

1969 No. 86

ROAD TRAFFIC

The Motor Cars (Driving Instruction) (Appeals) Rules 1969

Made 24th January 1969
 Coming into Operation 17th March 1969

The Minister of Transport, in exercise of the powers conferred on him by paragraph 3 of Schedule 1 to the Road Traffic (Driving Instruction) Act 1967^(a) and of all other enabling powers hereby makes the following Rules :—

Commencement, citation and application

1.—(1) These Rules shall come into operation on the 17th March 1969 and may be cited as the Motor Cars (Driving Instruction) (Appeals) Rules 1969.

(2) These Rules apply to appeals under section 7 of the Act against decisions of the Registrar—

- (a) refusing to enter a person's name in the Register ;
- (b) refusing to retain a person's name in the Register ; or
- (c) removing a person's name from the Register.

Interpretation

2.—(1) In these Rules, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say :—

“the Act” means the Road Traffic (Driving Instruction) Act 1967 ;

“appeal” means an appeal to the Minister under section 7 of the Act except in so far as that section relates to licences granted under section 6 of the Act ;

“appeal board” means the person or persons appointed by the Minister under paragraph 2(1) of Schedule 1 to the Act to hold the inquiry ;

“assessor” means a person appointed by the Minister under paragraph 2(2) of Schedule 1 to the Act to advise the appeal board ;

“inquiry” means an inquiry under paragraph 2 of Schedule 1 to the Act ;

“the Minister” means the Minister of Transport ;

“the Register” means the register of approved driving instructors set up by the Minister in pursuance of section 23 of the Road Traffic Act 1962^(b) and required to be continued by section 3(1) of the Act ;

“the Registrar” means the officer of the Minister by whom, on behalf of the Minister, the Register is compiled and maintained.

(2) The Interpretation Act 1889^(c) shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

 (a) 1967 c. 79.

(b) 10 & 11 Eliz. 2 c. 59.

(c) 52 & 53 Vict. c. 63.

Notice of appeal

3.—(1) The notice of appeal to the Minister shall indicate precisely the decision of the Registrar against which the appeal is made and the grounds of the appeal, and shall include the appellant's name and address and the address, if different, to which communications in connection with the appeal should be sent.

(2) The appellant shall, upon giving notice of appeal to the Minister, send a copy of the notice to the Registrar.

Procedure before inquiry

4.—(1) The Registrar shall, within 14 days of receipt of his copy of the notice of appeal, forward to the Minister a statement of his decision against which the appeal has been made.

(2) The Minister may designate one member of the appeal board, in any case where the board consists of more than one person, to act as chairman.

(3) The Minister shall arrange for the inquiry to take place and shall give not less than 21 days' notice in writing to the appellant and to the Registrar of the date, time and place of the inquiry and every notice to the appellant may be given by delivering it to him or by sending it by the recorded delivery service to him at the appropriate address included in his notice of appeal.

(4) Within 14 days of receipt of the notice referred to in the last preceding paragraph of this Rule, the Registrar shall provide the appellant, each member of the appeal board and any assessor with a copy of a statement of his decision, his reasons for it, any representations made to him by the appellant and any other details he thinks will assist the board.

Procedure at inquiry

5.—(1) Subject to the provisions of the Act and of section 249 of the Road Traffic Act 1960^(a) as applied to the inquiry by paragraph 2(3) of Schedule 1 to the Act, and of these Rules, the appeal board shall have power to regulate its own procedure.

(2) The inquiry shall be held in public unless, on the application of either party to the inquiry, the appeal board decides that the inquiry or any part of it should be held in private.

(3) The appellant and the Registrar may appear at the inquiry and may be heard in person or be represented by counsel or solicitor or by any other person.

(4) At the inquiry the appellant and the Registrar shall each be entitled to make an opening statement, to call witnesses, to cross-examine any witnesses called by the other party and to make a final statement.

(5) The appeal board shall not reject any evidence solely on the ground that such evidence would be inadmissible in a court of law.

(6) If the appellant or the Registrar shall fail to appear or to be represented at the time and place fixed for the inquiry, the appeal board may, at its discretion, proceed with the inquiry or adjourn it to a later date, always provided that, if it proceeds with the inquiry, it takes into consideration any written representations which may have been submitted by either party, or it may recommend to the Minister that the appeal be struck out for want of prosecution.

Procedure after inquiry

6.—(1) The appeal board shall after the close of the inquiry make a report in writing to the Minister, which shall include the board's findings of fact, its recommendations, if any, and its reasons for making such recommendations, or its reasons for not making any recommendations.

(2) The Minister shall supply a copy of the appeal board's report to the appellant and the Registrar and shall notify them of his decision, and his reasons therefor, in writing.

Withdrawal of appeal

7. The appellant may at any time before the inquiry give notice in writing to the Minister that he desires to withdraw his appeal and thereupon the appeal shall be deemed to be withdrawn.

Given under the Official Seal of the Minister of Transport the 24th January 1969.

(L.S.)

J. Garlick,
An Under Secretary of the
Ministry of Transport.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

Section 7 of the Road Traffic (Driving Instruction) Act 1967 gives to persons aggrieved by certain decisions of the Registrar, by whom the Register of approved driving instructors is maintained, a right of appeal to the Minister of Transport. Paragraph 3 of Schedule 1 to that Act gives power to the Minister by rules to make provision as to the procedure on such an appeal.

These Rules, made in pursuance of that power, now lay down the procedure to be followed on an appeal to the Minister.