

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: Transport Act 1985, Cross Heading: Powers and proceedings is up to date with all changes known to be in force on or before 20 July 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)*

## SCHEDULES

### SCHEDULE 4

#### CONSTITUTION, POWERS AND PROCEEDINGS OF THE TRANSPORT TRIBUNAL

##### *Powers and proceedings*

- 8 (1) Subject to paragraph 9(2) below, the tribunal shall for the purpose of the exercise of any of their functions have full jurisdiction to hear and determine all matters whether of law or of fact.
- (2) As respects—
- (a) the attendance and examination of witnesses;
  - (b) the production and inspection of documents;
  - (c) the enforcement of their orders;
  - (d) the entry on and inspection of property; and
  - (e) other matters necessary or proper for the due exercise of their jurisdiction;
- the tribunal shall have, in England and Wales, all such powers, rights and privileges as are vested in the High Court, and, in Scotland, all such powers, rights and privileges as are vested in the Court of Session.
- (3) Execution may be had in England and Wales of any order of the tribunal as if it were an order of the High Court, and any order of the tribunal may be recorded for execution in the books of council and session in Scotland, and shall be enforceable accordingly.
- 9 (1) On an appeal from any determination of a traffic commissioner under Part V of the 1968 Act, the 1981 Act or this Act, the tribunal shall have power—
- (a) to make such order as they think fit; or
  - (b) to remit the matter to the traffic commissioner for rehearing and determination by him in any case where they consider it appropriate;
- and any such order shall be binding on the traffic commissioner.
- (2) The 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.
- 10 (1) The president or, in his absence, such one of the other judicial members as the president or (if the president is unable for any reason to exercise the power conferred on him by this sub-paragraph) the [F<sup>1</sup>Lord Chancellor] may direct, shall preside at any sitting of the tribunal.
- (2) The president or other judicial member presiding at a sitting of the tribunal in pursuance of sub-paragraph (1) above is referred to below in this paragraph as the presiding member.

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- (3) If at any sitting of the tribunal the members sitting are evenly divided as to any decision, the presiding member shall have a second or casting vote; but otherwise decisions of the tribunal shall be by a majority of the members sitting.

**Textual Amendments**

**F1** Words substituted by [S.I. 1989/495, art. 2\(1\)\(2\)](#)

**Modifications etc. (not altering text)**

**C1** Functions transferred to the Lord Chancellor by [S.I. 1989/495, art. 2\(1\)\(2\)](#)

- 11 (1) Subject to paragraph 10 above, the [<sup>F2</sup>Lord Chancellor] may from time to time make general rules governing the procedure and practice of the tribunal and generally for carrying into effect the tribunal's duties and powers.
- (2) Without prejudice to the generality of sub-paragraph (1) above, rules under that sub-paragraph may provide for—
- (a) the awarding of costs by the tribunal;
  - (b) the reference of any question to a member of the tribunal, or to any other person appointed by them, for report after holding a local inquiry;
  - (c) the review by the tribunal of decisions previously given by them;
  - (d) the number of members of the tribunal to constitute a quorum;
  - (e) enabling the tribunal to dispose of any proceedings notwithstanding that in the course of those proceedings there has been a change in the persons sitting as members of the tribunal; and
  - (f) the right of audience before the tribunal.
- (3) Rules under sub-paragraph (1) above may also, subject to the consent of the Treasury, prescribe the scale of fees for and in connection with proceedings before the tribunal.

**Textual Amendments**

**F2** Words substituted by [S.I. 1989/495, art. 2\(1\)\(2\)](#)

**Modifications etc. (not altering text)**

**C2** Functions transferred to the Lord Chancellor by [S.I. 1989/495, art. 2\(1\)\(2\)](#)

- 12 (1) The Secretary of State shall give to the tribunal such assistance as the tribunal may reasonably require.
- (2) The Secretary of State shall place at the disposal of the tribunal any information in his possession which he considers will be of assistance to the tribunal in connection with any matter before them, and shall be entitled to appear and be heard in any proceedings before the tribunal.
- 13 (1) Subject to sub-paragraph (2) below and to any rules made under paragraph 11 above, the tribunal may sit in any part of Great Britain in such place or places as may be convenient for the determination of the proceedings before them.
- (2) An appeal from the determination of a traffic commissioner for a traffic area in Scotland shall be heard in Scotland.

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