



2011 CHAPTER 11

PART 1

PUBLIC PASSENGER TRANSPORT SERVICES

Service permits

Revocation, disqualification, etc.: supplementary provisions

12.—(1) This subsection applies where—

- (a) an application is made for a new permit in respect of a service for which there is an existing permit;
- (b) the applicant is the holder of the existing permit; and
- (c) the Department considers that it is in the public interest for that service to be provided under a service agreement.

(2) Where subsection (1) applies, the Department shall not refuse the application without first giving the applicant notice that it is considering refusing the application for the reason mentioned in paragraph (c) of that subsection and holding an inquiry if the applicant requests the Department to do so.

(3) The Department shall not—

- (a) give a direction under section 10(1) or (2) in respect of any permit, or
- (b) make an order or give a direction under section 11(1) or (3) in respect of any person,

without first giving the holder of the permit or (as the case may be) the person concerned notice that it is considering doing so and holding an inquiry if the holder of the permit or (as the case may be) the person concerned requests the Department to do so.

(4) The Department may direct that any direction or order given or made by it under—

(a) section 10(1) or (2), or

(b) section 11(1) or (3),

shall not take effect until the expiry of the time within which an appeal may be made to the Upper Tribunal against the direction or order and, if such an appeal is made, until the appeal has been disposed of.

(5) If the Department refuses to give a direction under subsection (4) the holder of the permit or (as the case may be) the person in respect of whom the direction or order was given or made may apply to the Upper Tribunal for such a direction.

(6) An order under section 11(1) is not a statutory rule for the purpose of the [Statutory Rules \(Northern Ireland\) Order 1979 \(NI 12\)](#).