
STATUTORY INSTRUMENTS

2018 No. 406

The Public Service Vehicles (Registration of Local Services) (Franchising Schemes Transitional Provisions and Amendments) (England) Regulations 2018

Notice periods in relation to a variation or cancellation of a registration before a franchising scheme is in operation

4.—(1) This regulation applies to an application—

(a) to vary or cancel the registration of a service that—

- (i) has one or more stopping places in a franchising scheme area;
- (ii) is not an excepted service;
- (iii) is not an exempt service; and
- (iv) is not one in relation to which registration restrictions have effect, and

(b) that is accepted by a traffic commissioner before section 123J(2) of the 2000 Act has effect in relation to that area.

(2) Subject to paragraphs (3) and (4), a franchising authority or authorities may publish a notice which provides that the period referred to in section 6(8)(a) of the 1985 Act, in relation to an application referred to in paragraph (1), is the period specified in the notice, such period to begin with the date on which a traffic commissioner accepts the application and not to exceed 112 days.

(3) Subject to paragraph (4), where an application—

- (a) relates to a service that has one or more stopping places in more than one franchising scheme area;
- (b) is accepted by a traffic commissioner before section 123J(2) has effect in relation to any such area; and
- (c) has more than one transitional notice published under paragraph (2) relating to it,

the period referred to in section 6(8)(a) of the 1985 Act is the longest period specified in any such transitional notice.

(4) Where an application, to which one or more transitional notices relate, is to vary a registration only—

- (a) to enable the operator of a service to comply with a traffic regulation condition or any other provision made by or under an enactment prohibiting or restricting the use of any road by vehicular traffic; or
- (b) in respect of a change in the operator's address,

the date on which the period referred to in section 6(8)(a) of the 1985 Act ends is the date given to a traffic commissioner by the operator as the effective date for the variation, and accordingly section 6(8)(b) of the 1985 Act does not have effect.

(5) Where paragraph (2), (3) or (4) applies, regulations 5(2)(b) and 7(1)(b) of the 1986 Regulations do not apply.

(6) When a franchising authority or authorities publish a transitional notice they must publish it at the same time as they—

- (a) publish a franchising scheme under section 123H(1) of the 2000 Act; or
- (b) publish an expansion notice,

as the case may be.

(7) When a franchising authority or authorities publish a transitional notice they must give notice of the publication to a traffic commissioner within the period of 14 days beginning with the date on which the transitional notice is published.

(8) Subject to paragraph (9), a franchising authority or authorities may specify different periods in a transitional notice for different cases and, in particular, may specify—

- (a) different periods depending on the number of stopping places a service has in a franchising scheme area; or
- (b) that a period expires immediately after a traffic commissioner accepts an application.

(9) A franchising authority or authorities must specify the same period in relation to applications of the same type for each scheme sub-area.

(10) For the purposes of this regulation, “traffic regulation condition” has the same meaning as in section 7(1) of the 1985 Act.