



# Transport Act 1985

## 1985 CHAPTER 67

### PART V

#### FINANCIAL PROVISIONS

##### *Travel concession schemes*

#### **98 Further provisions with respect to participation notices.**

- (1) The authority or authorities by whom a participation notice is served on any person shall send to that person, together with the notice, a copy of—
- (a) such particulars of the scheme to which the notice relates and of any variations of that scheme; and
  - (b) such particulars of the current reimbursement arrangements for eligible service operators participating in the scheme and of any variations of those arrangements;
- as have been published under section 95 of this Act before the date of the notice.
- (2) Subject to the following provisions of this section, a person on whom a participation notice has been served may apply to the Secretary of State for cancellation or variation of that notice on either or both of the following grounds, that is to say—
- (a) that there are special reasons why his participation in the scheme in question in respect of the service or any of the services to which the notice applies would be inappropriate; and
  - (b) that any provision of the scheme or of any such arrangements as are mentioned in subsection (1)(b) above are inappropriate for application in relation to operators other than operators voluntarily participating in the scheme.
- (3) Subject to subsection (4) below, an application under subsection (2) above may be made by notice in writing given to the Secretary of State before the end of the period of twenty-eight days beginning with the date of the participation notice.

*Status: Point in time view as at 17/10/2007. This version of this provision has been superseded.*

*Changes to legislation: Transport Act 1985, Section 98 is up to date with all changes known to be in force on or before 07 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) A person may not make such an application unless he has given notice in writing of his intention to do so to the authority or authorities by whom the participation notice was served—
- (a) if a period allowed for that purpose is specified in the participation notice, before the end of that period; or
  - (b) in any other case, at any time before the date of the notice given to the Secretary of State under subsection (3) above.

[<sup>F1</sup>(4A) But if the participation notice was served on the person by one or more authorities in England only—

- (a) subsection (3) above shall have effect as if for “twenty-eight days beginning with the date of the participation notice” there were substituted “ fifty-six days beginning with the date provided for in relation to the participation notice by virtue of section 97(5)(a) above ”; and
- (b) subsection (4) above shall have effect as if for paragraph (a) there were substituted—

“(a) if the person is required by the participation notice to give a prescribed number of days' notice (or, if no number of days is prescribed, seven days' notice), at least that number of days before the date of the notice given to the Secretary of State under subsection (3) above; or”.]

- (5) Where on any such application the Secretary of State finds the ground mentioned in subsection (2)(a) above established, he may cancel the participation notice or (as the case may require) vary it by excluding from it any service operated by the applicant in respect of which he considers the applicant's participation in the scheme would be inappropriate.
- (6) Where on any such application the Secretary of State finds the ground mentioned in subsection (2)(b) above established, he shall cancel the participation notice unless he considers that a direction under subsection (7) below would meet the case.
- (7) Where on any such application the Secretary of State does not cancel the participation notice, he may direct that the current arrangements for reimbursement of eligible service operators participating in the scheme shall apply in the case of the applicant or (as the case may require) in the case of any service operated by the applicant to which the participation notice applies with such modifications as may be specified in the direction.
- (8) If the Secretary of State cancels a participation notice under subsection (6) above he shall give to the authority or authorities by whom the notice was served a notice in writing indicating in what respects the scheme or (as the case may be) the current reimbursement arrangements for eligible service operators participating in the scheme are inappropriate for application in relation to operators other than operators voluntarily participating in the scheme.
- (9) Any obligation under section 97(2) of this Act which has come into effect before the determination of any application under this section with respect to the participation notice by which that obligation was imposed shall—
  - (a) cease to have effect, if the notice is cancelled; or
  - (b) have effect, if the notice is varied, subject to a corresponding variation;
 on such date as may be specified by the Secretary of State in determining the application.

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### Textual Amendments

- F1** S. 98(4A) inserted (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 \(c. 13\)](#), ss. 13(1), 15, **Sch. 2 para. 2**; S.I. 2007/2799, **arts. 2, 3** (with art. 4)

### 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)  
Ss. 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 paras. 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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