
WELSH STATUTORY INSTRUMENTS

2001 No. 3765 (W313)

TRANSPORT, WALES

**The Travel Concessions (Extension
of Entitlement) (Wales) Order 2001**

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| <i>Made</i> | - - - - | <i>22nd November</i> |
| | | <i>2001</i> |
| <i>Coming into force</i> | - - | <i>1st April 2002</i> |

The National Assembly for Wales (“the National Assembly”), in exercise of the powers conferred by section 93(7)(f) of the Transport Act 1985(1), section 147 of the Transport Act 2000(2), and of all other enabling powers hereby makes the following Order:

Citation, commencement, Interpretation and application

1.—(1) This Order may be cited as the Travel Concessions (Extension of Entitlement) (Wales) Order 2001 and shall come into force on 1st April 2002.

(2) In this Order “the 2000 Act” (“*Deddf 2000*”) means the Transport Act 2000 and the “1986 Order” (“*Gorchymyn 1986*”) means the Transport Act 1985 (Extension of Eligibility for Travel Concessions) Order 1986(3).

(3) This Order applies to Wales.

Amendment to the 1986 Order

2.—(1) The 1986 Order is amended, in relation to Wales, in accordance with this Article.

(2) There is to be inserted after Article 3 of the 1986 Order:

“Extension of eligible classes in Wales

3A. In Wales, the following classes of persons are hereby specified as eligible persons, namely—

- (a) persons to whom current statutory travel concession permits have been issued in accordance with section 145(2) of the Transport Act 2000 by any travel concession authority in Wales provided the permits are in such form as may be approved from

(1) 1985 c. 67 (Section 93(7) was amended by paragraph 15 of Schedule 11 to the Transport Act 2000).
(2) 2000 c. 38.
(3) S.I.1986/1385.

time to time by the National Assembly for Wales for the purposes of section 145(1B) of that Act.

- (b) where a journey takes place on or after 1st April 2003, persons over the age of sixty years other than those who already fall within section 93(7)(a) of the 1985 Act.”

(3) Article 3A(b) of the 1986 Order (inserted by paragraph (2) of this article) is to cease to have effect and is repealed on the coming into force in relation to Wales of any amendment to section 93(7)(a) of the Transport Act 1985 extending the classes of person eligible to receive travel concessions under a scheme under that section to anyone who has attained the age of 60 years.

Amendments to section 145 of the 2000 Act

3. Section 145 of the 2000 Act, is amended in accordance with Articles 4, 5 and 6.

4. After subsection (1) of section 145 of the 2000 Act there is inserted—

“(1A) But where a person’s current statutory travel concession permit has been issued by a travel concession authority in Wales, subsection (1) has effect—

- (a) as if it referred to a journey (beginning at any time)—
- (i) between places in the authority’s area,
 - (ii) between a place in the authority’s area and a place outside, but in the vicinity of that area, or
 - (iii) between places outside, but in the vicinity of that area, and
- (b) as if it provided for waiver of the fare for the journey.

(1B) And if the permit is in a form approved by the National Assembly for Wales for the purpose of this subsection, subsection (1A) has effect as if each reference in it to the authority’s area were to Wales.”

5.—(1) In subsection (2), after the words “elderly or disabled person”, there is inserted—

“or, where the application is made to a travel concession authority in Wales for a permit which is to take effect on or after 1 April 2003, a person over the age of sixty years but who is not an elderly person.”

(2) Paragraph (1) shall cease to have effect (so that the words inserted by it are repealed) on the coming into force in relation to Wales of any amendment of section 146 of the 2000 Act extending the definition of “elderly person” to anyone who has attained the age of 60 years.

6. After subsection (3) there is inserted—

“(3A) If it appears to a travel concession authority in Wales issuing a statutory travel concession permit to a disabled person that the person requires the assistance of a companion to travel on journeys on public passenger transport services, the authority must mark that clearly on the permit.

(3B) Where a person whose current statutory travel concession permit is marked in accordance with subsection (3A) is entitled under this section to waiver of the fare for a journey, one companion travelling on the journey with the person (and nominated by the person as the person’s companion for that journey) is also entitled to waiver of the fare for the journey.”

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(4). 22 November 2001

D. Elis-Thomas
Presiding Officer of the National Assembly

EXPLANATORY NOTE

(This note is not part of the Order)

Section 93 of the Transport Act 1985 (“the 1985 Act”) makes provision for travel concession schemes in relation to eligible services (local bus services). Section 93(7), now amended by paragraph 15 of Schedule 11 to the Transport Act 2000 (“the 2000 Act”) defines the categories of persons entitled to concessions under such schemes. Section 93(7)(f) gives the National Assembly for Wales (“the National Assembly”) the power to extend those categories.

Sections 145 and 146 of the 2000 Act makes provision for mandatory travel concessions to be provided on eligible services. The Act provides that the concessions:

- (i) are to be available only in respect of journeys within the area of individual travel concession authorities (county and county borough councils);
- (ii) are to be available only at certain times of day;
- (iii) are to be available only to those over pensionable age and the disabled, as defined in section 146;
- (iv) are to be a reduction of one-half in the fare.

Section 147 of the 2000 Act gives the National Assembly the power to extend the availability and nature of the concessions.

Articles 4, 5, and 6 of this Order have the effect of modifying the provisions of the 2000 Act so as to:

- (i) extend entitlement to concessions to journeys beginning or ending (or both beginning and ending) outside, but in the vicinity of, the area of a Welsh travel concession authority;
- (ii) remove the restriction on the times when concessions are provided;
- (iii) extend entitlement to men between 60 and pensionable age, with effect from 1st April 2003;
- (iv) extend entitlement to companions of disabled persons who require the assistance of a companion in order to travel on public passenger transport services;
- (v) extend entitlement to holders of permits issued by Welsh authorities other than the one in whose area the journey is taking place, provided the permit is in an approved form for this purpose;
- (vi) increase the amount of the concession to provide for free travel.

Article 2 makes amendments to the categories of person entitled to travel concessions under schemes under section 93 of the 1985 Act so that, taken together with those already made by paragraph 15 of Schedule 11 to the 2000 Act, there will be consistency with those relating to mandatory travel concessions under sections 145 and 146 of the 2000 Act.