STATUTORY INSTRUMENTS

1965 No. 1687

TRANSPORT

The Transport Tribunal Rules 1965

Made - - - - 13*th September* 1965
Coming into Operation 1st *October* 1965

The Transport Tribunal, in exercise of the powers conferred upon them by paragraph 11 of the Tenth Schedule to the Transport Act 1962(a), and all other powers them enabling in this behalf, with the approval of the Lord Chancellor, the Secretary of State and the Minister of Transport after consultation with the Council on Tribunals in accordance with the requirements of section 8 of the Tribunals and Inquiries Act 1958(b) and with the consent of the Treasury in regard to the scale of fees prescribed by these Rules for and in connection with proceedings before the Transport Tribunal, hereby make the following Rules:—

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Citation and commencement

1. These Rules may be cited as the Transport Tribunal Rules 1965, and shall come into operation on the 1st day of October 1965.

Interpretation

2.—(1) In these Rules, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

" the Act " means the Transport Act 1962;

" the Act of 1960 " means the Road Traffic Act 1960(a);

(a) 8 & 9 Eliz. 2. c. 16.

" Bank holiday " means a day which is, or is to be observed as, a bank holiday, or a holiday, under the Bank Holidays Act 1871(a), or the Holidays Extension Act 1875(b), in England and Wales or in Scotland, as the case may be;

" the Central Office ", and " the Edinburgh Registry " mean respectively the Central Office in London, and the Registry in Edinburgh for the time being of the Tribunal;

" the Court " means the persons sitting as members of the Tribunal in any proceedings;

" the licensing authority " means the licensing authority within the meaning of the Act of 1960 against whose decision an appeal is made;

" party " means any person other than the Minister entitled to appear and be heard in any proceedings;

" pleading " means any application, notice of appeal, written case, objection or representation served or lodged by any party in pursuance of these Rules for the purposes of any proceedings;

" the President " means the President of the Tribunal, or a person appointed under the provisions of the Act to act for the time being in his place, or a person who may be directed by the President to preside at proceedings to be heard and determined by one or more persons from the Special Panel;

" proceedings " includes any application or appeal;

" the Registrar " means the Registrar for the time being of the Tribunal and includes the Scottish Registrar in relation to matters falling to be dealt with by the Scottish Registrar under Rule 51(2) of these Rules and any person appointed to act for the time being as Registrar or Scottish Registrar under Rule 51(1) and (2) of these Rules;

" road haulage appeal " means an appeal under Part IV of the Act of 1960;

" sealed " means sealed with the seal of the Tribunal;

" Superior Court " means, in England and Wales, the Supreme Court of Judicature and, in Scotland, the Court of Session;

" the Tribunal " means the Transport Tribunal.

(2) In these Rules a Form referred to by number means the Form so numbered in the First Schedule to these Rules or a form substantially to the like effect with such alterations as the circumstances of the case may render necessary.

(3) For the purposes of these Rules the expression " interlocutory " in relation to an order or direction means other than final, and any question as to whether any order or direction is interlocutory or final shall be determined by the Court.

(4) In relation to proceedings in Scotland the references in these Rules to " staying " shall be construed as references to " sisting ".

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

(a) 34 & 35 Vict. c. 17. (b) 38 & 39 Vict. c. 13.
(c) 52 & 53 Vict. c. 63.

PART I

London Fares and Miscellaneous Charges Division

Application for London fares orders

3. An application for an order under section 45 of the Act may be made by lodging with the Registrar an application in accordance with Form 1, and the written case in support thereof as required by section 46(1) of the Act, together with 6 copies of the application and of the written case. The original application and written case shall be dated and sealed by the Registrar.

Review of London fares

4. If the Tribunal give notice to the London Board and the Railways Board that they have been required by the Minister under section 47 of the Act to review the operation of the London fares orders, the London Board and the Railways Board shall each lodge an application in accordance with Rule 3 for such alterations as they consider necessary or for the confirmation of the London fares orders unaltered.

Determination of disputes as to charges

5.—(1) This Rule applies to:—

(i) any dispute as to the reasonableness of a charge under section 45(3)(*b*) of the Act;

(ii) any dispute to be determined by the Tribunal under the Post Office Act 1953(**a**); and

(iii) any dispute to be determined by the Tribunal under section 24 of the Transport Act 1953(**b**).

(2) Proceedings for the determination of any dispute to which this Rule applies may be instituted by lodging with the Registrar an application in accordance with Form 2 together with 6 copies thereof and further copies thereof sufficient for service upon each of any other parties to the proceedings. The original application shall be sealed and dated by the Registrar.

(3) Where one or more respondents are named a copy of the application shall be sent by the Registrar to each respondent indorsed with a notice in accordance with Form 3.

(4) The Court or Registrar may order the applicant to publish a notice stating the nature of the application and where copies thereof are available and specifying the time and manner in which any person who may consider that his interests may be affected by the application may apply for an order adding him as a respondent.

