
STATUTORY INSTRUMENTS

1986 No. 77

TRANSPORT

The Travel Concession Schemes Regulations 1986

<i>Made</i>	- - - -	<i>21st January 1986</i>
<i>Laid before Parliament</i>		<i>24th January 1986</i>
<i>Coming into Operation</i>		<i>14th February 1986</i>

The Secretary of State for Transport (as respects England), the Secretary of State for Scotland (as respects Scotland) and the Secretary of State for Wales (as respects Wales), in exercise of the powers conferred by sections 93(4), 94(1), 96(1) and (5), 97(6), 100(1) and (6), and 134(4) and (5) of the Transport Act 1985, and of all other enabling powers, hereby make the following Regulations:—

PART I
GENERAL

Citation and commencement

1. These Regulations may be cited as the Travel Concession Schemes Regulations 1986 and shall come into operation on 14th February 1986.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Transport Act 1985;

“applicant” means a person making an application to which regulations 38 to 48 apply;

“authority” means the authority or authorities responsible for administration of a scheme;

“basic operating costs” means the costs which the operator would incur in providing a service if the concessions were not available on that service;

“concessions” means travel concessions provided or to be provided in accordance with a scheme;

“eligible services” shall be construed in accordance with section 94(4) of the Act;

“fares value”, in relation to journeys, means the aggregate amount of the fares which would have been paid if concessions had not been available;

“operator” means an operator participating in a scheme and includes any person who is prospectively such an operator;

“participation notice” means a notice under section 97(4) of the Act;

“payment day” means any day on which a reimbursement payment is due to be made;

“payment period” means the period to which a reimbursement payment relates;

“reimbursement arrangements” includes the conditions of entitlement of operators to, and the method of determination and manner of payment of, reimbursement in respect of concessions provided under a scheme;

“reimbursement payment” means any payment falling to be made in accordance with section 93(6) of the Act;

“scheme” means a scheme for the provision of travel concessions established under section 93 of the Act;

“standard method” means the method for calculating the amount of reimbursement payments due to operators of eligible services adopted by an authority in accordance with regulation 9(1);

“variation notice” means a notice under section 97(6) of the Act.

(2) References in these Regulations to the date on which a notice is given are, in relation to notices sent by post, references to the date on which the notice is, in accordance with regulation 33(2), deemed to be received at the address to which it is sent.

(3) Any reference in these Regulations to a numbered regulation or Schedule is a reference to the regulation or Schedule bearing that number in these Regulations except where otherwise expressly provided.

(4) Any reference in these Regulations to estimates or calculations made by an authority in relation to reimbursement payments is a reference to estimates or calculations made by the best practical method available to the authority.

PART II

ARRANGEMENTS BETWEEN OPERATORS AND AUTHORITIES

Reimbursement arrangements: general

3. Regulations 4 and 5 apply to the provisions of reimbursement arrangements with respect to participation of all operators in a scheme but subject, in the case of operators of eligible services, to the provisions of regulations 6 to 12.

4. It shall be an objective (but not a duty) of an authority when formulating reimbursement arrangements to provide that operators both individually and in the aggregate are financially no better and no worse off as a result of their participation in the scheme to which the arrangements relate.

5.—(1) Subject to regulations 4 and 12, and to paragraph (2) of this regulation, reimbursement arrangements adopted by an authority shall be so formulated that the costs to operators of providing concessions are met by the payments made by the authority to operators pursuant to section 93(6) of the Act.

(2) In paragraph (1) of this regulation, the reference to the costs to operators of providing concessions is a reference to the aggregate of—

- (a) the revenue by way of fares which the authority calculate that the operator has foregone or estimate that he will forego in consequence of the provision of the concessions in question,

less any additional revenue from fares which they estimate he has received or will receive by reason of the availability of the concessions; and

- (b) any costs additional to basic operating costs which the authority calculate that the operator has necessarily incurred or estimate that he will necessarily incur in connection with providing concessions, less any reduction in basic operating costs which they estimate that he has achieved or will achieve by reason of the availability of the concessions.

Reimbursement arrangements: operators of eligible services

6. Regulations 7 to 12 apply to the provisions to be included in reimbursement arrangements with respect to participation of operators of eligible services in a scheme.

