



# Transport Act 1985

## 1985 CHAPTER 67

### PART V

#### FINANCIAL PROVISIONS

##### *Travel concessions apart from schemes*

#### **103 Subsidies for travel concessions.**

- (1) The payments provided for under an agreement providing for service subsidies entered into by an authority responsible for expenditure on public passenger transport services may not include payments in respect of the provision of travel concessions except as provided below in this section.
- (2) Subject to subsection (3) below, provision may be included in any such agreement for the making of payments by the authority in question to the person providing the service to which the agreement relates in respect of the provision of travel concessions on journeys on that service or any part of it for any description of persons eligible in accordance with section 93(7) of this Act to receive travel concessions under a travel concession scheme under that section.

<sup>F1</sup>(3) Subsection (2) above only applies where the concessions in question are not available, or not available to that description of persons, under any such scheme administered by the authority concerned or by that authority acting jointly with any other authority or authorities [<sup>F2</sup>or under s [<sup>F3</sup>section 145A(1) or 145B(1)] of the Transport Act 2000.]

#### **Textual Amendments**

- F1** Words in s. 103(3) substituted (17.10.2007 for specified purposes, 1.4.2008 in so far as not already in force) by [Concessionary Bus Travel Act 2007 \(c. 13\), s. 15\(1\), Sch. 2 para. 3](#); S.I. 2007/2799, arts. 2, 3 (with art. 4)
- F2** Words in s. 103(3) inserted (E.W.) (1.6.2001 for E. and 1.4.2002 for W.) by [2000 c. 38, s. 161, Sch. 11 para. 17](#); S.I. 2000/3229, art. 2, [Sch. Pt. IV](#) (with arts. 3, 4); S.I. 2001/2788, art. 3, [Sch. 2 para. 2](#)

*Status: Point in time view as at 01/04/2009.*

**Changes to legislation:** Transport Act 1985, Cross Heading: Travel concessions apart from schemes is up to date with all changes known to be in force on or before 28 July 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)

**F3** Words in s. 103(3) substituted (17.10.2007 for specified purposes, 1.4.2008 in so far as not already in force) by [Concessionary Bus Travel Act 2007 \(c. 13\), s. 15\(1\), Sch. 2 para. 3](#); [S.I. 2007/2799, arts. 2, 3](#) (with art. 4)

## 104 **Travel concessions on services provided by Passenger Transport Executives.** **E** **+W**

<sup>F4</sup>(1) A Passenger Transport Executive may not in exercise of their powers under section 10(1)(xiii) of the 1968 Act (power of Passenger Transport Executive to charge for services and waive their charges, etc.) provide travel concessions for persons travelling on any public passenger transport service provided by the Executive [<sup>F5</sup>otherwise than in accordance with a scheme established under section 93 of this Act or in accordance with [<sup>F6</sup>section 145A(1)] of the Transport Act 2000], except where those concessions are provided under any agreement or arrangements under which the whole of the cost of providing those concessions is to be met by a person other than that Executive or the [<sup>F7</sup>Authority] for that Executive's area.

(2) The approval of the [<sup>F8</sup>Authority] for [<sup>F9</sup>an integrated transport area or ] a passenger transport area under section 15(2) of the 1968 Act (approval of [<sup>F8</sup>Authority] required for alterations by Executive in general level of charges and for reduction or waiver of charges by Executive) shall not be required for travel concessions granted by the Passenger Transport Executive for that area for persons travelling on any public passenger transport service provided by the Executive if those concessions are granted—

(a) in accordance with any scheme established under section 93 of this Act by any authority other than the [<sup>F8</sup>Authority] for that Executive's area or (as the case may be) by authorities who do not include that [<sup>F8</sup>Authority]; <sup>F10</sup> . . .

<sup>F11</sup> [<sup>F12</sup>(aa) in accordance with [<sup>F13</sup>section 145A(1)] of the Transport Act 2000; or]  
 (b) where that Executive's area is in England and Wales, in pursuance of arrangements made with that Executive by any local authority within the meaning of the <sup>M1</sup>National Assistance Act 1948 in exercise of their powers under section 29 of that Act (welfare arrangements for handicapped persons); or correspond to travel concessions under any scheme established under section 93 of this Act by the [<sup>F8</sup>Authority] for that Executive's area or (as the case may be) by authorities who include that Passenger Transport Authority.

(3) For the purposes of subsection (2) above, travel concessions granted by the Executive for [<sup>F14</sup>an integrated transport area or] a passenger transport area on any such service correspond to travel concessions under any such scheme if they are—

(a) of the same value;  
 (b) available subject to the same terms, limitations or conditions; and  
 (c) available to persons of the same description;

as the travel concessions provided under that scheme.

<sup>F15</sup>(4) In this section “Authority”, in relation to an area, means the Integrated Transport Authority or, as the case may be, the Passenger Transport Authority for that area.]

