



Deregulation and Contracting Out Act 1994

1994 CHAPTER 40

PART I

DEREGULATION

CHAPTER IV

PUBLIC SERVICE VEHICLE OPERATOR LICENSING ETC.

65 Review of decisions and correction of errors.

(1) After section 49 of the 1981 Act there shall be inserted—

“49A Review of decisions.

(1) Subject to subsection (2) below, a traffic commissioner may review and, if he thinks fit, vary or revoke any decision of his—

- (a) to grant or refuse an application for a PSV operator’s licence; or
- (b) to grant or refuse an application for the variation of a PSV operator’s licence,

if he is satisfied that a procedural requirement imposed by or under this Act has not been complied with in relation to the decision.

(2) A traffic commissioner may only review a decision under subsection (1) above—

- (a) if, within such period after taking the decision as may be prescribed, he has given notice to the applicant or (as the case may be) the licence-holder that he intends to review the decision;
- (b) if, within that period, a person who appears to him to have an interest in the decision has requested him to review it; or

Changes to legislation: *There are currently no known outstanding effects for the Deregulation and Contracting Out Act 1994, Section 65. (See end of Document for details)*

- (c) where neither paragraph (a) nor paragraph (b) above applies, if he considers there to be exceptional circumstances that justify the review.
- (3) Regulations may make provision as to the manner in which notices under subsection (2)(a) above are to be or may be served, including provision as to the circumstances in which and time at which any such notice is to be treated as having been duly served (whether or not it has in fact been served).
- (4) The variation or revocation of a decision under this section shall not make unlawful anything done in reliance on the decision before the variation or revocation takes effect.”
- (2) In section 50 of the 1981 Act (appeals to the Transport Tribunal) after subsection (4) there shall be inserted—
 - “(4A) A person who—
 - (a) within the prescribed period has made an application for a review under section 49A of this Act; and
 - (b) has been certified by the traffic commissioner as a person such as is mentioned in subsection (2)(b) of that section,
 may appeal to the Transport Tribunal against the refusal of the application.”
- (3) After section 56 of the 1981 Act there shall be inserted—

“56A Correction of errors.

Where it appears to the traffic commissioner for a traffic area that a document purporting to record, or issued in consequence of, a decision taken in the exercise of his functions contains a clerical error, he may issue a corrected document or a notice in writing that the document is to have effect with such corrections as are stated in the notice.”

Changes to legislation:

There are currently no known outstanding effects for the Deregulation and Contracting Out Act 1994, Section 65.