

2006 No. 117

TRANSPORT

The National Bus Travel Concession Scheme for Older and Disabled Persons (Eligible Persons and Eligible Services) (Scotland) Order 2006

Made - - - - *7th March 2006*
Laid before the Scottish Parliament *8th March 2006*
Coming into force - - *1st April 2006*

The Scottish Ministers, in exercise of the powers conferred by sections 40(7) and 52(4) of the Transport (Scotland) Act 2005(a) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the National Bus Travel Concession Scheme for Older and Disabled Persons (Eligible Persons and Eligible Services) (Scotland) Order 2006 and shall come into force on 1st April 2006.

Interpretation

2. In this Order—

“the 1992 Act” means the Social Security Contributions and Benefits Act 1992(b);

“fare paying age” means persons aged 5 years or over, where a fare is charged by the operator;

“Northern England service” means—

(a) a service to or from Carlisle which starts, passes through or ends in Dumfries and Galloway but not including a local Carlisle town service; and

(b) a service to or from that part of North Northumberland adjoining Coldstream, Norham and Berwick-upon-Tweed but not including a local Berwick town service; and

“the Scheme” means the Scheme provided for by the National Bus Travel Concession Scheme for Older and Disabled Persons (Scotland) Order 2006(c).

Eligible persons

3. A person is an eligible person for the purposes of the Scheme if that person is resident in Scotland and falls within one of the following classes of person—

(a) persons aged 60 years or over;

(a) 2005 asp 12.
(b) 1992 (c.4).
(c) S.S.I. 2006/107.

- (b) persons of fare paying age who are in receipt of one or more of the following benefits or awards—
 - (i) the higher rate of the mobility component of the disability living allowance in accordance with section 73 of the 1992 Act(a);
 - (ii) the higher or middle rate of the care component of the disability living allowance in accordance with section 72 of the 1992 Act(b);
 - (iii) attendance allowance in accordance with section 64 of the 1992 Act(c);
 - (iv) a mobility supplement under article 26A of the Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983(d) including such a supplement by virtue of any scheme or order under article 25A of the Personal Injuries (Civilians) Scheme 1983(e); or
 - (v) a disabled person’s badge issued in accordance with the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000(f);
- (c) persons of fare paying age who—
 - (i) have been certified as blind or partially sighted and in consequence are registered as blind or partially sighted in a register maintained by or on behalf of a council constituted under the Local Government etc. (Scotland) Act 1994(g); or
 - (ii) would be refused a driving licence as they would fail to meet the eyesight standard as defined in section 96(1) of the Road Traffic Act 1988(h);
- (d) persons of fare paying age who are profoundly deaf (95+ dBHLs) or severely deaf (70-94 dBHLs);
- (e) persons of fare paying age who are living in a residential home or hospital and who are eligible for the higher or middle rate of the care component of the disability living allowance or attendance allowance;
- (f) persons of fare paying age who on medical grounds, other than on the grounds of persistent misuse of drugs or alcohol, have been refused a driving licence or have had their driving licence revoked;
- (g) persons of fare paying age who if they applied for a licence to drive a motor vehicle under Part 3 of the Road Traffic Act 1988 would have their licence application refused pursuant to section 92 of that Act (physical fitness) otherwise than on the grounds of persistent misuse of drugs or alcohol(i);
- (h) persons of fare paying age whose ability to travel is impaired by a mental disorder within the meaning of section 328 of the Mental Health (Care and Treatment) (Scotland) Act 2003(j) which has persisted for more than a year and who are required to travel to keep health or social care appointments or participate in activities as part of a treatment, care or rehabilitation programme;
- (i) persons of fare paying age who are diagnosed as terminally ill or with a progressive degenerative condition in so far as that illness or condition severely impedes their mobility and ability to carry out day to day activities;
- (j) persons of fare paying age who have lost—

(a) amended by section 67(3) of the Welfare Reform and Pensions Act 1999 (c.30).

(b) amended by S.I. 2005/2078.

(c) amended by section 66(1) of the Welfare Reform and Pensions Act 1999 (c.30).

(d) S.I. 1983/883; amended by S.I. 1983/1116 and 1521, 1984/1154 and 1687, 1985/1201, 1986/592, 1988/248 and 2248, 1989/156, 1990/250 and 1308, 1991/766, 1992/710 and 3208, 1993/598, 1994/772 and 1906, 1995/766, 1996/732, 1638 and 2282, 1997/286.

(e) S.I. 1983/686; amended by S.I. 1983/1164, and 1540, 1984/1289 and 1675, 1985/1313, 1986/628, 1987/191, 1988/367 and 2260, 1989/415, 1990/535 and 1300, 1991/708, 1992/702 and 3226, 1993/480, 1994/715 and 2021, 1996/445, 1996/502, 1997/812, 1998/278.

(f) S.S.I. 2000/59, amended by S.S.I. 2000/170.

(g) 1994 (c.39).

(h) 1988 (c.52).

(i) i.e. those who cannot meet the prescribed conditions of the Motor Vehicle (Driving Licence) Regulations 1999 S.I. 1999/2864.

