
WELSH STATUTORY INSTRUMENTS

2009 No. 3293

The Quality Partnership Schemes (Wales) Regulations 2009

PART 3

**REVIEW OF REQUIREMENTS AS TO
FREQUENCIES, TIMINGS OR MAXIMUM FARES**

Review of requirements as to maximum fares by lead authority

17.—(1) Except where regulation 20 applies, where an authority or authorities make a scheme which specifies a standard of services which includes requirements as to the maximum fares that may be charged for particular journeys, or for journeys of particular descriptions, that scheme must specify a maximum fares requirement period in accordance with paragraphs (2) and (3).

(2) A maximum fares requirement period is, as the case may be, the period—

- (a) between the date on which the requirements as to maximum fares first come into effect, and the latest date by which it is specified that the first review of those requirements must start; or
- (b) between the completion of a review of the requirements as to maximum fares, and the latest date by which it is specified that the next review of those requirements must start.

(3) The maximum fares requirement period must be no greater than 12 months.

(4) Prior to the end of the maximum fares requirement period the lead authority must start a review by issuing a written review notice to participating operators to whom the requirements as to maximum fares apply.

(5) The review notice must propose—

- (a) that requirements as to the maximum fares that may be charged for particular journeys, or for journeys of particular descriptions, contained in the scheme, or any part of the scheme, should cease to have effect;
- (b) that the existing maximum fares that may be charged for particular journeys, or for journeys of particular descriptions, should continue to have effect until the next review; or
- (c) revised requirements as to the maximum fares that may be charged for particular journeys, or for journeys of particular descriptions.

(6) Provided the lead authority issues a review notice prior to the end of the maximum fares requirement period, the existing requirements as to maximum fares contained in the scheme continue to have effect, unless paragraph (7) applies, until that authority makes a decision in accordance with regulation 24(2).

(7) Where the decision made in accordance with regulation 24(2) is that revised requirements as to maximum fares should be incorporated into the scheme, the existing requirements as to maximum fares contained in the scheme continue to have effect until such time as those revised requirements take effect in accordance with the timetable specified in accordance with regulation 24(5)(b).

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

(8) If the lead authority considers that either or both of the conditions in paragraph (9) are met in relation to some or all of the requirements as to the maximum fares that may be charged for particular journeys, or for journeys of particular descriptions, it may, at any time prior to the end of the maximum fares requirement period, start a review of those requirements by issuing a written review notice to relevant participating operators.

(9) The conditions are that—

- (a) there has, since the relevant date, been a change in market conditions which materially affects the ability of relevant participating operators, acting in a competent and efficient manner, to secure an appropriate rate of return from continuing to operate existing services in accordance with the requirements as to maximum fares specified in the scheme; or
- (b) the existing requirements are no longer consistent with the local transport policies⁽¹⁾ of the lead authority or of the other authority or of any of the other authorities (as the case may be) by whom the scheme is made.

(1) The term “local transport policies” is defined in section 108(5) of the Transport Act 2000, inserted by section 7(1) and (2) of the Local Transport Act 2008.