7.—(1) Subject to paragraph (2) of this regulation, it shall be an objective (but not a duty) of an authority when formulating reimbursement arrangements for operators of eligible services to provide that such operators receive appropriate reimbursement for providing concessions to the persons eligible to receive those concessions.

(2) In paragraph (1) of this regulation “appropriate reimbursement” in relation to an operator means appropriate in the light of the total number and fares value of journeys made by persons eligible to receive concessions on the services provided by that operator.

8.—(1) The payment periods and payment days shall be specified in the reimbursement arrangements and—

- (a) payment periods shall not be longer than three months; and
- (b) in relation to each payment period, the payment day shall not be later than the day which is half way between the first and last days of the payment period (and, in ascertaining the payment day, no account shall be taken of half days).

(2) Each reimbursement payment shall not be less than 85% of the amount estimated by the authority to be due to the operator in respect of the relevant payment period.

(3) The balance of each reimbursement payment shall be paid, subject to any adjustments shown to be necessary in the light of information available to the authority pursuant to arrangements giving effect to these Regulations, not later than 3 months after the end of the relevant payment period.

(4) Subject to paragraph (5) of this regulation, if any such balance as is mentioned in paragraph (3) of this regulation is not paid in accordance with that paragraph, provision shall be made for the authority to pay interest (at a rate not less than the lowest rate at which the authority are able to borrow at the time) on the amount for the time being unpaid for the period beginning with the last date on which the balance should have been paid in accordance with paragraph (3) and ending with the date of actual payment.

(5) Interest shall not be payable until a scheme has been in operation for 6 months nor in respect of any period falling wholly or partly within the first 6 months of operation of a scheme.

(6) If the amount of any reimbursement payment made in accordance with paragraph (2) of this regulation in respect of any payment period exceeds the total amount of that payment found to be payable in respect of that period, provision shall be made for the authority to notify the operator in writing accordingly and may thereafter deduct the amount of the excess from the reimbursement payments due to that operator in respect of any subsequent payment period.

(7) If the circumstances described in paragraph (6) of this regulation arise in relation to a person who is no longer an operator, the authority shall notify that person accordingly and, unless he disputes the existence or amount of the excess, that person shall pay the amount of the excess to the authority within 30 days of the date of receipt of the notification.

(8) Provision may be made for any reimbursement payment due in accordance with paragraphs (2) and (3) of this regulation to be made otherwise than in accordance with this regulation in any case where an operator fails to supply information in accordance with reimbursement arrangements giving effect to these Regulations—

- (a) in the case of a payment due in accordance with paragraph (2), in sufficient time to allow the authority to form a reasonable estimate of the amount of the payment; or
- (b) in the case of a payment due in accordance with paragraph (3), in sufficient time to allow the authority to calculate the amount of the payment.

(9) Subject to paragraph (8) of this regulation, provision shall be made for any reimbursement payment or any part of such a payment due to an operator in respect of concessions provided during any period of 12 months commencing on a date specified in the arrangements but not paid to be paid not later than 3 months after the expiry of that period.

9.—(1) Subject to paragraph (6) of this regulation, in relation to each scheme, the authority shall adopt a standard method to be used, subject to regulation 5, in determining—

- (a) the total number of the journeys made by persons eligible to receive concessions on the services of operators of eligible services participating in the scheme; and
- (b) the fares value to be attributed to those journeys.

(2) The standard method shall provide for the authority to take into account any data supplied by an operator who shows that the method by which such data was derived is more accurate than the standard method.

(3) Where the standard method does not provide for the recording of all such journeys as are mentioned in paragraph (1) of this regulation, that method may provide for—

- (a) the calculation of figures for the total number and fares value of those journeys by any means or combination of means which appears to the authority to be reasonable; and
- (b) if necessary, the apportionment of that number and fares value between all operators of eligible services participating in the scheme.

(4) Where the amounts of reimbursement payments are estimated or calculated otherwise than by reference to a standard method which provides for the recording of all the journeys mentioned in paragraph (1)(a) of this regulation, the estimates or calculations shall be adjusted if the information upon which they were based is shown to be inaccurate in any material respect.

