



Transport Act 1985

1985 CHAPTER 67

PART V

FINANCIAL PROVISIONS

Miscellaneous and supplementary

[^{F1}110 Grants towards duty charged on bus fuel.

(1) In section 92(1) of the ^{M1}Finance Act 1965 (grants to operators of bus services towards duty charged on bus fuel)—

- (a) the words “any bus service” shall be omitted; and
- (b) there shall be inserted at the end the words—

“a bus service which is of a description specified for the purposes of this section and which meets any conditions which may be specified in relation to that description of service.”.

(2) For subsection (8) of that section there shall be substituted the following subsections—

“(8) In this section—

“bus service” means a local service within the meaning of the Transport Act 1985 other than an excursion or tour within the meaning of that Act, being a service which is either—

- (a) registered under Part I of that Act; or
- (b) provided under a London local service licence granted under Part II of that Act or exempt by virtue of section 36 of that Act (London bus services under control of London Regional Transport) from the requirement of a London local service licence;

“operator” has the same meaning, in relation to a bus service, as in that Act; and

“specified” means specified in regulations made by the Secretary of State by statutory instrument.

Status: Point in time view as at 01/05/2002.

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(8A) Any statutory instrument containing regulations made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”]

Textual Amendments

F1 S. 110 repealed (E.W.) (1.5.2002 for E. and 14.8.2002 for W.) by 2000 c. 38, s. 274, Sch. 31 Pt. II, S.I. 2002/1014, {art. 2(2)}, Sch. Pt. I; S.I. 2002/ 2024, {art. 2(b)}

Marginal Citations

M1 1965 c. 25.

[^{F2}111 Unregistered and unreliable local services; reduction of fuel duty grant. **E+W**]

[Where the traffic commissioner for any traffic area is satisfied that the operator of a ^{F3}(1) local service has, without reasonable excuse—

- (a) failed to operate a local service registered under section 6 of this Act;
- (b) operated a local service in contravention of that section or section 118(4) or 129(1)(b) of the Transport Act 2000; or
- (c) failed to comply with section 138 or 140(3) of that Act;

he may make a determination to that effect.]

[If any amount has been paid to the operator by way of grant under section 92 of ^{F4}(2) the ^{M2}Finance Act 1965 (grants towards duty charged on bus fuel) in respect of any services operated during the period of three months ending with the day on which the determination under subsection (1) above is made, there is due from the operator—

- (a) to the Secretary of State (as respects England); or
- (b) to the National Assembly for Wales (as respects Wales),

such percentage of that amount as the traffic commissioner thinks fit in all the circumstances of the case.

(3) The percentage determined shall be at least one per cent. but not more than twenty per cent.

(4) A traffic commissioner who makes a determination under this section shall at once give notice in writing to—

- (a) the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales); and
- (b) the operator;

and the operator may appeal to the Transport Tribunal against the determination.]

(5) Any amount due ^{F5}. . . under this section shall be recoverable as a debt due to the Crown; and ^{F6}. . .]

Extent Information

E1 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

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Textual Amendments

- F2** S. 111 repealed (1.5.2002 for E. and otherwise prosp.) by 2000 c. 38, ss. 154(6), 274, 275, **Sch. 31 Pt. II**; S.I. 2002/1014, **art. 2(1)** (with transitional provisions in **art. 3**)
- F3** S. 111(1) substituted (1.2.2001 for E. for certain provisions, 20.2.2001 for E. for certain further purposes, 1.8.2001 for W. and 26.10.2001 for E. in so far as not already in force) (*temp.* until s. 111 ceases to have effect as a result of the repeal by s. 154(6) of the amending Act) by 2000 c. 38, s. 161, **Sch. 11 para. 22(2)**; S.I. 2001/57, **art. 3, Sch. 3 Pt. 1** (subject to savings in Sch. 3 Pt. II para. 2 (as substituted by S.I. 2001/115)); S.I. 2001/242, **art. 2**; S.I. 2001/2788, **art. 2, Sch. 1 para. 11**; S.I. 2001/3342, **art. 2, Sch. 2**
- F4** S. 111(2)-(4) substituted (1.2.2001 for E. and 1.8.2001 for W.) (*temp.* until s. 111 ceases to have effect as a result of the repeal by s. 154(6) of the amending Act) by 2000 c. 38, s. 158(2) (which substitution was repealed (*prosp.*) by reason of the repeal of the said s. 158 by 2000 c. 38, ss. 274, 275, **Sch. 31 Pt. 2**); S.I. 2001/57, **art. 3, Sch. 3 Pt. 1** (subject to savings in Sch. 3 Pt. II para. 2 (as substituted by S.I. 2001/115)); S.I. 2001/2788, **art. 2, Sch. 1 para. 11**
- F5** Words in s. 111(5) omitted (1.2.2001 for E. and 1.8.2001 for W.) (*temp.* until s. 111 ceases to have effect as a result of the repeal by s. 154(6) of the amending Act) by virtue of 2000 c. 38, s. 158(3) (a); S.I. 2001/57, **art. 3, Sch. 3 Pt. 1** (subject to savings in Sch. 3 Pt. II para. 2 (as substituted by S.I. 2001/115)); S.I. 2001/2788, **art. 2, Sch. 1 para. 11**
- F6** Words in s. 111(5) omitted (1.2.2001 for E. and 1.8.2001 for W.) (*temp.* until s. 111 ceases to have effect as a result of the repeal by s. 154(6) of the amending Act) by virtue of 2000 c. 38, s. 158(3) (b); S.I. 2001/57, **art. 3, Sch. 3 Pt. 1** (subject to savings in Sch. 3 Pt. II para. 2 (as substituted by S.I. 2001/115)); S.I. 2001/2788, **art. 2, Sch. 1 para. 11**

Modifications etc. (not altering text)

- C2** S. 111: transfer of functions (16.2.2000) by S.I. 2000/253, arts. 1(2), 2, **Sch. 1**

Marginal Citations

- M2** 1965 c. 25.

