

2001 No. 4041

TRANSPORT

The Transport Tribunal (Amendment) Rules 2001

Made - - - - - 18th December 2001

Laid before Parliament 20th December 2001

Coming into force - - 4th February 2002

The Lord Chancellor, in exercise of the powers conferred by paragraph 11(1) of Schedule 4 to the Transport Act 1985(a), and after consultation with the Council on Tribunals in accordance with section 8 of the Tribunals and Inquiries Act 1992(b), makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Transport Tribunal (Amendment) Rules 2001 and shall come into force on 4th February 2002.

Interpretation

2. In these Rules, a reference to a rule by number alone means the rule so numbered in the Transport Tribunal Rules 2000(c).

Amendments to the Transport Tribunal Rules 2000

3. The following shall be inserted after rule 11(1)(f):

“and

(g) the Goods Vehicles (Enforcement Powers) Regulations 2001, regulation 13(d).”.

4. (1) The following shall be substituted for rule 13(1):

“13. (1) The secretary shall acknowledge receipt of any notice served under rule 12(1), and shall serve a copy on:

(a) the traffic commissioner; and

(b) the appropriate national authority.

(1A) Upon receipt of the details to be provided under rule 15(1)(d), the secretary shall serve a copy of any notice served under rule 12(1) on:

(a) in the case of an appeal by an applicant for, or for the variation of, an operator’s licence, every person who made an objection to the application;

(b) in the case of an appeal by a person who made an objection to an application for, or (in the case of a goods vehicles operator’s licence)

(a) 1985 c. 67. The Transfer of Functions (Transport Tribunal) Order 1989 (S.I. 1989/495) transferred the power to make rules governing the practice and procedure of the Transport Tribunal from the Secretary of State for Transport to the Lord Chancellor.

(b) 1992 c. 53.

(c) S.I. 2000/3226.

(d) S.I. 2001/3981.

for the variation of, an operator's licence, the applicant and every other person who made an objection to the application; and

(c) in the case of an appeal under section 37(5) of the 1995 Act, every representor.”.

(2) In rule 13(2), “paragraphs (1)(b), (1A)(a) or (1A)(b)” shall be substituted for “paragraph (1)(b), (c) or (d)” each time it occurs.

(3) In rule 13(3), “paragraph (1A)(c)” shall be substituted for “paragraph (1)(e)” each time it occurs.

5. In rule 14(2)(b), “rule 13(1)(b), (1A)(a) or (1A)(b)” shall be substituted for “rule 13(1)(b), (c) or (d)”.

Signed by the authority of the Lord Chancellor

Rosie Winterton
Parliamentary Secretary
Lord Chancellor's Department

18th December 2001

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Transport Tribunal Rules 2000 in order to:

(a) insert reference, in rule 11(1), to the new jurisdiction conferred on the Tribunal by the Goods Vehicles (Enforcement Powers) Regulations 2001 to hear an appeal against a determination of the traffic commissioner in respect of the detention of a vehicle; and

(b) clarify the circumstances in which service of the copy notice of appeal under rule 13 is to be delayed until receipt of the details of objectors and representors to be provided by the traffic commissioner under rule 15(1)(d).

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