

# TRANSPORT (SCOTLAND) ACT 2001

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## EXPLANATORY NOTES

### THE ACT

#### Part 2

#### Bus Services

#### Financial and competition provisions

#### *Section 40 Repayment of grants towards bus fuel duty*

65. This section amends section 111 of the Transport Act 1985 to enable the traffic commissioner to impose a penalty on a bus operator, if that operator fails "to a significant extent" to operate services as registered under section 6 of the 1985 Act. The amended provision enables the traffic commissioner to impose additional penalties in relation to:
- Operators using QP facilities when not entitled to do so (section 8(4));
  - Operators providing a service within a QC area without entering into a QC with the local transport authority (section 22(1)(b) or (2));
  - Operators failing to implement a ticketing scheme when required to do so (section 32(1)); and
  - Operators failing to provide information to a local transport authority (section 34(3)).
66. The section also amends the current level of penalty, which the traffic commissioner must impose - a penalty of 20% of the fuel duty rebate paid in the previous three months. The amendment will enable the traffic commissioner to impose a penalty between 1% and 20% and there will no longer be a requirement to be satisfied that the operator has failed "to a significant extent", thus allowing a more flexible use of the power. This amendment only has effect, however, only until such time as section 111 of the 1985 Act is replaced by the provisions of section 38 of the Act.