The Road and Rail Traffic Act, 1933 (Appeal Tribunal) (Amendment) Rules, 1950

1950 No. 1423

Made - - - - *27th July*, 1950
Coming into Operation *1st September*, 1950

The Appeal Tribunal with the approval of the Lord Chancellor, the Lord President of the Court of Session and the Minister of Transport in exercise of the powers conferred upon them by Section 15 of the Road and Rail Traffic Act, 1933(a), and of all other powers them enabling hereby make the following Rules:—

1. The Road and Rail Traffic Act, 1933 (Appeal Tribunal) Rules, 1934(b), shall have effect as though:—

(i) In Rule 3 the following definitions were added at the end thereof—
"The Transport Act" means the Transport Act, 1947(c), and
"the Executive" means the Road Haulage Executive established under Section 5 of the Transport Act;

(ii) The words "and throughout the month of August" were deleted from the last line of paragraph (2) of Rule 4;

(iii) The words "given under Section 15 of the Act" were inserted after the word "appeal" in the first line of Rule 6;

(iv) In Rule 6 the paragraphs numbered (3), (4), (5), (6) and (7) were re-numbered (6), (7), (8), (9) and (11) respectively and there were inserted after paragraph (2) the following new paragraphs:—

"(3) Copies of the extract from "Applications and Decisions" Part I in which the application was published.

(4) A statement showing the licensing history of the applicant, namely, the licence position in vehicles and tonnage obtaining at the last grant of a licence or licences prior to 3rd September, 1939, and the variations in vehicles and tonnages which have been made since including similar particulars as to grants by way of full term and short term defence permits.

(5) Copies of any current licence and current variation of the licence that has been issued to the applicant and in the case of a "B" licence of any special conditions attached thereto"

and after the paragraph now re-numbered (9) the following new paragraph:—

"(10) Copies of the reasons in writing given in accordance with the provisions of sub-section (3) of Section 6 of the Act together with copies of any letter which accompanied the document."

(v) There were inserted after Rule 6 the following Rule:—

"6.—(A) On receipt of the copy of the notice of appeal given under Section 56 of the Transport Act, the Licensing Authority shall cause the following to be prepared and transmit the same in quadruplicate to the Clerk within 21 days of the receipt of the copy of the notice of appeal:—

(1) The name and address of the person who is the holder of the original or substituted permit sought to be suspended or revoked.

(a) 23 & 24 Geo. 5. c. 53. (b) S.R. & O. 1934 (No. 657) II, p. 228.
(c) 10 & 11 Geo. 6. c. 49.

(2) Copies of the application made by the Executive for the revocation or suspension of the permit.

(3) Copies of the transcript of the shorthand note of the proceedings before the Licensing Authority where a shorthand note has been taken or if no shorthand note has been taken copies of the Licensing Authority's notes of the proceedings.

(4) Copies of all other documents including any correspondence which was taken into consideration by the Licensing Authority in the determination of the decision appealed against.

(5) A statement showing the licensing history of the permit holder, namely, the licence position in vehicles and tonnage obtaining at the last grant of a licence or licences prior to 3rd September, 1939 and the variations in vehicles and tonnages which have been made since including similar particulars as to grants by way of full term and short term defence permits.

(6) Copies of the original or substituted permit referred to in paragraph (1) hereof.

(7) Copies of any letter or publication setting out the decision of the Licensing Authority under appeal together with copies of any statement made by the Licensing Authority in accordance with the provisions of sub-section (4) of Section 53 of the Transport Act.

(8) A written statement signed by the Licensing Authority indicating concisely the grounds of the decision appealed against and any conclusion of fact arrived at by him."

(vi) The following Rule were substituted for Rule 7:—

"7. Any party to an appeal shall upon application to the Clerk in writing signed by him be entitled to be furnished with one copy of each of the documents transmitted to the Clerk in pursuance of Rules 6 (paragraphs (1) to (10) inclusive) and 6A (paragraphs (1) to (7) inclusive) on payment of a charge of sixpence per folio of 72 words and to one copy each of the written statements referred to in Rules 6 (paragraph (11)) and 6A (paragraph (8)) free of charge."

(vii) There were inserted at the end of paragraph (2) (*b*) of Rule 11 the words "and shall be notified by such party forthwith to all the other parties to the appeal" and after paragraph (2) (*c*) of the said Rule 11 there shall be added the words "which revocation, renewal, extension or variation shall be notified by such party forthwith to all the other parties to the appeal".

2. The Interpretation Act, 1889(**a**), shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

3. These Rules may be cited as "The Road and Rail Traffic Act, 1933 (Appeal Tribunal) (Amendment) Rules, 1950" and shall come into operation on the first day of September, 1950.

Dated this 27th day of July, 1950.

N. L. C. Macaskie.
E. S. Shrapnell-Smith.
B. H. Peter.

Approved.

Jowitt, C.
T. M. Cooper.
Alfred Barnes.

(a) 52 & 53 Vict. c. 63.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules amend the Road and Rail Traffic Act, 1933 (Appeal Tribunal) Rules, 1934.

The principal changes are:—

(1) Provision is made as to the information to be furnished to the Appeal Tribunal by Licensing Authorities in the case of appeals against decisions relating to the revocation or suspension of original or substituted permits granted under Section 53 of the Transport Act, 1947, and certain additional information is required to be so furnished in the case of appeals under Section 15 of the Road and Rail Traffic Act, 1933.

(2) The requirement that the office of the Appeal Tribunal shall be closed during August is revoked.

(3) The charge for certain documents which parties to appeals are entitled to obtain from the Appeal Tribunal is raised from fourpence to sixpence per folio of 72 words.

(4) Where any party to an appeal appoints a representative to conduct it on his behalf he is required to notify the appointment and any alteration thereof to every other party thereto.

The Road and Rail Traffic Act, 1933 (Appeal Tribunal) Fees (Amendment) Order, 1950

1950 No. 1424

Made - - - -	*27th July,* 1950
Coming into Operation	*1st September,* 1950

By virtue of sub-section (13) of Section 15 of the Road and Rail Traffic Act, 1933(**a**) and of all other powers them enabling the Appeal Tribunal with the approval of the Treasury do hereby make the following Order:—

1.—(1) This Order shall come into operation on the First day of September 1950, and may be cited as "The Road and Rail Traffic Act, 1933 (Appeal Tribunal) Fees (Amendment) Order, 1950."

(2) The Interpretation Act, 1889(**b**) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

2. The Schedule of Fees annexed to the Road and Rail Traffic Act, 1933 (Appeal Tribunal) Fees Order, 1934(**c**) shall have effect as though the sum of sixpence were substituted for the sum of fourpence in Item 2 of the said schedule.

Signed this 27th day of July 1950.

N. L. C. Macaskie.
E. S. Shrapnell-Smith.
B. H. Peter.

Approved.

H. W. Bowden,
W. A. Wilkins,
Lords Commissioners of His Majesty's Treasury.

(a) 23 & 24 Geo. 5. c. 53. (b) 52 & 53 Vict. c. 63.
(c) S.R. & O. 1934 (No. 709) II, p. 235.