



# Transport (Scotland) Act 2005

## 2005 asp 12

### PART 3

#### MISCELLANEOUS

#### **40 National travel concession schemes**

- (1) The Scottish Ministers may, by order, make national travel concession schemes.
- (2) A national travel concession scheme is a scheme for the provision of travel concessions to eligible persons travelling on eligible services on eligible journeys.
- (3) A national travel concession scheme may operate throughout Scotland or only in a part or parts of Scotland; and, in any case, may provide differently for different areas.
- (4) A national travel concession scheme shall include provision—
  - (a) determining or for the determination of the rate or rates of travel concessions;
  - (b) specifying or for the specification of the days and times during which travel concessions are provided;
  - (c) requiring or enabling operators of eligible services to provide travel concessions;
  - (d) as to the reimbursement of those operators for providing travel concessions;
  - (e) for enforcement of and appeals against requirements under paragraph (c) above; and
  - (f) for such other matters connected with the scheme as the Scottish Ministers think fit.
- (5) A national travel concession scheme may provide for the modification or revocation of any travel concession scheme established under section 93 of the Transport Act 1985 (c. 67) (local authority travel concession schemes).
- (6) An operator of eligible services who fails to comply with an obligation imposed by or under a national travel concession scheme on the operator is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) In this section—

“eligible journey”, in relation to a national travel concession scheme, means a journey beginning at or ending in a place in which the scheme operates;

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**Changes to legislation:** Transport (Scotland) Act 2005, Section 40 is up to date with all changes known to be in force on or before 26 January 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) [View outstanding changes](#)

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“eligible person” in relation to a national travel concession scheme, means a person who is of such description as the Scottish Ministers may by order specify;

“eligible service” means a service of such description as the Scottish Ministers may by order specify; and

“travel concession”, in relation to a journey, means—

- (a) reduction of the fare (within the meaning of the Public Passenger Vehicles Act 1981 (c. 14)) for the journey below the amount applicable to an adult who is not entitled to any reduction; or
- (b) waiver of such fare.

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#### **Commencement Information**

**II** [S. 40](#) in force at 10.10.2005 by [S.S.I. 2005/454](#), art. 2, [Sch. 2](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 18A-18F inserted by [2019 asp 17 s. 110\(2\)](#)
- sch. 2 para. 3(2)(3) inserted by [2019 asp 17 s. 110\(4\)\(b\)](#)
- sch. 2 para. 3(1) sch. 2 para. 3 renumbered as sch. 3 para. 3(1) by [2019 asp 17 s. 110\(4\)\(a\)](#)

**Commencement Orders yet to be applied to the Transport (Scotland) Act 2005**

Commencement Orders bringing provisions within this Act into force:

- [S.S.I. 2008/90 art. 2](#) amendment to earlier commencing [SSI 2008/15 art. 3](#)