



Transport Act 1985

1985 CHAPTER 67

PART V

FINANCIAL PROVISIONS

Travel concession schemes

93 Travel concession schemes

- (1) Any local authority, or any two or more local authorities acting jointly, may establish a travel concession scheme for the provision of travel concessions on journeys on public passenger transport services—
 - (a) between places in the principal area covered by the scheme;
 - (b) between such places and places outside but in the vicinity of that area ; or
 - (c) between places outside but in the vicinity of that area;by operators of such services participating in the scheme.
- (2) For the purposes of this section, the principal area covered by a scheme under this section is—
 - (a) the area of the local authority concerned or, where two or more such authorities are concerned, the area comprising the areas of both or all those authorities; or
 - (b) if an area comprised within the area which would be the principal area under paragraph (a) above is specified in the scheme as being the principal area to which the scheme applies, the area so specified.
- (3) Any travel concession scheme established under this section shall define—
 - (a) the travel concessions which are for the time being to be provided by operators participating in the scheme;
 - (b) the description of persons eligible in accordance with subsection (7) below to receive travel concessions under any such scheme who are for the time being to qualify for travel concessions provided under the scheme ; and

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- (c) the dates in any year currently adopted as the dates on which operators may be admitted to participate in the scheme under section 96 of this Act (referred to below in this section as the standard admission dates);
and may include particulars of any other arrangements for the time being adopted by the authority or authorities concerned in establishing the scheme with respect to the operation, scope and application of the scheme.
- (4) Any such scheme may define the standard admission dates by specifying particular dates, or by referring to dates of any specified description or separated by intervals of any specified length; but those dates, however determined, must not be separated by intervals of a length exceeding such period as may be prescribed.
- (5) Arrangements adopted by the authority or authorities concerned in establishing any such scheme with respect to the operation, scope and application of the scheme (including the matters specifically mentioned in paragraphs (a) to (c) of subsection (3) above) may differ for different descriptions of concessions or services to which the scheme applies.
- (6) Subject to section 94 of this Act, where an operator participating in any such scheme in respect of any services operated by him provides travel concessions in accordance with the scheme for persons travelling on those services, the authority responsible for administration of the scheme or (as the case may be) the authorities so responsible in such proportions respectively as they may agree among themselves shall reimburse that operator for providing those concessions.
- (7) The persons eligible to receive travel concessions under any such scheme are—
- (a) men over the age of sixty-five years and women over the age of sixty years;
 - (b) persons whose age does not exceed sixteen years ;
 - (c) persons whose age exceeds sixteen years but does not exceed eighteen years and who are undergoing full-time education;
 - (d) blind persons, that is to say, persons so blind as to be unable to perform any work for which sight is essential;
 - (e) persons suffering from any disability or injury which, in the opinion of the authority or any of the authorities responsible for administration of the scheme, seriously impairs their ability to walk ; and
 - (f) such other classes of persons as the Secretary of State may by order specify.
- (8) In this section " local authority "—
- (a) means the council of a county or district in England and Wales or a regional or islands council in Scotland ; and
 - (b) includes also, in relation to England and Wales, a metropolitan county passenger transport authority.
- (9) Unless the context otherwise requires, references in this section and in the provisions of this Part of this Act relating to schemes under this section to the authority or authorities responsible for administration of a scheme under this section are references—
- (a) except in a case to which paragraph (b) below applies, to the authority concerned in establishing the scheme or, where two or more authorities are so concerned, to both or all those authorities acting jointly; or
 - (b) where the authority or one of the authorities concerned in establishing the scheme are a Passenger Transport Authority for a passenger transport area in England and Wales, to the Passenger Transport Executive for that Authority's

area or (as the case may require) to that Executive and the other authority or authorities so concerned acting jointly.

- (10) Where a Passenger Transport Authority have established a scheme under this section, whether alone or jointly with any other authority or authorities, they shall notify the Passenger Transport Executive for their area of any proposal to vary the scheme, giving particulars of the proposed variation.

