
STATUTORY INSTRUMENTS

2000 No. 3226

The Transport Tribunal Rules 2000

PART V

General

Application of Part V

19. Rules 20 to 38 apply to all cases before the Tribunal under these Rules, except that rules 29 and 35 do not apply to applications under Part II (applications for a stay).

Constitution

20.—(1) Subject to paragraph (2), any act required or authorised by these Rules to be done by the Tribunal may be done by a judicial member sitting alone except the hearing of an appeal under Part III, which must be heard by three Tribunal members, including one judicial member.

(2) If every party consents, the Tribunal may hear an appeal under Part III in the absence of any one member, other than the judicial member, and, if so, the judicial member shall have the decisive vote.

Service of notices and documents

21.—(1) Any notice, statement or other document required by these Rules to be served on, supplied or sent to the Tribunal, may be:

- (a) delivered;
- (b) sent by post; or
- (c) sent in such other manner as the Tribunal may accept.

(2) Any statement or other document required by these Rules to be supplied or sent otherwise than to the Tribunal, may be:

- (a) delivered; or
- (b) sent by post to the address for service if applicable, or to the residence, place of business or registered office of the addressee.

Replies and statements

22.—(1) Any party may submit a written reply or statement of his case to the Tribunal.

(2) The Tribunal may by notice in writing require any party to supply such written reply or other statement as it considers necessary, and the secretary shall serve a copy of any such reply or statement on each other party.

Amendment

23.—(1) The Tribunal may at any stage of the proceedings allow any notice, statement or reply to be amended upon such terms as it considers just.

- (2) The Tribunal may direct the secretary to send copies of such amended documents to:
- (a) the parties; and
 - (b) in the case of appeals under Part III of these Rules, the traffic commissioner and the appropriate national authority.

Extension of time

24. The Tribunal may extend any time specified by these Rules upon such terms as it thinks fit, if it considers that the justice of the case requires it.

Disclosure of documents

25.—(1) The traffic commissioner and any party shall comply with any request in writing by the Tribunal to deliver to it any document within their power or control.

(2) The secretary may supply copies of any documents obtained under paragraph (1) to the parties and any such copy document shall be used only for the purposes of the case.

Preliminary issues

26.—(1) The Tribunal may order any point which appears to be in issue in a case before it to be determined as a preliminary issue.

(2) If, in the opinion of the Tribunal, the determination of that point substantially disposes of the whole case, subject to rule 20 the Tribunal may treat the hearing of the preliminary issue as the hearing of the case and may make such order by way of disposing of the case as it thinks fit.

Consolidation

27.—(1) The Tribunal may order two or more cases to be consolidated or heard together where it considers that:

- (a) a common question of law or fact arises in both or all of them; or
- (b) for some other reason it is desirable for them to be consolidated or heard together.

(2) Before the Tribunal makes an order under paragraph (1), it shall give the parties to all the proceedings in question an opportunity to make representations.

Withdrawal of proceedings

28.—(1) Any applicant or appellant may withdraw his case by the service on the Tribunal of written notice to that effect.

(2) The secretary shall send a copy of a notice served under paragraph (1) to every other party to the proceedings and, other than in the case of disputes to which Part IV of these Rules applies, to the traffic commissioner and the appropriate national authority.

Arrangements for hearings

29.—(1) The Tribunal may determine a case before it without an oral hearing if all the parties so agree in writing.

(2) The Tribunal shall set a date, time and place for a hearing but, in cases to which rules 13(2) or (3) or rule 18 apply, it shall not do so until time has expired under those provisions.

(3) The secretary shall send to:

(a) the parties; and

(b) in the case of appeals under Part III of these Rules, the traffic commissioner and the appropriate national authority

notice of the date, time and place fixed for the hearing.

(4) Every notice sent under paragraph (3) shall contain a statement of the effect of rule 34.

(5) The Tribunal may:

(a) postpone the date or time of a hearing;

(b) adjourn a hearing to such date or time as it may determine; or

(c) alter the place of any hearing;

and, if any of the above take place, the secretary shall notify those persons notified under paragraph (3), of the revised arrangements.

