STATUTORY INSTRUMENTS

1980 No. 1355

TRANSPORT

The London Bus Services (Appeals) Regulations 1980

Made - - - - 8*th September* 1980

Coming into Operation 6*th October* 1980

ARRANGEMENT OF REGULATIONS

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The Minister of Transport (hereinafter referred to as "the Minister") in exercise of the powers conferred by sections 23A(4) and 43 of the Transport (London) Act 1969(**a**) and of all other enabling powers, hereby makes the following Regulations:—

Commencement and citation

1. These Regulations shall come into operation on 6th October 1980 and may be cited as the London Bus Services (Appeals) Regulations 1980.

Interpretation

2. In these Regulations, unless the context otherwise requires, any reference to—

(*a*) a numbered section, is a reference to the section bearing that number in the Transport (London) Act 1969;

(*b*) a numbered Regulation, is a reference to the Regulation bearing that number in these Regulations; and

(*c*) a numbered paragraph is a reference to the paragraph bearing that number in the Regulation in which the reference occurs.

Time of appeals and manner of making appeals

3.—(1) Every appeal to the Minister against the refusal of the Executive to enter into an agreement—

(*a*) under section 23(2), or

(**a**) 1969 c. 35; section 23A of that Act was inserted by section 35 of the Transport Act 1980 (c. 34).

(*b*) to vary the terms of an agreement under section 23(2) (whenever made), shall be made so as to be received by the Minister not later than 42 days from the date on which the Executive gave notice of its refusal to the appellant.

(2) Every appeal relating to the refusal of the Executive to enter into an agreement referred to in paragraph (1) and every appeal against the failure of the Executive to enter into such an agreement, shall—

(*a*) be written, dated and signed by the appellant,

(*b*) contain particulars of—

(i) the subject matter of the appeal, including—

(a) in the case of a refusal to enter into an agreement, and in the case of a failure to enter into an agreement, the matters which, if the agreement were made, would be relevant road traffic matters,

(b) in the case of a refusal to vary the terms of an agreement, and in the case of a failure to vary the terms of an agreement, the matters which are the relevant road traffic matters and any alteration to those matters which would occur if the agreement were made,

(ii) the grounds on which the appeal is made, and

(iii) particulars of the decision against which the appeal is made.

(3) At the same time as making an appeal against—

(*a*) the refusal of the Executive to enter into an agreement—

(i) under section 23(2), or

(ii) to vary the terms of an agreement under section 23(2) (whenever made); or

(*b*) the failure of the Executive to enter into an agreement of a kind mentioned in sub-paragraph (*a*) above,

the appellant shall give notice of and send a copy of the appeal to the Executive and to the persons to whom he is required to give notice of the appeal by virtue of section 23A(2).

Time of representations and manner of making representations

4. Every representation which, by virtue of section 23A(3), the Minister shall take into account in determining an appeal shall be made in writing and so as to be received by the Minister not later than 28 days from the date on which notice of the appeal was given in accordance with Regulation 3(3).

Representations by the Executive

5. Before determining an appeal made in accordance with the provisions of Regulations 3 and 4 the Minister shall take into account any written representations made by the Executive in relation to the subject matter of the appeal which are received by the Minister not later than 28 days from the date on which the Executive was notified of the appeal under Regulation 3(3).

Computation of time

6. No period of time prescribed in these Regulations shall include any day which is a bank holiday under the Banking and Financial Dealings Act 1971(a).

8th September 1980.

Norman Fowler,
Minister of Transport.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

1. Section 35 of the Transport Act 1980 added to the Transport (London) Act 1969 a new section numbered 23A which provides for appeals where a person other than the London Transport Executive or a subsidiary of theirs seeks an agreement with the Executive to provide a London bus service or to vary the terms of such an agreement and the Executive refuse to enter into the agreement sought or fail to enter into it within a reasonable period.

2. The new section 23A provides that an appeal under the section must be made within the prescribed time and in the prescribed manner, and that provision may be made by regulations as to the procedure to be followed in connection with appeals under the section. It also provides that in determining an appeal under the section the Minister shall take into account certain representations.

3. By these Regulations the Minister of Transport prescribes the time in which certain appeals and representations (including representations by the Executive) shall be made, and the manner in which they shall be made. Consultations have been carried out with organisations representing bus operators and employees and with all the persons to whom notice of appeal is required to be given in these Regulations.

(a) 1971 c. 80.