Draft Order laid before Parliament under section 11(5) of the Concessionary Bus Travel Act 2007, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2010 No. 0000

PUBLIC PASSENGER TRANSPORT, ENGLAND AND WALES

The Concessionary Bus Travel Act 2007 (Variation of Reimbursement and Other Administrative Arrangements) Order 2010

Made - - - - XXX 2010

Coming into force in accordance with article 1(2) to (4)

The Secretary of State, in exercise of the powers conferred by section 9(2)(a) and (b) and (6)(a) and section 11(3) of the Concessionary Bus Travel Act 2007(**a**), makes the following Order.

A draft of this Order has been laid before, and approved by a resolution of, each House of Parliament in accordance with section 11(5) of that Act.

Citation and commencement

1.—(1) This Order may be cited as the Concessionary Bus Travel Act 2007 (Variation of Reimbursement and Other Administrative Arrangements) Order 2010.

(2) The following provisions of this Order come into force on 1st May 2010—

(a) this article, and

(b) for the purposes listed in paragraph (4), article 2(1) and (3).

(3) The following provisions of this Order come into force on 1st April 2011—

(a) article 2(1) and (3), so far as not already in force, and

(b) articles 2(2) and 3 to 5.

(4) The purposes mentioned in paragraph (2)(b) are—

(a) enabling a non-unitary county council, pursuant to sections 149 and 150 of the Transport Act 2000(**b**), to publish proposals for reimbursement arrangements in respect of journeys beginning on or after 1st April 2011 and to agree or determine such arrangements,

(b) enabling an operator who may be affected by such arrangements, or proposed arrangements, to apply for a modification of the arrangements under section 150 of that Act, and

(**a**) 2007 c. 13.
(**b**) 2000 c. 38; sections 149 and 150 were amended by section 3 of the Concessionary Bus Travel Act 2007.

(c) enabling the Secretary of State to take such steps as are necessary to determine any such application and to give a direction in relation to the application under section 150 of that Act.

(5) In this article—

"non-unitary county council" means a council of a county in England except so far as it is the council for an area for which there are no district councils;

"reimbursement arrangements" means arrangements for the reimbursement of operators of services for providing concessions under section 145A of the Transport Act 2000.

Amendment of section 146 of Transport Act 2000

2.—(1) In section 146 of the Transport Act 2000(**a**) (mandatory travel concessions: definitions) the definition of "travel concession authority" is amended as follows.

(2) For paragraph (a) substitute—

"(a) a council of a non-metropolitan district in England comprised in an area for which there is no county council,".

(3) For paragraph (b) substitute—

"(b) a county council in England,".

Transport Act 2000: transitional provision

3.—(1) Paragraph (2) applies for the purposes of the reimbursement of an operator of a service for providing a concession under section 145A of the Transport Act 2000(**b**) in respect of a journey beginning—

(a) before 1st April 2011, and

(b) in an area in England for which there is a both a county council and a district council.

(2) Sections 149 and 150 of that Act (reimbursement by travel concession authority) have effect as if, despite the amendments made by article 2, the district council, rather than the county council, were the travel concession authority for the area.

(3) The amendments made by article 2 do not prevent a council of a non-metropolitan district in England comprised in an area for which there is a county council from continuing proceedings for an offence under section 148 of the Transport Act 2000(**c**) that were instituted by the district council before 1st April 2011

Amendment of section 93 of Transport Act 1985

4. In paragraph (a) of section 93(8) of the Transport Act 1985(**d**) (travel concession schemes: definition of "local authority")—

(a) after "means" insert—

"(i) a county council in England,

(ii) a council of a non-metropolitan district in England comprised in an area for which there is no county council,

(iii) ",

(b) omit "England and", and

(c) after "Wales or" insert—

(**a**) The definition of "travel concession authority" in section 146 of the Transport Act 2000 was amended by section 2(3) of the Concessionary Bus Travel Act 2007 and by paragraph 44 of Schedule 4 to the Local Transport Act 2008 (c. 26).

(**b**) Section 145A was substituted for section 145 by section 1 of the Concessionary Bus Travel Act 2007.

(**c**) Section 148(1) was amended by paragraph 14 of Schedule 2 to the Concessionary Bus Travel Act 2007.

(**d**) 1985 c. 67; section 93(8) was amended by Schedule 2 to S.I. 1996/974, by paragraph 141 of Schedule 13 to the Local Government etc (Scotland) Act 1994 (c. 39) and by paragraph 32 of Schedule 4 to the Local Transport Act 2008.

"(iv) ".

Transport Act 1985: transitional provision

5.—(1) In the case of a travel concession scheme established under section 93 of the Transport Act 1985 before 1st April 2011 by a relevant district council (whether alone or with another authority or other authorities)—

(a) for the purposes of that section and the provisions of Part 5 of that Act relating to schemes under that section, despite the amendments made by article 4, the council continues to be the authority, or as the case may be, one of the authorities responsible for the administration of the scheme, but

(b) the scheme does not have effect for the purposes of journeys beginning on or after 1st April 2011.

(2) In this article "relevant district council" means—

(a) a council of a non-metropolitan district in England comprised in an area for which there is a county council, or

(b) a metropolitan district council.

Signed by authority of the Secretary of State

Name
Minister of State
Date Department for Transport

EXPLANATORY NOTE

(This note is not part of the Order)

This Order relates to the mandatory national concession which entitles older and disabled people to free off-peak travel on local bus services, and discretionary concessionary travel schemes which entitle certain categories of people to free or discounted local travel at the discretion of local authorities. Amendments of the Transport Act 2000 remove responsibility for administering the mandatory national concession from non-metropolitan district councils in England which are not unitary authorities and confer responsibility instead on county councils. Amendments of the Transport Act 1985 remove non-unitary and metropolitan district councils in England from the definition of 'local authority' in section 93(8) of that Act so they may no longer establish and administer discretionary concessionary travel schemes.

The provisions of the Order generally come into force on 1st April 2011. However, an amendment of the 2000 Act commences on 1st May 2010 for the purpose of enabling non-unitary county councils to publish the proposed reimbursement arrangements pursuant to section 150(1) of that Act and to agree or determine those arrangements pursuant to section 149(2) of that Act for journeys beginning on or after 1st April 2011. The Order also makes transitional provision in relation to journeys beginning before 1st April 2011.

An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Regional and Local Transport Policy Directorate, Department for Transport, Zone 3/11 Great Minster House, 76 Marsham Street, London SW1P 4DR. The impact assessment is also annexed to the Explanatory Memorandum which is available alongside the instrument on the website of the Office of Public Sector Information at www.opsi.gov.uk.

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