



Road Traffic Act 1960

1960 CHAPTER 16

PART III

PUBLIC SERVICE VEHICLES

Appeals in connection with Licences and Certificates for Public Service Vehicles

143 Appeals to the Minister in connection with public service vehicle licences, road service licences and certificates of fitness

- (1) An applicant for the grant of a public service vehicle licence or road service licence who is aggrieved by the refusal or failure of the traffic commissioners to grant the licence, or by a condition attached by them or by their refusal to attach a condition, or by the attachment of a condition differing from that desired, may appeal to the Minister.
- (2) Where the traffic commissioners entertain an application for them to exercise their powers of varying the conditions attached to a road service licence or give the prescribed notice of a proposal that they should exercise those powers, but refuse to vary the conditions, the holder of the licence or, if they have made representations in favour of the exercise of the said powers, any of the following persons, that is to say—
 - (a) the council of any county, county borough or county district in England or Wales, or any county or town council in Scotland, in whose area the route to which the licence relates or any part of that route is situated, or
 - (b) any person providing transport facilities along or near that route or any part thereof,may appeal to the Minister.
- (3) Where a road service licence is granted—
 - (a) any local authority in England and Wales, and any county or town council in Scotland, in whose area the route to which the licence relates or any part of that route is situated, or

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- (b) any person providing transport facilities along or near that route or any part thereof,
being an authority, council or person who has made objections or other representations with respect to the grant, may, if aggrieved by the grant of the licence, by a condition attached thereto, by a refusal to attach a condition or by the attachment of a condition differing from that desired, appeal to the Minister; and where any of the conditions attached to a road service licence are varied, any such local authority, council or person as is mentioned in paragraphs (a) and (b) of this subsection, being an authority, council or person who has made objections or other representations with respect to the variation may, if aggrieved by any variation of the conditions or by any such variation's differing from that desired, appeal to the Minister.
- (4) The holder of a public service vehicle licence or road service licence who is aggrieved by the revocation or suspension thereof by the traffic commissioners, or by a variation of the conditions attached thereto or by any such variation's differing from that desired, or the holder of a public service vehicle licence who is aggrieved by the refusal of a certifying officer to remove the suspension thereof, may appeal to the Minister.
- (5) An applicant for or holder of a certificate of fitness who is aggrieved by the refusal of a certifying officer to issue such a certificate or by the limitation of its duration imposed by the certifying officer, or by the revocation of a certificate, may appeal to the Minister.
- (6) Any right of appeal conferred by this section shall be conditional on the appeal being made within the prescribed time and in the prescribed manner.
- (7) On an appeal under this section the Minister shall have power to make such order as he thinks fit for giving effect to his decision on the appeal and any such order shall be binding upon the traffic commissioners or certifying officer.
- (8) Notwithstanding the foregoing provisions of this Part of this Act as to the expiration of licences by effluxion of time, where a person who has applied for a new licence in substitution for a licence held by him and in force at the date of his application appeals to the Minister on the ground that his application has been refused, or has not been granted, the existing licence, and if that licence is a road service licence, any backing thereof, shall continue in force until the appeal has been disposed of, without prejudice, however, to the exercise in the meantime of the powers of suspension and revocation conferred by this Part of this Act.
- (9) Where the holder of a road service licence appeals to the Minister against a variation of the conditions attached to that licence that variation shall not have effect until the appeal has been disposed of:

Provided that regulations relating to appeals under this section may contain provision whereby the holder of a road service licence who appeals to the Minister is enabled to exclude, wholly or partly, the operation of this subsection.