



# Transport Act 1985

## 1985 CHAPTER 67

### PART I

#### GENERAL PROVISIONS RELATING TO ROAD PASSENGER TRANSPORT

##### *Registration of local services*

#### **9 Appeals against traffic regulation conditions**

- (1) Any person to whom subsection (2) below applies may appeal to the Secretary of State against—
  - (a) the determination, variation or revocation of any traffic regulation conditions under section 7 of this Act; or
  - (b) the refusal by a traffic commissioner to comply with a request duly made under that section to determine, vary or revoke any such conditions.
- (2) The persons to whom this subsection applies are—
  - (a) in relation to any determination, variation or revocation of conditions—
    - (i) any person who has registered under section 6 of this Act a local service which is, or is likely to be, affected by them ; and
    - (ii) any traffic authority aggrieved by the decision in question; and
  - (b) in relation to any refusal to comply with a request, the person making the request.
- (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 traffic commissioner for giving effect to his decision.

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*Status: This is the original version (as it was originally enacted).*

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- (5) An appeal lies at the instance of any of the persons mentioned in subsection (6) below on any point of law arising from a decision of the Secretary of State on an appeal under this section—
- (a) to the High Court, where the area of the traffic commissioner concerned is in England or Wales ; and
  - (b) to the Court of Session, where it is in Scotland.
- (6) The persons who may appeal against any such decision of the Secretary of State are—
- (a) the person who appealed to him ;
  - (b) any person who had a right to appeal to him against the relevant decision of the traffic commissioner but did not exercise that right;
  - (c) any traffic authority aggrieved by the decision ; and
  - (d) the traffic commissioner whose decision was appealed against.
- (7) If on an appeal under subsection (5) above the High Court or Court of Session is of opinion that the decision appealed against was erroneous in point of law, it shall remit the matter to the Secretary of State with the opinion of the court for rehearing and determination by him.
- (8) 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.
- (9) An appeal shall lie, with the leave of the Court of Session or the House of Lords, from any decision of the Court of Session under this section; and such leave may be given on such terms as to costs, expenses or otherwise as the Court of Session or the House of Lords determine.
- (10) In this section " traffic authority " has the same meaning as in section 7 of this Act.