



Transport Act 1968

1968 CHAPTER 73

PART II

PASSENGER TRANSPORT AREAS

General

22 Provisions as to regulations and orders under Part II

- (1) In relation to orders or regulations made under this Part of this Act, the provisions of this section shall have effect in addition to the provisions of section 157 of this Act.
- (2) Any order or regulations made under this Part of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) A person who desires to question any order under section 9(1) or 17(1) of this Act on the ground that there was no power to make the order or that a requirement of this Act was not complied with in relation to the order may within six weeks from the date on which the order is made make an application for the purpose to the High Court or, in Scotland, to the Court of Session.
- (4) On an application under subsection (3) of this section with respect to any order, the court—
 - (a) may by interim order suspend the operation of the order or of any provision thereof, either generally or so far as may be necessary for the protection of the interests of the applicant, until the final determination of the proceedings; and
 - (b) if satisfied that there was no power to make the order or that the interests of the applicant have been substantially prejudiced by a failure to comply with a requirement of this Act, may quash the order, or any provision thereof, either generally or so far as may be necessary as aforesaid.
- (5) Except as provided by this section, an order under the said section 9(1) or 17(1) shall not, either before or after it is made, be questioned in any legal proceedings whatever; but nothing in this subsection shall preclude a person from questioning whether the provisions of paragraph (b) of section 17(2) of this Act are satisfied in the case of

Status: This is the original version (as it was originally enacted).

any such acquisition of property, making or variation of a contract, or disposal, as is referred to in that paragraph.

- (6) In relation to proceedings in Scotland, subsection (4)(a) of this section shall have effect as if the words " by interim order " were omitted.

23 Consents of, or directions by, Minister under Part II

- (1) Section 28 of the Act of 1962 (which contains general provisions with respect to Ministerial consents under that Act) shall apply to a consent of the Minister under any provision of this Part of this Act to an action of the Executive for a designated area as it applies to a consent under any of the provisions mentioned in the said section 28 to an action of any of the Boards and, where that area is in Scotland or Wales, as if any reference therein to the Minister of Transport included a reference to the Secretary of State.
- (2) It shall be the duty of any person to whom the Minister gives directions under this Part of this Act to give effect to those directions.
- (3) Any direction given by the Minister under this Part of this Act shall be in writing.