
WELSH STATUTORY INSTRUMENTS

2009 No. 3293

The Quality Partnership Schemes (Wales) Regulations 2009

PART 2

**DETERMINATION OF RELEVANT
OPERATOR AND ADMISSIBLE OBJECTION**

Determination of the traffic commissioner

- 14.**—(1) Within a period of 28 days beginning with the date of the later of the following—
- (a) the end of the period for submission of the material described in regulation 12(1)(a) and (b); or
 - (b) the end of the period within which such further information or evidence requested under regulation 12(4) must be submitted;

the traffic commissioner must make a determination of the matter referred under regulation 11 and issue a written notice to the objector and the lead authority informing them of the determination.

(2) Where the determination of the traffic commissioner is that the objection should be upheld, the traffic commissioner may recommend to the lead authority such modifications to the requirements specified in the proposed scheme as to frequencies, timings or maximum fares as the traffic commissioner considers appropriate.

(3) Where the traffic commissioner makes recommendations to the lead authority in accordance with paragraph (2), and the authority either—

- (a) modifies the scheme in accordance with those recommendations; or
- (b) removes the requirement to which the admissible objection relates;

the objection is no longer an admissible objection for the purposes of section 114(6B) of the Act.

(4) Where either—

- (a) the traffic commissioner does not make recommendations to the lead authority in relation to a determination described in paragraph (2); or
- (b) the authority proposes modifications to the scheme which are different to those recommended by the traffic commissioner under paragraph (2);

paragraphs (5) to (9) apply.

(5) Where this paragraph applies the lead authority must, within a period of 28 days beginning with the day on which the determination made under paragraph (1) is received, send a written notice to the objector describing the modifications that the authority proposes to make to the standard of services to be specified in the scheme as a consequence of a determination described in paragraph (2).

(6) The lead authority may, with the written consent of the objector, extend the 28 day period specified in paragraph (5).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(7) If within a period of 14 days beginning with the day on which the notice under paragraph (5) is received the objector has not withdrawn the objection, the lead authority may refer the matter back to the traffic commissioner for a determination.

(8) Where any matter is referred back to the traffic commissioner by virtue of paragraph (7), the traffic commissioner must make a determination within a period of 14 days beginning with the date on which the matter is referred.

(9) Where the determination of the traffic commissioner in response to a referral under paragraph (7) is that the objection is not an admissible objection, the objection is no longer an admissible objection for the purposes of section 114(6B) of the Act.