Order laid before Parliament under section 3(4) of the Public Passenger Vehicles Act 1981, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1999 No.

ROAD TRAFFIC

The Traffic Areas (Reorganisation) (Wales) Order 1999

Made - - - -	*9th March 1999*
Laid before Parliament	*10th March 1999*
Coming into force - -	*1999*

The Secretary of State for the Environment, Transport and the Regions in exercise of the powers conferred by sections 3(2) and (3) and 80(2) of the Public Passenger Vehicles Act 1981(**1**), and in exercise of all other powers enabling him in that behalf, and after consultation with the Council on Tribunals in accordance with section 8(1) of the Tribunals and Inquiries Act 1992(**2**), hereby makes the following Order:–

Commencement and citation

1.—(1) This Order may be cited as the Traffic Areas (Reorganisation) (Wales) Order 1999.

(2) The provisions of the Order shall come into force on the fourteenth day after the day on which this Order is approved by resolution of each House of Parliament.

Interpretation

2. In this Order–

"the 1981 Act" means the Public Passenger Vehicles Act 1981;

"the 1995 Act" means the Goods Vehicles (Licensing of Operators) Act 1995(**3**);

"the 1990 Order" means the Traffic Areas (Reorganisation) Order 1990(**4**);

"goods vehicle operator's licence" means an operator's licence within the meaning of section 2 of the 1995 Act;

(**1**) 1981 c. 14; section 3 was amended by paragraphs 4(2) of Part II of Schedule 2 to the Transport Act 1985 (c. 67) ("the 1985 Act"), section 14A was inserted by section 25 of the 1985 Act.
(**2**) 1992 c. 53.
(**3**) 1995 c. 23.
(**4**) S.I.1991/288; Schedule 1 was amended by S.I. 1991/634.

"operating centre", in relation to a goods vehicle operator's licence, has the meaning given by section 7(3) of the 1995 Act and, in relation to a PSV operator's licence, has the meaning given by section 82(1) of the 1981 Act;

"PSV operator's licence" has the meaning given by section 82(1) of the 1981 Act;

"review" means a review of a goods vehicle operating centre in accordance with sections 30 to 32 of the 1995 Act;

"the reorganisation date" has the meaning given by article 4; and

"transferred part of the North-Western Traffic Area" means the area transferred by article 3(3) to the Welsh Traffic Area.

Reorganisation of Traffic Areas

3.—(1) In this Order "the reorganisation date" means the date that this Order comes into force.

(2) On the reorganisation date, the South-Wales Traffic Area shall be abolished and in accordance with paragraph (4) the area which that Traffic Area comprises shall become part of the Welsh Traffic Area.

(3) On the reorganisation date, and in accordance with paragraph (4) the part of the North-Western Traffic Area which comprises the former counties of Clwyd and Gwynedd shall be transferred to the Welsh Traffic Area, and the rest shall remain as the North-Western Traffic Area.

(4) On the reorganisation date Schedule 1 to the 1990 Order shall be amended as follows–

(a) in column (1) "Welsh" shall be substituted for "South-Wales";

(b) in column (2) "Clwyd" and "Gwynedd" shall be deleted, and "Wales" shall be substituted for "the Counties of Dyfed, Gwent, Mid Glamorgan, Powys, South Glamorgan and West Glamorgan".

Construction and amendment of enactments and other documents

4.—(1) A reference in any enactment passed or made before the reorganisation date or in any other document made or issued before that date to the South-Wales Traffic Area, or to the traffic commissioner for the South-Wales Traffic Area, shall, in relation to any time on or after that date, be construed as a reference to the Welsh Traffic Area, or (as the case may be) the traffic commissioner for the Welsh Traffic Area.

(2) In respect of the transferred part of the North-Western Traffic Area, any reference in any enactment passed or made before the reorganisation date or in any other document made or issued before that date to the North-Western Traffic Area, or to the traffic commissioner for the North-Western Traffic Area, shall, in relation to any time on or after that date, be construed as a reference to the Welsh Traffic Area, or (as the case may be) the traffic commissioner for the Welsh Traffic Area.

Traffic Commissioners

5.—(1) Subject to paragraph (2), nothing in this Order shall affect the appointment of a traffic commissioner or a deputy traffic commissioner.

(2) The traffic commissioner for the Welsh Traffic Area shall be the person who immediately before the reorganisation date was the traffic commissioner for the South-Wales Traffic Area.

Debts and liabilities

6.—(1) Any debt in respect of the South-Wales Traffic Area or the transferred part of the North-Western Traffic Area which is due immediately before the reorganisation date shall be treated as a debt due to the traffic commissioner for the Welsh Traffic Area.

(2) Any liability in respect of the South-Wales Traffic Area or the transferred part of the North-Western Traffic Area which is outstanding immediately before the reorganisation date shall be treated as the liability of the traffic commissioner for the Welsh Traffic Area.

