



Concessionary Bus Travel Act 2007

2007 CHAPTER 13

Power to alter national concession etc

9 Variation of reimbursement and other administrative arrangements

- (1) The Secretary of State may by order amend Part 2 of the 2000 Act for or in connection with securing that—
 - (a) the obligation of travel concession authorities in England to reimburse operators for providing concessions under section 145A(1) of that Act is instead imposed on the Secretary of State;
 - (b) the functions of travel concession authorities in England under sections 145A and 148 of that Act are instead imposed on the Secretary of State.
- (2) The Secretary of State may by order amend Part 2 of the 2000 Act for or in connection with securing that—
 - (a) the obligation to reimburse operators for providing concessions under section 145A(1) of that Act, so far as imposed on a non-unitary district council, is instead imposed on the county council for the area in which the district is situated;
 - (b) the functions of a non-unitary district council under sections 145A and 148 of that Act are instead imposed on the county council for the area in which the district is situated.
- (3) The provision that may be made by an order under subsection (1)(a) includes in particular provision—
 - (a) enabling the Secretary of State to determine (rather than agree) the amounts of reimbursement to be paid to individual operators, or to any class of operators;
 - (b) altering the provisions about appeals by operators in connection with reimbursement (for example, by altering who is to hear the appeals, the functions of the person or body hearing the appeals or the circumstances in which appeals may be brought);
 - (c) for establishing a body to hear the appeals;
 - (d) imposing requirements as to consultation;
 - (e) repealing section 145A(9) to (11) of the 2000 Act;

- (f) conferring on the Secretary of State power to make regulations—
 - (i) for any purpose corresponding or similar to any purpose for which regulations may be made by the Secretary of State under sections 149(3) and 150(6) and (7) of the 2000 Act (as those provisions have effect immediately before the coming into force of this section);
 - (ii) about any matter ancillary to the reimbursement of, and appeals by, operators (for example, how to claim reimbursement).
- (4) Any power to make regulations conferred by virtue of subsection (3)(f) must be exercisable by statutory instrument which must be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) The provision that may be made by an order under subsection (1)(b) includes in particular provision repealing any of subsections (6) to (8) of section 145A of the 2000 Act.
- (6) If the Secretary of State makes an order under subsection (1)(a) or (2)(a), he may also by order amend the Transport Act 1985 (c. 67) for or in connection with securing that—
 - (a) non-unitary district councils or metropolitan district councils in England cease to be local authorities for the purposes of section 93 of that Act; or
 - (b) a non-unitary district council or a metropolitan district council in England may not establish a travel concession scheme under that section unless they do so jointly with the county council or Passenger Transport Authority for the area in which the district is situated (whether or not the scheme is also established jointly with other local authorities).
- (7) An order under subsection (6)(b) may include provision for or in connection with securing that—
 - (a) any specified function that a non-unitary district council establishing such a scheme would, but for this paragraph, have had as an authority responsible for administration of the scheme is instead to be exercised by the county council concerned;
 - (b) any specified function that a metropolitan district council establishing such a scheme would, but for this paragraph, have had as an authority responsible for administration of the scheme is instead to be exercised by the Passenger Transport Executive for the area of the Passenger Transport Authority concerned.
- (8) In this section “non-unitary district council” means a council of a non-metropolitan district in England comprised in an area for which there is a county council.