(j) 2003 asp 13.

- (i) one or both lower limbs;
- (ii) one lower limb and one upper limb; or
- (iii) both upper limbs;
- (k) persons who are travel companions assisting eligible persons who–
 - (i) are in receipt of the higher or middle rate of the care component of the disability living allowance in accordance with section 72 of the 1992 Act;
 - (ii) are in receipt of attendance allowance in accordance with section 64 of the 1992 Act;
 - (iii) are living in a residential home or hospital and who are eligible for the higher or middle rate of the care component of the disability living allowance or attendance allowance; or
 - (iv) have been certified as blind and in consequence are registered as blind in a register maintained by or on behalf of a council constituted under the Local Government etc. (Scotland) Act 1994
 but only where they commence and terminate their journey at the same locations as the eligible person they are assisting.

Transitional provision relating to travel card holders under local authority travel concession schemes

4.—(1) A person not falling within article 3 who is resident in Scotland, who on 31st March 2006 held a current local travel card by virtue of a local authority travel concession scheme established under section 93 of the Transport Act 1985^(a) and who applies for a travel card for the Scheme on or before 30th September 2006 shall be an eligible person for the purposes of the Scheme in accordance with the following sub-paragraphs–

- (a) where that person’s local travel card has an expiry date that falls between 1st April 2006 and 31st March 2007, they shall be an eligible person until their birthday next occurring on or after the first anniversary of the expiry of that card;
- (b) where that person’s local travel card has no expiry date, they shall be an eligible person until their birthday next occurring on or after 1st April 2007; or
- (c) where that person’s local travel card has an expiry date on or after 1st April 2007, they shall be an eligible person until the first anniversary of the expiry of that card.

(2) A person not falling within article 3 who is resident in Scotland, who held a travel card by virtue of a local authority travel concession scheme established under section 93 of the Transport Act 1985 that expired between 20th October 2005 and 31st March 2006 and who applies for a travel card for the Scheme on or before 30th September 2006 shall be an eligible person for the purposes of the Scheme until that person’s birthday next occurring on or after 1st April 2007.

(3) A person who is a travel companion assisting an eligible person described in paragraph (1) or (2) and who is resident in Scotland shall be an eligible person for the same period under paragraph (1) or (2) as the eligible person they are assisting but only where–

- (a) by virtue of a local authority travel concession scheme established under section 93 of the Transport Act 1985 that eligible person may be accompanied by a travel companion under that local scheme; and
- (b) they commence and terminate their journey at the same locations as that person.

Eligible services

5.—(1) Subject to paragraph (2), a service is an eligible service for the purposes of the Scheme if it is a service which operates wholly within Scotland or a Northern England service and in either case is either–

- (a) a local registered service in terms of section 2 of the Transport Act 1985; or

(a) 1985 (c.67), amended by section 44 of the Local Government in Scotland Act 2003 (asp 1).

- (b) a service not falling within sub-paragraph (a) that meets all of the following conditions–
 - (i) a scheduled bus or coach service which runs at least once per week for a period of not less than six weeks;
 - (ii) seats on the vehicle by means of which the service is provided are normally available to members of the general public and the service is used regularly by such members; and
 - (iii) arrangements are made which afford members of the general public a reasonable opportunity to become aware of the existence of the service, times of its operation and the places which it serves.
- (2) A service is not an eligible service if it falls within one of the following classes–
 - (a) services which operate through the night at a premium fare;
 - (b) excursions, tours or group hire of coaches;
 - (c) any service where fares currently charged by the operator of that service include a special amenity element; or
 - (d) services which are difficult to align with routine services and fare structures.
- (3) For the purposes of article 5(2)(c) fares 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.

TAVISH SCOTT
A member of the Scottish Executive

St Andrew's House,
Edinburgh
7th March 2006

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, made under section 40(7) of the Transport (Scotland) Act 2005 (asp 12), specifies “eligible persons” and “eligible services” for the purposes of the National Bus Travel Concession Scheme for Older and Disabled Persons (“the Scheme”)(a).

Article 3 specifies who is an eligible person for the purposes of the Scheme. To be eligible a person must be resident in Scotland and fall within one of the classes of person described in article 3(a)-(k). These classes include those persons who are 60 or over (article 3(a)), in receipt of certain benefits relating to disability (article 3(b)), registered as blind or partially sighted (article 3(c)) or deaf (article 3(d)). Article 3(k) provides that persons who are travel companions assisting certain categories of eligible persons will be eligible persons but only where they commence and terminate their journey at the same locations as the eligible person they are assisting.

Article 4 makes transitional provision relating to travel card holders under local authority travel concession schemes, and specifies the circumstances in which they shall be an eligible person for the purposes of the Scheme.

Article 5 specifies which services are eligible services for purposes of the Scheme.

(a) The Scheme provided for by the National Bus Travel Concession Scheme for Older and Disabled Persons (Scotland) Order 2006 (S.S.I. 2006/107).

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Disabled Persons (Eligible Persons and Eligible Services)
(Scotland) Order 2006**

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