



# Transport Act 2000

## 2000 CHAPTER 38

### PART II

#### LOCAL TRANSPORT

##### *Mandatory travel concessions outside Greater London*

#### **145 Mandatory concessions outside Greater London**

- (1) Any person to whom a current statutory travel concession permit has been issued by a travel concession authority and who travels on an eligible service on a journey—
  - (a) between places in the authority's area, and
  - (b) beginning at a relevant time,is entitled, on production of the permit, to be provided with a half-price travel concession by the operator of the service.
- (2) A travel concession authority must, on an application made to it by any person who appears to the authority to be an elderly or disabled person residing in its area, issue to the person free of charge a permit, in such form and for such period as the authority considers appropriate, indicating that he is entitled to the concession specified in subsection (1).
- (3) In this section "statutory travel concession permit" means a permit issued pursuant to subsection (2).
- (4) The Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may issue guidance to travel concession authorities to which they must have regard in determining for the purposes of subsection (2) whether a person is a disabled person.
- (5) Before issuing guidance under subsection (4) the Secretary of State or the National Assembly for Wales shall consult—
  - (a) the Disabled Persons Transport Advisory Committee,
  - (b) associations representative of travel concession authorities, and

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- (c) such other persons as he or it thinks fit.
- (6) A person entitled to be issued with a statutory travel concession permit by a travel concession authority may agree with the authority that he is not to be entitled to the concession specified in subsection (1) for a period in return for being entitled during that period to receive travel concessions under a scheme under section 93 of the Transport Act 1985 (if the scheme provides that a person may not receive travel concessions under the scheme unless he so agrees).
- (7) The Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may by regulations make provision about agreements within subsection (6).
- (8) The regulations may in particular make provision—
  - (a) requiring the serving of notices before an agreement is made,
  - (b) about the form of agreements, and
  - (c) as to the period for which a person may agree not to be entitled to the concession specified in subsection (1).

#### **146 Mandatory concessions: supplementary**

In this Part—

“disabled person” means a person who—

- (a) is blind or partially sighted,
- (b) is profoundly or severely deaf,
- (c) is without speech,
- (d) has a disability, or has suffered an injury, which has a substantial and long-term adverse effect on his ability to walk,
- (e) does not have arms or has long-term loss of the use of both arms,
- (f) has a learning disability, that is, a state of arrested or incomplete development of mind which includes significant impairment of intelligence and social functioning, or
- (g) would, if he applied for the grant of a licence to drive a motor vehicle under Part III of the Road Traffic Act 1988, have his application refused pursuant to section 92 of that Act (physical fitness) otherwise than on the ground of persistent misuse of drugs or alcohol,

“elderly person” means a person who has attained pensionable age (within the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995),

“eligible service” means—

- (a) until section 92 of the Finance Act 1965 (grants towards duty charged on bus fuel) ceases to have effect as a result of section 154(6), a service in relation to which fuel used in operating the service falls to be taken into account for the purpose of calculating grant payable to the operator of the service under section 92 of that Act, and
- (b) after that time, a bus service of a class specified in an order made by the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales),

“a half-price travel concession”, in relation to a journey, means reduction of the fare for the journey to not more than one-half of that applicable to an adult who is not entitled to any reduction,

“relevant time” means—

(a) any time on a Saturday or Sunday or on any day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971, or

(b) a time during the period from 9.30 a.m. to 11 p.m. on any other day, and  
“travel concession authority” means—

(a) a non-metropolitan district council in England,

(b) a council of a county in England so far as they are the council for an area for which there are no district councils,

(c) a Passenger Transport Executive for a passenger transport area in England, or

(d) a county council or county borough council in Wales.

#### **147 Variation of mandatory concessions**

The Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may by order amend either or both of sections 145 and 146 for or in connection with securing that section 145(1)—

(a) applies to any person for the time being eligible to receive travel concessions under a scheme under section 93 of the Transport Act 1985 or to any such person of a specified description (as well as to any elderly person and any disabled person),

(b) applies to travel on any public passenger transport service or to travel on any such service of a specified description (as well as to travel on an eligible service),

(c) applies to a journey between a place in a travel concession authority’s area and a place outside but in the vicinity of that area or to a journey between places outside but in the vicinity of that area (as well as to a journey between places in that area),

(d) provides for the reduction of fares to less than one-half of those applicable to adults who are not entitled to any reduction or for waiver of fares, or

(e) applies, or does not apply, to a journey beginning at a specified time.