(5) The Court or Registrar may at any time order any person to be added as respondent if such addition appears to the Court or Registrar to be necessary or convenient for the just determination of the application.

Summons for directions

6. Upon lodging any application under this Part of these Rules the Applicant shall lodge a summons for directions as to the general conduct of the proceedings.

(**a**) 1 & 2 Eliz. 2. c. 36. (**b**) 1 & 2 Eliz. 2. c. 13.

Objections and representations

7. Any objection to or other representation with respect to an application under Rule 3 and any representation for the purposes of a review under Rule 4 shall be in accordance with Form 4 and shall be signed by the party or his solicitor and lodged with the Registrar, together with 6 copies thereof and a sealed copy shall be served by the Registrar on the applicant within 7 days thereafter.

Answer

8. Within 15 days from the service of an application upon him under paragraph (3) of Rule 5 or the making of an order adding him as a respondent under paragraph (4) or paragraph (5) of that Rule, as the case may be, a respondent shall lodge with the Registrar an answer in accordance with Form 5 together with 7 copies, and the Registrar shall within 7 days thereafter serve on the applicant a sealed copy. The answer shall be indorsed with an address for service which may be that of a solicitor or agent.

Proceedings in default of answer

9. If any respondent makes default in lodging his answer he shall not be heard by the Court except by leave and subject to any terms the Court sees fit to impose.

Representative respondents

10. If the persons who are interested in an application made under Rule 5 are numerous, one or more of such persons may, by order of the Court or Registrar, be appointed to act as a representative respondent or representative respondents, and be authorised to defend in the matter of the application on behalf of and for the benefit of all persons concerned, or on behalf of or for the benefit of such class or classes of persons as may be specified in the Order or any subsequent Order.

Amendment of pleadings

11. The Court or Registrar may at any stage of the proceedings allow any pleadings to be amended, or may order to be struck out of any pleading any matters which may tend to prejudice, embarrass, or delay the fair hearing of the proceedings and all such amendments shall be made as may appear to the Court or the Registrar, as the case may be, to be necessary for the purpose of determining the real questions in issue in the proceedings.

PART II

Road Haulage Appeals Division

Form of appeal

12. Every road haulage appeal shall be in accordance with Form 6 and shall be dated by the Registrar.

Parties to appeal

13. The appellant and every person to whom a copy of an appeal has been sent in accordance with regulation 22(4)(*b*) and (*c*) of the Goods Vehicles (Licences and Prohibitions) Regulations 1960(a), shall be entitled to appear and be heard.

(a) S.I. 1960/1505 (1960 III, p. 3020).

Documents

14. Upon receipt of a copy of an appeal under regulation 22(4) of the Goods Vehicles (Licences and Prohibitions) Regulations 1960, the licensing authority shall send to the Registrar 6 copies of each of the following documents:—

(*a*) the application to which the appeal relates with any amendments that have been made therein,

(*b*) the notices, if any, published by the licensing authority of the application and the decision thereon, and the written decision, if any,

(*c*) any objections duly lodged against the application,

(*d*) all licences granted by the licensing authority to the applicant and in force at the date of the decision, together with extracts from the applications therefor showing the facilities proposed to be offered, the number, types and weights of the vehicles specified and any amendments thereof,

(*e*) in the case of an application for a licence to expire not later than an existing licence under which the vehicles to which the application relates are authorised to be used for the purposes of a business which the applicant has acquired or intends to acquire, the last mentioned licence together with extracts from the application therefor showing the facilities to be offered, the number, types and weights of the vehicles specified and any amendments thereof,

(*f*) in the case of an application relating to a Contract A licence the contract,

(*g*) in the case of the revocation, suspension or curtailment of a licence a copy of the direction of the licensing authority as published in pursuance of regulation 8(1)(*b*) of the Goods Vehicles (Licences and Prohibitions) Regulations 1960, and a copy of any statement in writing of the grounds on which the direction is given made in pursuance of section 178(5) of the Act of 1960,

(*h*) all other documents tendered in evidence at the hearing,

(*i*) the verbatim record of the proceedings, or, if no such record was made, the licensing authority's note,

(*j*) a statement signed by the licensing authority giving the reasons for his decision.

Joinder of respondents

15. The Court or Registrar may at any stage of a road haulage appeal order any person to be added as a respondent, and may give such directions as to the service of the notice of appeal upon that person and as to the postponement or adjournment of the appeal, upon such terms as in the opinion of the Court or Registrar the justice of the case may require, and that person shall be entitled to appear and be heard.

Stay of revocation or suspension

16. When an appeal has been lodged against a direction to revoke, suspend or curtail a licence the appellant may apply to the Court ex parte by notice of motion to stay the direction until the appeal has been heard and determined.

