



Transport Act 1985

1985 CHAPTER 67

PART V

FINANCIAL PROVISIONS

Travel concession schemes

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.

Status: Point in time view as at 09/02/2009. This version of this provision has been superseded.

Changes to legislation: Transport Act 1985, Section 97 is up to date with all changes known to be in force on or before 03 September 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)

- (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;

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shall require the consent of ^{F1}the Integrated Transport Authority or, as the case may be,] the Passenger Transport Authority for the Executive's area.

Textual Amendments

- F1** Words in s. 97(10) inserted (E.W.) (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), **Sch. 4 para. 35**; [S.I. 2009/107](#), art. 2(1), Sch. 1 Pt. 1

Modifications etc. (not altering text)

- C1** Ss. 93-102 applied (13.12.2006) by [The Luton Dunstable Translink Order 2006 \(S.I. 2006/3118\)](#), **art. 36**
- C2** Ss. 93-100: functions transferred (S.) (1.11.2006) by [The Transfer of Functions to the Shetland Transport Partnership Order 2006 \(S.S.I. 2006/527\)](#), art. 3, **Sch. 1** (with art. 5)
S. 93-100: functions transferred (S.) (7.11.2006) by [The Transfer of Functions to the South-West of Scotland Transport Partnership Order 2006 \(S.S.I. 2006/538\)](#), art. 3, **Sch. 1** (with art. 5)
Ss. 93-101 applied (S.) (27.4.2006) by [Edinburgh Tram \(Line Two\) Act 2006 \(asp 6\)](#), **s. 54(1)** (with s. 75)
Ss. 93-101 applied (S.) (8.5.2006) by [Edinburgh Tram \(Line One\) Act 2006 \(asp 7\)](#), **s. 54(1)** (with s. 76, 84)
- C3** Ss. 93-102 restricted (1.4.1996) by [1994 c. 19](#), s. 66(7), **Sch. 17 Pt. II para. 20(5)** (with ss. 54(5)(7), 55(5), [Sch. 17 para. 22\(1\), 23\(2\)](#)); [S.I. 1996/396](#), art. 4, **Sch. 2**
Ss. 93-102 applied (28.7.1998) by [1998 c. iii](#), s. 1, **Sch. s. 52** of Order
Ss. 93-102 applied (24.7.2001) by [S.I. 2001/3627](#), **art. 51**

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