

# **TRAVEL CONCESSIONS (ELIGIBILITY) ACT 2002**

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## **EXPLANATORY NOTES**

### **INTRODUCTION**

1. These explanatory notes relate to the Travel Concessions (Eligibility) Act which received Royal Assent on 26 February 2002. They have been prepared by the Department for Transport, Local Government and the Regions in order to assist the reader of the Act and to help inform debate on it. They do not form part of the Act and have not been endorsed by Parliament.
2. The notes need to be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section or part of a section does not seem to require any explanation or comment, none is given.

### **SUMMARY AND BACKGROUND**

3. Provision for travel concessions is contained in the Transport Act 1985 (“the 1985 Act”), Greater London Authority Act 1999 (“the 1999 Act”) and Transport Act 2000 (“the 2000 Act”). Local authorities in England and Wales must arrange for elderly and disabled people living in their area to receive a half-fare concession on local bus services subject to the person obtaining a bus permit, which must be given free of charge. Those local authorities also have discretion to offer further concessions on bus and other public passenger transport services if they wish.
4. Previous legislation, however, linked the entitlement of elderly people to travel concessions to pensionable age as defined in the Pensions Act 1995, that is 60 for women but 65 for men. Schedule 4 to the Pensions Act 1995 provides for pensionable age to be equalised at 65 for both men and women by 2020, with transitional arrangements from 2010. The purpose of the Travel Concessions (Eligibility) Act is to equalise the age at which men and women become entitled to travel concessions at an earlier date.

### **THE ACT**

5. The Act consists of three sections.

### **COMMENTARY ON SECTIONS**

#### ***Section 1: Eligibility for travel concessions: age***

6. **Section 1** is the substantive section of the Act. By virtue of:
  - a) section 93(7) of the 1985 Act,
  - b) section 240(5) of the 1999 Act, and
  - c) section 146 of the 2000 Act,

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men become entitled at age 65, on the one hand, to the mandatory half-fare travel concession on bus services and, on the other, to further discretionary concessions while women become so entitled at age 60. (Section 93(7) and section 240(5) were amended, respectively, by paragraph 15 of Schedule 11 to the 2000 Act and by section 151 of that Act.)

7. *Subsection (1)* amends the 1985 Act so that both men and women become eligible at age 60 for discretionary travel concessions applying on journeys outside Greater London. *Subsection (2)* makes a similar amendment to the 1999 Act in respect of all types of travel concessions on journeys in and around Greater London. *Subsection (3)* makes an amendment to the 2000 Act having the same effect in respect of entitlement to the mandatory half-fare travel concession on bus services outside Greater London.
8. *Subsection (4)* enables the Secretary of State for Transport, Local Government and the Regions (in England) and the National Assembly (in Wales) to make an order to replace references to age 60 in the amendments made by subsections (1) to (3) with a formula which gradually raises the age of entitlement of men and women to 65. In this way, eligibility for concessionary travel could be equalised at 65 by 2020 in line with the provisions of paragraph 1 of Schedule 4 to the Pensions Act 1995.

**Section 2: Commencement and transitional provision**

9. The substantive provisions of the Act will come into force in accordance with orders made under section 2 by the Secretary of State for Transport, Local Government and the Regions, or the National Assembly for Wales
10. The changes for Greater London – section 2(2) – may only be commenced with effect from the beginning of a financial year (1 April) and the relevant commencement order must be made before the preceding 1<sup>st</sup> January. This is to take account of the provisions contained in sections 240(1) and 241(1) the 1999 Act (as amended by section 151 of the 2000 Act). These provisions together provide that the uniform travel concessions must be available to all London residents (regardless of the borough in which they live) and require Transport for London (“TfL”) to be satisfied by 31 December in each year that the arrangements made by local authorities in Greater London for the next financial year comply with the provisions of that Act.
11. By treating the amendment to the 1999 Act as if it were in force upon the making of the commencement order bringing it into force, the transitional provision at section 2(3) enables those local authorities to make the necessary advance arrangements with TfL in respect of the first financial year for which the amendment will be relevant.

**Section 3: Short title, interpretation and extent**

12. **Section 3** gives the Act its short title, interprets the meaning of “appropriate Minister” and provides that the Act extends to England and Wales only.

**PASSAGE THROUGH PARLIAMENT**

Stage	Date	Hansard reference
<b>House of Lords</b>		
First Reading	27 June 2001	Vol 626, Col 363
Second Reading	9 July 2001	Vol 626, Cols 935-953
Committee of the whole House	24 July 2001	Vol 626, Cols 1895-1908
Report	18 October 2001	Vol 627, Cols 740-744
Third Reading	25 October 2001	Vol 627, Cols 1135-1136

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2002 (c.4) which received Royal Assent on 26 February 2002*

<b>Stage</b>	<b>Date</b>	<b>Hansard reference</b>
<b>House of Commons</b>		
First Reading	25 October 2001	
Second Reading	5 November 2001	Vol 374, Cols 30-42
Standing Committee	20 November 2001	Standing Committee A
Report	31 January 2002	Vol 379, Cols 447-476
Third Reading	31 January 2002	Vol 379, Cols 476-481
<b>Royal Assent</b>	26 February 2002	Vol 380, Col 678-679