94 Administration of schemes: reimbursement, etc.

- (1) Regulations under this section may make provision with respect to any of the following matters—

- (a) the factors to be taken into account by the authority or authorities responsible for administration of a travel concession scheme under section 93 of this Act in determining the aggregate amount that may be made available for the purpose of reimbursing operators participating in the scheme for providing travel concessions during any period;
- (b) the determination by the authority or authorities so responsible of the amounts to be paid to individual operators participating in the scheme, or to any class of such operators, by way of reimbursement for providing such concessions;
- (c) the manner of making any payments due to operators by way of such reimbursement;
- (d) the provisions or descriptions of provisions that are to be or (as the case may be) may or may not be included in arrangements agreed with operators or adopted by the authority or authorities so responsible with respect to participation of operators in the scheme ; and
- (e) the terms on which and the extent to which the authority or authorities so responsible may employ any person as their agent for the purposes of the administration of the scheme and the descriptions of persons who may be so employed.

- (2) Subject to any provision of regulations made by virtue of subsection (1)(d) above and to the following provisions of this section, the arrangements with respect to participation of operators in any such scheme shall be such as may from time to time be agreed between the authority or authorities responsible for administration of the scheme and individual operators.

- (3) Subject to—

- (a) any provision of regulations under subsection (1) above ;
- (b) any modifications that may by virtue of any provision of regulations made by virtue of paragraph (d) of that subsection or in accordance with section 96 of this Act be agreed between the authority or authorities responsible for administration of any such scheme and any individual operator; and
- (c) any modifications applied in the case of any individual operator by a direction given under section 98 of this Act;

the arrangements with respect to reimbursement and terms of withdrawal from participation in the scheme applicable to operators of eligible services participating in the scheme shall be such as the authority or authorities responsible for administration may from time to time adopt and must be the same in the case of all such operators.

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- (4) For the purposes of the provisions of this Part of this Act relating to schemes under section 93 of this Act, a service is an eligible service if it is a service qualifying for fuel duty grant.
- (5) The arrangements currently adopted by the authority or authorities responsible for administration of any such scheme with respect to reimbursement of operators of eligible services participating in the scheme are referred to below in this Part of this Act, in relation to that scheme, as the current reimbursement arrangements for eligible service operators participating in the scheme.
- (6) In relation to operators participating in any such scheme, references in this section to arrangements with respect to reimbursement are references to conditions of entitlement of such operators to, and the method of determination and manner of payment of, reimbursement in respect of travel concessions provided under the scheme.

95 Publicity requirements for schemes and reimbursement arrangements

- (1) On or before the date on which a scheme under section 93 of this Act comes into operation or, where it comes into operation on different dates with respect to different concessions to be provided under the scheme, on or before the first of those dates—
 - (a) the authority or authorities concerned in establishing it shall publish particulars of the scheme ; and
 - (b) the authority or authorities responsible for administration of the scheme shall publish particulars of the current reimbursement arrangements for eligible service operators participating in the scheme as they are to apply on initial establishment of the scheme;in such manner, in either case, as the authority or authorities concerned think fit.
- (2) Particulars of any subsequent variations shall be published—
 - (a) in the case of variations of the scheme, by the authority or authorities concerned in establishing the scheme; and
 - (b) in the case of variations of the arrangements, by the authority or authorities responsible for administration of the scheme.
- (3) Following publication under subsection (1)(a) or (as the case may be) under subsection (1)(b) above of particulars of any scheme or arrangements—
 - (a) copies of the scheme or (as the case may be) of the arrangements (with any subsequent variations) shall be made available at the principal office of the authority or (as the case may be) of each authority concerned; and
 - (b) a copy shall be supplied to any person on request (whether at that office or by post) either free of charge or at a charge representing the cost of providing the copy.
- (4) Where the authority or any of the authorities concerned in establishing a scheme under section 93 of this Act are a Passenger Transport Authority, they shall notify the Passenger Transport Executive for their area of any proposal to publish particulars of the scheme in advance of its coming into operation, giving the proposed date of publication.