PART III

Procedure

Interlocutory applications

17.—(1) Except where these Rules otherwise provide or the Court shall otherwise direct any application for an order or direction of an interlocutory nature shall be made to the Registrar by summons which shall be signed by the applicant or his solicitor. A sealed copy thereof shall unless the Registrar or the Court otherwise directs be served on every other party to the proceedings not less than 7 clear days before the date specified in the summons for the hearing thereof.

(2) An application for leave to amend any pleading or for an extension of time excepting any time prescribed or limited by or under these Rules or for fixing or altering the time or place of any hearing may be made by letter addressed to the Registrar, if accompanied by the written consent of every other party.

(3) Any application to the Registrar under this Rule may be referred by him to the Court for decision.

(4) The Registrar shall sit at the Edinburgh Registry to hear summonses relating to proceedings in the London Fares and Miscellaneous Charges Division whose subject-matter is local to Scotland and to appeals against decisions of the Licensing Authority for the Scottish Traffic Area and at the Central Office to hear all other summonses, but may with the consent of the President sit at such other places in Scotland and England, as the case may be, as may appear to the President to be convenient.

(5) The Registrar shall determine in the first instance whether the subject matter of proceedings in the London Fares and Miscellaneous Charges Division is local to Scotland.

Appeals from Registrar to Court

18.—(1) Any party affected by any order or decision of the Registrar may appeal therefrom to the Court.

(2) The appeal shall be instituted by notice in accordance with Form 8 lodged with the Registrar and served on every other party within 4 days of the order or decision complained of, except that where all parties are present or represented on the occasion when the order is made or the decision given the appeal may be instituted by a party or his representative giving oral notice to the Registrar on that occasion and the Registrar in such case shall indorse notice of the appeal upon the summons relating to the hearing at which such oral notice is given.

(3) The Registrar shall fix the date and place of hearing and notify the parties to the appeal.

Proceedings to be consolidated or heard together

19.—(1) An application to the Registrar for an order that two or more applications or appeals shall be consolidated or heard together may be made by any party.

(2) The President may, without any application in that behalf, direct that two or more applications or appeals shall be consolidated or heard together.

Preliminary points of law

20. The Registrar may, on the application of one or more of the parties, order any point of law which appears to be in issue in the proceedings to be set down for decision by the Court at a preliminary hearing. If, in the opinion of the Court, the decision upon that point substantially disposes of the whole proceedings, the Court may treat the preliminary hearing as the hearing of the proceedings and may make such order by way of disposing of the proceedings as the Court may think fit.

Reference for report

21.—(1) The Court may at any time either before or during the hearing refer any question arising in the proceedings to a member or officer of the Tribunal or other person appointed by it for report after holding a local inquiry.

(2) The Court shall be entitled to adopt the findings of any such report for the purposes of its decision either wholly or to such extent as it thinks fit.

(3) It shall not be open to any party save with the leave of the Court to dispute the correctness of any statement of fact contained in any such report.

Place and date of hearing

22.—(1) Any proceedings in the London Fares and Miscellaneous Charges Division whose subject-matter is local to Scotland shall be heard in Scotland. Save for such proceedings and subject to section 181(4) of the Act of 1960 (which requires appeals from decisions of the licensing authority for an area in Scotland to be heard in Scotland) proceedings shall be heard in England.

(2) The Registrar shall set down proceedings for hearing by—

(*a*) fixing the place of hearing of the proceedings, subject to paragraph (1) of this Rule and to section 181(4) of the Act of 1960, and

(*b*) fixing the date and time for the hearing of the proceedings or directing that they and any other proceedings be heard in succession commencing at a stated date and time,

and shall give notice thereof to the parties.

(3) There shall be exhibited for public inspection in the Central Office or the Edinburgh Registry lists of all proceedings set down for hearing in England and Scotland respectively showing the places, dates and time of the hearings or in so far as specific dates and times have not been fixed the order in which proceedings are to be heard.

Hearing.

23. The hearing of all proceedings, other than interlocutory applications, and of the arguments upon preliminary points of law set down under Rule 20 shall take place in open court.

Procedure at hearing

24.—(1) At any hearing in open court the party by whom the proceedings were instituted shall begin and the other parties shall be heard in such order as the Court may determine.

(2) Subject to the provisions of these Rules and to any direction given by the President, the procedure at the hearing of any proceedings shall be such as the Court may direct.

Failure to attend hearing

25. If at the time and place appointed for any hearing in open court the party by whom the proceedings were instituted fails to appear, the Court may dismiss the proceedings or may adjourn the hearing or proceed with the hearing notwithstanding his absence.

Parties limited to grounds pleaded

26. On the hearing of any proceedings a party shall not be entitled to rely on any grounds not stated in his pleading unless the Court thinks it just in all the circumstances, and on such terms as to adjournment or otherwise as it may think fit, to allow such additional grounds to be put forward as may appear to the Court to be material.

Right of audience

27.—(1) A party may appear and be heard in person or by counsel or solicitor.

