

**2009 No. 575**

**PUBLIC PASSENGER TRANSPORT, ENGLAND**

**The Travel Concessions (Eligible Services) (Amendment) Order  
2009**

<i>Made</i>	- - - -	<i>9th March 2009</i>
<i>Laid before Parliament</i>		<i>10th March 2009</i>
<i>Coming into force</i>	- -	<i>1st April 2009</i>

The Secretary of State for Transport makes the following Order in exercise of the powers conferred by section 94(4) of the Transport Act 1985(a) and sections 146 and 160(1) of the Transport Act 2000(b).

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Travel Concessions (Eligible Services) (Amendment) Order 2009 and shall come into force on 1st April 2009.

(2) This Order applies in relation to England.

**Amendment of Order**

2.—(1) The Travel Concessions (Eligible Services) Order 2002(c) is amended as follows.

(2) In article 3 (eligible services) in paragraph (1), for “A service is an eligible service” substitute “Subject to article 4, a service is an eligible service”.

(3) After article 3 insert the following article—

“4.—(1) A service is not an eligible service under section 146 of the Transport Act 2000 if—

- (a) more than half of the accommodation on the vehicle by means of which the service is provided can be reserved by members of the general public in advance of travel;
- (b) it is intended to operate for less than six consecutive weeks;
- (c) it is operated primarily for the purposes of tourism or because of the historical interest of the vehicle;
- (d) it is a bus substitution service; or
- (e) the fare for the service includes a special amenity element.

(2) For the purposes of paragraph (1)(d) “bus substitution service” means a service for the carriage of passengers by road provided temporarily in place of the whole or a part of any

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(a) 1985 c. 67; section 94(4) was amended by the Transport Act 2000 (c. 38) Schedule 11, paragraph 16.  
(b) 2000 c. 38; the definition of “eligible service” in section 146 of the Transport Act 2000 has been amended by Part II of Schedule 31 to that Act (as read with, in relation to England, S.I. 2002/1014).  
(c) S.I.2002/1016.

service for the carriage of passengers by railway that has been temporarily discontinued, reduced or modified.

(3) For the purposes of paragraph (2) “railway” has the meaning described as the “wider meaning” in section 81(2) of the Railways Act 1993<sup>(a)</sup>.

(4) For the purposes of paragraph (1)(e) a fare is to be regarded as including a special amenity element if it is significantly high in relation to the general level of fares for comparable journeys.”

Signed by authority of the Secretary of State for Transport

9th March 2009

*Paul Clark*  
Parliamentary Under Secretary of State  
Department for Transport

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(a) 1993 c. 43.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Travel Concessions (Eligible Services) Order 2002 to provide that the following services are not eligible services for the purposes of the mandatory English national concession:

- (a) Services where more than half of the accommodation on the vehicle can be reserved in advance of travel;
- (b) Services intended to operate for less than six consecutive weeks;
- (c) Services operated primarily for the purposes of tourism or because of the historical interest of the vehicle;
- (d) Bus substitution services; and
- (a) Services where the fare for the service includes a special amenity element.

A fare is to be regarded as including a special amenity element if it is significantly high in relation to the general level of fares for comparable journeys.

An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Regional and Local Transport Policy Directorate, Department for Transport, Zone 3/11 Great Minster House, 76 Marsham Street, London SW1P 4DR. The impact assessment is also annexed to the Explanatory Memorandum which is available alongside the instrument on the website of the Office of Public Sector Information at [www.opsi.gov.uk](http://www.opsi.gov.uk).

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