

Changes to legislation: Transport Act 1985, Cross Heading: Powers of First-tier Tribunal and Upper Tribunal in relation to transport appeals is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 4

CONSTITUTION, POWERS AND PROCEEDINGS OF THE TRANSPORT TRIBUNAL

[^{F1}Powers of First-tier Tribunal and Upper Tribunal in relation to transport appeals

Textual Amendments

F1 Sch. 4 paras. 17, 18 and cross-heading inserted (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. 9(d)**

- 17 (1) The First-tier Tribunal and the Upper Tribunal are to have full jurisdiction to hear and determine all matters (whether of law or of fact) for the purpose of the exercise of any of their functions under an enactment relating to transport.

In the case of the Upper Tribunal, this is subject to sub-paragraph (3).

- (2) On an appeal from any determination of a traffic commissioner other than an excluded determination, the Upper Tribunal is to have power—

(a) to make such order as it thinks fit; or

[^{F2}(b) to remit the matter to—

(i) the traffic commissioner who made the decision against which the appeal is brought; or

(ii) as the case may be, such other traffic commissioner as may be required by the senior traffic commissioner to deal with the appeal, for rehearing and determination by the commissioner in any case where the tribunal considers it appropriate;]

and any such order is binding on the commissioner.

- (3) The Upper Tribunal may not on any such appeal take into consideration any circumstances which did not exist at the time of the determination which is the subject of the appeal.

- (4) A determination of a traffic commissioner is an excluded determination for the purposes of this paragraph if it is made under—

(a) the Goods Vehicles (Community Authorisations) Regulations 1992; or

(b) the Public Service Vehicles (Community Licences) Regulations 1999.

Textual Amendments

F2 Sch. 4 para. 17(2)(b) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)

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18. Paragraph 12 applies in relation to the First-tier Tribunal and the Upper Tribunal for the purpose of the exercise of any of their functions under an enactment relating to transport.]

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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\(2\)\(b\)](#)