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SCOTTISH STATUTORY INSTRUMENTS

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**2002 No. 291 (C. 15)**

**TRANSPORT**

**The Transport (Scotland) Act 2001 (Commencement  
No. 3 and Transitional Provisions) Order 2002**

*Made - - - - 10th June 2002*

The Scottish Ministers, in exercise of the powers conferred by sections 81(2) and 84(2) of the Transport (Scotland) Act 2001<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Order.

**Citation and interpretation**

1.—(1) This Order may be cited as the Transport (Scotland) Act 2001 (Commencement No. 3 and Transitional Provisions) Order 2002.

(2) In this Order—

“the 1981 Act” means the Public Passenger Vehicles Act 1981<sup>(2)</sup>;

“the 2001 Act” means the Transport (Scotland) Act 2001.

**Commencement of Provisions**

2. The following provisions of the 2001 Act shall come into force on 1st July 2002:—

- (a) the remainder of section 38 so far as not already in force; and
- (b) section 39.

**Transitional provisions: penalties for unreliable bus services, etc**

3.—(1) Where, following an inquiry under section 54(4) of the 1981 Act (inquiries held by traffic commissioners), a traffic commissioner makes a determination after 30th June 2002 in respect of relevant breaches occurring wholly before 1st July 2002, section 111 of the 1985 Act<sup>(3)</sup> shall continue to apply (and section 39 of the 2001 Act shall not apply) as if in subsection (2) for “the day on which the determination under subsection (1) above is made” there were substituted “30th June 2002”.

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(1) 2001 asp 2.

(2) 1981 c. 14.

(3) Section 111 was amended by the 2000 Act, section 158 and Schedule 11, paragraph 22.

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(2) Where, following an inquiry under section 54 of the 1981 Act, a traffic commissioner makes a decision after 30th June 2002 to impose a penalty under section 39 of the 2001 Act in respect of relevant breaches occurring both before 1st July 2002 and on or after that date, the penalty shall not exceed the maximum amount which would have been due from the operator under section 111 of the 1985 Act if the decision in respect of that inquiry had been made on 30th June 2002.

(3) In this article, a reference to a relevant breach is a reference to an operator of a local service without reasonable excuse—

- (a) failing to operate a local service registered under section 6 of the 1985 Act;
- (b) operating such a service in contravention of that section or section 8(4) or 22(1)(b) of the 2001 Act; or
- (c) failing to comply with section 32 or 34(3) of the 2001 Act.

St Andrew's House,  
Edinburgh  
10th June 2002

*LEWIS MACDONALD*  
Authorised to sign by the Scottish Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on 1st July 2002 certain provisions of the Transport (Scotland) Act 2001 (“the 2001 Act”), namely those parts of section 38 that are not already in force and section 39.

The Order contains transitional provisions which preserve the power of the traffic commissioners to impose penalties under section 111 of the Transport Act 1985 where breaches of the relevant legislation have occurred before 1st July 2002. The Order also limits the power of the traffic commissioners to impose penalties under section 39 of the 2001 Act to the amount which could have been imposed under section 111 of the 1985 Act at 30th June 2002 if the penalty relates to breaches occurring partly before and partly on or after 1st July 2002.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Act, with the exception of section 80, have been brought into force by the Transport (Scotland) Act 2001 (Commencement No. 1, Transitional Provisions and Savings) Order 2001 ([S.S.I. 2001/132](#)). Section 80 has been brought into force by the Transport (Scotland) Act 2001 (Commencement No. 2) Order 2001 ([S.S.I. 2001/167](#)).

<i>Provision</i>	<i>Date of Commencement</i>
Sections 1–2	1st April 2001
Section 3	1st July 2001
Section 4	1st April 2001
Sections 5–10	1st July 2001
Section 11	1st April 2001
Sections 12–25	1st July 2001
Section 26	1st April 2001
Sections 27 to 35	1st July 2001
Section 36	1st April 2001
Section 37	1st July 2001
Section 38(2)	1st April 2001
Section 40(1), (3) and (4)	1st April 2001
Section 40(2)	1st July 2001
Sections 41–44	1st April 2001
Section 45	1st July 2001
Section 46	1st April 2001
Section 47	1st July 2001

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<i>Provision</i>	<i>Date of Commencement</i>
Sections 48–67	1st April 2001
Sections 69–72	1st April 2001
Section 73(c) and (d)	1st April 2001
Section 74(1), (2), (3) and (5)	1st April 2002
Section 74(4)	1st April 2001
Sections 75–79	1st April 2001
Section 80	1st May 2001
Sections 81–82	1st April 2001
Section 83 (only for the purpose of bringing into force paragraph 4(1), (2), (3) and (5) of Schedule 2)	1st April 2001
Section 83 (only for the purpose of bringing into force paragraphs 1, 2, 3 and 4(4) of Schedule 2)	1st July 2001
Schedule 1	1st April 2001
Paragraphs 1, 2, 3 and 4(4) of Schedule 2	1st July 2001
Paragraph 4(1), (2), (3) and (5) of Schedule 2	1st April 2001