(2) (*a*) A party may appear and be heard by an officer or employee of the party, or if it appears to the Court, or to the Registrar in the case of a hearing before him, to be for any special reason or occasion desirable, by any other representative.

(*b*) Any such representative shall be appointed in writing signed by the party and may be appointed in respect of particular proceedings or generally for a period not exceeding one year, provided that in the case of an officer or employee he shall so long remain in the service of the party.

(*c*) Every appointment and every revocation, renewal, extension or variation thereof shall be in duplicate, of which one part shall be lodged with the Registrar before the representative shall act thereon, and the other part shall be retained by the representative.

(*d*) Any such representative shall be entitled to do in connection with proceedings covered by his appointment any act or thing, or give any consent, or receive any notice, or otherwise represent the party as fully as the party himself could do.

Intervention by persons not parties

28. The Court may permit any person not being a party whom it shall deem likely to be able to assist it to address the Court.

Appearance by Minister

29.—(1) Where the Minister intends, by virtue of paragraph 12(2) of the Tenth Schedule to the Act, to appear and be heard in any proceedings, he shall not less than 7 days before the commencement of the hearing lodge with the Registrar a notice of his intention to appear and be heard, and the Registrar shall send a copy of such notice to each party.

(2) Where the Minister has lodged a notice in pursuance of paragraph (1) of this Rule he shall be a party to the proceedings.

Evidence

30.—(1) If the parties to the proceedings consent or the President or the Court so orders evidence at the hearing may be given by affidavit, but the Court may at any stage of the proceedings make an order requiring the personal attendance of any deponent for examination and cross-examination.

(2) A party shall not be entitled to adduce new evidence on the hearing of a road haulage appeal except by leave of the Court on such terms as the justice of the case may require.

Contents and lodging of affidavits

31.—(1) Every affidavit shall (i) as respects facts deposed to which are within the deponent's knowledge, specify the deponent's means of knowledge and (ii) as respects statements of information and belief, specify the sources and grounds upon which the statements are based.

(2) Every affidavit shall be lodged with the Registrar and a copy thereof served on every other party not later than 7 days before the hearing, and in default thereof shall not be used without leave of the Court.

Swearing of affidavits

32.—(1) An affidavit may be sworn in England and Wales before the Registrar, or the Officer appointed by the Court to administer oaths in proceedings before it, or before a person authorised to administer oaths for the purpose of proceedings in any of the Superior Courts; and in Scotland, in addition to the above-mentioned persons, before any Sheriff or Sheriff-substitute.

(2) A document purporting to have affixed or impressed thereon or subscribed thereto the seal or signature of a court, judge, notary public or person having authority to administer oaths in a part of the Commonwealth outside England and Wales or outside Scotland, as the case may be, in testimony of an affidavit being taken before it or him in that part shall be admitted in evidence without proof of the seal or signature being the seal or signature of that court, judge, notary public or person.

Attendance of witnesses

33. Where a witness is required to attend the hearing to give oral evidence or to produce any documents in his possession or power the Registrar shall issue a sealed summons in accordance with Form 9 or Form 10, as the case may require, which shall be served on him by the party requiring his attendance, and such party shall at the same time pay or tender to the witness a sum sufficient to cover his reasonable expenses for travelling to and from, and his attendance at, the Court.

Interrogatories

34. In proceedings in England and Wales any party may apply to the Registrar for an order on any other party requiring him to answer interrogatories on oath within such time as the Court may direct, and in proceedings in Scotland any party may apply to the Registrar for an order on any other party to answer a statement of facts.

Discovery of documents

35.—(1) In proceedings in England and Wales any party may apply to the Registrar for an order directing any other party to make discovery, or further discovery, either on oath or otherwise, of the documents relating to the proceedings which are or have been in his possession, custody or power, and on the hearing of the application the Registrar may make such order, either generally or limited to certain classes of documents or to particular documents, as he thinks fit.

(2) In proceedings in Scotland any party may apply to the Registrar for a commission and diligence for the recovery of documents, and for this purpose the relevant provisions of the Rules of the Court of Session shall, *mutatis mutandis*, apply.

Notice to produce documents

36. Any party may at any time give notice to any other party to produce for inspection any document being in his possession, custody or power and included in any list of documents delivered under Rule 35 or referred to in any pleading and to permit copies to be taken.

Production of documents

37.—(1) At any stage of any proceedings the Court or the Registrar may by order—

(*a*) require any party to produce any document in his possession, custody or power for inspection by the Tribunal or by any other party,

(*b*) require any party to permit copies of any such document to be taken by the Tribunal or by any other party.

(2) If any party shall fail to comply with any order made under this Rule in respect of any document the Court may make such order as it thinks just, including in particular an order that the party in default shall not be at liberty to put the document in evidence on his own behalf or an order staying or dismissing the proceedings.

