

2009 No. 3248

PUBLIC PASSENGER TRANSPORT, ENGLAND

**The Quality Partnership Schemes (England) (Amendment)
Regulations 2009**

<i>Made</i>	- - - -	<i>7th December 2009</i>
<i>Laid before Parliament</i>		<i>14th December 2009</i>
<i>Coming into force</i>	- -	<i>11th January 2010</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 122(1)(aa), (3)(g) and (6) of the Transport Act 2000(a).

The Secretary of State has consulted the Administrative Justice and Tribunals Council in accordance with paragraph 24 of Schedule 7 to the Tribunals, Courts and Enforcement Act 2007(b).

Citation, commencement and application

1.—(1) These Regulations may be cited as the Quality Partnership Schemes (England) (Amendment) Regulations 2009 and come into force on 11th January 2010.

(2) These Regulations apply to England only(c).

Amendment of the Quality Partnership Schemes (England) Regulations 2009

2.—(1) Regulation 13 of the Quality Partnership Schemes (England) Regulations 2009(d) (assessors to assist traffic commissioners) is amended as follows.

(2) For paragraph (2) substitute—

“(2) In making such a determination the traffic commissioner may be assisted by—

- (a) an assessor selected from a panel of persons appointed by the Secretary of State for the purposes of section 17A of the 1981 Act(e) (assessors to assist traffic commissioners); or

(a) 2000 c. 38. Section 122(1)(aa), (3)(g) and (6) were inserted by section 18(1) to (3) of the Local Transport Act 2008 (c. 26). The power to make Regulations under section 122 of the Transport Act 2000 rests with the “appropriate national authority”, as defined in section 162(1) of that Act.

(b) 2007 c. 15. The effect of paragraph 24(1) of Schedule 7 to this Act is that the power of the Secretary of State to make procedural rules for any listed tribunal can be exercised only after consultation with the Administrative Justice and Tribunals Council. The traffic commissioners for areas in England and Wales are a listed tribunal for the purposes of paragraph 24(1) by virtue of the Administrative Justice and Tribunals Council (Listed Tribunals) Order 2007 (S.I. 2007/2951).

(c) For the reasons described in footnote (a), the power to make Regulations as respects Wales rests with the Welsh Ministers.

(d) S.I. 2009/445.

(e) Section 17A of the Public Passenger Vehicles Act 1981 (c. 14) was inserted by section 5 of the Transport Act 1985 (c. 67).

- (b) a person drawn from a panel of persons appointed by the Secretary of State for the purposes of section 126A of the Act^(a) (boards for proposed schemes for areas in England).”.

Signed by authority of the Secretary of State

7th December 2009

Sadiq Khan
Minister of State
Department for Transport

^(a) Section 126A of the Transport Act 2000 was inserted by section 22(1) of the Local Transport Act 2008.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Quality Partnership Schemes (England) Regulations 2009 (“the QPS Regulations”) (S.I. 2009/445), made under sections 122 and 160 of the Transport Act 2000 (“TA 2000”). A quality partnership scheme is a scheme made by a local transport authority, or two or more such authorities acting jointly, under which the authority provides particular facilities at specific locations along routes on which local bus services are operated, and operators of local services who wish to use those facilities agree to provide services of a particular standard. Quality partnership schemes are made under Part 2 of the TA 2000, as amended by the Local Transport Act 2008.

Section 114(6B) of the TA 2000 provides that a quality partnership scheme may include standards of service which impose requirements as to frequencies, timings and maximum fares only if there are no admissible objections from relevant operators. The QPS Regulations make provision about schemes which include such requirements, and provide for disputes to be referred to a traffic commissioner for a determination.

Regulation 13 of the QPS Regulations provides for the appointment of assessors to assist a traffic commissioner in considering a matter referred for a determination as to whether an objector is a relevant operator and an objection is admissible. Paragraph (2) prescribes that such an assessor may be selected from a panel of persons appointed by the Secretary of State for the purposes of section 17A of the Public Passenger Vehicles Act 1981 (assessors to assist traffic commissioners in consideration of financial questions). The amendment made by these Regulations extends the pool of persons who may be appointed as assessors under the QPS Regulations.

Section 126A of the TA 2000 (boards for proposed quality contracts schemes for areas in England), which comes into force on the same day as these Regulations, provides for the constitution of a board (described as a “QCS board”) to consider and form an opinion on proposals by a local transport authority, or two or more such authorities acting jointly, to make a quality contracts scheme under Part 2 of the TA 2000. A QCS board consists of a traffic commissioner, who chairs the board, and two persons drawn from a panel of persons appointed by the Secretary of State for the purposes of that section. The effect of the amendment to the QPS Regulations made by these Regulations is to enable persons appointed to that panel also to be appointed as assessors to assist a traffic commissioner in making a determination under the QPS Regulations.

No impact assessment has been produced for this instrument as no impact on business, charities or voluntary bodies is foreseen. An impact assessment was prepared for the Quality Partnership Scheme (England) Regulations 2009, which these Regulations amend. Copies can be obtained from the Department for Transport, Great Minster House, 76 Marsham Street, London SW1P 4DR. The assessment was also annexed to the Explanatory Memorandum found alongside those Regulations on the Office of Public Sector Information website (www.opsi.gov.uk).

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STATUTORY INSTRUMENTS

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