



UPPER TRIBUNAL

Notes for Appellants Form UT12 (Traffic Commissioner appeals)

These notes should be read whilst completing the application form for to appeal to the Upper Tribunal against a decision of the Traffic Commissioner.

The Administrative Appeals Chamber is part of the Upper Tribunal and its jurisdiction includes deciding appeals from decisions of the Traffic Commissioners. The Upper Tribunal consists of specialist judges appointed by the Queen. Some are also judges in the Courts, including the High Court.

Form UT12 is to be used for applying to the Upper Tribunal to appeal against a decision the Traffic Commissioner. This includes appeals made to the Transport Tribunal under the Transport (Scotland) 2001 Act.

Form UT12 should be sent to the Upper Tribunal (Transport) office so that it is received no later than **1 month** after the date the Traffic Commissioner's decision. If you are late, you must explain why in **Part H** of the form.

Before you use Form UT12

You must have received a decision from the Traffic Commissioner before you can appeal to the Upper Tribunal.

Part A – Type of case

Most of the Traffic Commissioner work in the Upper Tribunal consists of appeals against decisions relating to Heavy Goods Vehicles, goods operators ("O" licences), operating centres and Public Service Vehicles i.e. bus operators and services (PSV licences).

Part B – About the Appellant

We use the word **appellant** to describe a person who is making an appeal to the Upper Tribunal.

Part C – About the Appellant's solicitor or other representative

A **representative** is someone who is helping the appellant, dealing with the correspondence and representing them at any hearing. If you have a representative, you should give their details in the boxes provided in this section, including their

status (e.g. solicitor, accountant, consultant, etc). The Upper Tribunal office will then correspond only with your representative.

Part D – Details about other parties *(if any)*

Provide details of the other parties, if any

Part E – Details of the original decision appealed against

Provide details of the original Traffic Commissioner's decision. Include the Traffic Commissioner's case number, date of the decision and the name of the traffic area office.

You must appeal to the Upper Tribunal within **1 month** of the decision made by the Traffic Commissioner.

Part F – Grounds of appeal

You must provide full written grounds of appeal in support of your application. Use the box provided on the form or a separate sheet of paper if necessary. If you use a separate piece of paper, make sure it has your name and the licence number on it.

Part G – Stay of decision

If the Traffic Commissioner has made an order against which you could appeal, the order will normally come into force when ordered irrespective of the appeal. You can apply to the Commissioner to suspend the effects of his/her order until the appeal is decided. If the Commissioner refuses a stay, you can apply to the Upper Tribunal to suspend the effects of the Commissioner's order until the time limit for appealing has expired or until the appeal is disposed of.

You should be prepared to supply full reasons for the proposed stay.

Stays are dealt with as a matter of urgency. In your own interests you should send any stay application to the Upper Tribunal as soon as possible after the Traffic Commissioner has refused it. **A copy of the Traffic Commissioners' stay decision must be sent with your application for stay.**

You can only apply to the Upper Tribunal for a stay if the Traffic Commissioner has refused it.

Part H – Extension of time

If your appeal to the Upper Tribunal is late, you must show a good reason for the Upper Tribunal to accept your appeal. If your appeal was late or because you did not have a written statement of reasons it will only be admitted if the Upper Tribunal considers that it is in the interests of justice to do so. In any event **you must explain the delay**. The Upper Tribunal may take into account the length of the delay, and other matters such as the issues at stake, the potential importance of the case, etc., so you can also mention these as reasons. Use the box provided on the form or a

separate sheet of paper if necessary. If you use a separate piece of paper, make sure it has your name and the license number on it.

Part J – Declaration

The appeal form must be **signed** and **dated** by the appellant. The **status** of the appellant must also be shown in the box provided.

Sending Form UT12 to the Upper Tribunal

Keep these notes in a safe place so that you have a record of the address of the Upper Tribunal Office.

Send **Form UT12**, and the documents listed at the end of the form, to the Upper Tribunal (Transport) office within the **1 month** allowed (see the notes to **Part E (II)** above). **If you are late**, you can still send in your form but you must explain the delay in **Part H** of the form.

All appeals against a decision of the Traffic Commissioner must be sent to the address below: –

The Upper Tribunal Office
Traffic Commissioner appeals
7th Floor, Victory House
30 – 34 Kingsway
London
WC2B 6EX

DX: 141420 Bloomsbury 7

You must enclose the documents listed at the end of the form. Otherwise, your application or appeal may be delayed or may not be admitted.

Contact the office if you are not told within a week that the form has been received.

These notes should be read whilst completing the Notice of Appeal Form. We also have a series of leaflets which provide guidance on the appeals process which are available by request or by downloading from our website at www.tribunals.gov.uk. If you need this form in an alternative format e.g. large font, Braille or in Welsh Language, or require hard copies of our leaflets, please telephone **020 3077 5860**. Textphone users can contact us through **Typetalk** on **18001020 3077 5860**.