

**EXPLANATORY MEMORANDUM TO  
THE TRANSPORT TRIBUNAL (AMENDMENT) RULES 2008**

**2008 No. 2142**

1. This explanatory memorandum has been prepared by the Ministry of Justice and is laid before Parliament by Command of her Majesty.
2. **Description**
  - 2.1 The Transport Tribunal (Amendment) Rules 2008 ('the Rules') set out the processes and procedures to be followed in relation to orders made against the training providers of Certificates of Professional Competence brought before the Transport Tribunal ('the Tribunal').
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1 None
4. **Legislative Background**
  - 4.1 The Vehicle Drivers (Certificates of Professional Competence) (Amendment) (No 2) Regulations 2008 instruct that appeals made by CPC training providers should be made to the Transport Tribunal. The Transport Tribunal Amendment Rules 2008 set out the processes and procedures for dealing with such appeals
5. **Territorial Extent and Application**
  - 5.1 This instrument applies to England, Scotland and Wales only.
6. **European Convention on Human Rights**
  - 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.
7. **Policy Background**
  - 7.1 The EU passed the Driver CPC EU directive in 2003. This directive will affect from 10 September 2009, all professional Large Goods Vehicle (LGV) and from 10 September 2008, Passenger Carrying Vehicle (PCV) drivers. For new drivers it introduces a new initial qualification from these dates, the Driver Certificate of Professional Competence (CPC). This adds new theory and practical tests, which these drivers need to pass before they can begin to drive professionally.
  - 7.2 All drivers, new and existing will have to undertake 35 hours of training every five years in units of no less than seven hours to ensure that their driver CPC is current. Those providing both the initial and ongoing training will need to be approved and regulated to ensure a continuously high level of training, which is of benefit to the trainee.
  - 7.3 The Driving Standards Agency in Great Britain and the Driver Vehicle Agency in Northern Ireland have set up the approvals body, the Joint

Approvals Unit for Periodic Training (JAUPT) which will approve and quality assure training centres and courses for both PCV and LGV. It is the orders made in England, Scotland and Wales by this Unit which will be able to be appealed to the Transport Tribunal.

- 7.4 A person may appeal to the Transfer Tribunal if they are aggrieved by a decision of the competent authority to –
- (a) not approve a person to provide periodic training courses.
  - (b) not approve a periodic training course
  - (c) withdraw or suspend an approval
- 7.5 The Rules set out how appeals will be processed by the Tribunal referring to the relevant sections of the Transport Tribunal Rules 2000. The rules also amend Rule 24 of the Transport Tribunal Rules 2000 so the Tribunal has the power to extend **and** shorten any time limits contained in the rules.
- 7.5 Consultation of the Tribunal Rules was carried out, beginning on 28<sup>th</sup> May 08 and ending on 9<sup>th</sup> July 2008. The period was reduced to six weeks to allow for the rules to come into force at the same time as DSA's regulations which introduce the Tribunal. Comments were sought from the Driving Standards Agency, the Transport industry, lawyers the judiciary and the Administrative and Justice Tribunal Council. In addition, the consultation documents were published on the MoJ website.
- 7.6 Only two responses to the consultation were received and neither raised any contentious or controversial issues.
- 7.7 The right of appeal to the Tribunal is due to be in place from 1<sup>st</sup> September 2008 and it is expected to receive no more than 20 appeals per annum. It will be administered within the Transport Tribunal and the current members of the Transport Tribunal will process the appeals.

## **8. Impact**

- 8.1 The Transport Tribunal Amendment Rules 2008 alone do not have any impact on business, charities or voluntary bodies therefore a further RIA has not been prepared.

## **9. Contact**

- 9.1 Christine Lloyd at the Ministry of Justice (telephone: 0191 2982243; email [christine.lloyd@tribunals.gsi.gov.uk](mailto:christine.lloyd@tribunals.gsi.gov.uk)) can answer any queries regarding this instrument.