Judgment of Court

38.—(1) A judgment of the Court in any proceedings shall state the reasons for the decision, and may be given orally or in writing.

(2) Where a judgment is given orally it shall take effect upon being pronounced in open court and a record in writing of the decision shall be given to each of the parties.

(3) Where a judgment is given in writing, it shall be signed by the members of the Court who gave it and shall take effect upon such date as may be specified therein, and a copy thereof shall be given to each of the parties.

(4) In the case of a road haulage appeal a record or copy of the judgment, as the case may be, shall be given to the licensing authority.

Consent orders

39. Orders by consent may be drawn up, and, if approved by the Court, shall be sealed.

Signing of documents

40. Any document required by or under these Rules to be signed by any party may in the case of an association, authority or other unincorporated organisation be signed by the chairman, president, managing director, general manager or secretary of the association, authority or organisation, or by any person authorised to represent the party under Rule 27.

Computation of time

41.—(1) Any period of time fixed by these Rules or by any judgment, order or direction for doing any act shall be reckoned in accordance with the following provisions of this Rule.

(2) Where the act is required to be done within a specified period after or from a specified date, the period begins immediately after that date.

(3) Where the act is required to be done within or not less than a specified period before a specified date, the period ends immediately before that date.

(4) Where the act is required to be done a specified number of clear days before or after a specified date, at least that number of days must intervene between the day on which the act is done and that date.

(5) Where, apart from this paragraph, the period in question, being a period of 7 days or less, would include a Saturday, Sunday, bank holiday, Christmas Day or Good Friday, that day shall be excluded.

(6) When the time for lodging any application, appeal, summons, notice or document with the Registrar expires during the time when the Central Office or the Edinburgh Registry as the case may be is closed, the lodgment may be effected on the day on which the office is next open.

Extension or abridgement of time

42. The Court or the Registrar may extend or abridge any time prescribed or limited by or under these Rules or determined by any order of the Court or Registrar for doing any act or taking any proceedings upon such terms, if any, as the justice of the case may require, and any such extension may be ordered, although the application for the same is not made until after the expiration of the time appointed or allowed.

Costs

43.—(1) The costs of and incidental to any proceedings shall be in the discretion of the Court:

Provided that no order as to costs shall be made unless in the opinion of the Court the proceedings or any objection or representation were frivolous or vexatious.

(2) If the Court directs that the costs of a party to the proceedings shall be paid by any other party thereto, the Court may settle the amount of the costs by fixing a lump sum, or it may direct that the costs shall be taxed by the Registrar on a specified scale of the scales of costs prescribed by the Rules of the Supreme Court or by the County Court Rules, or according to the tables of fees prescribed for the Court of Session or the Sheriff Court as the case may be.

(3) Any party dissatisfied with a taxation of costs by the Registrar may, within 7 days of the taxation, serve on any other party interested therein and on the Registrar objection in writing specifying the items objected to and the grounds of objection and asking for the taxation to be reviewed in respect of such items.

(4) Upon such application the Registrar shall review his taxation of the items objected to, and shall state in writing the reasons for his decision thereon, and shall give a copy thereof to each of the parties affected thereby.

(5) Any party dissatisfied with a decision of the Registrar under the last foregoing paragraph may, within 10 days of the decision, apply to the President to review the taxation and the President may thereupon make such order as he thinks just, including an order as to the payment of the costs of the review, but the taxation of the Registrar shall be final in respect of all matters to which objection shall not have been taken.

Discontinuance of proceedings

44.—(1) Any proceedings may be discontinued by lodging with the Registrar a notice of discontinuance signed by the party by whom the proceedings were instituted or his solicitor or representative and upon such notice being lodged the proceedings shall be deemed to be dismissed.

(2) Where a notice is lodged under paragraph (1) of this Rule, the Registrar shall within 7 days send a copy thereof to every other party.

(3) A party to whom a copy of a notice is sent under paragraph (2) of this Rule may within 14 days after the receipt thereof apply to the Court for an order under Rule 43 that his costs of and incidental to the proceedings incurred before the receipt of the copy of the notice shall be paid by the party by whom the proceedings were instituted.

Correction of errors

45.—(1) Clerical mistakes in any orders of the Court or errors arising therein from any accidental slip or omission may at any time be corrected by consent of the parties or by the Court on motion.

(2) Without prejudice to paragraph (1) of this Rule the Court may on motion rescind or vary any decision or order of the Court on the ground of some substantial wrong or miscarriage of justice or of mistake or inadvertence.

Any such motion shall be made in the case of an interlocutory order within 14 days after it was made, and in the case of any other order or decision within 28 days after it was published or communicated to the parties, as the case may be.

Forms of summons and notice of motion

46. Any application to the Registrar for which no express provision is made by these Rules may be by summons in accordance with Form 7. Any application to the Court which is required by these Rules to be made by motion, or for which no provision is hereinbefore made, may be by notice of motion in accordance with Form 11 and lodged with the Registrar.

