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STATUTORY INSTRUMENTS

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**1986 No. 77**

**The Travel Concession Schemes Regulations 1986**

**PART V**

**APPLICATIONS TO THE SECRETARY OF STATE**

*Hearings and procedure*

**42.**—(1) The Secretary of State may, after the submission of the last written statement or document required under regulations 39 to 41, invite the applicant or the authority to appear before him.

(2) When the Secretary of State invites the applicant or the authority to appear before him, he shall also invite the other to be present.

(3) The hearing pursuant to an invitation from the Secretary of State under this regulation shall take place not less than 14 days after the date of that invitation (or, if invitations were given on separate dates, the date of the second or last of those invitations).

(4) The applicant may appear in person or be represented by counsel, solicitor or any other person.

- (a) (5) (a) Where the authority are a local authority, that authority may appear by any officer appointed for that purpose, or by counsel, or by solicitor, or by any other person;
- (b) Where the authority are a Passenger Transport Executive they may appear by counsel, or by solicitor, or by any officer or employee of the Executive, or other person appointed for that purpose; and
- (c) where the authority are both a local authority and a Passenger Transport Executive, they may appear by any officer of the local authority appointed for the purpose, or by any officer or employee of the Executive, or by counsel, or by solicitor or any other person appointed for that purpose.

**43.** If the applicant or the authority fails—

- (a) to deliver any statement or document within the time specified in these Regulations or directed by the Secretary of State; or
- (b) to appear before him in response to an invitation from the Secretary of State;

the Secretary of State may nevertheless proceed with the determination of the application.

**44.**—(1) Subject to regulation 43, at any hearing the Secretary of State shall give to the applicant and the authority an opportunity—

- (a) to address him and to amplify the written statement submitted under this Part of these Regulations, to give evidence, to call witnesses, and to put questions to any person giving evidence before him; and
- (b) to make representations on the evidence (if any) and on the subject matter of the application generally but, where evidence is taken, such opportunity shall not be given before the completion of the taking of the evidence.

(2) The Secretary of State may receive in evidence any document or information notwithstanding that such document or information would be inadmissible in a court of law.

(3) Except as otherwise provided in this Part of these Regulations, the procedure at any hearing shall be such as the Secretary of State shall in his discretion determine.

**45.**—(1) The decision of the Secretary of State shall be recorded in a document signed by or on behalf of the Secretary of State and dated when so signed.

(2) Such document shall contain a summary of the reasons for the decision of the Secretary of State.

(3) A copy of the document recording the decision of the Secretary of State shall be sent to the applicant and the authority.

(4) Except where a decision has been announced at the conclusion of a hearing, the decision shall be treated as having been made on the date on which the copy of the above-mentioned document is sent to the applicant.

**46.**—(1) This regulation applies to information relating to the reimbursement of a relevant operator and received by an authority from that operator pursuant to reimbursement arrangements.

(2) In this regulation “relevant operator” means an operator of public passenger transport services participating in any scheme established by the authority.

(3) Notwithstanding any provision of regulations 40 to 44, any statement or document submitted or sent by an authority, and any statement made on behalf of an authority appearing before the Secretary of State, shall not contain any information to which this regulation applies unless the relevant operator has given his consent in writing to such inclusion.

**47.** When he determines an application, the Secretary of State may, after giving them an opportunity to make representations, require the applicant or the authority, or both of them, to pay such a sum as he may determine towards the expenses incurred by him in connection with the determination of the application.

**48.**—(1) If the Secretary of State appoints a person to determine an application on his behalf, he shall give notice in writing of the appointment to the applicant and the authority.

(2) If the Secretary of State appoints a person to determine an application on his behalf, references in regulations 39 to 46 to the Secretary of State shall be read, with effect from the date of the appointment, as references to the person so appointed.