111 Unregistered and unreliable local services; reduction of fuel duty grant. **S**

[^{F8}(1) Where the traffic commissioner for the Scottish Traffic Area 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 this Act;
- (b) operated a local service in contravention of that section or section 8(4) or 22(1) (b) or (2) of the Transport (Scotland) Act 2001 (asp 2); or
- (c) failed to comply with section 32(1) or 34(3) of that Act,

he may make a determination to that effect.]

(2) Where a traffic commissioner makes a determination under subsection (1) above he shall notify the Secretary of State and the operator of the service in writing forthwith.

(3) Where a determination has been made under subsection (1) above with respect to a local service there shall become due to the Secretary of State from the operator of the service an amount equal to [^{F9}such percentage as the traffic commissioner thinks fit] of any amount paid to him under section 92 of the ^{M4}Finance Act 1965 (grants to operators of bus services towards duty charged on bus fuel) in respect of all services operated during the period of three months ending with the day on which the traffic commissioner made his determination.

[^{F10}(3A) The percentage determined under subsection (3) above shall be at least one per cent. but not more than twenty per cent.]

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- (4) The operator of any local service in respect of which a determination has been made under subsection (1) above may appeal to the Transport Tribunal against the determination.
- (5) Any amount due to the Secretary of State under this section shall be recoverable as a debt due to the Crown; and any amount repaid to, or recovered by, him under this section shall be paid into the Consolidated Fund.

Extent Information

- E2** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Textual Amendments

- F8** S. 111(1) substituted (1.7.2001) by 2001 asp 2, s. 40(2); S.S.I. 2001/132, art. 2(3), **Sch. Pt. 2** (subject to transitional provisions and savings in arts. 3, 4)
- F9** Words in s. 111(3) substituted (1.4.2001) by 2001 asp 2, s. 40(3); S.S.I. 2001/132, art. 2(2), **Sch. Pt. 1** (subject to transitional provisions and savings in arts. 3, 4)
- F10** S. 111(3A) inserted (1.4.2001) by 2001 asp 2, s. 40(4); S.S.I. 2001/132, art. 2(2), **Sch. Pt. 1** (subject to transitional provisions and savings in arts. 3, 4)

Modifications etc. (not altering text)

- C4** S. 111: transfer of functions (16.2.2000) by S.I. 2000/253, arts. 1(2), 2, **Sch. 1**

Marginal Citations

- M4** 1965 c. 25.

112 Interpretation of Part V.

- (1) In this Part of this Act—
- (a) references to authorities responsible for expenditure on public passenger transport services shall be read in accordance with section 88(8) of this Act;
 - (b) references to service subsidies are references to the payments that fall to be made by any such authority under any agreement providing for service subsidies;
 - (c) references to the current reimbursement arrangements for eligible service operators participating in any scheme under section 93 of this Act shall be read in accordance with section 94(5) of this Act;
 - (d) references to a participation notice shall be read in accordance with section 97(2) of this Act;
 - (e) references to securing the provision of a service include references to securing the provision of a service by way of continuance of an existing service, and references in any other context to the provision of a service are to be read consistently with that; and
 - (f) “travel concession” means the reduction or waiver of a fare either absolutely or subject to terms, limitations or conditions.

[^{F7}(2) For the purposes of this Part of this Act, a service is a service qualifying for fuel duty grant at any time when fuel used in operating the service falls to be taken into account for the purpose of calculating grant payable to the operator of the service under

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section 92 of the ^{M3}Finance Act 1965 (grants to operators of bus services towards duty charged on bus fuel).]

Textual Amendments

F7 S. 112(2) repealed (E.W.) (1.5.2002 for E. and 14.8.2002 for W.) by 2000 c. 38, s. 274, Sch. 31 Pt. II; S.I. 2002/1014, **art. 2(2)**, Sch. Pt.I; S.I. 2002/2024, **art. 2(b)**

Modifications etc. (not altering text)

C3 S. 112 applied (28.7.1998) by 1998 c. iii, **s. 1 Sch. s. 52** of Order
S. 112 applied (24.7.2001) by S.I. 2001/3627, **art. 51**
S. 112 applied (S.) (27.4.2006) by Edinburgh Tram (Line Two) Act 2006 (asp 6), **s. 54(1)** (with s. 75)
S. 112 applied (S.) (8.5.2006) by Edinburgh Tram (Line One) Act 2006 (asp 7), **s. 54(1)** (with ss. 76, 84)
S. 112 applied (13.12.2006) by The Luton Dunstable Translink Order 2006 (S.I. 2006/3118), **art. 36**

Marginal Citations

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