



Transport Act 1985

1985 CHAPTER 67

PART I

GENERAL PROVISIONS RELATING TO ROAD PASSENGER TRANSPORT

Further amendments with respect to PSV operators' licences

31 Appeals under the 1981 Act.

For sections 50 and 51 of the 1981 Act (appeals) there shall be substituted the following sections—

“50 Appeals to the Transport Tribunal.

- (1) An applicant for the grant of a PSV operator's licence under this Act may appeal to the Transport Tribunal against any decision of the traffic commissioner—
 - (a) to refuse to grant the licence in accordance with the application; or
 - (b) to attach any condition to the licence otherwise than in accordance with the application.
- (2) Where a person who has applied for a new PSV operator's licence in substitution for a licence held by him and in force at the date of his application appeals to the Transport Tribunal under subsection (1) above, the existing licence shall continue in force until the appeal is disposed of, but without prejudice to the exercise in the meantime of the powers conferred by section 17 of this Act.
- (3) Where an application for a PSV operator's licence is granted under this Act and a person who duly made an objection to the grant under section 14A of this Act is aggrieved by the grant of the licence he may appeal to the Transport Tribunal.
- (4) The holder of a PSV operator's licence may appeal to the Transport Tribunal against any decision of the traffic commissioner—

Changes to legislation: Transport Act 1985, Section 31 is up to date with all changes known to be in force on or before 25 June 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

- (a) to refuse his application for the variation or removal of any condition attached to the licence;
- (b) to vary any such condition, or to attach any new condition to the licence, otherwise than on his application; or
- (c) to revoke or suspend the licence or to curtail its period of validity.

(5) Where—

- (a) the holder of a PSV operator’s licence in respect of which an order or direction has been made or given under section 28 of the Transport Act 1985 (power to disqualify PSV operators); or
- (b) any person in respect of whom any such order or direction has been made or given;

is aggrieved by the order or direction he may appeal to the Transport Tribunal.

(6) The traffic commissioner—

- (a) making any such decision with respect to a licence as is mentioned in subsection (4)(b) or (c) above;
- (b) making any such order or giving any such direction as is mentioned in subsection (5) above;

may, if the holder of the licence or any such person as is mentioned in subsection (5)(b) above so requests, direct that his decision shall not have effect until the expiration of the period within which an appeal against it may be made to the Transport Tribunal and, if an appeal is made, until it is disposed of.

(7) Where a traffic commissioner has given a direction under subsection (6) above he may withdraw it at any time.

(8) If the traffic commissioner refuses to give a direction under subsection (6) above or withdraws such a direction, the person requesting it may apply for such a direction to the Transport Tribunal and the Transport Tribunal shall give their decision on the application within fourteen days.

(9) This section does not apply in relation to conditions attached to a PSV operator’s licence under section 8 of the Transport Act 1985 (enforcement of traffic regulation conditions).

51 Appeals to the Secretary of State.

(1) A person applying for—

- (a) a certificate of initial fitness under section 6 of this Act; or
- (b) a certificate under section 10 of this Act that a vehicle conforms to a type vehicle;

may appeal to the Secretary of State against the refusal of a certifying officer to issue such a certificate.

(2) Where the refusal by a certifying officer or public service vehicle examiner to remove a prohibition under subsection (1) of section 9 of this Act (including a prohibition under that subsection as it applies by virtue of section 9A of this Act) has been referred to a certifying officer (“the referee”) under subsection (8) of that section by a traffic commissioner, any person aggrieved by the refusal of the referee to remove the prohibition may appeal to the Secretary of State.

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- (3) 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 such appeals.
- (4) On the determination of an appeal under this section, the Secretary of State may confirm, vary or reverse the decision appealed against, and may give such directions as he thinks fit to the certifying officer for giving effect to his decision; and it shall be the duty of the certifying officer to comply with any such directions.”

Modifications etc. (not altering text)

C1 S. 31 excluded by [S.I. 1986/1450](#), [art. 3\(2\)](#)

Changes to legislation:

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