

Changes to legislation: The Tribunal Procedure (Upper Tribunal) Rules 2008, SCHEDULE 1 is up to date with all changes known to be in force on or before 20 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

[^{F1}SCHEDULE 1

Rule 24(1)

Procedure after the notice of appeal in [^{F2}road transport cases]

Textual Amendments

- F1** Sch. 1 inserted (1.9.2009) by [The Tribunal Procedure \(Amendment No. 2\) Rules 2009 \(S.I. 2009/1975\)](#), rules 1, **22**
- F2** Words in Sch. 1 heading substituted (1.7.2012) by [The Tribunal Procedure \(Amendment No. 2\) Rules 2012 \(S.I. 2012/1363\)](#), rules 1(b), **9(a)**

1. This Schedule applies to [^{F3}road transport cases].

Textual Amendments

- F3** Words in Sch. 1 para. 1 substituted (1.7.2012) by [The Tribunal Procedure \(Amendment No. 2\) Rules 2012 \(S.I. 2012/1363\)](#), rules 1(b), **9(b)**

2. The only parties to the appeal are the appellant and any person added as a party under rule 9 [^{F4}(addition, substitution and removal of parties)] .

Textual Amendments

- F4** Words in Sch. 1 para. 2 substituted (6.4.2010) by [The Tribunal Procedure \(Upper Tribunal\) \(Amendment\) Rules 2010 \(S.I. 2010/747\)](#), rules 1, **11**

3. On receipt of a copy of a notice of appeal under rule 23(6)(b), the [^{F5}decision maker] must send to the Upper Tribunal a copy (and, on request, further copies) of—

- (a) a written record of the decision appealed against and reasons for the decision;
- (b) all documents produced to the [^{F5}decision maker] in connection with the decision;
- (c) if a public inquiry was held, the transcript of the inquiry or, if no such transcript was produced, the [^{F5}decision maker's] note of the inquiry; and

[^{F6}(d) in an appeal under—

- (i) section 50 of the Public Passenger Vehicles Act 1981 or section 37 of the Goods Vehicles (Licensing of Operators) Act 1995, or
- (ii) section 35 of the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010,

a list of the names and addresses of objectors and representors.]

Textual Amendments

- F5** Words in Sch. 1 para. 3 substituted (1.7.2012) by [The Tribunal Procedure \(Amendment No. 2\) Rules 2012 \(S.I. 2012/1363\)](#), rules 1(b), **9(c)**
- F6** Sch. 1 para. 3(d) substituted (1.7.2012) by [The Tribunal Procedure \(Amendment No. 2\) Rules 2012 \(S.I. 2012/1363\)](#), rules 1(b), **9(d)**

4. On receipt of a list under paragraph 3(d) the Upper Tribunal must send a copy of the notice of appeal—

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- (a) where the appellant had applied for, or for the variation of, an operator’s licence, to each person who made an objection to the application;
- (b) where the appellant had made an objection to an application for, or (in the case of a goods vehicle operator’s licence) for the variation of, an operator’s licence, to the person who made the application and to every other person who made an objection to the application;
F7 ...
- (c) in an appeal under section 37(5) of the Goods Vehicles (Licensing of Operators) Act 1995, F8[F9] to] each person who made representations under section 12(4) or 19(2) of that Act against the application for, or for the variation of, the operator’s licence in question.
[in an appeal under section 35(5) of the Goods Vehicles (Licensing of Operators) Act F10(d) (Northern Ireland) 2010, to each person who made representations under section 11(4) or 18(2) of that Act.]

Textual Amendments

F7 Word in Sch. 1 para. 4(b) omitted (1.7.2012) by virtue of [The Tribunal Procedure \(Amendment No. 2\) Rules 2012 \(S.I. 2012/1363\)](#), rules 1(b), 9(e)(i)(bb)(i)

F8 Word in Sch. 1 para. 4(c) inserted (20.10.2014) by [The Tribunal Procedure \(Amendment No. 3\) Rules 2014 \(S.I. 2014/2128\)](#), rules 1(b), **16**

F9 Word in Sch. 1 para. 4(c) inserted (1.4.2013) by [The Tribunal Procedure \(Amendment\) Rules 2013 \(S.I. 2013/477\)](#), rules 1(2)(c), **57(a)**

F10 Sch. 1 para. 4(d) inserted (1.7.2012) by [The Tribunal Procedure \(Amendment No. 2\) Rules 2012 \(S.I. 2012/1363\)](#), rules 1(b), **9(e)(ii)**

5. The appropriate national authority and any person to whom the Upper Tribunal has sent a copy of the notice of appeal under paragraph 4 may apply for a direction under rule 9(2) adding them as a respondent.

6. An application under paragraph 5 must be sent or delivered to the Upper Tribunal so that it is received within 14 days of the date that the Upper Tribunal sent a copy of the notice of appeal to the person making the application.

7. If a person F11... makes an application in accordance with paragraphs 5 and 6, the Upper Tribunal must give a direction under rule 9(2) adding that person as a respondent.

Textual Amendments

F11 Words in Sch. 1 para. 7 omitted (1.4.2013) by virtue of [The Tribunal Procedure \(Amendment\) Rules 2013 \(S.I. 2013/477\)](#), rules 1(2)(c), **57(b)**

F12g.

Textual Amendments

F12 Sch. 1 para. 8 omitted (1.4.2013) by virtue of [The Tribunal Procedure \(Amendment\) Rules 2013 \(S.I. 2013/477\)](#), rules 1(2)(c), **57(c)**

9. The Upper Tribunal must notify each other party of any application under paragraph 5 and the Upper Tribunal’s decision in respect of each such application.

10. Any party may make a request to the Upper Tribunal for copies of specified documents provided by the [F13 decision maker] under paragraph 3.

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Textual Amendments

F13 Words in Sch. 1 para. 10 substituted (1.7.2012) by [The Tribunal Procedure \(Amendment No. 2\) Rules 2012 \(S.I. 2012/1363\)](#), rules 1(b), **9(f)**

- 11.** On receiving a request under paragraph 10 the Upper Tribunal—
- (a) must provide the requested copies unless it considers the request unreasonable; and
 - (b) if it considers the request unreasonable, give details of why it considers the request unreasonable.]

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 5 inserted by [S.I. 2024/588 rule 2\(5\)](#)
- rule 1(2A) inserted by [S.I. 2024/588 rule 2\(2\)\(a\)](#)
- rule 26D inserted by [S.I. 2024/588 rule 2\(4\)](#)