles specified in a PSV operator's licence is a reference to the maximum number of vehicles (having their operating centre in the area to which the licence relates) which the holder of the licence may at any one time use under the licence in consequence of any condition attached to the licence under section 16(1) of the 1981 Act.

(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.

(11) In this paragraph "old area", in relation to a traffic commissioner, is the area which comprises the traffic area of that traffic commissioner immediately before reorganisation date.

PART III

Pending Proceedings

Goods vehicle operators' licences

5.—(1) Subject to sub-paragraph (8) below, where an application has, before 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 69D of the 1968 Act and that place is situated in a transferred area, the application shall, as from reorganisation date, be treated as an application to the traffic commissioner for the new area for, as the case requires, either—

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

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

and any application made in connection therewith under section 68 of the 1968 Act shall be dealt with accordingly.

(2) Sub-paragraph (3) below has effect where—

- (a) an application for a goods vehicle operator’s licence made before reorganisation date falls to be determined after that date in circumstances where the operating centres specified in the application are in a traffic area affected by the changes made by this Order; 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 the area of the traffic commissioner by whom the application falls to be determined;

and in paragraph (b) above and sub-paragraph (3) below references to the application in a case where, after reorganisation date, the application falls to be determined by more than one traffic commissioner, are references to the application as it relates to the area of a particular traffic commissioner.

(3) Subject to sub-paragraph (9) below, in the circumstances mentioned in sub-paragraph (2) above the traffic commissioner shall treat the application as an application—

- (a) under section 69D(1) of the 1968 Act to vary the existing licence (or the existing licence with the latest expiry date if there is, on reorganisation date, more than one existing licence) by directing that any place specified as an operating centre in the application shall be specified in the existing licence as a new operating centre; and
- (b) so far as the case requires, under section 68(1) of that Act to vary the licence by directing that additional vehicles be specified therein and that the maximum number of trailers and motor vehicles be increased.

(4) Nothing in this paragraph shall affect the validity of any notice given or advertisement published before reorganisation date.

(5) Without prejudice to section 62(1) of the 1968 Act, nothing in regulation 13 of the Goods Vehicles (Operators' Licences, Qualifications and Fees) Regulations 1984⁽⁶⁾ shall prevent two or more applications for goods vehicle operators' licences to different traffic commissioners made before reorganisation date being treated by virtue of this Order, after reorganisation date, as applications to the traffic commissioner for one traffic area.

(6) Where, by virtue of this Order, two or more 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 62(1) of the 1968 Act shall prevent the traffic commissioner granting an interim licence to the applicant in respect of all or any of those applications.

(7) Where—

- (a) a notice of an application for the grant or variation of a goods vehicle operator’s licence has been published in accordance with section 69E of the 1968 Act before reorganisation date, and
- (b) the notice specifies an address to which representations should be delivered;

nothing in this Order shall affect the validity of any representation delivered to that address on or after reorganisation date.

(8) Sub-paragraph (1) above shall not affect the operation of subsections (2) to (7) of section 69(D) of the 1968 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 reorganisation date and sections 69A(2) and (3) and 69B of the 1968 Act shall not apply to it).

(6) S.I. 1984/176; to which there have been no relevant amendments.

(9) Sub-paragraph (3) above shall not affect the operation of section 69A(2) and (3) or section 69B of the 1968 Act in relation to any such application as is referred to in that sub-paragraph (and accordingly, notwithstanding sub-paragraph (3) above, those provisions shall continue to apply to the application after reorganisation date and section 69D(2) to (7) shall not apply to it).

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

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

(12) For the purposes of this paragraph, an interim licence is a licence granted under section 67(5) of the 1968 Act.

PSV operators licences

6.—(1) An application for a PSV operator's licence made before 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) an application has, before 1st March 1991, been made to a traffic commissioner for the variation of a PSV operator's licence; and
- (b) it appears to him that the applicant intends to start using a particular place in the old area as an operating centre if the application is successful, but not otherwise;

the traffic commissioner may, at any time before reorganisation date, if that place is in a transferred area, direct that the application shall, as from reorganisation date, be treated in whole or in part as an application to the traffic commissioner for the new area for a PSV operator's licence.

(3) Where—

- (a) a decision whether to grant an application for a new PSV operator's licence made before reorganisation date fails by virtue of article 9 of this Order or sub-paragraph (2) above, to be determined after that date by a traffic commissioner other than the traffic commissioner to whom the application was made; and
- (b) at any time before the decision is made, the applicant holds a PSV operator's licence in respect of the area of that other traffic commissioner ("the existing licence"),

the traffic commissioner for that other area shall treat the application as an application for a variation of the existing licence (or the existing licence with the latest expiry date if there is, on reorganisation date, more than one existing date).

(4) If—

- (a) a traffic commissioner other than the Traffic Commissioner for the Metropolitan Traffic Area, as respects a licence, fails to give a direction under sub-paragraph (2) above before reorganisation date, the functions under that sub-paragraph as respects that licence shall nevertheless be exercisable by that traffic commissioner, on or after that date, and
- (b) the Traffic Commissioner for the Metropolitan Traffic Area, as respects a licence fails to give a direction under sub-paragraph (2) above before reorganisation date, the functions under that sub-paragraph as respects that licence shall, on and after that date, be exercisable by the Traffic Commissioner for the South-Eastern and Metropolitan Traffic Area.

(5) A reference in this paragraph to the maximum number of vehicles specified in a PSV operator's licence shall be construed in accordance with paragraph 4(9) of this Schedule.

(6) Nothing in this paragraph shall affect the validity of any notice published before reorganisation date.

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

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

(8) In this paragraph “old area” has the meaning given in paragraph 4(11) of this Schedule.

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) abolishes the Metropolitan Traffic Area;
- (b) alters the limits of the North-Western Traffic Area, the North-Eastern Traffic Area, the Eastern Traffic Area, the Western Traffic Area, and the area previously known as the South-Eastern Traffic Area;
- (c) changes the name of the South-Eastern Traffic Area so that it will be known as the South-Eastern and Metropolitan Traffic Area;
- (d) contains transitional and consequential provisions; and
- (e) revokes the Traffic Areas (Reorganisation) (No. 2) Order 1983.

The greater part of the area which was formerly comprised in the Metropolitan Traffic Area becomes part of the South-Eastern and Metropolitan Traffic Area. The remainder becomes part of the Eastern Traffic Area.