(5) An authority who have reason to believe that the standard method used by them is inappropriate in relation to any particular operator of eligible services participating in the relevant scheme may, at their own cost and expense, make provision for a more accurate calculation of the total number and fares value of journeys in respect of that operator.

(6) Reimbursement arrangements need not comply with this regulation in any case where the authority and the operator so agree and any one of the following conditions are satisfied—

- (a) the vehicles normally used by him in providing services on which concessions are available have 8 or less seats available for fare-paying passengers;
- (b) the mileage run by such vehicles is less than 150,000 miles per annum within the area covered by the scheme during the times at which concessions are available;
- (c) except during the first 3 months of operation of a scheme, there has not expired a period of 3 months commencing with the date on which the operator is admitted to participation in the scheme in respect of a service or (if appropriate) becomes subject to the obligation imposed by a participation notice to provide concessions on a service.

10. Provision shall be made for an authority to review the calculations made in accordance with the standard method not less than once in each period of 12 months that the relevant scheme is in operation.

11.—(1) For any purposes relating to the calculation of reimbursement payments for operators of eligible services an authority may divide the area covered by a scheme into such number of parts as they consider to be appropriate.

(2) When calculating such payments an authority may take into account the carrying capacity provided for passengers in different vehicles or in different classes of vehicle.

(3) Except in any case where paragraph (2) of regulation 9 has effect, and also, in relation only to sub-paragraphs (b) and (c) of this paragraph, except in relation to any operator of an eligible service whose fares for journeys on that service include a special amenity element (within the meaning of section 96(6) of the Act), calculations of fares value in relation to a particular operator of eligible services may be based on—

- (a) the fares normally paid by passengers on a service or services provided by that operator;
- (b) the average of all such fares; or
- (c) the average of all the fares normally paid to all operators of eligible services participating in the scheme in question.

12.—(1) Provision shall be made for additional reimbursement payments pursuant to regulation 5 in any case where the operator demonstrates to the authority—

- (a) that he has necessarily incurred costs additional to basic operating costs and attributable to an increase in the number or the capacity of the vehicles used in providing services on which concessions are available in order to meet the extra demand created by the availability of those concessions; and
- (b) that those costs are such that they will not be met by reimbursement payments made in accordance with the standard method during the year in which the costs are incurred or during the 3 months immediately following the end of that year.

(2) A similar provision shall be made in any case where the operator demonstrates to the authority—

- (a) that he has supplied any information required in accordance with reimbursement arrangements; and
- (b) that in doing so he has incurred expenditure which he would not otherwise have incurred.

Reimbursement arrangements: further provisions

13. Regulations 14 to 21 apply to the provisions that are to be or (as the case may be) may or may not be included in reimbursement arrangements with respect to participation of operators of eligible services in a scheme.

14. Any information supplied by an operator to an authority pursuant to arrangements giving effect to this regulation and regulations 15 to 21 may only be used for and in connection with the calculation of reimbursement payments and such information shall not be disclosed by the authority except—

- (a) with the consent in writing of the operator; or
- (b) to the extent to which the information in question has become public knowledge otherwise than by the act or omission of the authority.

15. Information may not be required on any of the following subjects—

- (a) the cost to the operator of providing any service or services on which concessions are available;
- (b) the total turnover of the business, or of any part of the business, of an operator; and
- (c) the annual rate or amount of the profit or loss of that business, or of any part of it.

16.—(1) This regulation applies to information on or concerning the following subjects—

- (a) the total number of passengers of all descriptions carried by an operator on services on which concessions are at any time available; and
- (b) the amount of the fares received by the operator from such passengers.

(2) Subject to paragraph (3) of this regulation, an operator may only be required to supply information to which this regulation applies in relation to all the services which he provides and on which concessions are available.

(3) Where in pursuance of regulation 11(1) arrangements provide for the division of the area covered by a scheme into different parts, an operator may be required to supply information to which this regulation applies in relation to each part, but not if this will require him to disclose the numbers of passengers carried on any particular service or group of services provided by him or (as the case may be) the amount of the fares received by him from those passengers.

(4) Provision may be made, in any case where information to which this regulation applies is supplied in accordance with arrangements giving effect to this regulation, for the information to be accompanied by a certificate of its accuracy and completeness given by a responsible person.

