
STATUTORY INSTRUMENTS

2018 No. 21

**The Advanced Quality Partnership
Schemes (England) Regulations 2018**

PART 2

**Determination of Relevant Operator and Admissible
Objection, Decisions and Referrals to a Traffic Commissioner**

Determination of a traffic commissioner

15.—(1) Within a period of 28 days beginning with the date of the later of the following—

- (a) the end of the period for submission of the material described in regulation 13(1)(a) and (b), or
- (b) the end of the period within which such further information or evidence requested under regulation 13(4) must be submitted,

a traffic commissioner must make a determination of the matter referred under regulation 12 and issue a written notice to the objector and the lead authority informing them of the determination.

(2) Where the determination of the traffic commissioner is that the objection should be upheld, the traffic commissioner may recommend to the lead authority such modifications to the requirements specified in the proposed scheme as to frequencies or timings, maximum fares, the vehicles being used to provide the services or requirements as to the ways in which passengers may pay for journeys as the traffic commissioner considers appropriate.

(3) The objection is no longer an admissible objection for the purposes of section 113E(7) and (8) of the 2000 Act where the traffic commissioner makes recommendations to the lead authority in accordance with paragraph (2), and the authority either—

- (a) modifies the scheme in accordance with those recommendations, or
- (b) removes the requirement to which the admissible objection relates.

(4) Paragraphs (5) to (9) apply where either—

- (a) the traffic commissioner does not make recommendations to the lead authority in relation to a determination described in paragraph (2), or
- (b) the authority proposes modifications to the scheme which are different to those recommended by the traffic commissioner under paragraph (2).

(5) Where this paragraph applies the lead authority must, within a period of 28 days beginning with the day on which the determination made under paragraph (1) is received, send a written notice to the objector describing the modifications that the authority proposes to make to the standard of services to be specified in the scheme as a consequence of a determination described in paragraph (2).

(6) The lead authority may, with the written consent of the objector, extend the 28 day period specified in paragraph (5).

(7) If within a period of 14 days beginning with the day on which the notice under paragraph (5) is received the objector has not withdrawn the objection, the lead authority may refer the matter back to a traffic commissioner for a determination.

(8) Where any matter is referred back to a traffic commissioner by virtue of paragraph (7), the traffic commissioner dealing with the referral must make a determination within a period of 14 days beginning with the date on which the matter is referred.

(9) Where the determination of the traffic commissioner in response to a referral under paragraph (7) is that the objection is not an admissible objection, the objection is no longer an admissible objection for the purposes of section 113E(7) and (8) of the 2000 Act.