

SCHEDULE 1

Article 4(1)

Consequential provisions – primary legislation

Public Passenger Vehicles Act 1981

1. The Public Passenger Vehicles Act 1981(1) is amended as follows.
2. In section 50 (appeals to the Transport Tribunal)—
 - (a) in subsections (1) and (3) to (6), and in the heading, for “Transport Tribunal” substitute “Upper Tribunal”; and
 - (b) in subsection (8)—
 - (i) for “to the Transport Tribunal” substitute “to the Upper Tribunal”; and
 - (ii) omit “and the Transport Tribunal shall give their decision on the application within fourteen days”.
3. In section 54(8)(c) (inquiries held by traffic commissioners) for “Transport Tribunal” substitute “Upper Tribunal”.
4. In paragraph 12 of Schedule 2A (appeal to Transport Tribunal from traffic commissioner)—
 - (a) in sub-paragraph (1), and in the heading, for “Transport Tribunal” substitute “Upper Tribunal”; and
 - (b) omit sub-paragraph (2).

Transport Act 1985

5. The Transport Act 1985(2) is amended as follows.
6. In section 6A (applications for registration etc where restrictions are in force)—
 - (a) in subsection (9)—
 - (i) for “Transport Tribunal” substitute “Upper Tribunal”; and
 - (ii) omit “As respects appeals to the Transport Tribunal, see Schedule 4 to this Act.”; and
 - (b) omit subsection (10).
7. In section 9 (appeals against traffic regulation conditions)—
 - (a) in subsection (1) for “ the Transport Tribunal” substitute “the Upper Tribunal”;
 - (b) omit subsection (5); and
 - (c) in subsection (6) for “The persons who may appeal against any such decision of the Transport Tribunal are” substitute “For the purposes of section 13(2) of the Tribunals, Courts and Enforcement Act 2007 (appeals to Court of Appeal etc. against decisions of the Upper Tribunal) the following persons are to be treated as parties to a case”.

(1) 1981 c. 14. Sections 50 and 54 were substituted by sections 4 and 31 of the [Transport Act 1985 \(c. 67\)](#) and section 50 was amended by section 65(2) of the [Deregulation and Contracting Out Act 1994 \(c. 40\)](#). Schedule 2A was inserted by Schedule 3 to the [Local Transport Act 2008 \(c. 26\)](#).

(2) 1985 c. 67. Section 6A was inserted by section 48(3) of the [Local Transport Act 2008 \(c. 26\)](#). Section 9 is amended by section 51 of that Act. Schedule 4 is amended by paragraph 65 of Schedule 10 to the [Courts and Legal Services Act 1990 \(c. 41\)](#), paragraph 57 of Schedule 6 and Schedule 9 to the [Judicial Pensions and Retirement Act 1993 \(c. 8\)](#), paragraph 10 of Schedule 7 and Schedule 8 to the [Goods Vehicles \(Licensing of Operators\) Act 1995 \(c. 23\)](#), paragraph 179 of Schedule 4 and paragraph 42(1) and (3) of Schedule 9 to the [Constitutional Reform Act 2005 \(c. 4\)](#), paragraph 17 of Schedule 10 to the [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), section 76 of the [Local Transport Act 2008 \(c. 26\)](#), article 2 of the Transfer of Functions (Transport Tribunal) Order 1989 ([S.I. 1989/495](#)), the Schedule to the Transfer of Functions (Lord Advocate and Secretary of State) Order 1999 ([S.I. 1999/678](#)), and regulation 10(5) of the Road Transport (Passenger Vehicles Cabotage) Regulations 1999 ([S.I. 1999/3413](#)).

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8. In section 117(2) (reconstitution of the Transport Tribunal) at the end insert “; and that Schedule also makes provision in relation to appeals to the First-tier Tribunal or the Upper Tribunal under enactments relating to transport (see paragraphs 17 and 18)”.

9. In Schedule 4 (constitution, powers and proceedings of the Transport Tribunal)—

- (a) in paragraph 1 after “Tribunal” insert “(referred to in this Schedule as “the tribunal”)”;
- (b) in paragraph 8(1) omit “Subject to paragraph 9(2) below,”;
- (c) omit paragraph 9; and
- (d) after paragraph 16 insert—

“Powers of First-tier Tribunal and Upper Tribunal in relation to transport appeals

17.—(1) The First-tier Tribunal and the Upper Tribunal are to have full jurisdiction to hear and determine all matters (whether of law or of fact) for the purpose of the exercise of any of their functions under an enactment relating to transport.

In the case of the Upper Tribunal, this is subject to sub-paragraph (3).

(2) On an appeal from any determination of a traffic commissioner other than an excluded determination, the Upper Tribunal is to have power—

- (a) to make such order as it thinks fit; or
- (b) to remit the matter to the traffic commissioner for rehearing and determination by the commissioner in any case where the tribunal considers it appropriate;

and any such order is binding on the commissioner.

(3) The Upper Tribunal may not on any such appeal take into consideration any circumstances which did not exist at the time of the determination which is the subject of the appeal.

(4) A determination of a traffic commissioner is an excluded determination for the purposes of this paragraph if it is made under—

- (a) the Goods Vehicles (Community Authorisations) Regulations 1992(3); or
- (b) the Public Service Vehicles (Community Licences) Regulations 1999(4).

18. Paragraph 12 applies in relation to the First-tier Tribunal and the Upper Tribunal for the purpose of the exercise of any of their functions under an enactment relating to transport.”.

Road Traffic Act 1988

10. The Road Traffic Act 1988(5) is amended as follows.

11. In section 131 (appeals)—

- (a) in subsections (1) and (2) for the words from “by notice in writing” to the end substitute “appeal to the First-tier Tribunal.”;
- (b) in subsection (3)—

(3) S.I. 1992/3077.