Goods vehicle operators' and PSV operators' licences

7. The Schedule to this Order shall have effect in relation to goods vehicle operators' licences and PSV operators' licences.

Continuity of exercise of functions

8.—(1) Nothing in this Order shall affect the validity of anything done by a traffic commissioner before the reorganisation date.

(2) Anything which immediately before the reorganisation date is in the process of being done by or in relation to a traffic commissioner in relation to the South-Wales Traffic Area or the transferred part of the North-Western Traffic Area may be continued by or in relation to the traffic commissioner for the Welsh Traffic Area.

(3) Anything done by or in relation to a traffic commissioner before the reorganisation date in relation to the South-Wales Traffic Area or the transferred part of the North-Western Traffic Area shall, so far as is required for continuing its effect on or after that date, have effect as if done by or in relation to the traffic commissioner for the Welsh Traffic Area.

(4) Without prejudice to the generality of paragraphs (2) and (3), those paragraphs apply in particular to–

(a) any decision or determination made by a traffic commissioner;

(b) any licence, permission, consent, approval, authorisation, exemption, dispensation or relaxation granted by a traffic commissioner;

(c) any notice, direction or certificate given by or to a traffic commissioner;

(d) any application, request, proposal, representation or objection made to a traffic commissioner;

(e) any condition or requirement imposed by a traffic commissioner;

(f) any undertaking given to a traffic commissioner;

(g) any matter affecting fees;

(h) any appeal against a decision of a traffic commissioner and any order made on such an appeal;

(i) any appeal allowed or dismissed by a traffic commissioner;

(j) any proceedings instituted by or against a traffic commissioner.

(5) The foregoing provisions of this article are subject to article 6 and without prejudice to the Schedule.

Inquiries

9.—(1) This article applies where–

(a) an inquiry held by a traffic commissioner under any Act or statutory instrument has begun before the reorganisation date; and

(b) but for this article, the matter to be determined at the inquiry would fall to be determined in whole or in part by the traffic commissioner for the South-Wales Traffic Area or the North-Western Traffic Area.

(2) In such a case, the traffic commissioner holding the inquiry may if he thinks fit, on and after the reorganisation date, continue to hold the inquiry (if it is not already completed) and, after it has been completed, make the determination.

(3) Any determination made by virtue of this article shall have effect as if it had been made by the traffic commissioner to whom, but for this article, the determination would have fallen to be made.

(4) Paragraphs (1) to (3) shall apply with appropriate modification where an inquiry is held by a deputy traffic commissioner.

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

Larry Whitty
Department of the Environment, Transport and the Regions

9th March 1999

THE SCHEDULE Article 7

GOODS VEHICLE OPERATORS' LICENCES AND PSV OPERATORS' LICENCES

PART I

Existing goods vehicle operators' licences

Cases where only one existing licence held by a person has effect in the Welsh Traffic Area

1.—(1) Subject to paragraph 3 of this Schedule, this paragraph applies where, immediately before the reorganisation date either–

(a) the places specified as operating centres in a goods vehicle operator's licence are all situated in the South-Wales Traffic Area, and no place in the transferred part of the North-Western Traffic Area is specified as an operating centre immediately before that date in any other goods vehicle operator's licence held by the same person; or

(b) the places specified as operating centres in a goods vehicle operator's licence are all situated in the transferred part of the North-Western Traffic Area, and no place in the South-Wales Traffic Area is specified as an operating centre immediately before that date in any other goods vehicle operator's licence held by the same person.

(2) In such a case, the goods vehicle operator's licence shall, so far as is required for continuing its effect on and after the reorganisation date, have effect as if it had been granted by the traffic commissioner for the Welsh Traffic Area.

Cases where more than one existing licence held by a person has effect in the Welsh Traffic Area

2.—(1) Subject to paragraph 3 of this Schedule, this paragraph applies where, immediately before the reorganisation date–

(a) the places specified as operating centres in a goods vehicle operator's licence are situated in the South-Wales Traffic Area; and

(b) the person who holds that licence holds a North-Western Traffic Area good vehicle operator's licence in which the places specified as operating centres are all situated in the transferred part of the North-Western Traffic Area,

and in such a case the licences held by that person in which the places specified as operating centres are situated in the Welsh Traffic Area shall be collectively referred to in this paragraph as "the relevant licence".

(2) In such a case, on and after the reorganisation date–

(a) each separate licence which forms part of the relevant licence shall be treated as subsisting independently until its amalgamation in accordance with sub-paragraph (3) below or its termination in accordance with the 1995 Act, whichever is the earlier, although for the purposes of section 8(2) of the 1995 Act the licences which constitute the relevant licence shall be deemed to be one licence; and

(b) so far as is required for continuing its effect on and after the reorganisation date, each separate licence referred to in paragraph (a) above shall have effect as if either of them had been granted by the traffic commissioner for the Welsh Traffic Area, and any operating centre specified may be reviewed by the traffic commissioner as though reorganisation had not taken place.