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*Dear Tony*

During the debate in Committee on Monday, you raised the issues of the role of the Traffic Commissioners under an Advanced Quality Partnership Scheme. I thought it would be useful to write and explain how their functions relate to those schemes.

The traffic commissioners are the regulators for the bus and road haulage industry. Their main function is to ensure that individual operators are meeting the requirements of law in relation to matters such as operator licensing – including calling operators and drivers to account where they fail to meet safety, compliance and professional standards.

They have the power to consider evidence of non-compliance provided by enforcement authorities such as the police and this Department's Driver and Vehicle Services Agency. They also have powers to hold public inquiries to investigate such evidence and call the operator before them to respond. After considering all the evidence, they have powers to issue fines to operators and even withdraw their operator's licence, which would put that operator out of business. This is their primary function, and as such they are a safety regulator.

In relation to buses they also have a role in the performance of local bus services. Under the Transport Act 1985, all bus services defined as 'local services' – that charge passengers separate fares and have stopping places less than 15 miles apart – must register their service particulars (e.g. route and timetable) with the traffic commissioner. When these local bus service registrations are received, the traffic commissioner must seek views from other stakeholders, such as the police and local authority. If they receive objections from those stakeholders – e.g. on the grounds that the service uses inappropriate vehicles for the, they must consider them and decide whether to accept the registration.

But these objections again relate to matters such as road safety. They have no influence over the commercial decision about whether to run a particular service, what route it runs on, or what the timetable is. Those are commercial decisions for the operator themselves.

However, once a registration is accepted by the traffic commissioner, the operator is required by law to run the service in accordance with the service particulars. If they fail to do so – e.g. by not running services to the timetable they have submitted as part of the service registration – the traffic commissioner can take enforcement action, such as issuing fines, withdrawing the registration, or putting a condition on that operator's licence relating to how and whether they can provide local bus services. In this role they act to protect the consumer and ensure that bus passengers receive the level of service that the operator has promised.

In conclusion, the role of the traffic commissioner is restricted primarily to matters of road safety. However, for local bus services, they do have a role in ensuring that local bus services 'on the ground' are provided in accordance with the service particulars that the operator has registered with them.

Finally, you also raised the issue of whether traffic commissioners have regional knowledge. The traffic commissioners cover Great Britain and have in practice jurisdiction over one of eight geographical 'traffic areas'. Cornwall is included in the south west traffic area. The traffic commissioner for that area is based in Bristol. This ensures that individual traffic commissioners can apply the necessary regional knowledge in exercising their statutory functions.

Since the Local Transport Act 2008, the legal position, however is that traffic commissioners in England and Wales are not appointed formally to a single regional traffic area. Instead they form part of a pool of traffic commissioners and deputy commissioners who the Senior Traffic Commissioner deploys across the country (including, in relation to reserved matters only, in Scotland). This was done to create greater flexibility in the operation of the operator licensing system and reduce administrative burdens for operators.

As a result of this change, legislative references to traffic commissioners are now routinely to "a traffic commissioner" rather than "the traffic commissioner for the relevant traffic area" as they were before. A combination of guidance (to operators and/or local transport authorities) and the powers of the Senior Traffic Commissioner to deploy the other traffic commissioners are used to ensure that issues are dealt with in the right local context.

I hope this clarifies why the legislative reference in the Bill is as it is and reassures you that in practice information will be sent to, and decisions taken by, the traffic commissioner (or deputy traffic commissioner) responsible for the relevant part of the country.

I have placed a copy of this letter in the Libraries of both Houses



**LORD (TARIQ) AHMAD OF WIMBLEDON**