### Extent Information

**E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

*Status: Point in time view as at 01/04/2009.*

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#### Textual Amendments

- F4** Words in s. 104(1) substituted (17.10.2007 for specified purposes, 1.4.2008 in so far as not already in force) by [Concessionary Bus Travel Act 2007 \(c. 13\)](#), s. 15(1), [Sch. 2 para. 4](#); S.I. 2007/2799, arts. 2, 3 (with art. 4)
- F5** Words in s. 104(1) substituted (E.W.) (1.6.2001 for E. and 1.4.2002 for W.) by 2000 c. 38, s. 161, [Sch. 11 para. 18\(1\)\(2\)](#); S.I. 2000/3229, art. 2, [Sch. Pt. IV](#) (with arts. 3, 4); S.I. 2001/2788, art. 3, [Sch. 2 para. 2](#)
- F6** Words in s. 104(1) substituted (E.W.) (17.10.2007 for specified purposes, 1.4.2008 in so far as not already in force) by [Concessionary Bus Travel Act 2007 \(c. 13\)](#), s. 15(1), [Sch. 2 para. 4](#); S.I. 2007/2799, arts. 2, 3 (with art. 4)
- F7** Word in s. 104(1) substituted (E.W.) (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 4 para. 36\(2\)](#); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1
- F8** Word in s. 104(2) substituted (E.W.) (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 4 para. 36\(2\)](#); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1
- F9** Words in s. 104(2) inserted (E.W.) (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 4 para. 36\(3\)](#); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1
- F10** Word in s. 104(2)(a) repealed (26.10.2001 for E. and 14.8.2002 for W) by 2000 c. 38, s. 274, [Sch. 31 Pt. II](#); S.I. 2001/3342, art. 2, [Sch.](#); S.I. 2002/2024, {art.2(b)}.
- F11** Words in s. 104(2)(aa) substituted (17.10.2007 for specified purposes, 1.4.2008 in so far as not already in force) by [Concessionary Bus Travel Act 2007 \(c. 13\)](#), s. 15(1), [Sch. 2 para. 4](#); S.I. 2007/2799, arts. 2, 3 (with art. 4)
- F12** S. 104(2)(aa) inserted (E.W.) (1.6.2001 for E. and 1.4.2002 for W.) by 2000 c. 38, s. 161, [Sch. 11 para. 18\(1\)\(3\)](#); S.I. 2000/3229, art. 2, [Sch. Pt. IV](#) (with arts. 3, 4); S.I. 2001/2788, art. 3, [Sch. 2 para. 2](#)
- F13** Words in s. 104(2)(aa) substituted (E.W.) (17.10.2007 for specified purposes, 1.4.2008 in so far as not already in force) by [Concessionary Bus Travel Act 2007 \(c. 13\)](#), s. 15(1), [Sch. 2 para. 4](#); S.I. 2007/2799, arts. 2, 3 (with art. 4)
- F14** Words in s. 104(3) inserted (E.W.) (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 4 para. 36\(3\)](#); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1
- F15** S. 104(4) inserted (E.W.) (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 4 para. 36\(4\)](#); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

#### Marginal Citations

- M1** 1948 c. 29.

### 104 Travel concessions on services provided by Passenger Transport Executives. **S**

<sup>F4</sup>(1) A Passenger Transport Executive may not in exercise of their powers under section 10(1)(xiii) of the 1968 Act (power of Passenger Transport Executive to charge for services and waive their charges, etc.) provide travel concessions for persons travelling on any public passenger transport service provided by the Executive other than persons of any description eligible in accordance with section 93(7) of this Act to receive travel concessions under a travel concession scheme established under that section, except where those concessions are provided under any agreement or arrangements under which the whole of the cost of providing those concessions is to be met by a person other than that Executive or the Passenger Transport Authority for that Executive's area.

(2) The approval of the Passenger Transport Authority for a passenger transport area under section 15(2) of the 1968 Act (approval of Passenger Transport Authority required for alterations by Executive in general level of charges and for reduction or waiver of charges by Executive) shall not be required for travel concessions granted by the Passenger Transport Executive for that area for persons travelling on any

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public passenger transport service provided by the Executive if those concessions are granted—

- (a) in accordance with any scheme established under section 93 of this Act by any authority other than the Passenger Transport Authority for that Executive's area or (as the case may be) by authorities who do not include that Passenger Transport Authority; or
  - (b) where that Executive's area is in England and Wales, in pursuance of arrangements made with that Executive by any local authority within the meaning of the <sup>M3</sup>National Assistance Act 1948 in exercise of their powers under section 29 of that Act (welfare arrangements for handicapped persons); or correspond to travel concessions under any scheme established under section 93 of this Act by the Passenger Transport Authority for that Executive's area or (as the case may be) by authorities who include that Passenger Transport Authority.
- (3) For the purposes of subsection (2) above, travel concessions granted by the Executive for a passenger transport area on any such service correspond to travel concessions under any such scheme if they are—
- (a) of the same value;
  - (b) available subject to the same terms, limitations or conditions; and
  - (c) available to persons of the same description;
- as the travel concessions provided under that scheme.

