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WELSH STATUTORY INSTRUMENTS

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**2009 No. 3293**

**The Quality Partnership Schemes (Wales) Regulations 2009**

**PART 2**

**DETERMINATION OF RELEVANT  
OPERATOR AND ADMISSIBLE OBJECTION**

**Definition of “relevant operator”**

5.—(1) For the purposes of sections 114(6B) and 122(3)(c) of the Act, “relevant operator” has the meaning given to it by this regulation and regulation 6.

(2) Subject to paragraphs (3) and (4) a “relevant operator” is an operator who, on the day on which an authority or authorities first give notice under section 115(1) of the Act of the proposal to make a scheme—

- (a) is operating one or more local services in accordance with particulars registered under section 6 of the 1985 Act<sup>(1)</sup>; or
- (b) is eligible under section 6(4) of the 1985 Act<sup>(2)</sup> to have an application for registration accepted, and has made such an application to the traffic commissioner to register the particulars of one or more local services;

and the local service to which the registration or, as the case may be, application relates has one or more stopping places in the area to which the proposed scheme relates.

(3) Paragraph (2) does not apply to an operator when—

- (a) the operator has, in respect of a local service to which paragraph (2)(a) applies, submitted an application to the traffic commissioner under section 6(7) of the 1985 Act to vary or cancel the registration of that local service; or
- (b) the operator has, in respect of an application to which paragraph (2)(b) applies, withdrawn that application;

and the effect of either sub-paragraph (a) or (b) is that the operator would not, at such time as the variation, cancellation or withdrawal takes effect, be operating any local services with one or more stopping places in the area to which the proposed scheme relates.

(4) Paragraph (2) does not apply to an operator of local services if the only services which that operator provides, or proposes to provide, and to which that paragraph would otherwise apply are

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(1) Section 6 of the Transport Act 1985 has been amended by the Railways Act 2005, section 59(1) and Schedule 12, paragraph 8; the Education and Inspections Act 2006, section 85 and Schedule 10, paragraphs 2(1) to (3); the Local Transport Act 2008, sections 48(1) and (2) and 65(2) to (4); the Learner Travel (Wales) Measure 2008, sections 25 and 26, Schedule 1, paragraph 2, Schedule 2. It is also to be amended by section 49(1) to (4) of the Local Transport Act 2008 on a date to be appointed in accordance with section 134(3) of that Act. There are other amendments which are not relevant to these Regulations.

(2) Section 6(4) of the 1985 Act provides that an application to register a local service may only be accepted from a person who holds an unconditional PSV operator’s licence issued under the Public Passenger Vehicles Act 1981, a permit granted under section 22 of the Transport Act 1985, or is proposing to use a school bus for the carriage of fare-paying passengers in accordance with section 46(1) of the Public Passenger Vehicles Act 1981.

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

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services which, under the scheme as proposed by the authority or authorities in the notice given under section 115(1) of the Act, would be excluded from the scheme under section 116(3) of the Act.