



Transport (Scotland) Act 2001

2001 asp 2

PART

BUS SERVICES

Financial and competition provisions

39 Penalties

- (1) Where the traffic commissioner is satisfied that the operator of a local service has, without reasonable excuse—
 - (a) failed to operate a local service registered under section 6 of the 1985 Act;
 - (b) operated a local service in contravention of that section or section 8(4) or 22(1) (b) or (2) of this Act; or
 - (c) failed to comply with section 32(1) or 34(3) of this Act,the commissioner may impose a penalty on the operator.
- (2) Subject to subsection (3) below, a penalty imposed under subsection (1) above shall be of such amount as the traffic commissioner thinks fit in all the circumstances of the case.
- (3) The amount of a penalty mentioned in subsection (2) above shall not exceed—
 - (a) £550; or
 - (b) such other amount as the Scottish Ministers may by order specify,multiplied by the total number of vehicles which the operator is licensed to use under all the PSV operator's licences held by him.
- (4) Any penalty imposed under subsection (1) above shall be payable to the Scottish Ministers.
- (5) Where a penalty has been imposed on an operator under subsection (1) above, the traffic commissioner shall forthwith give notice in writing to—
 - (a) the Scottish Ministers; and
 - (b) the operator.

Status: This is the original version (as it was originally enacted).

- (6) Any operator on whom a penalty has been imposed under subsection (1) above may appeal to the Transport Tribunal against the imposition of the penalty.
- (7) Any amount due under this section shall be recoverable as a civil debt.