Conduct of proceedings at hearings

30.—(1) The Tribunal may issue directions as to the conduct of hearings.

(2) The Tribunal may adopt any method of proceeding at a hearing that it considers to be fair.

(3) Hearings will be informal.

(4) Every party to a case may appear at the hearing of it.

Representation at hearings

31. At any hearing, a party may conduct his case himself or may be represented by counsel, a solicitor, or, with the permission of the Tribunal, any other person whom he appoints for that purpose.

Limitation to grounds relied upon and evidence given

32.—(1) Subject to paragraph (2), a party shall be entitled to rely at any hearing only on those grounds stated in his notice of appeal (if he is the appellant), or in his written reply or statement under rule 22 (if he is any other party), and may give only such evidence as was given before the traffic commissioner.

(2) Subject to paragraph 9(2) of Schedule 4 to the 1985 Act (tribunal not to consider new circumstances), the Tribunal may allow:

(a) additional grounds to be put forward; and

(b) evidence not given before the traffic commissioner to be admitted

and if so, details or copies of the same, as appropriate, shall be sent by the Tribunal to all parties prior to the hearing.

Hearings in public

33.—(1) Subject to the following paragraphs of this rule, all hearings by the Tribunal shall be in public unless it considers that there are exceptional reasons which make it desirable that a hearing, or any part of a hearing, should be in private.

(2) Where any question relating to the financial standing of any person is to be considered during a hearing, the Tribunal may, if that person so requests, exclude the public from the part of the hearing during which that question is considered.

(3) A member of the Council on Tribunals or of the Scottish Committee of the Council may be present in that capacity at any hearing by the Tribunal notwithstanding that the hearing, or part of the hearing, is not in public, and may remain present during the deliberations of the Tribunal but shall take no part in those deliberations.

Failure to attend

34. If any party fails to appear at a hearing, the Tribunal may, subject to rule 38, hear and determine the case in the party's absence and, if the party is the applicant or appellant and the hearing is the final hearing of the case, it may dismiss the case.

Decision of the Tribunal

35.—(1) At the conclusion of any hearing the Tribunal may announce its decision orally.

(2) A decision of the Tribunal which finally determines an appeal under Part III or a dispute under Part IV of these Rules shall be recorded in an order.

(3) The Tribunal shall send a copy of the order referred to in paragraph (2), and a summary of the facts and reasons on which the decision is based, signed and dated by the judicial member, to each party and, other than in disputes to which Part IV of these Rules applies, to the traffic commissioner and the appropriate national authority.

(4) A decision of the Tribunal to which paragraph (2) does not apply may be recorded in an order and may be given as set out in paragraph (3).

(5) Except where the Tribunal provides for the decision to have effect on a specified date, the decision shall have effect on the date of the order or, if no order was made, on the date when it was notified to the applicant or appellant.

Records

36.—(1) Subject to paragraph (2), all orders of the Tribunal and any summary referred to in rule 35(3) may be inspected by any person at the office of the Tribunal, or by such other method as the Tribunal may allow.

(2) Paragraph (1) does not apply to the summary of any hearing or part of a hearing from which the public is excluded by virtue of rule 33(1) or (2).

Irregularities

37.—(1) Any irregularity resulting from failure to comply with any provision of these Rules before the Tribunal has reached its decision shall not of itself render the proceedings void.

(2) In any such case the Tribunal shall, if it considers that any person may have been prejudiced, take such steps as it thinks fit to cure the irregularity before reaching its decision.

(3) Clerical mistakes in any document recording a decision of the Tribunal, or errors arising in such a document from an accidental slip or omission, may be corrected by a judicial member.

Review of decisions

38.—(1) This rule applies where a party fails to appear at a hearing.

(2) The party may apply to the Tribunal for a review within 7 days of a copy of the order being sent to him.

(3) The Tribunal may revoke the decision and set a date for a new hearing if it is satisfied that the party had good reason for not appearing.

(4) Notice of the decision sent to an absent party under rule 35(3) shall include notification of his right to apply to the Tribunal for a review of the decision.