96 Right of eligible service operators to participate in travel concession schemes

- (1) Subject to the following provisions of this section, where any operator or prospective operator of an eligible service which runs or will run between places within the limits covered by any scheme under section 93 of this Act applies to the authority or authorities responsible for administration of that scheme to be admitted to participate in it in respect of that service, the authority or authorities in question shall be obliged to admit that operator to participation in the scheme in respect of that service as from any standard admission date under the scheme not later than the one next following—
 - (a) the end of such period as may be prescribed beginning with the date of his application; or
 - (b) the date on which the service begins;whichever last occurs.
- (2) The Secretary of State may, on the application of the authority or authorities responsible for administration of any such scheme, exempt the authority or authorities in question from the obligation under subsection (1) above in relation to any service or description of services; and the Secretary of State may at any time withdraw or vary any exemption granted under this subsection.
- (3) An exemption may not be granted under subsection (2) above on the application of a Passenger Transport Executive, or on the joint application of authorities who include such an Executive, unless the application is made with the consent of the Passenger Transport Authority for that Executive's area.
- (4) Subject to any regulations under section 94(1)(d) of this Act, where it appears to the authority or authorities responsible for administration of any such scheme, in the case of any operator or prospective operator of an eligible service who applies to be admitted to participate in the scheme in respect of that service, that fares currently charged or proposed to be charged by that operator for relevant journeys on that service include a special amenity element, the authority or authorities in question shall not be required by subsection (1) above to admit that operator to participation in the scheme in respect of that service unless that operator agrees to appropriate modifications of the current reimbursement arrangements for eligible service operators participating in the scheme.
- (5) Subject to any such regulations, where it appears to the authority or authorities responsible for administration of any such scheme, in the case of any operator of an eligible service participating in the scheme, that fares currently charged by that operator for relevant journeys on that service include a special amenity element, the authority or authorities in question may by notice of not less than such period as may be prescribed exclude that operator from participation in the scheme in respect of that service unless before the end of that period that operator agrees to appropriate modifications of the current reimbursement arrangements for eligible service operators participating in the scheme.
- (6) For the purposes of subsections (4) and (5) above fares for relevant journeys are to be regarded as including a special amenity element if they are significantly high in relation to the general level of fares for comparable journeys in the principal area covered by the scheme (within the meaning of section 93 of this Act).
- (7) References in those subsections to appropriate modifications of the reimbursement arrangements there mentioned are references to such modifications of those arrangements as the authority or authorities concerned consider appropriate for providing reimbursement in respect of travel concessions provided for relevant

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journeys on the service in question by reference to the general level of fares mentioned in subsection (6) above instead of by reference to the actual fares charged (or proposed to be charged) for those journeys.

- (8) For the purposes of this section " relevant journeys " are journeys on which travel concessions are to be provided under the scheme in question.
- (9) For the purposes of this section and section 97 of this Act, references to a prospective operator of an eligible service are references to a person who has registered a local service under section 6 of this Act but is not yet operating that service.

97 Compulsory participation in travel concession schemes

- (1) Subject to subsection (8) below, where the arrangements currently adopted by the authority or authorities responsible for administration of a scheme under section 93 of this Act with respect to the terms on which operators of eligible services may withdraw from participation in the scheme require such an operator to give notice before withdrawing from the scheme in respect of any such service, any such operator shall be obliged to provide any travel concessions required by the scheme on journeys on any such service in respect of which he is participating in the scheme until he gives the required notice of withdrawal and the period of notice has expired.
- (2) Subject to the following provisions of this section, the authority or authorities responsible for administration of any such scheme may at any time by notice in writing served on any operator or prospective operator of an eligible service (including an operator already participating in the scheme) impose on him an obligation to provide travel concessions in accordance with the scheme on journeys on any such service operated by that operator to which the notice applies.

