
STATUTORY INSTRUMENTS

2018 No. 406

The Public Service Vehicles (Registration of Local Services) (Franchising Schemes Transitional Provisions and Amendments) (England) Regulations 2018

Application period for a registration, variation or cancellation when a franchising scheme is in operation

7.—(1) Where sections 6 to 9 of the 1985 Act do not have effect in relation to a franchising scheme area by virtue of section 123J of the 2000 Act, the provisions of the 1985 Act that are set out in paragraph (2) nevertheless have effect.

(2) The provisions of the 1985 Act are—

- (a) (i) section 6(1) to (1E), (2A), (4) to (7), and
- (ii) section 6A, and

(b) paragraph (a) of section 6(2) (prescribed particulars) and section 6(9) to the extent that they introduce regulations 1 to 4, 9A, 10 and 12 of the 1986 Regulations, and the 2009 Regulations; which provisions also have effect.

(3) A traffic commissioner may, by virtue of paragraphs (1) and (2), accept an application for registration, or the variation or cancellation of a registration, where such an application—

(a) relates to a service that—

- (i) has a stopping place in a franchising scheme area;
- (ii) is not an excepted service in every franchising scheme area in which it has a stopping place;
- (iii) is not an exempt service, and

(b) is received by a traffic commissioner after section 123J(2) has effect in relation to the franchising scheme area, or where the service has a stopping place in more than one franchising scheme area, any one of those areas.

(4) Subject to paragraph (5), a traffic commissioner must not accept any application to which paragraph (3) relates which is received later than the cut-off date.

(5) A traffic commissioner must accept an application to which paragraph (3) relates where such an application is in relation to a service which is to be provided under an agreement between a franchising authority or authorities and a person who undertakes to provide a service on terms which may include provision for the making of payments to that person by the authority or authorities.