

1970 No. 491

TRANSPORT

The Transport Tribunal (Amendment) Rules 1970

Made - - - 11th March 1970

Coming into Operation 28th March 1970

The Transport Tribunal, in exercise of the powers conferred upon them by paragraph 11 of the Tenth Schedule to the Transport Act 1962(a), and all other powers them enabling in this behalf, with the approval of the Lord Chancellor, the Secretary of State and the Minister of Transport after consultation with the Council on Tribunals in accordance with the requirements of section 8 of the Tribunals and Inquiries Act 1958(b) and with the consent of the Treasury in regard to the scale of fees prescribed by reference to the Transport Tribunal Rules 1965(c) for and in connection with proceedings before the Transport Tribunal, hereby make the following Rules :—

1.—(1) These Rules may be cited as the Transport Tribunal (Amendment) Rules 1970 and shall come into operation on the 28th March 1970.

(2) In these Rules, a Rule referred to by number means the Rule so numbered in the Transport Tribunal Rules 1965(c).

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

2. Rule 2(1) shall be amended as follows :—

(1) After the definition of “the Act of 1960” there shall be inserted the following definitions :—

“the Act of 1968” means the Transport Act 1968(e) ;

“Applications and Decisions” means the statement issued by the licensing authority under Regulation 7 of the Goods Vehicles (Operators’ Licences) Regulations 1969(f).

(2) In the definition of “the licensing authority” there shall be inserted after the words “the Act of 1960” the words “or the Act of 1968”.

(3) In the definition of “road haulage appeal” there shall be inserted after the words “the Act of 1960” the words “or under Part V of, or Schedule 9 to, the Act of 1968”.

3. After Rule 12 there shall be inserted the following Rule :—

“*Special provision as to appeals under the Act of 1968*

12A.—(1) Every appeal under Part V of, or Schedule 9 to, the Act of 1968 shall be lodged with the Tribunal, together with the appropriate fee, not later than one month after the date of publication of the issue of “Applications and Decisions” in which the decision appealed against is published or, in cases where such publication is not required, one month after the date of

(a) 10 & 11 Eliz. 2. c.46.

(c) S.I. 1965/1687 (1965 III, p. 4785).

(e) 1968. c.73.

(b) 6 & 7 Eliz. 2. c.66.

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

(f) S.I. 1969/1636 (1969 III, p. 5141).

the notification of the decision by the licensing authority to the person aggrieved thereby. An appeal from a decision of the Licensing Authority for the Scottish Traffic Area shall be lodged at the Edinburgh Registry and all other appeals at the Central Office.

(2) The appeal shall be in writing and shall—

- (a) indicate precisely the decision appealed against ;
- (b) state the grounds on which the appeal is made ; and
- (c) state the name and address of every person to whom a copy of the appeal is being sent in accordance with the provisions of paragraph (3) of this Rule.

(3) The appeal shall be accompanied by 6 copies for the use of the Tribunal and at the same time as the appeal is lodged, or so soon as may be thereafter, the appellant shall send a copy—

- (a) to the licensing authority ; and
- (b) in the case of an appeal by an applicant for, or for the variation of, an operator's licence, to every person who duly made an objection to the application ; or
- (c) in the case of an appeal made by a person who duly made an objection to an application for, or for the variation of, an operator's licence, to the applicant.

(4) The appeal may be amended at any time as the Tribunal may think fit and upon such terms as the Tribunal may consider just."

4. In Rule 13, after the words "Goods Vehicles (Licences and Prohibitions) Regulations 1960(a)", there shall be inserted the words "or Rule 12A(3)(b) and (c) of these Rules".

5. After Rule 14 there shall be inserted the following Rule :—

"Documents in appeals under the Act of 1968

14A. Upon receipt of a copy of an appeal under Rule 12A(3), the licensing authority shall send to the Registrar 6 copies of each of the following documents :—

- (a) where the appeal relates to an application for an operator's or transport manager's licence, or for the variation of an operator's licence—
 - (i) the application to which the appeal relates with any amendments that have been made therein ;
 - (ii) the notices, if any, published by the licensing authority of the application and the decision of the licensing authority ;
 - (iii) any objections duly lodged against the application ;
- (b) where the appeal relates to a direction or order given or made under sections 61(6) or 69(1) to (7) of the Act of 1968 or under paragraph 4(1) or (3) of Schedule 9 to the Act of 1968, or a refusal to give a direction under section 69(10) of, or paragraph 4(6) of Schedule 9 to, the Act of 1968, the notice of the proposal to give the direction or to make the order and the direction or order ;
- (c) in either case—
 - (i) all other documents produced to the licensing authority in connection with the decision appealed against ;

(a) S.I. 1960/1505 (1960 III, p. 3020).

- (ii) if an inquiry was held, the verbatim record of the inquiry if one was kept, or, if not, the licensing authority's note of the inquiry ;
- (iii) a statement signed by the licensing authority of the reasons for his decision."

6. For Rule 16 there shall be substituted the following Rule :—

"Stay

16. When an appeal has been lodged against a direction to revoke, suspend or curtail a carrier's licence or to remove a vehicle from an operator's licence pursuant to section 61(6) of the Act of 1968 the appellant may apply to the Court ex parte by notice of motion to stay the direction until the appeal has been heard and determined."

7. Rule 22 shall be amended as follows :—

- (1) In paragraph (1), for the words "(which requires" shall be substituted the words "and section 88(4) of the Act of 1968 (which require".
- (2) In paragraph (2)(a), after the words "section 181(4) of the Act of 1960" there shall be inserted the words "and section 88(4) of the Act of 1968".

Dated 11th March 1970.

*G. D. Squibb,
C. P. Hopkins,
J. B. Wood,*

Approved.

*Gardiner, C.,
William Ross,
Fred Mulley,*

We consent to these Rules in so far as they prescribe, by reference to the Transport Tribunal Rules 1965, the scale of fees for and in connection with proceedings under Part V of, or Schedule 9 to, the Act of 1968.

*E. G. Perry,
Neil McBride,*
Two of the Lords Commissioners of
Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Rules)

These Rules amend the Transport Tribunal Rules 1965 so as to make provision for appeals under the Transport Act 1968 relating to operators' licences and transport managers' licences. The procedure in these appeals will be similar to that in appeals relating to carriers' licences.

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