(5) In paragraph (4) of this regulation “responsible person” means a person who is a member of one or more of the following bodies—

- (a) the Institute of Chartered Accountants in England and Wales;
- (b) the Institute of Chartered Accountants of Scotland;
- (c) the Chartered Association of Certified Accountants.

17.—(1) This regulation applies to operators of eligible services in respect of whom any one of the following conditions are satisfied—

- (a) the vehicles normally used by him in providing services on which concessions are available have 8 or less seats available for fare-paying passengers;
- (b) the mileage run by such vehicles is less than 150,000 miles per annum within the area covered by the scheme during times at which concessions are available;
- (c) except during the first 3 months of operation of a scheme, there has not expired a period of 3 months commencing with the date on which the operator is admitted to participation in the scheme in respect of a service or (if appropriate) becomes subject to the obligation imposed by a participation notice to provide concessions on a service.

(2) Without prejudice to regulation 9(6), an operator to whom this regulation applies may not be required to supply any information to which regulation 16 applies.

18.—(1) Subject to paragraph (2) of this regulation, information on any subject except that mentioned in regulation 16(1)(b) may not be required to be supplied more frequently than once in every 28 days nor in respect of periods of less than 28 days.

(2) Information on the subject mentioned in regulation 16(1)(b) may not be required to be supplied more frequently than once in every 3 months nor in respect of periods of less than 3 months.

19. An authority may require an operator to allow their officers, servants or agents to have access with reasonable frequency to (including the right to travel free of charge on) the vehicles of the operator on which concessions are available for the purpose of—

- (a) surveying or counting or estimating the number of passengers (whether generally or of any particular description) and the fares paid by those passengers; and
- (b) obtaining information on other matters relating to the journeys made by passengers who are eligible to receive concessions and necessary to the calculation by the authority of reimbursement payments.

Installation and use of equipment

20.—(1) Subject to paragraph (2) of this regulation, an operator may be required to have in his vehicles, and to use, equipment provided by the authority for the purpose of issuing and cancelling tickets or otherwise recording the numbers and descriptions of passengers on those vehicles.

(2) The costs and expense of providing, installing, using and maintaining any such equipment are to be borne by the authority.

(3) Without prejudice to regulation 16, an operator may not be required to supply to the authority information derived from the use of any such equipment and relating to journeys by passengers not eligible to receive concessions.

Changes in services and fares

21. Provision may be made for an operator to inform the authority of any changes in the services operated by him on which concessions are available, and of any changes in the fares payable by passengers on those services, in either case when the change takes effect or not later than 7 days thereafter.

Arrangements other than reimbursement arrangements

22. Regulations 23 to 26 apply to the provisions that are to be or (as the case may be) may or may not be included in arrangements, other than reimbursement arrangements, with respect to participation of all operators in a scheme.

23. An authority may not require an operator to give more than 42 days notice before withdrawing in respect of any service from participation in a scheme.

Employment of administering agents

24.—(1) An authority may not employ as their agent for the purposes of the administration of reimbursement arrangements any person who is a holder of a PSV operator's licence.

(2) Where the authority are a Passenger Transport Executive, or are both a local authority and a Passenger Transport Executive, the consent of the Passenger Transport Authority for the Executive's area shall be obtained to the employment of any such agent.

Recognition and acceptance of tickets etc

25.—(1) An authority may require an operator—

- (a) to recognise and accept any particular form of ticket, voucher, token or pass issued by the authority;
- (b) to display on his vehicles a sign or other identifying mark of a size sufficient for its purpose showing that concessions are available on those vehicles.

(2) An authority may not require an operator—

- (a) to allow passengers, either generally or of any particular description, to travel on his vehicles without purchasing a ticket or possessing (as appropriate) a voucher, token or pass;
- (b) to use a particular type of vehicle to provide services on which travel concessions are available;
- (c) to reserve a specified number or proportion of the seats on his vehicles solely for use by persons eligible to receive travel concessions.

General restriction on interference with the manner of providing services

26. Except where done to give effect to this Part of these Regulations, arrangements may not include provisions compliance with which would require the operator to alter the manner in which he provides the services on which concessions are available.