A notice under this subsection is referred to below in this Part of this Act as a participation notice.

- (3) The power under subsection (2) above to serve a participation notice shall not be exercisable in relation to any such scheme until after the date (or whichever last occurs of the respective dates) of first publication under section 95 of this Act of particulars of the scheme and of the current reimbursement arrangements for eligible service operators participating in the scheme as they are to apply on initial establishment of the scheme.
- (4) An obligation imposed by a participation notice shall, subject to subsection (8) below and sections 98 and 99 of this Act, be effective in relation to any service to which the obligation applies as from the appropriate commencement date for that service until the end of such period beginning with that date as may be specified in the participation notice.
- (5) Subject to subsection (9) below, for the purposes of subsection (4) above the appropriate commencement date for any service to which an obligation imposed by a participation notice applies is—
 - (a) the date immediately following the end of such period of notice as may be specified in the participation notice; or
 - (b) the date when the service begins;
 whichever last occurs.
- (6) Where it is proposed—
 - (a) to vary a scheme under section 93 of this Act; or

- (b) to vary the current reimbursement arrangements for eligible service operators participating in any such scheme;
- the authority or authorities responsible for administration of the scheme may, not less than such period before the variation is to take effect as may be prescribed, by notice served on any operator of any such service who is under an obligation under this section to provide travel concessions in accordance with the scheme, require him to indicate, within such period and in such manner as may be prescribed, whether or not he is willing to continue to participate in the scheme after the variation takes effect.
- (7) Any notice under subsection (6) above shall give particulars of the proposed variation.
- (8) Where in pursuance of subsection (6) above an operator indicates that he is not willing to continue to participate in the scheme after the variation takes effect, any obligation of that operator under this section to provide travel concessions in accordance with the scheme which was current at the date of the notice under that subsection and would still apart from this subsection be in force on the date when the variation takes effect shall cease on the latter date (without prejudice, however, to the service of a new participation notice).
- (9) Where a notice is served on an operator under subsection (6) above the preceding provisions of this section shall apply, on and after the date when the variation in question takes effect, in relation to any obligation of that operator under subsection (2) above to provide travel concessions in accordance with the scheme in question which—
- (a) was current at the date of the notice ; and
- (b) does not cease (by virtue of subsection (8) above or otherwise) before the date when that variation takes effect;
- as if the latter date were the appropriate commencement date for the purposes of subsection (4) above for each service to which the obligation applies.
- (10) The exercise of the power to serve a participation notice under this section on any person—
- (a) by a Passenger Transport Executive ; or
- (b) by authorities responsible for administration of a scheme under section 93 of this Act who include such an Executive;
- shall require the consent of the Passenger Transport Authority for the Executive's area.

98 Further provisions with respect to participation notices

- (1) The authority or authorities by whom a participation notice is served on any person shall send to that person, together with the notice, a copy of—
- (a) such particulars of the scheme to which the notice relates and of any variations of that scheme; and
- (b) such particulars of the current reimbursement arrangements for eligible service operators participating in the scheme and of any variations of those arrangements;
- as have been published under section 95 of this Act before the date of the notice.
- (2) Subject to the following provisions of this section, a person on whom a participation notice has been served may apply to the Secretary of State for cancellation or variation of that notice on either or both of the following grounds, that is to say—