When practice of Superior Court applicable

47. Where not inconsistent with these Rules the general principles of practice or any particular practice of the Superior Court may be adopted and applied at the discretion of the Court.

Appeals from Tribunal

48. An appeal from the Tribunal as provided in paragraph 15 of the Tenth Schedule to the Act shall as respects proceedings heard in England lie to the Court of Appeal and as respects proceedings heard in Scotland lie to the Court of Session.

Part IV

General

Constitution of Court

49.—(1)(*a*) In the London Fares and Miscellaneous Charges Division a quorum shall be two, of whom one shall be the President.

(*b*) In the Road Haulage Appeals Division a quorum shall be two, being either members of the Tribunal or of the special panel.

(2) If during the hearing of any proceedings a change shall have taken place in the constitution of the Court, the Court as newly constituted may rehear the whole or any part of the evidence already heard, or may proceed without any such rehearing, or may make thereon such other order as it may think just and convenient for determining the matters in issue.

(3) Any interlocutory motion and any appeal from the Registrar may be determined by the President alone or by any two permanent members of the Tribunal qualified to sit in the Division of the Tribunal in which the proceedings were instituted.

Sittings

50.—(1) The sittings of the Tribunal shall be four in every year, that is to say—

(*a*) the Michaelmas sittings which shall begin on the day appointed for that purpose by Order in Council made under section 53 of the Supreme Court of Judicature (Consolidation) Act 1925(a) and end on the 21st December;

(*b*) the Hilary sittings which shall begin on the 11th January and end on the Wednesday before Easter Sunday;

(*c*) the Easter sittings which shall begin on the second Tuesday after Easter Sunday and end on the Friday before Whit Sunday; and

(*d*) the Trinity sittings which shall begin on the second Tuesday after Whit Sunday and end on the 31st July.

(2) Any day specified in paragraph (1) as the day on which sittings are to begin or end shall be included in those sittings.

(3) Nothing herein contained shall prevent the Court, if it sees fit, hearing and determining any application, matter or thing during the vacation, and any interlocutory proceedings may be instituted at any time when the Central Office or the Edinburgh Registry is open.

Registrar and Scottish Registrar

51.—(1) The Registrar shall perform the duties and exercise the functions of the Registrar set out in these Rules and such other functions as may be directed by the Tribunal. In the event of a vacancy in the office of Registrar or of the Registrar being absent or unable to perform his duties the Tribunal may appoint any officer of the Tribunal or other person to act for the time being as Registrar, and such Acting Registrar shall during the time for which he is so appointed have all the powers and exercise all the functions of the Registrar.

(2) There shall be appointed a Scottish Registrar of the Tribunal who shall, subject to any directions of the Registrar, perform the duties and functions of the Registrar set out in these Rules in relation to proceedings whose subject matter is local to Scotland and such other functions as may be determined by the Tribunal in relation to the Edinburgh Registry.

Office hours

52.—(1) The Central Office and the Edinburgh Registry shall be open on every day of the year except—

(*a*) Saturdays and Sundays;

(a) 15 & 16 Geo. 5. c. 49.

(*b*) Good Friday, the Tuesday after Easter Sunday and Christmas Day;

(*c*) Bank holidays, the day appointed to be kept as H.M. the Queen's birthday, and such other days as the Lord Chancellor, with the concurrence of the President, may direct;

(*d*) in the case of the Edinburgh Registry, the 2nd January.

(2) The hours during which the Central Office and the Edinburgh Registry shall be open to the public shall be from 10 a.m. till 4 p.m. on each day from Monday to Friday except from the 1st August until the 15th September when the offices shall be open from 10 a.m. till 2.30 p.m. on each day from Monday to Friday.

Service of documents

53. Subject to any directions by the Registrar any document required by these Rules to be served may be served by delivering it to the person to be served or by sending it by registered post or recorded delivery to him at his address for service, or if he has no address for service, at his residence, or principal place of business, or registered office.

Change of address

54. Any party may at any time by notice in writing to the Registrar and to all other parties to any proceedings change his address for service under these Rules.

Lodging of documents

55.—(1) Every document required by these Rules to be lodged with the Registrar shall, if lodged in connection with proceedings whose subject matter is local to Scotland, be lodged in the Edinburgh Registry, and in all other cases be lodged in the Central Office.

(2) All documents lodged in the Edinburgh Registry shall be kept there for inspection until the expiration of the time for appeal from any final order in the proceedings, or if an appeal is lodged against such order, until the final determination of such appeal when they shall be transferred to the Central Office. In the meantime copies shall be kept for inspection at the Central Office.

(3) Any person may lodge any document by sending it by registered post or recorded delivery addressed to the Registrar at the Central Office or the Edinburgh Registry, as the case may be, and may pay any fees by postal order sent in the same manner.

(4) Every document used in any proceedings shall be entitled in those proceedings.

