STATUTORY INSTRUMENTS

2002 No. 643

TRANSPORT

The Transport Tribunal (Amendment) Rules 2002

Made - - - -	*8th March 2002*
Laid before Parliament	*11th March 2002*
Coming into force	*1st April 2002*

The Lord Chancellor, in exercise of the powers conferred by paragraph 11(1) and (2)(d) 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 2002 and shall come into force on the same date as sections 258 and 259 of, and paragraph 12 of Schedule 29 to, the Transport Act 2000**(c)**.

Interpretation

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

Transitional provisions

3. These Rules shall apply to appeals to the Tribunal against decisions made on or after the date upon which they come into force and any such appeals against decisions made before that date shall be treated as if these Rules had not been made.

Amendments to the Transport Tribunal Rules 2000

4. In the Arrangement of Rules:

(a) after Part II, the following shall be inserted:

"PART IIA

Applications in relation to a stay in Driving Instructor Appeals

Application of Part IIA	10A
Method of applying	10B
Contents of notice	10C
Action on receipt of application	10D
Decision of the Tribunal	10E"; and

(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) 2000 c.38. Sections 258 and 259 and Schedule 29, paragraph 12 are to come into force on a date to be appointed.
(d) S.I. 2000/3226, as amended by S.I. 2001/4041.

(b) after Part IV, the following shall be inserted:

"PART IVA

Driving Instructor Appeals

Application of Part IVA	18A
Method of appealing	18B
Action on receipt of appeal	18C
Supply of information and documents	18D
Reduction of time	18E".

5. In rule 3:

(a) after the definition of "the 1985 Act", the following shall be inserted:

""the 1988 Act" means the Road Traffic Act 1988**(a)**;"; and

(b) after the definition of "President", the following shall be inserted:

""Registrar" means the officer of the Secretary of State by whom the register of approved instructors, established under section 23 of the Road Traffic Act 1962**(b)**, is compiled and maintained on behalf of the Secretary of State;".

6.—(1) At the end of rule 10, the following shall be inserted:

"PART IIA

Applications in relation to a stay in Driving Instructor Appeals

Application of Part IIA

10A.—(1) Rules 10A to 10E apply to an appeal to the Tribunal under section 131(4B) of the 1988 Act**(c)**, or an application under section 131(4D), in relation to a stay, and in those rules "application" shall include such an appeal.

(2) Rules 20 to 25, 28 and 37 apply to applications to the Tribunal under this Part of these Rules.

(3) In this Part of these Rules, a stay means a direction under section 127(8), 128(7) or 130(6) of the 1988 Act.

Method of applying

10B. An application to which this Part applies shall be made by serving a notice in writing on the Tribunal.

Contents of notice

10C.—(1) The applicant's notice shall be signed and dated by or on behalf of the applicant and shall state:

(a) the name and the address for service of the applicant; and

(b) the grounds for the application.

(2) The applicant's notice shall be accompanied by a copy of the decision given by the Registrar refusing a stay, unless it has previously been supplied.

Action on receipt of application

10D. The secretary shall acknowledge receipt of any notice served under rule 10B.

Decision of the Tribunal

10E.—(1) The decision of the Tribunal shall be given in writing signed and dated by the judicial member and shall contain a summary of its reasons.

(a) 1988 c.52. Sections 127, 128, 130 and 131 are amended by the Transport Act 2000 (c.38), sections 258 and 259 and Schedule 29, paragraph 12. Section 258 transfers the jurisdiction for appeals against decisions of the Registrar from the Secretary of State for Transport to the Transport Tribunal.

(b) 1962 c.59 (10 & 11 Eliz. 2). This Act was repealed, with savings, by the Road Traffic (Driving Instruction) Act 1967 (c.79), section 20(1). This Act has itself also been repealed, but the compilation and maintenance of the register is continued by virtue of section 125(1) of the 1988 Act.

(c) Sections 4B and 4D are inserted by section 259(4) of the Transport Act 2000 (c.38).

(2) A copy of the decision shall be sent to the relevant driving instructor and the Registrar.".

7. After rule 18, the following shall be inserted:

"PART IVA

Driving Instructor Appeals

Application of Part IVA

18A.—(1) Rules 18B to 18E apply to appeals to the Tribunal under section 131 of the 1988 Act, except for section 131(4B) to (4F).

(2) Except for rule 32, rules 20 to 38 apply to appeals to the Tribunal under this Part of these Rules.

Method of appealing

18B.—(1) An appeal to which this Part applies shall be made by serving a notice in writing on the Tribunal.

(2) The notice of appeal shall be signed and dated by or on behalf of the appellant and shall state:

(a) the name and the address for service of the appellant; and

(b) the grounds for the appeal.

(3) The notice of appeal shall be accompanied by a copy of the decision given by the Registrar, unless it has previously been supplied.

Action on receipt of appeal

18C. The secretary shall acknowledge receipt of any notice served under rule 18B(1) and shall serve a copy on the Registrar.

Supply of information and documents

18D.—(1) Within 14 days of receipt of a copy of a notice of appeal the Registrar shall send to the Tribunal a statement of case containing details of any evidence on which he proposes to rely in support of his decision.

(2) The secretary shall serve a copy of the Registrar's statement served under paragraph (1) on the appellant.

(3) Within 14 days of receipt of a copy of the Registrar's statement the appellant shall serve on the secretary a statement of case containing details of any evidence on which he proposes to rely.

Reduction of time

18E. Where the Tribunal has granted an application by the Registrar under section 131(4D) of the 1988 Act, it may reduce any time specified by these Rules upon such terms as it thinks fit, if it considers that the justice of the case requires it.".

8. The following shall be substituted for rule 20:

"**Constitution**

20. Any act required or authorised by these Rules to be done by the Tribunal may be done by a judicial member sitting alone.".

9. In rule 26(2), "subject to rule 20" shall be deleted.

10. In rule 28(2) "or appeals to which Part IV or IVA" shall be substituted for "to which Part IV".

11. In rule 35:

(a) in paragraph (2), "or Part IVA" shall be inserted after "Part III"; and

(b) in paragraph (3), "or appeals to which Part IV or IVA" shall be substituted for "to which Part IV".

Signed by the authority of the Lord Chancellor

Rosie Winterton
Parliamentary Secretary,
Lord Chancellor's Department

Dated 8th March 2002

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Transport Tribunal Rules 2000 in order to provide for the transfer to the Tribunal, by section 258 of the Transport Act 2000, of jurisdiction for appeals against decisions of the registrar of approved driving instructors under section 131 of the Road Traffic Act 1988. The appeals were previously heard by the Secretary of State for Transport and concern decisions by the Registrar regarding the registration of instructors and the granting of trainee instructors' licenses. The rules of general application are amended in order to incorporate the new jurisdiction, and the new Parts IIA and IVA provide for the specific manner in which such cases are to be dealt with.

In addition, rule 20 has been amended in respect of all cases in order to provide that any act of the Tribunal may be carried out by a judicial member sitting alone.

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