



Local Transport Act 2008

2008 CHAPTER 26

PART 4

GENERAL PROVISIONS RELATING TO PASSENGER TRANSPORT

Registration of local services

49 Applications for registration where quality contracts scheme in force

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

(2) After subsection (2A) (which is inserted by section 48) insert—

“(2B) Where—

- (a) a quality contracts scheme under section 124 of the Transport Act 2000 is in force,
- (b) an operator proposes to provide a local service which is to have one or more stopping places within the area to which the scheme relates,
- (c) the proposed service is not excluded from the scheme by virtue of section 127(4) of the Transport Act 2000, and
- (d) the operator does not propose to provide the service under a quality contract by virtue of the scheme,

section 6B of this Act has effect with respect to registration of that service.”.

(3) After subsection (7) (variation or revocation of registration) insert—

“(7A) Where—

- (a) a quality contracts scheme under section 124 of the Transport Act 2000 is in force,
- (b) the operator of a local service registered under this section proposes to vary the registration,
- (c) the service, as proposed to be varied, is to have one or more stopping places within the area to which the scheme relates,

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- (d) the service, as proposed to be varied, is not excluded from the scheme by virtue of section 127(4) of the Transport Act 2000, and
 - (e) the operator does not propose to provide the service, as proposed to be varied, under a quality contract by virtue of the scheme,
- section 6B of this Act has effect with respect to the variation of the registration.”.
- (4) In subsection (8) (time when variation etc becomes effective) after “Subject to regulations under this section” insert “and, in the case of variation, to section 6B of this Act,”.
- (5) After section 6A of the TA 1985 (which is inserted by section 48) insert—

“6B Applications for registration where quality contracts scheme in force

- (1) This section applies—
- (a) by virtue of subsection (2B) of section 6 of this Act (“Case 1”), in relation to registration of the proposed local service mentioned in that subsection;
 - (b) by virtue of subsection (7A) of that section (“Case 2”), in relation to the proposed variation of the registration mentioned in that subsection.
- (2) Where this section applies, the operator may apply to a traffic commissioner—
- (a) in Case 1, for registration of the proposed service under section 6 of this Act, or
 - (b) in Case 2, for variation of the registration under that section, notwithstanding anything in section 129(1)(a) of the Transport Act 2000 (sections 6 to 9 of this Act not to apply).
- (3) The traffic commissioner must not accept the application except in accordance with subsections (4) to (6) below.
- (4) On receipt of the application, the traffic commissioner must consult the authority or authorities who made the quality contracts scheme.
- (5) If, within the prescribed time, the traffic commissioner receives from the authority or authorities a clearance certificate in respect of the application, the traffic commissioner must—
- (a) in Case 1, register the service under section 6 of this Act, or
 - (b) in Case 2, vary the registration under that section.
- (6) If the traffic commissioner does not receive such a certificate within that time, the application must be rejected.
- (7) In relation to Case 2, regulations may prescribe cases in which subsections (3) to (6) above do not apply.
- (8) In this section—
- “clearance certificate” means a certificate that the provision—
 - (a) in Case 1, of the proposed local service, or
 - (b) in Case 2, of the local service as proposed to be varied,

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will not have an adverse effect on local services provided under quality contracts in the area to which the quality contracts scheme relates;

“prescribed” means prescribed in regulations;

“the relevant authority or authorities” means the authority or authorities—

- (a) who last continued the quality contracts scheme in force under section 131A of the Transport Act 2000, or
- (b) if the scheme has not been so continued, who made it.”.