STATUTORY INSTRUMENTS

2009 No. 3245

The Public Service Vehicles (Registration of Local Services) (Quality Contracts Schemes) (England and Wales) Regulations 2009

PART 2

REGISTRATION DURING TRANSITIONAL PERIOD

Period of notice for variation of registration during transitional period

6.—(1) Subject to regulations 7 and 8, the variation of a service registration to which this Part applies becomes effective, for the purposes of section 6(8)(a) of the 1985 Act, on the expiry of the period prescribed in paragraph (2).

(2) Subject to paragraph (4) the period is—

(a) 28 days in the case of a community bus service,

(b) 112 days in the case of a service in respect of which a traffic commissioner has, having satisfied the requirements prescribed in paragraph (3), determined that the variation would have a significantly detrimental effect on persons using the service, or on a significant proportion of such persons, or

(c) 56 days in the case of—

(i) a service which, before the service is varied in accordance with the application to which this regulation relates, is to be excluded from the scheme by virtue of section 127(4) of the 2000 Act, or

(ii) any service not falling within sub-paragraph (a), (b) or (c)(i),

commencing on the date on which the traffic commissioner accepts the application.

(3) Before making a determination under paragraph (2)(b) the traffic commissioner—

(a) must, where the operator has given less than 112 days notice of the proposed variation, consult, and have regard to any representations made by, the local transport authority or authorities, as defined in section 108(4) of the 2000 Act(**1**), who made the scheme; and

(b) must take into account other applications made during the transitional period to register particulars of a service or to vary service registrations.

(4) If an application to vary a service registration satisfies more than one of the criteria described in paragraph (2), the shorter or shortest period which applies to that application by virtue of those criteria is to apply for the purposes of section 6(8)(a) of the 1985 Act.

(**1**) Section 108(4)(c) was substituted by the Local Transport Act 2008, section 77(5) and Schedule 4, Part 3, paragraphs 41 and 42.