



Transport Act 1980

1980 CHAPTER 34

PART I

PUBLIC SERVICE VEHICLES

Other matters

35 Amendment of Transport (London) Act 1969

After section 23 of the Transport (London) Act 1969 (restrictions on provision of London bus services otherwise than by the London Transport Executive and their subsidiaries) there shall be inserted: —

“23A Right of appeal where Executive refuse to make or vary an agreement authorising a London bus service.

- (1) Where a person other than the Executive or a subsidiary of theirs seeks—
 - (a) an agreement with the Executive under subsection (2) of section 23 of this Act to enable him to provide a London bus service; or
 - (b) an agreement with the Executive to vary the terms of an agreement under that subsection (whenever made) which for the time being subsists between himself and the Executive,then, if the Executive refuse to enter into the agreement sought or fail to enter into it within a reasonable period, that person may appeal to the Minister on the ground of the refusal or failure.
- (2) A person appealing under this section shall give notice of the appeal—
 - (a) to the Council;
 - (b) to the commissioner or commissioners of police concerned; and
 - (c) to any of the councils of the London boroughs or the Common Council within whose area it is proposed to provide a service under the agreement sought by the appellant;

Status: This is the original version (as it was originally enacted).

and the Minister shall not proceed with the appeal unless he is satisfied that such notice has been given.

- (3) In determining an appeal under this section the Minister shall take into account—
- (a) any representations made by the Council; and
 - (b) any representations with respect to relevant road traffic matters made by any of the persons notified as mentioned in paragraph (b) or (c) of subsection (2) of this section.
- (4) An appeal under this section must be made within the prescribed time and in the prescribed manner; and provision may be made by regulations as to the procedure to be followed in connection with appeals under this section.
- (5) On such an appeal the Minister may make such order, if any, as he thinks fit requiring the Executive to enter into an agreement with the appellant on such terms as may be specified in the order; and it shall be the duty of the Executive to comply with any such order.
- (6) For the purposes of any reference in this or any other Act to an agreement under subsection (2) of section 23 of this Act any agreement entered into or varied by the Executive in compliance with an order under subsection (5) above shall be taken to be such an agreement.
- (7) In this section—
- " commissioner of police " and " London bus service " have the same meaning as in section 23 of this Act;
 - " prescribed " means prescribed by regulations made by the Minister ;
 - " relevant road traffic matters ", in relation to an appeal, means the following matters relating to the service proposed to be provided under the agreement sought by the appellant—
 - (a) the route of the service and its terminal points;
 - (b) the points at which passengers may or may not be taken up or set down ;
 - (c) the places at which, and streets by the use of which, vehicles used for the service may turn at a terminal point.

23B Further appeals on points of law.

- (1) An appeal lies to the High Court at the instance of any of the persons mentioned in subsection (2) of this section on any point of law arising from a decision of the Minister on an appeal under section 23A of this Act.
- (2) The persons who may appeal against any such decision of the Minister are—
- (a) the person who appealed to the Minister;
 - (b) any person required to be notified of that appeal under subsection (2) of section 23A of this Act; and
 - (c) the Executive.
- (3) If on an appeal under this section the High Court is of opinion that the decision appealed against was erroneous in point of law, it shall remit the matter to the Minister with the opinion of the court for rehearing and determination by him.

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

- (4) No appeal to the Court of Appeal may be brought from a decision of the High Court under this section except with the leave of the High Court or the Court of Appeal.”.