PART III NOTICES

Content of notices

27. Except for the notices mentioned in regulation 32, notices served or given under any provision of sections 96 to 99 of the Act shall contain the particulars set out in Schedule 1.

28. Notices under section 96(5) of the Act (notice to modify reimbursement arrangements where fares include a special amenity element) shall contain the additional particulars set out in Schedule 2.

29. Notices under section 97(2) of the Act (participation notices) shall contain the additional particulars set out in Schedule 3.

30. Notices under section 97(6) of the Act (variation notices) shall contain the additional particulars set out in Schedule 4.

31. Notices under section 98(3) (applications for cancellation or variation of a participation notice) or 99(2) (applications for release from the obligation to provide travel concessions) of the Act shall contain the additional particulars set out in Schedule 5.

32. Notices given under—

- (a) section 98(4) of the Act (notices of intention to apply for cancellation or variation of a participation notice); and
- (b) section 99(3) of the Act (notices of intention to apply for release from an obligation to provide travel concessions);

shall take the form of a copy of the notice proposed to be given under section 98(3) or (as the case may be) 99(2) of the Act with the addition of a statement of the date upon which it will in fact be given.

Service of notices

33.—(1) Notices required to be served or given under any provision of sections 96 to 99 of the Act may be delivered by hand or sent by prepaid registered or recorded delivery post.

(2) Any notice sent by post in accordance with paragraph (1) of this regulation shall be deemed to be received when it ought in due course of post to be delivered at the address to which it is sent.

PART IV

PERIODS OF NOTICE

Prescribed periods of notice

34. For the purposes of section 93(4) of the Act, the prescribed period is three months.

35.—(1) For the purposes of subsection (1)(a) of section 96 of the Act, the prescribed period is 28 days.

(2) For the purposes of subsection (5) of that section, the prescribed period is 42 days.

36.—(1) For the purposes of subsection (4) of section 97 of the Act, the period which may be specified in a participation notice as the period during which the obligation imposed by such a notice is to be effective shall not be greater than three years.

(2) For the purposes of subsection (5)(a) of that section, the period of notice specified in a participation notice shall not be less than 28 days.

(3) For the purposes of subsection (6) of that section—

(a) the period between the date of service of notice of any such variation as is mentioned in that subsection and the date of taking effect of the proposed variation shall not be less than 28 days;

(b) the period within which the indication required by that subsection is to be given shall not be less than 28 days beginning with the date of the notice of variation.

37. For the purposes of subsection (4)(a) of section 98 of the Act, the period specified in a participation notice for giving notice of intention to apply for cancellation or variation of the participation notice shall not be greater than 7 days.

PART V

APPLICATIONS TO THE SECRETARY OF STATE

Application

38. Regulations 39 to 48 apply to applications to the Secretary of State under sections 98(2) (for cancellation or variation of a participation notice) and 99(2) (for release from an obligation to provide travel concessions) of the Act.

Written statements

39.—(1) The applicant shall, with the notice required to be given under section 98(3) or (as the case may be) section 99(2) of the Act, submit to the Secretary of State a written statement of—

(a) the grounds for the application; and

(b) any reasons or other matters which that person considers to be relevant to the application.

(2) The applicant shall, at the same time as he submits the above-mentioned notice and statement to the Secretary of State, send a copy of that notice and of that statement to the authority.

40.—(1) Subject to regulation 46, the authority shall submit to the Secretary of State a written statement of any matters which they consider to be relevant to the application.

(2) At the same time as they submit that statement to the Secretary of State, the authority shall send a copy of it to the applicant.

(3) Unless otherwise allowed by the Secretary of State, any such statement shall be submitted to the Secretary of State and sent to the applicant within 28 days of the date of the notice given to the Secretary of State by the applicant.

(4) The Secretary of State shall inform the applicant forthwith if he allows the authority a longer period for the submission of their statement.

41.—(1) Subject to regulation 46, the Secretary of State may, after the authority have submitted their statement, request the applicant or the authority, or both of them, to submit to him such further written statements and documents as he may direct.

(2) Any such further statements and documents shall be submitted within such time as the Secretary of State may direct, but such time shall not, unless the applicant and the authority otherwise agree, be less than 14 days commencing with the date of the Secretary of State's request.

