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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations prescribe the procedure to be followed where an application is received under section 6 of the Transport Act 1985 (registration of local services) in respect of local services in an area where a quality partnership scheme, containing registration restrictions, has been made.

A quality partnership scheme, made under section 114 of the Transport Act 2000, is a scheme whereby the local transport authority or authorities who make the scheme provide certain facilities, for example bus lanes, and operators of local services wishing to use those facilities must undertake to provide services to the particular standard specified in the scheme. Amendments to the Transport Act 2000 made by the Local Transport Act 2008 provide that such standards may include requirements as to frequencies, timings and maximum fares, as well as, for example, vehicle standards and standards of customer care.

Amendments made by the Local Transport Act 2008 also empower local transport authorities, as part of a quality partnership scheme, to impose restrictions on the registration of local services within the area of a scheme. The authority may impose such restrictions where thought necessary to prevent the registration of new services, or the variation or cancellation of existing ones, where such changes might be detrimental to services provided under the scheme.

The Local Transport Act 2008 inserted new provisions into the Transport Act 1985 to specify the process for dealing with applications for registration etc. where registration restrictions are in force. In those circumstances the traffic commissioner must, on receipt of a relevant application, consult relevant local authorities and operators. Where no representations are made against the application, it must be accepted. Where representations are received, the traffic commissioner must decide whether it would be detrimental to the provision of local services under the scheme to accept the application, taking into account those representations, the registration criteria (which must be specified in the scheme) and any other relevant applications. Where the traffic commissioner decides that the effect of the application would be detrimental, it must be refused.

These Regulations prescribe additional details of the procedure to be followed where applications are made to which registration restrictions apply.

*Regulation 3* prescribes the procedure to be followed by the traffic commissioner on receipt of a relevant application.

*Regulation 4* prescribes the procedure to be followed by any relevant authority or operator wishing to make relevant representations about the application.

*Regulation 5* specifies the procedure to be followed by the traffic commissioner in making a decision, including the period within which the traffic commissioner must notify the parties of the decision.

*Regulation 6* provides that, where the traffic commissioner decides to accept a relevant application, it is for the traffic commissioner to determine the period of notice between the acceptance of the application and the date from which either the service is to be provided, or the existing registration varied or cancelled. This applies instead of the periods prescribed for those purposes in the Public Service Vehicles (Registration of Local Services) Regulations 1986 (S.I. 1986/1671).

*Regulation 7* introduces the Schedule, which makes consequential amendments to the Public Service Vehicles (Traffic Commissioners: Publication and Inquiries) Regulations 1986 (S.I. 1986/1629) and the Public Service Vehicles (Registration of Local Services) Regulations 1986 (S.I. 1986/1671).

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

An impact assessment has been prepared and copies can be obtained from the Department for Transport, Great Minster House, 76 Marsham Street, London, SW1P 4DR. The assessment is annexed to the Explanatory Memorandum which can be found alongside the instrument on the Office of Public Sector Information website ( [www.opsi.gov.uk](http://www.opsi.gov.uk)).