

Changes to legislation: Transport Act 1985, Cross Heading: Powers and proceedings is up to date with all changes known to be in force on or before 09 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 4

CONSTITUTION, POWERS AND PROCEEDINGS OF THE TRANSPORT TRIBUNAL

Powers and proceedings

- 8 (1) ^{F1}... The tribunal shall for the purpose of the exercise of any of their functions have full jurisdiction to hear and determine all matters whether of law or of fact.
- (2) As respects—
- (a) the attendance and examination of witnesses;
 - (b) the production and inspection of documents;
 - (c) the enforcement of their orders;
 - (d) the entry on and inspection of property; and
 - (e) other matters necessary or proper for the due exercise of their jurisdiction;
- the tribunal shall have, in England and Wales, all such powers, rights and privileges as are vested in the High Court, and, in Scotland, all such powers, rights and privileges as are vested in the Court of Session.
- (3) Execution may be had in England and Wales of any order of the tribunal as if it were an order of the High Court, and any order of the tribunal may be recorded for execution in the books of council and session in Scotland, and shall be enforceable accordingly.

Textual Amendments

- F1** Words in Sch. 4 para. 8(1) omitted (1.9.2009) by virtue of [The Transfer of Functions \(Transport Tribunal and Appeal Panel\) Order 2009 \(S.I. 2009/1885\)](#), art. 1(1), **Sch. 1 para. 9(b)**

^{F2}9

Textual Amendments

- F2** Sch. 4 para. 9 omitted (1.9.2009) by virtue of [The Transfer of Functions \(Transport Tribunal and Appeal Panel\) Order 2009 \(S.I. 2009/1885\)](#), art. 1(1), **Sch. 1 para. 9(c)**

- 10 (1) The president or, in his absence, such one of the other judicial members as the president or (if the president is unable for any reason to exercise the power conferred on him by this sub-paragraph) the ^{F3}Lord Chief Justice] may direct, shall preside at any sitting of the tribunal.

^{F4}(1A) Before exercising his functions under sub-paragraph (1) the Lord Chief Justice must—

- (a) consult the Lord Chancellor, and

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- (b) obtain the agreement of the Lord President of the Court of Session.]
- (2) The president or other judicial member presiding at a sitting of the tribunal in pursuance of sub-paragraph (1) above is referred to below in this paragraph as the presiding member.
- (3) If at any sitting of the tribunal the members sitting are evenly divided as to any decision, the presiding member shall have a second or casting vote; but otherwise decisions of the tribunal shall be by a majority of the members sitting.
- [^{F5}(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under sub-paragraph (1).
- (5) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under sub-paragraph (1A)(b).]

Textual Amendments

- F3** Words in Sch. 4 para. 10(1) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15, 148, Sch. 4 para. 179\(3\)\(a\)](#); [S.I. 2006/1014, art. 2\(a\)](#), Sch. 1 para. 11(r)
- F4** Sch. 4 para. 10(1A) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15, 148, Sch. 4 para. 179\(3\)\(b\)](#); [S.I. 2006/1014, art. 2\(a\)](#), Sch. 1 para. 11(r)
- F5** Sch. 4 para. 10(4)(5) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15, 148, Sch. 4 para. 179\(3\)\(c\)](#); [S.I. 2006/1014, art. 2\(a\)](#), Sch. 1 para. 11(r)

Modifications etc. (not altering text)

- C1** Functions transferred to the Lord Chancellor by [S.I. 1989/495, art. 2\(1\)\(2\)](#)

- 11 (1) Subject to paragraph 10 above, the [^{F6}Lord Chancellor] may from time to time make general rules governing the procedure and practice of the tribunal and generally for carrying into effect the tribunal's duties and powers.
- (2) Without prejudice to the generality of sub-paragraph (1) above, rules under that sub-paragraph may provide for—
- (a) the awarding of costs by the tribunal;
 - (b) the reference of any question to a member of the tribunal, or to any other person appointed by them, for report after holding a local inquiry;
 - (c) the review by the tribunal of decisions previously given by them;
 - (d) the number of members of the tribunal to constitute a quorum;
 - (e) enabling the tribunal to dispose of any proceedings notwithstanding that in the course of those proceedings there has been a change in the persons sitting as members of the tribunal; and
 - (f) the right of audience before the tribunal.
- (3) Rules under sub-paragraph (1) above may also, subject to the consent of the Treasury, prescribe the scale of fees for and in connection with proceedings before the tribunal.

Textual Amendments

- F6** Words substituted by [S.I. 1989/495, art. 2\(1\)\(2\)](#)

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Modifications etc. (not altering text)

C2 Functions transferred to the Lord Chancellor by [S.I. 1989/495](#), [art. 2\(1\)\(2\)](#)

- 12 (1) The Secretary of State shall give to the tribunal such assistance as the tribunal may reasonably require.
- (2) The Secretary of State shall place at the disposal of the tribunal any information in his possession which he considers will be of assistance to the tribunal in connection with any matter before them, and shall be entitled to appear and be heard in any proceedings before the tribunal.
- 13 (1) Subject to sub-paragraph (2) below and to any rules made under paragraph 11 above, the tribunal may sit in any part of Great Britain in such place or places as may be convenient for the determination of the proceedings before them.
- (2) An appeal from [^{F7} a determination of any traffic commissioner in relation to a traffic area in Scotland] shall be heard in Scotland.

Textual Amendments

F7 Words in [Sch. 4 para. 13\(2\)](#) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), [art. 1\(1\)](#), [Sch. 1](#) (with arts. 1(3), 2, 7)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 6(2ZA) inserted by [2019 asp 17 s. 37\(2\)\(a\)](#)
- s. 6(7ZA) inserted by [2019 asp 17 s. 37\(2\)\(b\)](#)