(3) The applicant or the authority (as the case may be) submitting any further statement or document to the Secretary of State shall at the same time send a copy of it to (as appropriate) the authority or the applicant.

Hearings and procedure

42.—(1) The Secretary of State may, after the submission of the last written statement or document required under regulations 39 to 41, invite the applicant or the authority to appear before him.

(2) When the Secretary of State invites the applicant or the authority to appear before him, he shall also invite the other to be present.

(3) The hearing pursuant to an invitation from the Secretary of State under this regulation shall take place not less than 14 days after the date of that invitation (or, if invitations were given on separate dates, the date of the second or last of those invitations).

(4) The applicant may appear in person or be represented by counsel, solicitor or any other person.

(a) (5) (a) Where the authority are a local authority, that authority may appear by any officer appointed for that purpose, or by counsel, or by solicitor, or by any other person;

(b) Where the authority are a Passenger Transport Executive they may appear by counsel, or by solicitor, or by any officer or employee of the Executive, or other person appointed for that purpose; and

(c) where the authority are both a local authority and a Passenger Transport Executive, they may appear by any officer of the local authority appointed for the purpose, or by any officer or employee of the Executive, or by counsel, or by solicitor or any other person appointed for that purpose.

43. If the applicant or the authority fails—

(a) to deliver any statement or document within the time specified in these Regulations or directed by the Secretary of State; or

(b) to appear before him in response to an invitation from the Secretary of State;

the Secretary of State may nevertheless proceed with the determination of the application.

44.—(1) Subject to regulation 43, at any hearing the Secretary of State shall give to the applicant and the authority an opportunity—

- (a) to address him and to amplify the written statement submitted under this Part of these Regulations, to give evidence, to call witnesses, and to put questions to any person giving evidence before him; and
- (b) to make representations on the evidence (if any) and on the subject matter of the application generally but, where evidence is taken, such opportunity shall not be given before the completion of the taking of the evidence.

(2) The Secretary of State may receive in evidence any document or information notwithstanding that such document or information would be inadmissible in a court of law.

(3) Except as otherwise provided in this Part of these Regulations, the procedure at any hearing shall be such as the Secretary of State shall in his discretion determine.

45.—(1) The decision of the Secretary of State shall be recorded in a document signed by or on behalf of the Secretary of State and dated when so signed.

(2) Such document shall contain a summary of the reasons for the decision of the Secretary of State.

(3) A copy of the document recording the decision of the Secretary of State shall be sent to the applicant and the authority.

(4) Except where a decision has been announced at the conclusion of a hearing, the decision shall be treated as having been made on the date on which the copy of the above-mentioned document is sent to the applicant.

46.—(1) This regulation applies to information relating to the reimbursement of a relevant operator and received by an authority from that operator pursuant to reimbursement arrangements.

(2) In this regulation “relevant operator” means an operator of public passenger transport services participating in any scheme established by the authority.

(3) Notwithstanding any provision of regulations 40 to 44, any statement or document submitted or sent by an authority, and any statement made on behalf of an authority appearing before the Secretary of State, shall not contain any information to which this regulation applies unless the relevant operator has given his consent in writing to such inclusion.

47. When he determines an application, the Secretary of State may, after giving them an opportunity to make representations, require the applicant or the authority, or both of them, to pay such a sum as he may determine towards the expenses incurred by him in connection with the determination of the application.

48.—(1) If the Secretary of State appoints a person to determine an application on his behalf, he shall give notice in writing of the appointment to the applicant and the authority.

(2) If the Secretary of State appoints a person to determine an application on his behalf, references in regulations 39 to 46 to the Secretary of State shall be read, with effect from the date of the appointment, as references to the person so appointed.

21st January 1986

Nicholas Ridley
Secretary of State for Transport

17th January 1986

Malcolm Rifkind
Secretary of State for Scotland

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16th January 1986

Nicholas Edwards
Secretary of State for Wales

SCHEDULE 1

PARTICULARS TO BE CONTAINED IN NOTICES SERVED OR GIVEN UNDER SECTIONS 96 TO 99 OF THE ACT

1. The name and address of the operator of the service or services to which the notice relates.
2. The name and address of the authority.
3. The following details of each of the services to which the notice relates—
 - (a) the terminal points;
 - (b) a description of the route by reference to the principal places served; and
 - (c) the route number or name (if any) and the serial number allocated by the traffic commissioner.
4. The provision of the Act under which the notice is given.

