

2008 No. 2142

TRANSPORT, ENGLAND AND WALES

TRANSPORT, SCOTLAND

The Transport Tribunal (Amendment) Rules 2008

<i>Made</i>	- - - -	<i>5th August 2008</i>
<i>Laid before Parliament</i>		<i>8th August 2008</i>
<i>Coming into force</i>	-	<i>1st September 2008</i>

The Lord Chancellor makes the following Rules in exercise of the powers conferred on him by paragraph 11(1) of Schedule 4 to the Transport Act 1985^(a) and after consultation with the Administrative Justice and Tribunals Council in accordance with paragraph 24(1) of Schedule 7 to the Tribunals, Courts and Enforcement Act 2007^(b).

Citation and commencement

1. These Rules may be cited as the Transport Tribunal (Amendment) Rules 2008 and come into force on 1st September 2008.

Amendments to the Transport Tribunal Rules 2000

2. The Transport Tribunal Rules 2000^(c) are amended as follows.
3. In the Arrangement of Rules—
- (a) omit the entry for rule 18E;
 - (b) after Part IVA insert—

“Part IVB

Certificate of Professional Competence – training providers

Application of Part 1VB	18F
Method of appealing	18G
Action on receipt of appeal	18H
Supply of information and documents	18J”; and
(c) for the entry for rule 24 substitute—	
“Power to extend or shorten time limits	24”.

(a) 1985 c. 67.

(b) 2007 c. 15.

(c) S.I. 2000/3226, amended by S.I. 2002/643; there is one other amending instrument but it is not relevant.

4. In rule 3 after the definition of “appropriate national authority” insert ““competent authority” means the Secretary of State;”.

5. Omit rule 18E.

6. After Part IVA insert—

“Part IVB

Certificate of Professional Competence – training providers

Application of Part 1VB

18F.—(1) This Part applies to appeals to the Tribunal under regulation 6A of the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007(a).

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

Method of appealing

18G.—(1) An appeal to which this Part applies must be made by serving a notice (“the notice of appeal”) in writing on the Tribunal.

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

- (a) the name and address for service of the appellant; and
- (b) the grounds of appeal.

(3) The notice of appeal must be accompanied by a copy of the decision given by the competent authority unless it has previously been supplied.

Action on receipt of an appeal

18H. The secretary must acknowledge receipt of any notice served under rule 18G(1) and must serve a copy on the competent authority.

Supply of information and documents

18J.—(1) Within 14 days, beginning with the date of receipt of a copy of a notice of appeal, the competent authority must send to the Tribunal a statement of case containing details of any evidence on which it proposes to rely in support of its decision.

(2) The secretary shall serve a copy of the competent authority’s statement sent to the Tribunal under paragraph (1) on the appellant.

(3) Within 14 days, beginning with the date of receipt of a copy of the competent authority’s statement, the appellant must serve on the secretary a statement of case containing details of any evidence on which the appellant proposes to rely.”.

7. For rule 24 substitute—

“Power to extend or shorten time limits

24. The tribunal may extend or shorten any time limit specified by these Rules upon such terms as it thinks fit.”.

(a) S.I. 2007/605. Regulation 6A was inserted by regulation 10 of the Vehicle Drivers (Certificates of Professional Competence) (Amendment) (No.2) Regulations 2008/1965.

8. In rule 28(2) for “Part IV or IVA” substitute “for Part IV, IVA or IVB”.

9.—(1) In rule 35(2) for “Part III or IVA” substitute “Part III, IVA or IVB”.

(2) In rule 35(3) for “Part IV or IVA” substitute “Part IV, IVA or IVB”.

Signed by the authority of the Lord Chancellor

5th August 2008

Bridget Prentice
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Transport Tribunal Rules 2000(a) to make provision for appeals to the tribunal under regulation 6A of the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007(b). The rules in new Part IVB provide for the manner in which an appeal is to be brought.

Rule 24 of the Transport Tribunal Rules 2000 is also amended so that the tribunal has power to shorten a time limit in the Rules. Consequently, rule 18E is no longer necessary and is omitted.

(a) S.I. 2000/3226.

(b) S.I. 2007/605, amended by S.I. 2008/1965; there is one other amending instrument but it is not relevant.

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