

2001 No. 3317

PUBLIC PASSENGER TRANSPORT, ENGLAND

**Quality Partnership Schemes (Existing Facilities)
Regulations 2001**

Made - - - - - 3rd October 2001

Laid before Parliament 5th October 2001

Coming into force - - 26th October 2001

The Secretary of State for Transport, Local Government and the Regions, in exercise of the powers conferred by section 119 of the Transport Act 2000(a), hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Quality Partnership Schemes (Existing Facilities) Regulations 2001 and shall come into force on 26th October 2001.

(2) These Regulations extend to England only.

Interpretation

2. In these Regulations—

“the Act” means the Transport Act 2000; and

“scheme” means a quality partnership scheme.

Specification of existing facilities

3.—(1) An existing facility may not be specified in a scheme if that facility was first provided before the beginning of a period of ten years ending on the date on which notice is given under section 115(1) of the Act.

(2) An existing facility which was first provided before the beginning of a period of five years ending on the date on which notice is given under section 115(1) of the Act may not be specified in a scheme if any person who, on that date, relies upon that facility in the provision of a local service has objected to it being specified, and that objection has not been withdrawn.

Objections

4.—(1) Any objection given pursuant to regulation 3(2) must be made in writing and served on—

(a) the local transport authority giving the notice under section 115(1), or

(a) 2000 c. 38.

(b) where two or more authorities propose to make the scheme, either the authority specified in the notice for that purpose or (where no such authority is specified) on any one of them.

(2) Any objection given pursuant to regulation 3(2) may be withdrawn by notice in writing served on the authority upon whom the objection was served pursuant to regulation 4(1).

(3) The scheme shall state that no objection to the specifying of an existing facility has been received and not withdrawn.

5. Section 115 of the Act shall apply, in relation to proposed schemes which specify existing facilities, as if after subsection (4) there is inserted—

“(5) Where the proposed scheme specifies one or more existing facilities, the authority shall, in the notice given under subsection (1)—

(a) state when they believe that each such facility was first provided and where two or more authorities propose to make the scheme the authority in whose area an existing facility is situated shall be responsible for making that statement, and

(b) specify the date by which an objection to the specifying of an existing facility must be made, such date to be not less than 42 days from the date on which the notice is published.”

Signed by authority of the Secretary of State
for Transport, Local Government and the Regions

Sally Keeble

Parliamentary Under Secretary of State,

3rd October 2001

Department for Transport, Local Government and the Regions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for existing facilities to form part of a quality partnership scheme. Quality partnership schemes are introduced by Part II of the Transport Act 2000.

Regulation 3 provides that existing facilities may not form part of a quality partnership scheme where they were first provided more than 10 years before notice of the proposed scheme is given. However, where an existing facility was provided more than 5 years but less than 10 years before notice of the proposed scheme is given, it may form part of a quality partnership scheme providing no objection is made and not withdrawn by any person relying upon that facility in the provision of local services.

Regulation 4 provides that any objection given pursuant to Regulation 2 must be in writing, and be served on the appropriate authority.

Regulation 5 provides that an authority must, in the course of consultation in respect of a proposed scheme, specify the date on which it believes each relevant existing facility was first provided. Where more than one authority proposes to make the scheme, the authority in whose area the existing facility is situated is responsible for making the statement. The authority must also specify the date by which any objection should be made. The authority must give at least 42 days within which to make any objection.

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