Records

56. All records may be inspected by any person at the Central Office, where office copies may be had.

Substituted service

57. If any person to whom any notice or other document is required to be served for the purpose of these Rules cannot be found, or has died and has no personal representative, or is out of the United Kingdom, or if for any other reason it appears to the Court or Registrar that it is impracticable to serve him in accordance with these Rules, the Court or Registrar may dispense with

service upon such person or may make an order for substituted service upon such other person or in such other form (whether by advertisement in a newspaper or otherwise) as the Court or Registrar may think fit.

Failure to comply with Rules

58. Any failure on the part of any person to comply with the provisions of these Rules shall not render the proceedings or anything done in pursuance thereof invalid unless the President or the Court so directs.

Fees

59. The fees set out in the Second Schedule to these Rules shall, subject to the note contained in that Schedule, be charged for and in connection with proceedings before the Court or Registrar.

Transitional provisions and revocation

60.—(1) These Rules shall apply, with any necessary modifications, to proceedings commenced before the date on which they come into operation as well as to proceedings commenced on or after that date but not so as to affect anything done before that date.

(2) The Transport Tribunal Rules 1949(a) and the Transport Tribunal Rules 1954(b) are hereby revoked.

Dated 13th September 1965.

G. D. Squibb,
T. B. Robson,
R. C. Moore,
C. P. Hopkins.

Approved:—

Gardiner, C.,
William Ross,
Tom Fraser.

We consent to the scale of fees prescribed by Rule 59 of, and the Second Schedule to, these Rules.

Harriet Slater,
Ifor Davies,

Two of the Lords Commissioners of Her Majesty's Treasury.

(a) S.I. 1949/989 (1949 I, p. 2844). (b) S.I. 1954/103 (1954 II, p. 2449).

Rule 2(2)

FIRST SCHEDULE

Form 1

Application for London Fares Order

In the Court of the Transport Tribunal 19 No.

London Fares and Miscellaneous Charges Division

In the Matter of Section 46 of the Transport Act 1962

Applicants

Application

1. The Applicants are

whose office is at

2. The Applicants apply for an order in the terms set out in the Schedule hereto.

Schedule

[*Draft Order*]

Dated the day of 19 .

Signed.....
[*Qualification*] .....
Address for Service .....

Lodged the day of 19 .

(L.S.)

Form 2

Application for Determination of Dispute

In the Court of the Transport Tribunal 19 No.

London Fares and Miscellaneous Charges Division

In the Matter of the Post Office Act 1953 [*or* Section 24 of the Transport Act 1953] [*or* Section 45(3)(b) of the Transport Act 1962]

[Between]

A.B. Applicant

[and

C.D. and E.F. Respondents]

Application

1. The Applicant is

whose office is at

2. [The Respondent is]

3.
4.
5. *Set out the material facts intended to be proved in support of the Application.*

The Applicant claims an Order determining that:—

Dated the day of 19 .

Signed.....
[*Qualification*] .....
Address for Service .....

[To C.D. and E.F. and their Solicitors]

Lodged the day of 19 .

(L.S.)

Form 3

Indorsement on Application

To the above named Respondent C.D.

You are hereby required to lodge your answer to this Application within 15 days of the service thereof upon you, and take notice that in default of your so doing you will not be heard at the hearing of the Application except by leave of the Court.

(L.S.)

Form 4

Objection or other Representation

In the Court of the Transport Tribunal 19 No.
London Fares and Miscellaneous Charges Division

[*Heading as in Form 1*]

Objection [*or* Representation] by the Board [*or name of Representative Body*]

Take notice that the Board [*or name of Representative Body*] desire to attend and be heard on this Application which they will oppose [*or* support] on the following grounds:—

1.

2.

3.

[And further take notice that [*name of Representative Body*] *is a body* representative of [a section of] passengers travelling on the following journeys [*or* routes], namely:—

Dated the day of 19 .

Signed.....
[*Qualification*].....
Address for Service .....

To A.B. and their Solicitor
To the Registrar
Lodged the day of 19 .

(L.S.)

Form 5

Answer

In the Court of the Transport Tribunal 19 No.
London Fares and Miscellaneous Charges Division

In the Matter of the Post Office Act 1953 [*or* Section 24 of the Transport Act 1953]· [*or* Section 45(3)(*b*) of the Transport Act 1962]

Between
A.B. Applicant
and
C.D. [and E.F.] Respondents

Answer of the Respondent [C.D.]

This Respondent says:—

1. *Indicate how much, if any, of the claim is conceded*
2. *Deny those facts which are not admitted*
3. *Indicate any facts which are admitted. Set out any further facts which are intended to be proved to defeat the claim. If Respondents are a representative body show whom they represent and how they will be affected.*

Dated the day of 19 .

Signed.....
[*Qualification*].....
Address for Service.....

Lodged the day of 19 .

(L.S.)

