



Transport Act 1985

1985 CHAPTER 67

PART I

GENERAL PROVISIONS RELATING TO ROAD PASSENGER TRANSPORT

9 Appeals against traffic regulation conditions.

- (1) Any person to whom subsection (2) below applies may appeal to [^{F1}the Secretary of State][^{F1}^{F2}the Upper Tribunal]] against—
 - (a) the determination, variation or revocation of any traffic regulation conditions under section 7 of this Act; or
 - (b) the refusal by a traffic commissioner to comply with a request duly made under that section to determine, vary or revoke any such conditions.
- (2) The persons to whom this subsection applies are—
 - (a) in relation to any determination, variation or revocation of conditions—
 - (i) any person who has registered under section 6 of this Act a local service which is, or is likely to be, affected by them; and
 - (ii) any traffic authority aggrieved by the decision in question; and
 - (b) in relation to any refusal to comply with a request, the person making the request.
- (3) [^{F3}An appeal under this section must be made within the prescribed time and in the prescribed manner, and provision may be made by regulations as to the procedure to be followed in connection with such appeals.]
- (4) [^{F3}On the determination of an appeal under this section, the Secretary of State may confirm, vary or reverse the decision appealed against and may give such directions as he thinks fit to the traffic commissioner for giving effect to his decision.]
- (5) [^{F4}An appeal lies at the instance of any of the persons mentioned in subsection (6) below on any point of law arising from a decision of the Secretary of State on an appeal under this section—

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- (a) to the High Court, where the area of the traffic commissioner concerned is in England or Wales; and
- (b) to the Court of Session, where it is in Scotland.]
- (6) [^{F5}The persons who may appeal against any such decision of [^{F6}the Secretary of State] are][^{F5}For the purposes of section 13(2) of the Tribunals, Courts and Enforcement Act 2007 (appeals to Court of Appeal etc. against decisions of the Upper Tribunal) the following persons are to be treated as parties to a case]—
- (a) the person who appealed to [^{F7}him][^{F7}the tribunal];
- (b) any person who had a right to appeal to [^{F7}him][^{F7}the tribunal] against the relevant decision of the traffic commissioner but did not exercise that right;
- (c) any traffic authority aggrieved by the decision; and
- [^{F8}(d) a traffic commissioner.]
- (7) [^{F9}If on an appeal under subsection (5) above the High Court or Court of Session is of opinion that the decision appealed against was erroneous in point of law, it shall remit the matter to the Secretary of State with the opinion of the court for rehearing and determination by him.]
- (8) [^{F9}No appeal to the Court of Appeal may be brought from a decision of the High Court under this section except with the leave of the High Court or the Court of Appeal.]
- (9) [^{F9}An appeal shall lie, with the leave of the Court of Session or the [^{F10}Supreme Court], from any decision of the Court of Session under this section; and such leave may be given on such terms as to costs, expenses or otherwise as the Court of Session or the [^{F10}Supreme Court] determine.]
- (10) In this section “traffic authority” has the same meaning as in section 7 of this Act.

Textual Amendments

- F1** Words in s. 9(1) substituted (E.W.) (9.2.2009) by Local Transport Act 2008 (c. 26), ss. 51(2), 134(4); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1 (with Sch. 1 para. 1)
- F2** Words in s. 9(1) substituted (E.W.) (1.9.2009) by The Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009 (S.I. 2009/1885), art. 1(1), **Sch. 1 para. 7(a)**
- F3** S. 9(3)(4) repealed (E.W.) (9.2.2009) by Local Transport Act 2008 (c. 26), ss. 51(3), 134(4), **Sch. 7 Pt. 3**; S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1 (with Sch. 1 para. 1)
- F4** S. 9(5) omitted (E.W.) (1.9.2009) by virtue of The Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009 (S.I. 2009/1885), art. 1(1), **Sch. 1 para. 7(b)**
- F5** Words in s. 9(6) substituted (E.W.) (1.9.2009) by The Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009 (S.I. 2009/1885), art. 1(1), **Sch. 1 para. 7(c)**
- F6** Words in s. 9(6) substituted (E.W.) (9.2.2009) by Local Transport Act 2008 (c. 26), ss. 51(5)(a), 134(4); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1 (with Sch. 1 para. 1)
- F7** Words in s. 9(6) substituted (E.W.) (9.2.2009) by Local Transport Act 2008 (c. 26), ss. 51(5)(b), 134(4); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1 (with Sch. 1 para. 1)
- F8** S. 9(6)(d) substituted (E.W.) (3.7.2013) by The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 3** (with art. 7)
- F9** S. 9(7)-(9) repealed (E.W.) (9.2.2009) by Local Transport Act 2008 (c. 26), ss. 51(6), 134(4), **Sch. 7 Pt. 3**; S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1 (with Sch. 1 para. 1)
- F10** Words in s. 9(9) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 9 para. 42(2)**; S.I. 2009/1604, art. 2(d)

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Modifications etc. (not altering text)

- C1** Ss. 6-9 applied (28.7.1998) by 1998 c. iii, s. 1, **Sch. s. 54** of Order
Ss. 6-9 restricted (E.W.) (26.10.2001 for E.) by 2000 c. 38, **ss. 129(1)-(3)**, 275; S.I. 2001/3342, art. 2, **Sch.**
Ss. 6-9: power to modify conferred (E.W.) (1.8.2001 for E. and 26.10.2001 for W.) by 2000 c. 38, **s. 134(2)(a)**; S.I. 2001/2788, art. 2, **Sch. 1 para. 2**; S.I. 2001/3342, art. 2, **Sch.**
S. 9: functions transferred (1.10.2007) by The Scotland Act 1998 (Cross-Border Public Authorities) (Traffic Commissioner for the Scottish Traffic Area) Order 2007 (S.I. 2007/2139), art. 2, **Sch.** (with art. 4)
- C2** Ss. 6-9 excluded by 2000 c. 38, s. 123J(2) (as inserted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by Bus Services Act 2017 (c. 21), **ss. 4**, 26(3)) (with transitional provisions (24.4.2018) in S.I. 2018/406, regs. 1(2), **4-8** (with reg. 1(3)))
- C3** Ss. 6-9 excluded (S.) (4.12.2023) by 2001 asp 2, **s. 13B(1)(a)** (as substituted by Transport (Scotland) Act 2019 (asp 17), **ss. 38(2)**, 130(2) (with s. 126); S.S.I. 2023/250, **sch.**)

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Changes and effects yet to be applied to :

- s. 6-9 by [2000 c. 38 s. 129\(1\)\(a\)](#)[134\(2\)\(a\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 6(2ZA) inserted by [2019 asp 17 s. 37\(2\)\(a\)](#)
- s. 6(7ZA) inserted by [2019 asp 17 s. 37\(2\)\(b\)](#)