#### **148 Enforcement**

(1) An operator commits an offence if he systematically fails to comply with the obligation under section 145(1) during any period.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) Proceedings for an offence under this section shall not be instituted except—

(a) by a travel concession authority, or

(b) by or with the consent of the Director of Public Prosecutions;

and any authority who would not otherwise have power to bring such proceedings shall accordingly have that power.

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## **149 Reimbursement of operators**

- (1) Where an operator provides concessions under section 145(1) for persons who reside in a travel concession authority's area, the authority shall reimburse the operator for providing the concessions.
- (2) Subject to regulations under subsection (3), the arrangements with respect to reimbursement shall be—
  - (a) such as the travel concession authority may agree with the operators who provide concessions for persons who reside in their area, or
  - (b) in the absence of agreement, such as may be determined by the authority (being the same in the case of all of those operators) not later than 28 days before the date on which the arrangements, or any variations of the arrangements, are to come into operation.
- (3) The Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may by regulations make provision—
  - (a) with respect to the determination by travel concession authorities of the amounts to be paid to individual operators, or to any class of operators, by way of reimbursement,
  - (b) as to the manner of making any payments due to operators by way of reimbursement, and
  - (c) about the terms on which, and the extent to which, travel concession authorities may employ any person as their agent for the purpose of making payments due to operators by way of reimbursement and the descriptions of persons who may be so employed.

## **150 Procedure for reimbursement arrangements determined by authority**

- (1) At least four months before the coming into operation of, or of any variations of, any arrangements with respect to reimbursement determined by a travel concession authority in accordance with section 149(2)(b), the authority shall publish the proposed arrangements, or the proposed variations, in such manner as they consider appropriate.
- (2) Following publication—
  - (a) copies of the published material shall be made available at the principal office of the authority,
  - (b) a copy of it shall be supplied to every operator of local services who would, in the opinion of the authority, be affected by the proposals, and
  - (c) a copy of it shall be supplied to any person on request (whether at the principal office or by post), either free of charge or at a charge representing no more than the cost of providing the copy.
- (3) An operator who considers that he may be prejudicially affected by the proposals may apply to—
  - (a) the Secretary of State (in the case of arrangements determined by a travel concession authority in England), or
  - (b) the National Assembly of Wales (in the case of arrangements determined by such an authority in Wales),

for a modification of the proposed arrangements, or proposed variations, on the grounds that there are special reasons why they would be inappropriate with respect to one or more local services provided by him.

- (4) An application under subsection (3) shall be made by notice in writing given not later than 28 days after the date on which the arrangements, or the variations, come into operation.
- (5) An application under subsection (3) may not be made unless the applicant has previously given notice in writing of his intention to make the application to the travel concession authority by which the arrangements, or varied arrangements, are being, or have been, determined.
- (6) The Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales)—
  - (a) may make regulations as to the form and content of notices under this section and the manner in which they are to be given,
  - (b) may appoint a person to determine an application under subsection (3) on his or its behalf, and
  - (c) may by regulations make provision as to the procedure to be followed in connection with applications under subsection (3).
- (7) Regulations made under subsection (6)(c) may in particular make provision—
  - (a) as to the conduct of any proceedings held in connection with applications under subsection (3), and
  - (b) for applicants or travel concession authorities, or both, to make payments towards the expenses incurred in connection with the determination of such applications.
- (8) On an application under subsection (3) the Secretary of State or the National Assembly for Wales, or (if a person is appointed under subsection (6)(b) to determine the application) the person so appointed, may direct—
  - (a) that the arrangements, or varied arrangements, are to have effect with such modifications as are specified in the direction from the time so specified, and
  - (b) that the authority shall make a payment of an amount specified in the direction to the applicant.