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STATUTORY INSTRUMENTS

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**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

**Definition of “admissible objection”**

**8.**—(1) For the purposes of sections 113E(7) and (8) and 113N(5)(b) of the 2000 Act and these Regulations, “admissible objection” has the meaning given to it in this regulation.

(2) An “admissible objection” is an objection—

- (a) made in accordance with the procedure prescribed in regulation 9; and
- (b) which satisfies either or both of the grounds described in paragraph (3).

(3) The grounds are that—

- (a) for either or both of the reasons listed in paragraph (4), it would not be practicable for the objector to provide particular relevant services, or relevant services of a particular description, to a specified standard, which would apply to those relevant services if the scheme as proposed in the notice given under section 113G(1) of the 2000 Act were to be made; or
- (b) taking into account the matters listed in paragraph (5), it would not be commercially viable for the objector, acting in a competent and efficient manner, to provide relevant services to a specified standard, which would apply to those relevant services if the scheme as proposed in the notice given under section 113G(1) of the 2000 Act were to be made.

(4) The reasons referred to in paragraph (3)(a) are that—

- (a) the objector would need to procure additional vehicles or equipment, or upgrade existing vehicles or equipment, in order to provide the service to the particular standard specified in the proposed scheme and it would not be practicable for the objector to do so by the date specified in the proposed scheme; or
- (b) the objector would need to employ additional staff to provide the service to the particular standard specified in the proposed scheme and it would not be practicable for the objector to do so by the date specified in the proposed scheme.

(5) The matters referred to in paragraph (3)(b) are—

- (a) the likely cost to the objector of providing relevant services to the particular standard which would apply to those services if the scheme as proposed in the notice given under section 113G(1) of the 2000 Act were to be made;
- (b) the income which the objector would be likely to receive from operating the relevant services, taking into account any additional fare revenue which is likely to accrue as a result of the —

- (i) facilities provided, or to be provided, by the authority,
- (ii) measures taken, or to be taken, by the authority, and
- (iii) improvements to the standard of services,

if the scheme as proposed in the notice given under section 113G(1) of the 2000 Act were to be made; and

- (c) whether, taking into account the matters described in sub-paragraphs (a) and (b), the objector could be expected to secure an appropriate rate of return from the operation of the relevant services in the area to which the proposed scheme relates.

(6) Subject to paragraphs (7) and (8), for the purposes of this regulation “relevant services” means in relation to a particular operator—

- (a) all local services registered under section 6 of the 1985 Act in the name of that operator which have one or more stopping places in the area to which the scheme relates and in respect of which, on the day on which the authority or authorities gave notice under section 113G(1) of the 2000 Act, the registration was extant; or
- (b) all proposed local services with one or more stopping places in the area to which the scheme relates in respect of which the operator had made an application to a traffic commissioner to register particulars under section 6 of the 1985 Act, and that application was made on or before the day on which the authority or authorities gave notice under section 113G(1) of the 2000 Act.

(7) A local service is not a relevant service for the purposes of this regulation if, after the day on which the authority or authorities gave notice under section 113G(1) of the 2000 Act—

- (a) in respect of a local service to which paragraph (6)(a) applies, the operator submits an application to a traffic commissioner under section 6(7) of the 1985 Act to vary or cancel the registration of the service, and paragraph (8) applies; or
- (b) in respect of a proposed local service to which paragraph (6)(b) applies, the operator withdraws the application to register the service.

(8) This paragraph applies where at such time as the variation or cancellation takes effect the local service which, but for paragraph (7)(a), would be a relevant service, has no stopping places in the area to which the scheme relates.