



# Transport (Scotland) Act 2001

## 2001 asp 2

### PART 2

#### 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.

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*Status: Point in time view as at 01/07/2002. This version of this provision has been superseded.*

*Changes to legislation: Transport (Scotland) Act 2001, Section 39 is up to date with all changes known to be in force on or before 04 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)*

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- (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.

**Status:**

Point in time view as at 01/07/2002. This version of this provision has been superseded.

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