



# Bus Services Act 2017

## 2017 CHAPTER 21

### *Enhanced partnership plans and schemes*

#### 13 Appeals **E+W**

After section 6E of the Transport Act 1985 (inserted by section 12) insert—

##### **“6F Enhanced partnership schemes: appeals**

- (1) A person may appeal to the Upper Tribunal against—
  - (a) a decision to record a requirement under section 6(2D) (recording of requirements specified in an enhanced partnership scheme) in relation to a service provided by the person,
  - (b) a refusal under section 6D(2) or (3) of an application made by the person, or
  - (c) a cancellation under section 6E of the registration of a service provided by the person.
- (2) But if the decision, refusal or cancellation was made by a local transport authority by virtue of section 6G—
  - (a) the appeal as regards that matter is to be made to a traffic commissioner, and
  - (b) the local transport authority or authorities operating the relevant enhanced partnership scheme under section 138A of the Transport Act 2000 is or are to be parties to the proceedings.
- (3) On an appeal under subsection (2), a traffic commissioner may—
  - (a) uphold the decision,
  - (b) quash the decision, or
  - (c) substitute a decision for the decision made.
- (4) Regulations may make provision—
  - (a) as to the time within which, and the manner in which, appeals under subsection (2) may be made, and

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*Changes to legislation: There are currently no known outstanding effects for the Bus Services Act 2017, Section 13. (See end of Document for details)*

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- (b) as to the procedure to be followed in connection with such appeals.
- (5) A decision of a traffic commissioner on an appeal under subsection (2) may be appealed to the Upper Tribunal by—
- (a) the person who appealed under subsection (2), or
  - (b) the local transport authority or authorities operating the relevant enhanced partnership scheme.
- (6) A local transport authority or authorities operating an enhanced partnership scheme under section 138A of the Transport Act 2000 may appeal to the Upper Tribunal against—
- (a) a decision of a traffic commissioner to register a service that has a stopping place in the area to which the scheme relates, or
  - (b) a decision of a traffic commissioner not to record a requirement under section 6(2D) in relation to such a service.
- (7) For the purposes of section 13(2) of the Tribunals, Courts and Enforcement Act 2007 (appeals to Court of Appeal etc against decisions of the Upper Tribunal) the following persons are to be treated as parties to a case—
- (a) the person whose service is in question;
  - (b) the local transport authority or authorities operating the relevant enhanced partnership scheme; and
  - (c) a traffic commissioner.
- (8) In this section “local transport authority” has the meaning given in section 108(4) of the Transport Act 2000.”

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**Commencement Information**

**II** S. 13 in force at Royal Assent for certain purposes, otherwise in force at 27.6.2017, see s. 26(3)

**Changes to legislation:**

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