(4) S.I. 1999/1322.

(5) 1988 c. 52. Section 131 was amended by section 258 and 259(4) of, and paragraph 12 of Schedule 29 to, the [Transport Act 2000 \(c. 38\)](#) and by paragraphs 1 and 13 of Schedule 6 and Schedule 7 to the [Road Safety Act 2006 \(c. 49\)](#) from a date to be appointed. Section 133ZA was inserted by paragraphs 1 and 14 of Schedule 6 to the Road Safety Act 2006 from a date to be appointed. Section 162A was inserted by section 43 of that Act.

- (i) for “Transport Tribunal” substitute “First-tier Tribunal”; and
- (ii) for “they think” substitute “it thinks”;
- (c) in subsection (4A)—
 - (i) for “Tribunal consider” substitute “First-tier Tribunal considers”; and
 - (ii) for “they” substitute “it”;
- (d) in subsection (4B) for the words from “by notice in writing” to the end substitute “appeal to the First-tier Tribunal.”;
- (e) in subsection (4C)—
 - (i) for “Transport Tribunal” substitute “First-tier Tribunal”; and
 - (ii) omit “within the period of fourteen days beginning with the day on which notice of the decision is given”;
- (f) in subsection (4D)—
 - (i) for “Transport Tribunal”, in both places, substitute “First-tier Tribunal”; and
 - (ii) omit “by notice in writing”;
- (g) in subsection (4E)—
 - (i) for “Transport Tribunal” substitute “First-tier Tribunal”; and
 - (ii) omit “, within the period of fourteen days beginning with the day on which it is made”;
- (h) in subsection (4F)—
 - (i) for “Transport Tribunal” substitute “First-tier Tribunal”; and
 - (ii) for “they consider” substitute “it considers”; and
 - (i) omit subsection (4G).

12. In section 133ZA(5)(b) (training) for “Transport Tribunal” substitute “First-tier Tribunal”.

13. In section 162A(3)(e) (approved test assistants) for “Transport Tribunal” substitute “First-tier Tribunal”.

Road Traffic Offenders Act 1988

14. The Road Traffic Offenders Act 1988(6) is amended as follows.

15. In section 30C(5)(f) (approval of courses) for “Transport Tribunal” substitute “First-tier Tribunal”.

16. In section 34BA(5)(f) (approval of courses) for “Transport Tribunal” substitute “First-tier Tribunal”.

17. In section 34F(5)(f) (approval of programmes) for “Transport Tribunal” substitute “First-tier Tribunal”.

Goods Vehicles (Licensing of Operators) Act 1995

18. The Goods Vehicles (Licensing of Operators) Act 1995(7) is amended as follows.

(6) 1988 c. 53; sections 30C, 34BA and 34F were inserted by sections 34(1) and (3), 35 and 15(1) respectively of the [Road Safety Act 2006 \(c. 49\)](#) from a date to be appointed.

(7) 1995 c. 23. Schedule 1A was inserted by Schedule 30 of the [Transport Act 2000 \(c. 38\)](#).

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19. In section 24(5) and (9)(a) (interim operators' licences) for "Transport Tribunal" substitute "Upper Tribunal".

20. In section 29 (revocation and disqualification etc)—

- (a) in subsection (2) for "Transport Tribunal" substitute "Upper Tribunal";
- (b) in subsection (3) for "Tribunal" substitute "Upper Tribunal"; and
- (c) omit subsection (4).

21. In section 35(4)(c) (power of traffic commissioners to hold inquiries) for "Transport Tribunal" substitute "Upper Tribunal".

22. In section 37 (right of appeal in connection with operators' licences)—

- (a) in subsection (1) for "Transport Tribunal" substitute "Upper Tribunal"; and
- (b) in subsections (2) to (6) for "Tribunal" substitute "Upper Tribunal".

23. In paragraph 11 of Schedule 1A (detention of vehicles used without operator's licence)—

- (a) in sub-paragraph (1) for "Transport Tribunal" substitute "Upper Tribunal"; and
- (b) omit sub-paragraph (2).

Greater London Authority Act 1999

24. In section 189 of the Greater London Authority Act 1999⁽⁸⁾ (appeals)—

- (a) in subsections (2) and (4) after "make an appeal" insert "to the First-tier Tribunal";
- (b) omit subsections (5) to (10) and (12); and
- (c) in subsection (11)—
 - (i) for "An appeal panel which has heard an appeal against a decision" substitute "On an appeal under this section the First-tier Tribunal"; and
 - (ii) for "to the appeal panel" substitute "to the tribunal".

Postal Services Act 2000

25. In section 94(3)(b) of the Postal Services Act 2000⁽⁹⁾ (power to require carriage of mail-bags by ship or aircraft) for "Transport Tribunal" substitute "First-tier Tribunal".

Transport Act 2000

26. In section 155(6) of the Transport Act 2000⁽¹⁰⁾ (appeals to Transport Tribunal) for "Transport Tribunal" substitute "Upper Tribunal".

Local Transport Act 2008

27. In section 75(6) of the Local Transport Act 2008⁽¹¹⁾ (power to require display of certain information)—

- (a) for "Transport Tribunal" substitute "Upper Tribunal"; and
- (b) omit "As respects appeals to the Transport Tribunal, see Schedule 4 to the TA 1985."

⁽⁸⁾ 1999 c. 29. Section 189 was amended by section 267(1) to (7) of the [Transport Act 2000](#) (c. 38).

⁽⁹⁾ 2000 c. 26.

⁽¹⁰⁾ 2000 c. 38. Section 155(6) was amended by section 64(1) and (8) of the [Local Transport Act 2008](#) (c. 26).

⁽¹¹⁾ 2008 c. 26.

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