SCOTTISH STATUTORY INSTRUMENTS

2002 No. 199

TRANSPORT

The Bus User Complaints Tribunal Regulations 2002

Made - - - -	*22nd April 2002*
Coming into force - -	*23rd April 2002*

The Scottish Ministers, in exercise of the powers conferred by sections 41(1), (2) and (3) and 81(2) of the Transport (Scotland) Act 2001(**1**) and of all other powers enabling them in that behalf hereby make the following Regulations, a draft of which has, in accordance with section 81(4) of that Act, been laid before, and approved by resolution of the Scottish Parliament:

Citation and commencement

1. These Regulations may be cited as the Bus User Complaints Tribunal Regulations 2002 and shall come into force on the day after the day on which they are made.

Interpretation

2. In these Regulations–

"the Act" means the Transport (Scotland) Act 2001;

"bus operator" means the operator of local service;

"the Tribunal" means the Bus User Complaints Tribunal established under regulation 3(1).

Establishment of the Bus User Complaints Tribunal

3. There is established from the date of coming into force of these Regulations a tribunal to be known as the Bus User Complaints Tribunal for the purpose specified in section 41(1) of the Act.

Procedure-general

4. Other than as specified in these Regulations the procedure to be followed by and before the Tribunal shall be determined by the Tribunal.

Making a complaint

5.—(1) A written complaint shall be made by a notice of complaint sent to the Tribunal.

(**1**) 2001 asp 2.

(2) A notice of complaint–

(a) shall be sent to the Tribunal within 28 days of the date on which the complainant has been advised that the bus operator has determined the relevant complaint;

(b) shall state the full name and address of the complainant;

(c) may specify some other address as being the address to which documents may be sent in connection with the complaint;

(d) shall specify the date on which the relevant complaint was made and the nature of any determination made by the bus operator on that complaint; and

(e) may include any representations which the complainant wishes to make.

(3) The notice of complaint shall be signed by the complainant or an authorised representative.

Action upon receipt of notice of complaint

6.—(1) Upon receiving a notice of complaint in accordance with regulation 5, the Tribunal shall–

(a) send an acknowledgement of receipt to the complainant;

(b) enter particulars of the complaint in a register maintained by the Tribunal for that purpose; and

(c) send a copy of the notice of complaint to the bus operator.

(2) Upon receiving a copy of the notice of complaint in accordance with paragraph (1)(c), the bus operator shall within 21 days send to the Tribunal a copy of–

(a) the original representations contained in the relevant complaint;

(b) its response to those representations; and

(c) its response to the notice of complaint.

Further representations

7.—(1) The convener may invite a party to send to the Tribunal representations dealing with any matter relating to the complaint within such time and in such a manner as may be specified by the convener.

(2) Any representations sent under this regulation shall be signed by the party concerned or an authorised representative.

(3) Where the complainant sends representations to the Tribunal under this regulation, the Tribunal shall send a copy of the representations to the bus operator.

(4) Where the bus operator sends representations to the Tribunal under this regulation, it shall at the same time send a copy of those representations to the complainant.

Determining the complaint

8.—(1) The Tribunal shall consider the notice of complaint and any additional representations submitted under regulation 7(1) by the complainant and any representations and response submitted by the bus operator under regulations 6(2) and 7(1) and shall, subject to paragraph 2, determine the complaint.

(2) Where, following consideration under paragraph (1), the Tribunal is unable to determine the complaint without further information it may adjourn its consideration to a future date to be specified and request further information from the complainant, bus operator or any other person whom it believes to be in possession of the information so required.

(3) The Tribunal shall advise the complainant and bus operator of an adjournment under paragraph (2).

(4) The determination when given shall be entered forthwith in the register maintained under regulation 6(1)(b) with a statement of the reasons for the decision and the Tribunal shall send a copy of that entry to the complainant and bus operator.

Appeal from Tribunal's determination

9.—(1) The convener shall have power to consider, on the application of a party, an appeal against a determination issued under regulation 8(1) to dismiss or allow a complaint or any decision as to compensation on the grounds in each case that–

(a) the decision was wrongly made as the result of an error on the part of the Tribunal's staff;

(b) where the decision was made after the complaint has been disposed of under regulation 8, new evidence has become available since the disposal the existence of which could not have been reasonably known of or foreseen; or

(c) the interests of justice require such an appeal.

(2) An appeal under this regulation shall be made to the Tribunal within 14 days after the date on which a copy of the entry of the decision was sent to the complainant and bus operator under regulation 8(4) and must state in full the grounds of appeal.

(3) The parties shall have the opportunity to submit written representations on any application for appeal under this regulation and if, having considered the determination and any written representations, the convener directs that the appeal is to be upheld the convener shall issue a substitute determination.

Compensation

10. The Tribunal may, on making a determination, require the bus operator to make payment to the complainant of such compensation for actual loss incurred as is reasonable in the circumstances.

Miscellaneous powers of the Tribunal

11.—(1) The Tribunal may, if it thinks fit–

(a) extend the time appointed by or under these Regulations for doing any act notwithstanding that the time appointed may have expired;

(b) if the complainant at any time gives notice of the withdrawal of the complaint, dismiss the proceedings;

(c) if the bus operator consents to the complaint being allowed, allow the complaint;

(d) if the complaint is allowed under paragraph (c) make a determination allowing the complaint and may award compensation in accordance with regulation 10.

Sending of documents

12.—(1) This regulation has effect in relation to any notice or other document required or authorised by these Regulations to be sent to a party to an appeal, to the Tribunal or to any other person.

(2) Subject to paragraph (3), any such document shall be regarded as having been sent to the person concerned if it is–

(a) delivered personally;

(b) left at the person's proper address;