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- (a) that there are special reasons why his participation in the scheme in question in respect of the service or any of the services to which the notice applies would be inappropriate; and
 - (b) that any provision of the scheme or of any such arrangements as are mentioned in subsection (1)(b) above are inappropriate for application in relation to operators other than operators voluntarily participating in the scheme.
- (3) Subject to subsection (4) below, an application under subsection (2) above may be made by notice in writing given to the Secretary of State before the end of the period of twenty-eight days beginning with the date of the participation notice.
- (4) A person may not make such an application unless he has given notice in writing of his intention to do so to the authority or authorities by whom the participation notice was served—
 - (a) if a period allowed for that purpose is specified in the participation notice, before the end of that period; or
 - (b) in any other case, at any time before the date of the notice given to the Secretary of State under subsection (3) above.
- (5) Where on any such application the Secretary of State finds the ground mentioned in subsection (2) (a) above established, he may cancel the participation notice or (as the case may require) vary it by excluding from it any service operated by the applicant in respect of which he considers the applicant's participation in the scheme would be inappropriate.
- (6) Where on any such application the Secretary of State finds the ground mentioned in subsection (2)(b) above established, he shall cancel the participation notice unless he considers that a direction under subsection (7) below would meet the case.
- (7) Where on any such application the Secretary of State does not cancel the participation notice, he may direct that the current arrangements for reimbursement of eligible service operators participating in the scheme shall apply in the case of the applicant or (as the case may require) in the case of any service operated by the applicant to which the participation notice applies with such modifications as may be specified in the direction.
- (8) If the Secretary of State cancels a participation notice under subsection (6) above he shall give to the authority or authorities by whom the notice was served a notice in writing indicating in what respects the scheme or (as the case may be) the current reimbursement arrangements for eligible service operators participating in the scheme are inappropriate for application in relation to operators other than operators voluntarily participating in the scheme.
- (9) Any obligation under section 97(2) of this Act which has come into effect before the determination of any application under this section with respect to the participation notice by which that obligation was imposed shall—
 - (a) cease to have effect, if the notice is cancelled; or
 - (b) have effect, if the notice is varied, subject to a corresponding variation;on such date as may be specified by the Secretary of State in determining the application.

99 Release from compulsory participation

- (1) The authority or authorities responsible for administration of a scheme under section 93 of this Act may at any time by notice in writing served on any operator who is under an obligation under section 97(2) of this Act to provide travel concessions in accordance with the scheme on journeys on any eligible service operated by him release him from that obligation in respect of that service.
- (2) Subject to the following provisions of this section, any such operator may at any time by notice in writing apply to the Secretary of State to be released from that obligation in respect of any such service on the ground that the authority or authorities responsible for administration of the scheme have failed to comply with their obligation under section 93(6) of this Act.
- (3) An operator may not make such an application unless he has given notice in writing of his intention to do so to the authority or authorities responsible for administration of the scheme not less than twenty-eight days before the date of the application.
- (4) A notice under subsection (2) or (3) above shall give particulars of any alleged failures of the authority or authorities in question to comply with their obligation under section 93(6) of which the operator complains.
- (5) On any such application the Secretary of State may, if he finds the applicant's ground of complaint established, determine that the applicant's obligation under section 97(2) shall cease on such date as may be specified in the determination.

100 Provisions supplementary to sections 96 to 99

- (1) Regulations under this section may make provision as to—
 - (a) the maximum or (as the case may be) minimum period that may for the purposes of any provision of section 97 or 98 of this Act be specified in a participation notice;
 - (b) the form and contents of participation notices and other notices required for any purposes of sections 96 to 99 of this Act; and
 - (c) the manner in which any such notice is to be served.
- (2) Where the Secretary of State cancels or varies a participation notice under section 98 of this Act after the obligation imposed by that notice has come into effect he may award compensation to the applicant under subsection (4) below if it appears to him that the applicant has suffered—
 - (a) in a case where the notice is cancelled, any loss attributable to his participation in the scheme in question; or
 - (b) in a case where the notice is varied by excluding from it any service operated by the applicant, any loss attributable to his participation in that scheme in respect of that service.
- (3) Where on determining an application under section 99 of this Act the Secretary of State finds that the authority or authorities responsible for administration of the scheme in question have failed to comply with their obligation under section 93(6) of this Act, he may award compensation to the applicant under subsection (4) below if it appears to him that the applicant has suffered any loss attributable to that failure.
- (4) In any case to which subsection (2) or (3) above applies the Secretary of State may by notice in writing require the authority responsible for administration of the scheme

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in question or (as the case may be) the authorities so responsible in such proportions as may be specified in the notice to pay to the applicant such an amount by way of compensation in respect of the loss there mentioned as may be so specified.

