



Transport (Scotland) Act 2001

2001 asp 2

PART 2

BUS SERVICES

[^{F1}CHAPTER 2]

[^{F1}LOCAL SERVICES FRANCHISES]

Miscellaneous

43 Power to obtain information about local services

- (1) A local transport authority may, in connection with the formulation of their relevant general policies, require an operator of local services to provide them with any information relating to the matters mentioned in subsection (2) below which is in the possession or control of the operator; and the operator shall comply with any such requirement.
- (2) The matters are—
 - (a) the total number of journeys undertaken by passengers on the local services operated by the operator in the authority's area or any part of such area;
 - (b) the structure of fares for those journeys; and
 - (c) the total distance covered by vehicles used by the operator in operating those local services.
- (3) An operator may be required to provide information under this section in any form in which, having regard to the manner in which the information is kept, it is reasonable to expect the operator to provide it.
- (4) Subject to subsection (5) below, no information which—
 - (a) has been provided to a local transport authority under this section, or provided together with information so provided; and
 - (b) relates to the affairs of an individual or to a particular business,

Changes to legislation: Transport (Scotland) Act 2001, Section 43 is up to date with all changes known to be in force on or before 08 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

shall be disclosed by such authority during the lifetime of the individual or while the business continues to be carried on.

- (5) Subsection (4) above does not apply to a disclosure—
- (a) made with the consent of the individual or the person for the time being carrying on the business;
 - (b) of information provided by virtue of section 10(3) or 24(3) of this Act;
 - (c) made in connection with the investigation of crime or for the purposes of criminal proceedings;
 - (d) made for the purposes of civil proceedings brought by virtue of this Act or the 1985 Act;
 - (e) made in order to comply with the order of a court or tribunal; or
 - (f) made in respect of a local service—
 - (i) if the operator of such service has given notice in writing to the local transport authority or the traffic commissioner of the operator’s intention to cease operating such service from a date specified in the notice; or
 - (ii) if, having failed to provide notice such as is mentioned in subparagraph (i) above, such operator has ceased to operate such service.
- [^{F1}(5A) For the avoidance of doubt, subsection (5)(f) does not apply if (or to the extent that) the operator was also required to provide the information by the local transport authority as an affected authority under section 6ZA(2) of the 1985 Act (provision of service information when varying or cancelling registration).]
- (6) A local transport authority who, without reasonable excuse, disclose information in contravention of subsection (4) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (7) Where an offence under subsection (6) above committed by a local transport authority is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a person employed by the authority, the person as well as the authority is guilty of the offence and liable to be proceeded against and punished accordingly.

Textual Amendments

- F1** S. 43(5A) inserted (28.11.2022) by [Transport \(Scotland\) Act 2019 \(asp 17\)](#), **ss. 39(3)**, 130(2) (with s. 126); [S.S.I. 2022/332](#), **reg. 2**, **sch.**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 2 Ch. 3 applied in part by [2019 asp 17 s. 47\(1\)\(2\)](#)
- Pt. 2 Ch. 3 inserted by [2019 asp 17 s. 41\(2\)](#)
- Pt. 2 Ch. 4 heading inserted by [2019 asp 17 sch. para. 3\(2\)](#)
- s. 27B and cross-heading inserted by [2019 asp 17 s. 42\(2\)](#)
- s. 29(3A)-(3C) inserted by [2019 asp 17 s. 44\(2\)\(a\)](#)
- s. 29(7)(8) inserted by [2019 asp 17 s. 44\(2\)\(c\)](#)
- s. 30(3)(ca)-(cc) inserted by [2019 asp 17 s. 44\(3\)\(b\)](#)
- s. 31(1A) inserted by [2019 asp 17 s. 44\(4\)\(a\)](#)
- s. 31(3)(ca) inserted by [2019 asp 17 s. 44\(4\)\(b\)\(iii\)](#)
- s. 31(5)-(7) inserted by [2019 asp 17 s. 44\(4\)\(d\)](#)
- s. 32A inserted by [2019 asp 17 s. 45\(2\)](#)
- s. 32B and cross-heading inserted by [2019 asp 17 s. 46\(2\)](#)
- s. 35A inserted by [2019 asp 17 s. 40\(2\)](#)
- s. 39(1)(ca) inserted by [2019 asp 17 s. 40\(3\)](#)
- s. 79(1)(ca) inserted by [2019 asp 17 s. 48\(2\)\(b\)](#)