#### Extent Information

**E3** This version of this provision has been created for Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

**F4** Words in s. 104(1) substituted (17.10.2007 for specified purposes, 1.4.2008 in so far as not already in force) by [Concessionary Bus Travel Act 2007 \(c. 13\)](#), s. 15(1), [Sch. 2 para. 4](#); [S.I. 2007/2799](#), arts. 2, 3 (with art. 4)

#### Marginal Citations

**M3** 1948 c. 29.

## 105 Travel concessions on services provided by local authorities. **E+W**

- (1) Where the council of any county or district in England and Wales or of any [<sup>F16</sup>local government] area in Scotland are operating any public passenger transport service, they shall have power to provide travel concessions for persons travelling on that service [<sup>F17</sup>in accordance with a scheme established under section 93 of this Act or in accordance with [<sup>F18</sup>section 145A(1) or 145B(1)] of the Transport Act 2000.]
  - (2) In respect of travel concessions provided under this section, any such council may, if they think fit, from time to time transfer to the credit of the account of their transport undertaking sums from the general . . . <sup>F19</sup> fund or, where that council is the council of any [<sup>F16</sup>local government] area in Scotland, from the general fund (within the meaning of section 93 of the <sup>M2</sup>Local Government (Scotland) Act 1973).
- [<sup>F20</sup>(2A) In subsection (2) above, the reference to the general fund shall be read, in relation to Wales, as a reference to the council fund.]

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- (3) Sums so transferred must not exceed the cost to the council concerned of providing the concessions or so much of that cost as would not apart from subsection (2) above fall to be met out of the fund there mentioned.

#### Extent Information

- E2** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F16** Words in s. 105(1)(2) substituted (S.) (1.4.1996) by [S.I. 1996/974, art. 2\(1\)](#), [Sch. 1 Pt. I para. 7\(a\)](#)
- F17** Words in s. 105(1) substituted (E.W.) (1.6.2001 for E. and 1.4.2002 for W.) by [2000 c. 38, s. 161](#), [Sch. 11 para. 19](#); [S.I. 2000/3229, art. 2](#), [Sch. Pt. IV](#) (with arts. 3, 4); [S.I. 2001/2788, art. 3](#), [Sch. 2 para. 2](#)
- F18** Words in s. 105(1) substituted (E.W.) (17.10.2007 for specified purposes, 1.4.2008 in so far as not already in force) by [Concessionary Bus Travel Act 2007 \(c. 13\), s. 15\(1\)](#), [Sch. 2 para. 5](#); [S.I. 2007/2799, arts. 2, 3](#) (with art. 4)
- F19** Word repealed by [S.I. 1990/1285, art. 2](#), [Sch. Part I para. 8](#)
- F20** S. 105(2A) inserted (1.4.1996) by [1994 c. 19, s. 22\(1\)](#), [Sch. 7 Pt. II para. 39\(9\)](#) (with ss. 54(5)(7), 55(5), [Sch. 17 paras. 22\(1\), 23\(2\)](#)); [S.I. 1996/396, art. 3](#), [Sch. 1](#)

#### Marginal Citations

- M2** [1973 c. 65](#).

### 105 Travel concessions on services provided by local authorities. **S**

- (1) Where the council of any county or district in England and Wales or of any <sup>F21</sup>local government] area in Scotland are operating any public passenger transport service, they shall have power to provide travel concessions for persons travelling on that service of any description eligible in accordance with section 93(7) of this Act to receive travel concessions under a travel concession scheme established under that section.
- (2) In respect of travel concessions provided under this section, any such council may, if they think fit, from time to time transfer to the credit of the account of their transport undertaking sums from the general . . . <sup>F22</sup> fund or, where that council is the council of any <sup>F21</sup>local government]area in Scotland, from the general fund (within the meaning of section 93 of the <sup>M4</sup>Local Government (Scotland) Act 1973).
- <sup>F23</sup>(2A) In subsection (2) above, the reference to the general fund shall be read, in relation to Wales, as a reference to the council fund.]
- (3) Sums so transferred must not exceed the cost to the council concerned of providing the concessions or so much of that cost as would not apart from subsection (2) above fall to be met out of the fund there mentioned.

#### Extent Information

- E4** This version of this provision extends to Scotland only; a separate version extends to England and Wales only

#### Textual Amendments

- F21** Words in s. 105(1)(2) substituted (S.) (1.4.1996) by [S.I. 1996/974, art. 2\(1\)](#), [Sch. 1 Pt. I para. 7\(a\)](#)

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**F22** Word repealed by S.I. 1990/1285, art. 2, **Sch. Part I para. 8**

**F23** S. 105(2A) inserted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. II para. 39(9)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

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**Marginal Citations**

**M4** 1973 c. 65.

**Status:**

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