- (5) The Secretary of State may if he thinks fit appoint a person to determine an application under section 98 or 99 of this Act on his behalf; and references in those sections and in subsections (2) to (4) above to the Secretary of State shall be read as including references to a person so appointed.
- (6) Regulations under this section may prescribe the procedure to be followed in connection with applications under sections 98 and 99 of this Act and may in particular (but without prejudice to the generality of that) include provision—
 - (a) as to the conduct of any proceedings held in connection with any such application; and
 - (b) enabling the Secretary of State to require either the applicant or the authority or authorities responsible for administration of the scheme in question, or both or all of them, to pay such sum as the Secretary of State may determine towards any expenses incurred by him in connection with the determination of the application.
- (7) Where a requirement under subsection (4) above is imposed on more than one authority, the liability of the authorities concerned to the applicant—
 - (a) shall extend to the whole of the amount specified in the notice imposing the requirement; and
 - (b) shall be both joint and several;

but if any such authority make any payment* in or towards the discharge of that liability, of an amount exceeding the amount representing any proportion specified in the notice as that authority's share, that authority shall be entitled to recover an appropriate contribution (determined by reference to the proportions specified in that notice) from the other authority or authorities concerned,
- (8) Any sums paid to the Secretary of State by virtue of subsection (6)(b) above shall be paid into the Consolidated Fund.

101 Enforcement of participation in travel concession schemes

- (1) If during any period an operator of any service who is under an obligation under section 97 of this Act to provide travel concessions in accordance with a scheme under section 93 of this Act for persons travelling on that service systematically fails to comply with that obligation he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (2) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (3) Where the affairs of a body corporate are managed by its members, subsection (2) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

- (4) Proceedings for an offence under this section shall not, in England and Wales, be instituted except by the authority, or any one of the authorities, responsible for administration of the scheme in question or by or with the consent of the Director of Public Prosecutions (and any such authority who would not apart from this subsection have power to bring such proceedings, shall accordingly have that power).

102 Application of Passenger Transport Executive's financial plan to expenditure on travel concessions under schemes

- (1) In section 3 of the Transport Act 1983 (preparation and submission of financial plans by Passenger Transport Executive)—

- (a) in subsection (1), the word "and " immediately following paragraph (a) shall be omitted, and after paragraph (b) there shall be added the following words—

“and

- (c) the general level and structure of travel concessions (meaning reductions or waivers of fares) to be provided in the relevant period under any scheme established by the Authority under section 93 of the Transport Act 1983 (whether alone or jointly with any local authority within the meaning of that section).”;

- (b) in subsection (3), after " 1968 " there shall be inserted' the words " or for carrying out their functions with respect to the administration of any such scheme as is-mentioned in subsection (1)(c) above "; and

- (c) in subsection (4), the word " and " immediately following paragraph (b) shall be omitted, and after paragraph (c) there shall be added the following words—

“and

- (d) the cost to the Executive of reimbursing persons providing travel concessions under any such scheme as is mentioned in subsection (1)(c) above.”.

- (2) In section 4 of that Act

- (a) in subsection (2)(c), at the end there shall be added the words " or (as the case may be) as to the cost of requiring under any such scheme as is mentioned in section 3(1)(c) above the provision of travel concessions-at a level higher than, or differently structured from, the level and structure of such concessions for which that scheme currently provides. "; and

- (b) in subsection (3)(a), for " (c)" there shall be substituted " (d) ".