

SCHEDULES

SCHEDULE 6

TRANSITIONAL PROVISIONS AND SAVINGS

Road service licensing during transitional period

- 2 (1) In paragraphs (a) and (b) of section 31(2) for the words " be against the interests of the public " there shall, in each case, be substituted the words " interfere with the transition to deregulation ".
- (2) For subsections (3) and (4) of section 31 there shall be substituted the following subsections—
- “(3) For the purposes of subsection (1) above the grant of a road service licence shall be taken to interfere with the transition to deregulation if, but only if—
- (a) it has a severely detrimental effect on traffic conditions ;
 - (b) it disrupts arrangements made, or proposed to be made—
 - (i) in England and Wales, by a non-metropolitan county council or Passenger Transport Executive ; and
 - (ii) in Scotland, by a regional or islands council or Passenger Transport Executive ; with a view to achieving a satisfactory transition to deregulation; or
 - (c) the applicant is in receipt of a subsidy from one or more local authorities otherwise than—
 - (i) under an agreement with respect to which the requirements of section 89 of the Transport Act 1985 are satisfied ; or
 - (ii) by way of reimbursement for providing travel concessions in accordance with a travel concession scheme which satisfies the requirements of section 93 of that Act;and that subsidy gives the applicant an unfair commercial advantage in relation to the provision of any local service in the area in question ;
- and in this Part of this Act references to "interference with the transition to deregulation " shall be construed accordingly.
- (4) In considering whether the grant of a licence would interfere with the transition to deregulation, the commissioners—
- (a) shall have regard to any objections or other representations (made to them in the prescribed manner) which they consider are relevant; and
 - (b) shall not consider whether the grant would be disruptive as mentioned in subsection (3)(b) above except at the instance of the council or Executive concerned.”

Status: This is the original version (as it was originally enacted).

- (3) In subsection (5), after the words " police district" there shall be inserted the words
" and Passenger Transport Executive for any area ".