Form 6

Notice of Appeal

In the Court of the Transport Tribunal 19 No.
Road Haulage Appeals Division

[Between]
A.B. Appellant
[and
C.D. Respondent]

Notice of Appeal

Whereas on the day of 19 the Licensing Authority for decided [*or* directed] [*describe the decision or direction e.g.* to refuse to grant an application for];
And whereas the Appellant is aggrieved by such decision [*or* direction]; Take

notice that the Appellant appeals against such decision [*or* direction] on the following grounds:—

1.

2.

3.

And further take notice that the Appellant will ask for an Order that the said decision [*or* direction] be set aside [*or* be varied so that]

Dated the day of 19 .

Signed.....
[*Qualification*].....
Address for Service.....

To the Licensing Authority of the.....Traffic Area

[To C.D. of.....]

To the Registrar

Lodged the day of 19 .

(L.S.)

Form 7

Summons

In the Court of the Transport Tribunal 19 No.

Division

[*Title of Proceedings*]

Summons

Let all parties concerned attend the Registrar of the Court on the day of 19 , at o'clock at on the hearing of an Application by the above named Applicant [*or* by C.D. one of the above named Respondents] for an Order that:—

1.

2.

3.

Signed.....
[*Qualification*].....
Address for Service.....

[To C.D., E.F. *or* A.B. and their Solicitor]

Lodged the day of 19 .

(L.S.)

Form 8

Notice of Appeal from the Registrar

In the Court of the Transport Tribunal 19 No.

Division

[*Title of Proceedings*]

Notice of Appeal from the Registrar

Take notice that the Applicant [*or* Appellant *or* Respondent C.D.] appeals against the Order made by the Registrar on the day of 19 [*describe the order, e.g.* refusing leave to administer interrogatories]

And further take notice that the grounds of appeal are:—

1.

2.

3.

Signed.....

[*Qualification*].....

Address for Service.....

To A.B. [*or* C.D., E.F.]

To the Registrar

Lodged the day of 19 .

(L.S.)

Form 9

Witness Summons to Give Oral Evidence

In the Court of the Transport Tribunal 19 No.

Division

[*Title of Proceedings*]

To [*the names of one or more witnesses may be inserted*]

You are hereby summoned to attend before the Court of the Transport Tribunal at on day, the day of 19 , at o'clock, and so from day to day until the above proceedings are heard, to give evidence on behalf of upon a sum sufficient to cover your reasonable expenses for travelling to and from, and your attendance at, the Court being paid or tendered to you.

Registrar

(L.S.)

Form 10

Witness Summons to Produce Documents

In the Court of the Transport Tribunal 19 No.

Division

[*Title of Proceedings*]

To

You are hereby summoned to attend before the Court of the Transport Tribunal at on day, the day of 19 , at o'clock, and so from day to day until the above proceedings are heard to give evidence on behalf of and also to bring with you and produce at the aforesaid time and place [*specify documents to be produced*] upon a sum sufficient to cover your reasonable expenses for travelling to and from, and your attendance at, the Court being paid or tendered to you.

Registrar
(L.S.)

Form 11

Notice of Motion

In the Court of the Transport Tribunal 19 No.

Division

[*Title of Proceedings*]

Notice of Motion

Take Notice that the Court will be moved on the day of 19 , at o'clock at by [Counsel on behalf of] A.B. [C.D., E.F.] for an order that:—

Signed.....

[*Qualification*].....

Address for Service.....

[To C.D., E.F. and their Solicitor]

To the Registrar
Lodged the day of 19 .

(L.S.)

Rule 59

SECOND SCHEDULE

Schedule of Fees

	£ s d
Receiving and lodging an application or appeal ...	2. 0. 0.
Receiving and lodging every notice of objection or other representation or an affidavit	5. 0.
Taking an affidavit or declaration	5. 0.
Marking an exhibit	2. 0.
Summons upon interlocutory proceedings	1. 0. 0.
Notice of motion or appeal from the Registrar ...	2. 0. 0.
Hearing fee	£2 a half day or part of a half day
On drawing up and issuing an order under seal ...	2. 0. 0.
Office copies of documents per folio	8.
Order fixing costs	5% on first £100 2½% on remainder.

NOTE:—The hearing fee for the first half-day is to be paid by the Applicant or Appellant, the hearing fee for each subsequent half-day is to be paid by the party the hearing of whose evidence or argument occupies the half-day or the greater part of the half-day, as the case may be, unless the Court otherwise directs.

EXPLANATORY NOTE

(*This Note is not part of the Rules.*)

These Rules lay down the procedure to be followed before the Transport Tribunal. In its main lines the procedure is the same as that prescribed by the Transport Tribunal Rules 1949, now revoked, but it has been modified in consequence of the provisions of the Transport Act 1962, which abolished some of the jurisdiction of the Tribunal and provided that it should sit in two divisions. The Transport Tribunal Rules 1954 have become obsolete and are accordingly revoked.