



## 2010 CHAPTER 2

### *Review of decisions and appeals*

#### **Rights of appeal in connection with operators' licences**

**35.—**(1) An applicant for, or for the variation of, an operator's licence may appeal to the Upper Tribunal against the refusal of the application or (as the case may be) against the terms of the licence or of the variation.

(2) The holder of an operator's licence may appeal to the Upper Tribunal against any direction given under section 4(8), 23(1) or (2), 24(1), 28 or 29 in respect of the licence.

(3) The holder of an operator's licence may appeal to the Upper Tribunal against any order made under section 23(5) on the suspension or curtailment of the licence.

(4) A person in respect of whom an order has been made under section 25(1) (including section 25(1) as it applies by virtue of section 25(4)) may appeal to the Upper Tribunal against that order and against any direction given under section 25(3) (including section 25(3) as it so applies) when the order was made.

(5) A person who has duly made an objection to an application for, or for a variation of, an operator's licence may appeal to the Upper Tribunal against the grant of the application.

(6) A person who—

- (a) within the prescribed period has made an application for a review under section 34, and
- (b) has been certified by the Department as a person such as is mentioned in subsection (2)(b) of that section,

may appeal to the Upper Tribunal against the refusal of the application.

(7) Regulations may confer on prescribed persons a right of appeal to the Upper Tribunal in prescribed circumstances.

(8) In subsections (1) and (2) “operator’s licence” does not include an interim licence issued under section 21.