



Goods Vehicles (Licensing of Operators) Act 1995

1995 CHAPTER 23

Review of decisions and appeals

36 Review of decisions

- (1) Subject to subsection (2), a traffic commissioner may review and, if he thinks fit, vary or revoke any decision of his to grant or refuse—
 - (a) an application for an operator's licence, or
 - (b) an application for the variation of such a licence in a case where section 17(3) required notice of the application to be published,if he is satisfied that a procedural requirement imposed by or under any enactment has not been complied with in relation to the decision.
- (2) The traffic commissioner may under subsection (1) review a decision only—
 - (a) if, within such period after taking the decision as may be prescribed, he has given notice to the applicant or (as the case may be) the licence-holder that he intends to review the decision;
 - (b) if, within that period, a person who appears to him to have an interest in the decision has requested him to review it; or
 - (c) (where neither paragraph (a) nor paragraph (b) applies), if he considers there to be exceptional circumstances that justify the review.
- (3) Regulations may make provision as to the manner in which notices under subsection (2)(a) are to be or may be served, including provision as to the circumstances in which, and the time at which, any such notice is to be treated as having been duly served (whether or not it has in fact been served).
- (4) The variation or revocation under this section of any decision shall not make unlawful anything done in reliance on the decision before the variation or revocation takes effect.

37 Rights of appeal in connection with operators' licences

- (1) An applicant for, or for the variation of, an operator's licence may appeal to the Transport Tribunal against the refusal of the application or (as the case may be) against the terms of the licence or of the variation.
- (2) The holder of an operator's licence may appeal to the Tribunal against any direction given under section 5(9), 26(1) or (2), 27(1), 31 or 32 in respect of the licence.
- (3) The holder of an operator's licence may appeal to the Tribunal against any order made under section 26(6) on the suspension or curtailment of the licence.
- (4) A person in respect of whom an order has been made under section 28(1) (including section 28(1) as it applies by virtue of section 28(5)) may appeal to the Tribunal against that order and against any direction given under section 28(4) (including section 28(4) as it so applies) when the order was made.
- (5) A person who has duly made an objection to an application for, or for a variation of, an operator's licence may appeal to the Tribunal against the grant of the application.
- (6) A person who—
 - (a) within the prescribed period has made an application for a review under section 36, and
 - (b) has been certified by the traffic commissioner as a person such as is mentioned in subsection (2)(b) of that section,may appeal to the Tribunal against the refusal of the application.
- (7) In subsections (1) and (2) "operator's licence" does not include an interim licence issued under section 24.