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DRAFT STATUTORY INSTRUMENTS

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**2023 No.**

**The Transport (Scotland) Act 2019 (Consequential Provisions and Modifications) Order 2023**

**PART 3**

**Bus Services and Ticketing Arrangements and Schemes**

**CHAPTER 1**

**Enforcement of the Competition Test**

**Provision of information**

**6.—(1)** For the purposes of an investigation under article 5 the CMA may require any person other than a Minister of the Crown within the meaning of the Ministers of the Crown Act 1975(1)—

- (a) to produce to the CMA or to a person appointed by the CMA, at a specified time and place, any specified document,
- (b) to provide the CMA or such a person, at such a time and place, with any specified information,

which the CMA considers relates to any matter relevant to the investigation.

(2) The power conferred by paragraph (1) is to be exercised by a notice in writing indicating the subject matter and purpose of the investigation, and in this article “specified” means—

- (a) specified, or described, in the notice, or
- (b) falling within a category which is specified, or described, in the notice.

(3) Information required to be provided under paragraph (1) must be provided in the specified manner and form.

(4) The power conferred by paragraph (1) to require a person to produce a document includes power—

- (a) to require that person to provide an explanation of the document, or
- (b) if the document is not produced, to require that person to state, to the best of that person’s knowledge and belief, where it is.

(5) A notice does not have effect to the extent that complying with the notice would involve the disclosure of information which would contravene the data protection legislation or any other enactment relating to the disclosure of information, or give rise to the commission of an offence (but the duty or power is to be taken into account in determining whether the disclosure or use would contravene that legislation).

(6) In this article “information” includes estimates and forecasts.

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(1) 1975 c. 26. See section 8(1) for the meaning of “Minister of the Crown”.

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**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory  
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