

1972 No. 1269

**ROAD TRAFFIC****The London Transport (Consent Appeals) Regulations 1972**

*Made* - - - 14th August 1972

*Coming into Operation* 31st August 1972

The Secretary of State for the Environment, in exercise of his powers under paragraphs 7, 8, 9, 10 and 12 of Schedule 4 to the Transport (London) Act 1969(a) and all other powers enabling him in that behalf, and after consultation with the Council on Tribunals in accordance with the requirements of section 10 of the Tribunals and Inquiries Act 1971(b), hereby makes the following Regulations.

*Citation and Commencement*

1. These Regulations may be cited as the London Transport (Consent Appeals) Regulation 1972 and shall come into operation on 31st August 1972

*Interpretation*

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Transport (London) Act 1969;

“the commissioners” means the traffic commissioners for the Metropolitan Traffic Area appointed under Part III of the Road Traffic Act 1960, as amended by the Act;

“consent” means a consent continued in force or granted by the Executive under Schedule 4;

“the Executive” means the London Transport Executive established under section 4 of the Act;

“Schedule 4” means Schedule 4 to the Act.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

*Scope of Regulations*

3. These Regulations shall apply to any appeal to the commissioners under paragraph 7, 8, 9, 10 or 12 of Schedule 4.

*Commencement of Appeal*

4. An appeal shall be begun by lodging with the commissioners within the period specified in Regulation 5 of these Regulations the notice and documents specified in Regulations 6 and 7 of these Regulations.

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(a) 1969 c. 35.  
(c) 1889 c. 63.

(b) 1971 c. 62.

*Period of Appeal*

- 5.—(1) Subject to the provisions of paragraph (2) of this Regulation—
- (a) an appeal under paragraph 7 of Schedule 4 on the ground that a consent granted by the Executive does not comply with the requirements of paragraph 2, 4 or 5 of Schedule 4 shall be begun within one month from the date on which the appellant receives notice from the Executive of the grant of such consent and of the terms thereof;
  - (b) an appeal under paragraph 8, 9 or 10 of Schedule 4 against refusal by the Executive of an application by the holder of a consent for the renewal of that consent or for the variation of any term thereof, or condition attached or deemed to be attached thereto, or of the route authorised thereby, shall be begun within one month from the date on which the appellant receives notice from the Executive of such refusal;
  - (c) an appeal under paragraph 9 or 10 of Schedule 4 against a variation made by the Executive, without application from the holder of the consent, of any term of that consent or of any condition attached or deemed to be attached thereto or of the route authorised thereby shall be begun within one month from the date on which the appellant receives notice from the Executive of that variation;
  - (d) an appeal under paragraph 12 of Schedule 4 against cancellation of a consent shall be begun within one month from the date on which the appellant receives notice from the Executive of such cancellation.

(2) Where the appellant has received from the Executive notice of any kind referred to in paragraph (1) of this Regulation before the date on which these Regulations come into operation, the period of one month during which such an appeal shall be begun shall commence on the date on which these Regulations come into operation.

(3) An appeal under paragraph 8, 9 or 10 of Schedule 4 against failure of the Executive to accede to any application of the kind specified in paragraph (1)(b) of this Regulation shall be begun within 10 weeks from the date on which the relevant application was lodged with the Executive and may be so begun if and only if the appellant has not within a period of 6 weeks from that date received notice from the Executive of the decision on his application:

Provided that where the said application was lodged with the Executive more than 6 weeks before the date on which these Regulations come into operation, it shall be deemed for the purposes of this paragraph to have been so lodged 6 weeks before that date.

*Contents of Notice of Appeal*

- 6.—(1) Every notice of appeal shall be in writing and shall state—
- (a) the name and address of the appellant;
  - (b) the grounds upon which the appeal is made; and
  - (c) the nature of the Order which the appellant wishes the commissioners to make.
- (2) Every notice of an appeal shall be signed by the appellant or by some person authorised to do so on his behalf and in the latter case the notice shall state in what capacity or by what authority he signs.

*Documents to accompany Notice of Appeal*

7. Every notice of appeal shall be accompanied by the following documents:—

- (a) a copy of the consent to which the appeal relates;
- (b) in the case of an appeal under paragraph 7 of Schedule 4, a copy of any consent granted under the London Passenger Transport Act 1933<sup>(a)</sup> or under section 58(2) of the Transport Act 1962<sup>(b)</sup> which relates to the service in question;
- (c) in the case of an appeal against refusal or failure by the Executive to grant an application by the appellant, a copy of that application;
- (d) in the case of an appeal under paragraph 8, 9, 10 or 12 of Schedule 4 a copy of any notice of refusal, variation or cancellation received from the Executive;
- (e) copies of any correspondence between the appellant and the Executive relating to the subject matter of the appeal.

*Documents to be served on Executive*

8. The appellant shall, at the same time as his notice of appeal is lodged with the commissioners, or as soon as practicable thereafter, serve on the Executive a copy thereof, together with a list of all accompanying documents lodged with the commissioners (whether or not such documents are required to be so lodged by Regulation 7 of these Regulations) and a copy of any document so lodged by the appellant which is not required to be so lodged by the said Regulation 7.

*Service of Documents*

9. Any communications to be made to the commissioners for the purposes of these Regulations shall be addressed to the clerk to the commissioners at the office for the time being of the commissioners; and any communications to be made to the Executive for those purposes shall be addressed to the Secretary of the Executive at the principal office of the Executive for the time being.

Signed by authority of the Secretary of State.

14th August 1972.

*F. J. Ward,*  
An Under Secretary in  
the Department of the Environment.

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(a) 1933 c. 14.

(b) 1962 c. 46.

## EXPLANATORY NOTE

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

Under section 23(2) of the Transport (London) Act 1969 no person other than the London Transport Executive or a subsidiary of theirs may provide certain bus services in Greater London except in pursuance of an agreement with the Executive or under a consent continued in force or granted under Schedule 4 to the Act. Schedule 4 gives persons who hold such consents a right of appeal to the traffic commissioners for the Metropolitan Traffic Area where the consent granted does not comply with the requirements of the Schedule, where the holder's application for renewal or variation of the consent has not been granted, and where the consent is varied or cancelled by the Executive.

These Regulations prescribe the period and manner in which such appeals are to be made.

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