

Status: Point in time view as at 13/02/1991.

Changes to legislation: Road Traffic Act 1988, SCHEDULE 3 is up to date with all changes known to be in force on or before 03 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)

SCHEDULES

SCHEDULE 3

Section 131.

APPEALS UNDER SECTION 131 AGAINST DECISIONS OF THE REGISTRAR

- 1 On an appeal under section 131 of this Act, the Registrar shall be made respondent.
- 2
 - (1) The Secretary of State shall refer every such appeal to a person, or two or three persons, appointed by him to hold an inquiry and report to him.
 - (2) The person or persons so appointed may be appointed either for the purposes of one particular inquiry, or of inquiries into any such appeal that may be made to the Secretary of State during such period as the Secretary of State may determine.
 - (3) No person so appointed shall be an officer of the Secretary of State.
 - (4) The Secretary of State may, for the purpose of any such inquiry, appoint up to three assessors to advise the person or persons holding it on matters arising out of it.
 - (5) The Secretary of State shall, before making an order under section 131 of this Act, consider any report made to him under this paragraph.
 - (6) The Secretary of State shall pay to any person or persons holding inquiries under this paragraph and to any assessors appointed under this paragraph such fees and such expenses, if any, incurred by them as he may, with the approval of the Treasury, determine.
- 3
 - (1) The Secretary of State may by rules made by statutory instrument make provision as to the procedure on an appeal under section 131 of this Act.
 - (2) In particular, but without prejudice to the generality of sub-paragraph (1) above, the rules may make provision—
 - (a) prescribing the form and contents of the notice of appeal,
 - (b) enabling the party to an appeal to appear at an inquiry held under this Schedule by counsel or a solicitor or any person of such other description, if any, as may be specified by the rules,
 - (c) requiring proceedings on any such inquiry to be held in public, except in so far as may otherwise be provided by the rules,
 - (d) defining the functions of any assessors appointed by the Secretary of State.
- 4
 - (1) The Secretary of State may on an appeal under section 131 of this Act—
 - (a) order the appellant to pay the whole or part of the costs incurred by the Secretary of State in connection with the appeal, or

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- (b) direct that the whole or part of the costs of the appellant incurred in connection with the appeal shall be treated as part of the administrative expenses of the Secretary of State.
 - (2) The Secretary of State may certify the amount of any such costs, and any amount so certified and ordered to be paid by the appellant shall be recoverable from him.
- 5 Section 180 of this Act, in its application to an inquiry caused by the Secretary of State to be held under paragraph 2 above, shall have effect as if subsection (1)(d) were omitted.

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