

Upper Tribunal for Scotland



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Form UTS-3

Application for submitting an appeal to the Upper Tribunal against a decision of the Traffic Commissioner under:

Section 39(5A) of the Transport (Scotland) Act 2001; or

Regulation 2 of the Public Service Vehicles (Registration of Local Services) (Bus Services Improvement Partnerships Service Standards Decisions) (Appeals) (Scotland) Regulations 2024

This form is to be used by a party who wishes to lodge an appeal to the Upper Tribunal for Scotland against a decision of the Traffic Commissioner as per The Upper Tribunal for Scotland (Bus Registration Appeals Rules of Procedure) Regulations 2024 ("the Upper Tribunal Rules").

An application must be received by the Upper Tribunal for Scotland within 30 days of the date of service by the traffic commissioner of the penalty or traffic commissioner decision on the appellant, as per Rule 3(4) of the Upper Tribunal Rules.

1. Statement of notice of appeal

Please confirm by ticking the appropriate box below, the decision you are appealing:

Section 39(5A) of the Transport (Scotland) Act 2001

I am a service operator appealing a penalty from the Traffic Commissioner

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Regulation 2 of the Public Service Vehicles (Registration of Local Services) (Bus Services Improvement Partnerships Service Standards Decisions) (Appeals) (Scotland) Regulations 2024

I am a service operator appealing a service standards decision by the Traffic Commissioner

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I am a Local Transport Authority appealing a service standards decision by the Traffic Commissioner

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2. APPELLANT DETAILS

The Upper Tribunal for Scotland may assume that the address provided by a party or interested party or their representative is the address to which documents should be sent or delivered, unless it is notified otherwise in writing. If a party or an interested party provides an email address or other details for the electronic transmission of documents to them, that party or interested party must accept delivery of documents by that method

a. Company/organisation name

b. Title (Mr, Mrs, Miss, Ms)

c. First name

d. Last name

e. Contact address

f. Contact telephone number

g. Contact email address

3. APPELLANT REPRESENTATIVE DETAILS

a. Company/organisation name

b. Title (Mr, Mrs, Miss, Ms)

c. First name

d. Last name

e. Contact address

f. Contact telephone number

g. Contact email address

4. CASE DETAILS

Traffic Commissioner decision subject of appeal

a. Date of Decision

b. Reference Number (if any)

c. Briefly give details of the decision the Traffic Commissioner made

5. REASONS FOR REQUESTING AN APPEAL

Please state the alleged error or errors of fact or law in the penalty or traffic commissioner decision

[illegible]

6. CONSENT TO DECISION WITHOUT A HEARING

The Upper Tribunal can make a decision on your appeal on the basis of the written submissions provided by the parties.

Do you consent to the Upper Tribunal making a decision on the case without a hearing?

Yes ☐ No ☐

7. LATE APPEALS

The Upper Tribunal may not admit a notice of appeal that is lodged after the end of the 30-day period beginning with the date of service by the traffic commissioner of the penalty or traffic commissioner decision on the appellant (Rule 3(6) of the Upper Tribunal Rules).

If you are lodging this notice of appeal after the end of the 30 day period, you must complete sections a – c below:

a. I confirm I am requesting an extension of time to submit this notice of appeal

b. Explain why the notice of appeal was not lodged in time:

[illegible]

c. State why you feel it is in the interests of Justice that the time be extended to allow your appeal to be lodged

[illegible]

8. INFORMATION CHECKLIST

Please confirm that you have provided all the information below on this form, by completing the appropriate box(es).

Details of the Decision which your request is about (this should be stated in Section 4) ☐

Reasons for appeal (these should be stated and explained in Section 5) ☐

Late appeals only:

Request to extend the time to allow a late appeal to be admitted (this request should be stated with reasons in Section 7) ☐

9. DOCUMENT CHECKLIST

The documents listed below should be attached to your application

It is a requirement under Rule 3(3) of the Upper Tribunal Rules that the following documents must be provided with your application to appeal:

a copy of the penalty or traffic commissioner decision being challenged ☐

any separate documents issued by the Traffic Commissioner in relation to the penalty or traffic commissioner decision ☐

Failure to provide any of the required information and documentation listed in Sections 8 & 9 may lead to a delay in processing the appeal while documentation is requested, or refusal to admit the appeal.

10. SIGNATURE

Subject to the following declaration, we will store and process the information you provide in line with the Data Protection Act 2018. Under the Act you can ask to see all the information we have about you. Please also note that legislation under Rule 29(4) of the Upper Tribunal Rules allows the Upper Tribunal for Scotland to make any tribunal decisions and statements of reasons publicly available.

I confirm that all the information I have given is correct and I have not withheld any relevant information.

Signature

Date

For further information, please contact the Upper Tribunal for Scotland using the details on the front page of this form.