

1988 No. 1879

PUBLIC PASSENGER TRANSPORT

The Public Service Vehicles (Registration of Local Services) (Amendment) Regulations 1988

<i>Made</i>	<i>28th October 1988</i>
<i>Laid before Parliament</i>	<i>4th November 1988</i>
<i>Coming into force</i>	<i>25th November 1988</i>

The Secretary of State for Transport, in exercise of the powers conferred by section 52(1) of the Public Passenger Vehicles Act 1981(a) and section 6(2)(a), (3)(a), (8)(a) and (9) of the Transport Act 1985(b), and of all other enabling powers, and after consultation with representative organisations in accordance with section 61(2) of the Public Passenger Vehicles Act 1981(c), hereby makes the following Regulations:-

Citation, commencement and introduction

1. These Regulations may be cited as the Public Service Vehicles (Registration of Local Services) (Amendment) Regulations 1988 and shall come into force on 25th November 1988.

2. The Public Service Vehicles (Registration of Local Services) Regulations 1986(d) shall be amended in accordance with the following provisions of these Regulations.

Periods of notice

3. In regulation 5 -

- (a) in paragraph (1) for the words "Subject to paragraph (2), and to regulations 6, 7 and 8:" there shall be substituted "Subject to regulations 7 and 8:"; and
- (b) paragraph (2) shall be omitted.

4. Regulation 6 shall be omitted.

5. In regulation 7(2) -

- (a) in sub-paragraph (a) after the words "or part of a service which" when they occur for the second time there shall be inserted "either he or"; and
- (b) after sub-paragraph (h) there shall be added the following sub-paragraph -

(a) 1981 c.14; section 52(1) was applied and amended by section 126(1) of, paragraph 7 of Schedule 1, paragraph 4(14) of Part II of Schedule 2 and Schedule 8 to the Transport Act 1985 (c.67). (b) 1985 c.67. (c) Section 61(2) was amended by section 135(1) of the Transport Act 1985 ("the 1985 Act"); section 61 has effect as if Parts I and II of the 1985 Act were contained in the Public Passenger Vehicles Act 1981 (c.14) by virtue of section 135(1) of the 1985 Act. (d) S.I. 1986/1671.

- (i) where an operator applies to register or vary a registration with respect to a service or part of a service in order to meet an urgent and exceptional public passenger transport requirement.”.

Variations of registered services

6. In regulation 9 –

- (a) for paragraph (2)(a) there shall be substituted –

“(a) a service may be varied in England and Wales in respect of any journey in a week which includes 24th December, Christmas Day, Good Friday or any bank holiday;”;

- (b) after paragraph (2)(a) as amended by paragraph (a) above there shall be inserted –

“(aa) a service may be varied in Scotland in respect of any journey in a week which includes Christmas Day, 26th December, New Year’s Day, any bank holiday or a local holiday in respect of the area of any district or islands council through which the service operates;”;

- (c) after paragraph (2) (f) there shall be added the following sub-paragraph –

“(g) a service may be varied by the provision of additional vehicles which –

(i) are operated over any part of the route of the service; and

(ii) are operated as closely as possible to the timings in the registered timetable.”; and

- (d) after paragraph (2) there shall be added the following paragraph –

“(3) An operator shall send notice of his intention to vary a service pursuant to paragraph (2)(a) or (2)(aa) to every relevant authority and to the traffic commissioner with whom the service is registered no later than 21 days before the variation is to take effect.”.

Cancellations of registrations relating to discontinued services

7. After regulation 9 there shall be inserted the following regulation –

“9A.—(1) Subject to paragraphs (2) and (3), when the traffic commissioner is satisfied that a service is no longer being provided by the person who registered it, he shall cancel the registration of that service.

- (2) The traffic commissioner shall not cancel a registration –

(a) without first sending by post a notice in writing of his intention to do so to the person mentioned in paragraph (1) at that person’s usual or last known address, or in the case of a company to its registered office; and

(b) until a period of 28 days beginning with the date on which he sent the notice has elapsed.

- (3) Paragraph (2) shall not apply if it appears to the traffic commissioner that –

(i) the person mentioned in paragraph (1) has died or no longer holds an unconditional PSV operator’s licence, or

(ii) in the case of a company or a partnership it has been dissolved.

(4) The traffic commissioner shall send to every relevant authority notice of the cancellation by him of any registration in accordance with this regulation.”.

Fees

8. In regulation 12 –

(a) in paragraph (1) for “£27” there shall be substituted “£30”; and

(b) in paragraph (2) for “£15” there shall be substituted “£27”.

Particulars of the service

9. In the Schedule paragraph 10 shall be omitted.

Signed by authority of the Secretary of State
28th October 1988

Michael Portillo
Minister of State, Department of Transport.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Public Service Vehicles (Registration of Local Services) Regulations 1986 in the following respects.

(1) Regulation 6, which prescribes a 21 day period of notice for applications to vary timetables for all or part of a week which includes 24th December, Christmas Day, Good Friday or any bank holiday, is omitted. Instead regulation 9(2) is amended so that services may be varied without variation of registration in England and Wales in respect of journeys taking place in such weeks and in Scotland in respect of journeys taking place in a week which includes Christmas Day, 26th December, New Year's Day, any bank holiday or a local holiday. In addition operators are required to send notice of such variations to the relevant authorities and to the traffic commissioner no later than 21 days before the variations take effect (regulation 9(3)).

(2) One of the cases where the traffic commissioner may substitute a different period of notice from that prescribed – the case specified in regulation 7(2)(a) – is amended so that it covers operators who apply to register or vary a registration with respect to a service or part of a service which will be substantially similar to a service which he has ceased or is ceasing to operate. In addition a new case is added to regulation 7(2) – where an operator applies to register or vary a registration with respect to a service or part of a service to meet an urgent and exceptional public passenger transport requirement (regulation 7(2)(h)).

(3) A new case is added to regulation 9(2) (variations of registered services without variation of registration). This is where a service is varied by the provision of additional vehicles which are operated over any part of the route and as closely as possible to the timings in the timetable (registrations 9(2)(g)).

(4) A new regulation, regulation 9A, is inserted which makes provision for the cancellations of regulations relating to discontinued services.

(5) The fee for an application to register particulars of a local service is increased from £27 to £30, and the fee for an application to vary the registered particulars of a service is increased from £15 to £27.

(6) A prescribed particular of a registered service, the largest category of vehicle to be used (paragraph 10 of the Schedule), is omitted.

(7) Regulation 5(2), which provided for an extension of periods of notice (save as specified) to the 25th January 1987 if they expired before that date, is omitted as the paragraph is now spent.