SCOTTISH STATUTORY INSTRUMENTS

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(**1**) 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(**2**);

"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(**3**) 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".

(**1**) 2001 asp 2.
(**2**) 1981 c. 14.
(**3**) Section 111 was amended by the 2000 Act, section 158 and Schedule 11, paragraph 22.

(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