



Transport (Scotland) Act 2001

2001 asp 2

PART

BUS SERVICES

Financial and competition provisions

40 Repayment of grants towards bus fuel duty

- (1) Section 111 of the 1985 Act (unregistered and unreliable local services: requirement to repay twenty per cent. of bus fuel duty grants) shall be amended as follows (until the coming into force of section 38(6) of this Act).
- (2) For subsection (1) there shall be substituted—
 - “(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.”.
- (3) In subsection (3), for the words “twenty per cent.” there shall be substituted “such percentage as the traffic commissioner thinks fit”.
- (4) After subsection (3) there shall be inserted—
 - “(3A) The percentage determined under subsection (3) above shall be at least one per cent. but not more than twenty per cent.”.