SCHEDULE 2

Regulation 28

ADDITIONAL PARTICULARS TO BE INCLUDED IN ANY NOTICE UNDER SECTION 96(5) OF THE ACT

1. The date on which the period of notice expires.
2. Details of any modification of reimbursement arrangements proposed by the authority.
3. A statement that failure to agree modifications will result in the operator being excluded from the scheme.

SCHEDULE 3

Regulation 29

ADDITIONAL PARTICULARS TO BE INCLUDED IN PARTICIPATION NOTICES

1. The date on which the notice is given.
2. The date upon which the obligation imposed by the notice will be effective.
3. The date upon which that obligation will cease to be effective.
4. If they are not contained in the material sent pursuant to section 98(1) with the notice, details of the current reimbursement arrangements sufficient to enable the operator to estimate the amount of the reimbursement payments which he will receive for providing the travel concessions required by the scheme.
5. Particulars of any other arrangements adopted by the authority with respect to participation of operators in the scheme.
6. Statements of—
 - (a) the right of the operator under section 98(2) of the Act to apply to the Secretary of State for cancellation or variation of the notice;
 - (b) the right of the operator under section 99(2) of the Act to apply to the Secretary of State for release from the obligation to provide travel concessions;

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- (c) the obligation of the operator to notify the authority before making any application under section 98(2) or (as the case may be) section 99(2) of the Act; and
- (d) the duty of the operator to provide the travel concessions required by the scheme, and the penalty upon conviction for systematically failing to do so.

SCHEDULE 4

Regulation 30

ADDITIONAL PARTICULARS TO BE INCLUDED IN VARIATION NOTICES

1. The date on which the notice is given.
2. The date of the relevant participation notice.
3. Details of the proposed variation.
4. The date upon which the proposed variation will take effect.
5. The date before which the operator is to give the indication required by section 97(6) of the Act.
6. Statements that—
 - (a) a failure to indicate unwillingness to continue to participate in the scheme after the variation takes effect will constitute acceptance of the variation; and
 - (b) the date of taking effect of the variation will constitute a new appropriate commencement date for the purposes of section 97(4) of the Act.
7. The date upon which, if the proposed variation takes effect, the obligation imposed by the participation notice will cease to be effective.

SCHEDULE 5

Regulation 31

ADDITIONAL PARTICULARS TO BE CONTAINED IN NOTICES UNDER SECTION 98(3) OR 99(2) OF THE ACT

1. The date on which the notice is given.
2. The date of any relevant participation or variation notice.
3. The date upon which the obligation imposed by that notice became effective, and the date upon which that obligation will cease to be effective.
4. The grounds for the application.
5. If those grounds include financial loss, an estimate of the amount of such loss.
6. A statement that notice has been given to the authority in accordance with section 98(4) or (as the case may be) section 99(3) of the Act.

EXPLANATORY NOTE

These Regulations make provision for the arrangements between authorities administering travel concession schemes and operators of public passenger transport services participating in such schemes, and for certain other matters in connection with travel concession schemes.

Part II (regulations 3 to 26) deals with arrangements. Regulations 4 and 5 apply to reimbursement arrangements with respect to operators of all descriptions. Regulations 7 to 12 apply to such arrangements with respect to operators of eligible services: provision is made for the inclusion in these arrangements of provisions for calculating the amount, and timing and frequency, of reimbursement payments. Regulations 14 to 21 make further provision for the inclusion in reimbursement arrangements of provisions for the supply of information by operators. Regulations 23 to 26 contain provisions relating to arrangements other than reimbursement arrangements.

Part III (regulations 27 to 33) and the Schedules make provision for the content and manner of service of notices in connection with travel concession schemes. Part IV (regulations 34 to 37) prescribes the periods of notice which are to be given in the same connection.

Part V (regulations 38 to 48) prescribes the procedure to be followed in connection with applications for the cancellation or variation of participation and certain other notices, and for release from compulsory participation in a travel concession scheme.