



# Local Transport Act 2008

## 2008 CHAPTER 26

### PART 4 **E+W+S**

#### GENERAL PROVISIONS RELATING TO PASSENGER TRANSPORT

##### *Registration of local services*

#### **48 Determination of applications for registration where restrictions in force** **E+W**

(1) Section 6 of the TA 1985 (registration of local services) is amended as follows.

(2) After subsection (2) (conditions for providing service) insert—

“(2A) Where—

- (a) any registration restrictions imposed under section 114(3A) of the Transport Act 2000 (quality partnership schemes) are in force, and
- (b) an application for registration is made in respect of a service in relation to which those restrictions have effect,

section 6A of this Act has effect in relation to the application.”.

(3) After section 6 of the TA 1985 insert—

#### **“6A Applications for registration etc where restrictions are in force**

(1) This section applies in any case where—

- (a) any registration restrictions imposed under section 114(3A) of the Transport Act 2000 are in force in the case of a quality partnership scheme (“the scheme”);
- (b) an application for registration, or for variation or cancellation of registration, is made under section 6 of this Act to a traffic commissioner in respect of a local service in relation to which those restrictions have effect; and

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*Status: Point in time view as at 06/04/2009.*

*Changes to legislation: Local Transport Act 2008, Section 48 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (c) the application is one which would fall to be accepted by the traffic commissioner, apart from this section.
- (2) In any such case the traffic commissioner, before deciding whether or not to accept the application, must give to—
  - (a) each relevant authority, and
  - (b) each relevant operator,a notice complying with subsection (3) below.
- (3) The notice must—
  - (a) identify the application and state that it has been made;
  - (b) provide prescribed particulars of the application;
  - (c) inform the persons to whom it is required to be sent of the right of each of them to make relevant representations to the traffic commissioner about the application.
- (4) If no relevant representations are made, the application is to be accepted.
- (5) If any relevant representations are made by a relevant authority or a relevant operator, the traffic commissioner must decide whether the effect of accepting the application would be detrimental to the provision of local services under the scheme.
- (6) The traffic commissioner may decide that question only after—
  - (a) considering those representations;
  - (b) taking account of any other relevant applications and any relevant representations made in relation to those applications;
  - (c) holding such inquiries under section 54 of the 1981 Act as the traffic commissioner may think fit; and
  - (d) applying the registration criteria.
- (7) If the traffic commissioner decides that the effect of accepting the application would not be detrimental to the provision of such services, the application is to be accepted.
- (8) If subsection (7) above does not apply, the traffic commissioner may do any one or more of the following—
  - (a) refuse to accept the application;
  - (b) require the applicant to amend the application in such respects as the traffic commissioner may require before submitting it again;
  - (c) if the applicant has not given a written undertaking under section 118(4) of the Transport Act 2000 in relation to the scheme, require the applicant to give such an undertaking before the application may be accepted.
- (9) An appeal against any decision of a traffic commissioner under this section may be made to the Transport Tribunal by any of the following persons—
  - (a) the person who made the application;
  - (b) any relevant authority that made relevant representations against the application;
  - (c) any relevant operator who made relevant representations against the application.

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As respects appeals to the Transport Tribunal, see Schedule 4 to this Act.

- (10) An appeal lies (in accordance with paragraph 14 of Schedule 4 to this Act) at the instance of any of the persons mentioned in the paragraphs of subsection (9) above from a decision of the Transport Tribunal on an appeal under that subsection.
- (11) Regulations may be made for the purposes of carrying this section into effect; and the provision that may be made by any such regulations includes provision—
- (a) as to the procedure for giving notice under subsection (2) above;
  - (b) prescribing the particulars of the application that are to be provided in such a notice;
  - (c) as to the procedure for making relevant representations;
  - (d) as to the procedure to be followed in determining the application.

- (12) In this section—

“quality partnership scheme” means a scheme under section 114 of the Transport Act 2000;

“registration criteria” means the criteria specified in the scheme by virtue of section 114(3C) of the Transport Act 2000;

“relevant application” means any application under section 6 of this Act—

- (a) which is made in respect of a local service in relation to which the registration restrictions have effect, and
- (b) which (whenever made) is awaiting the decision of the traffic commissioner;

“relevant authority” means the authority, or any of the authorities, that made the scheme;

“relevant operator” means—

- (a) any operator of local services who has given an undertaking under section 118(4) of the Transport Act 2000 in respect of the scheme;
- (b) any other operator of local services which might be affected if the application were to be accepted;

“relevant representations” means representations that the effect of accepting the application would be detrimental to the provision of services under the scheme, having regard to the registration criteria.”.

#### Commencement Information

**11** S. 48 partly in force; s. 48 in force at Royal Assent for specified purposes, see s. 134(1)(c)

**12** S. 48 in force at 6.4.2009 in so far as not already in force by S.I. 2009/107, art. 4(1), Sch. 4 Pt. 1

**Status:**

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