

LIVERPOOL CITY REGION COMBINED AUTHORITY

TRANSPORT ACT 1985

Older and Disabled Persons Travel (Bus) Concession Scheme

To be valid

From 1 April 2019

Liverpool City Region Combined Authority
1985 Transport Act Travel Concession Scheme

1 April 2019

The Scheme

1. This Travel Concession Scheme subsequently referred to as “**the Scheme**” has been established by the Liverpool City Region Combined Authority (“**CA**”), in pursuance of its powers under:
 - (a) the Transport Act 1985 (as amended) (“**1985 Act**”);
 - (b) Travel Concession Scheme Regulations 1986 (as amended) (“**TCSR**”); and
 - (c) all other relevant statutory regulations.
2. The Scheme will be administered by Merseytravel. The Scheme should be read in conjunction with the Merseytravel Travel Concession (Bus) Reimbursement Arrangements under the Transport Act 2000.
3. The Scheme covers the discretionary concessions to be provided by bus operators under the 1985 Act as detailed in clause 7 below.
4. Unless otherwise defined in the Scheme words or terms used in the Scheme shall have the same meaning as given to such words or terms in the 1985 Act and TCSR.

Operative Date

5. The Scheme shall come into operation in its entirety on 1 April 2019.

Principal Area

6. The principal area covered by the scheme is the combined authority area of the CA (excluding the Borough of Halton), which therefore consists of the administrative areas of the Metropolitan District Councils of Liverpool, Wirral, Sefton, St Helens and Knowsley (“**Principal Area**”).

Scheme Applicability

7. The Scheme shall apply:
 - (a) to eligible persons listed in Schedule 1 who tender to the operator on a Scheme Service (as defined below) the applicable permit or pass and notified fare (if any) for that category of concessionary passenger referred to in Schedule 1;
 - (b) when travelling on registered eligible local bus services (as defined in section 94(4) of the 1985 Act and as further defined in the Travel Concessions (Eligible Services) Amendment Order 2009) which have been admitted or required to participate in the Scheme (“**Scheme Services**”);

but
 - (c) only on journeys between places in the Principal Area

For the purposes of the Scheme “**journey**” shall mean a single bus boarding, starting when the concessionary passenger boards the bus at a bus stop and ending when the concessionary passenger alights the bus.

Eligible Persons and Nature of Concession

8. Operators participating in the Scheme shall be required on all Scheme Services to grant the concessions detailed in Schedule 1 to persons who satisfy the requirements set out in clause 7 above.
9. Merseytravel may from time to time by giving a minimum of 28 days’ notice in writing vary the class of eligible person or nature of the concessions to be provided or the reimbursement arrangements by notice and where relevant such notice shall comply with the provisions of section 97(6) of the 1985 Act.

Notified Fare

10. The notified fare shall be the fare as notified to operators by Merseytravel from time to time being the fare to be charged by an operator to a person travelling as a concessionaire under the Scheme in respect of a 1985 Act Concession. There may be more than one notified fare applying at any time.

The operator shall admit any eligible person who tenders a valid permit or pass referred to in Schedule 1 and pays the relevant notified fare to travel on any Scheme Service it provides and shall not charge any class of pass or permit holder more than the relevant notified fare for any journey.

Entry of Operators to the Scheme

11. Subject to clause 13 an operator shall be admitted into the Scheme following at least 28 days’ prior notice in writing from the operator to Merseytravel that it wishes to participate in the Scheme and from the next admission date after expiry of such notice (the admission dates being any calendar day upon which the operator provides services after expiry of such notices).
12. In accordance with Sections 96(4) and (5) of the 1985 Act, Merseytravel may make admission to or continuation by an operator in the Scheme conditional on the operator agreeing appropriate modifications to the reimbursement arrangements where it appears to Merseytravel that the operator’s current or proposed fares for any eligible service include a "special amenity element" as defined in Section 96(6) of the 1985 Act.
13. If Merseytravel serves on the operator a participation notice, the operator shall participate in the Scheme in respect of the services specified from the date stated in and for the duration of such notice, and the operator may not give notice to withdraw from the Scheme whilst such notice remains in force.

Removal or Withdrawal of Operators from the Scheme

14. An operator who is participating in the Scheme, in respect of any of its Scheme Services, other than pursuant to a participation notice, must give Merseytravel at least 42 days’ notice in writing of withdrawal from the Scheme in respect of all or any of such Scheme Services.

The CA may terminate the Scheme by giving the operator not less than 3 months’ notice in writing.

Objective for Reimbursement of Operators

15. The objective of the Scheme (which is not a duty) in relation to reimbursement of operators under the 1985 Act is to provide that such operators both individually and collectively are no better and no worse off financially than they would be if they did not participate in the Scheme and in accordance with the principles set out in the EU Regulation 1370/2007 but the CA and Merseytravel shall not be liable for any failure to achieve such objective.

Payment Periods and Dates

16. The “payment periods” under the Scheme are as set out in the Merseytravel Transport Act 2000 Travel Concession (Bus) Reimbursement Arrangements (“**2000 Act Arrangements**”).

Standard Method of Determining Reimbursement

17. The standard method for determining reimbursement is as set out in the 2000 Act Arrangements.

Data

18. All data requirements are as set out in the 2000 Act Arrangements.

Review of Reimbursement

19. At the end of each financial year Merseytravel shall review the reimbursement calculations made in accordance with the guidelines set out in the 2000 Act Arrangements.

Dispute Resolution Procedure

20. The dispute resolution procedure is as set out in the 2000 Act Arrangements.

Other Requirements of the Scheme

21. All other Scheme requirements are as set out in the 2000 Act Arrangements.

Contact for Communications

22. All notices, data and other information required to be given to Merseytravel under the Scheme shall be provided to the following contact point (or such other contact point as may be nominated by Merseytravel to operators in writing from time to time):

Position: Mrs C Mitchell, Data and Analysis Team Leader

Address: Merseytravel, PO Box 1976, Liverpool L69 3HN

E-mail: carol.mitchell@merseytravel.gov.uk

Tel: 0151 330 1316

23. On first giving notice to be admitted to the Scheme or, if earlier, becoming obliged to participate in the Scheme, the operator shall provide to Merseytravel details of the name, address, telephone number and email address of its official contact for communications in relation to these arrangements, and shall by notice in writing inform Merseytravel of any changes to the same.

24. Any notice or communication sent to the last such address or e-mail address as is referred to above shall be deemed to be duly served on the recipient. If an operator has failed to give notice in writing to Merseytravel of such an official contact, then Merseytravel may send any notice or other communication to any address set out in the most recent correspondence from the operator concerned, which shall be deemed to be its address for service.

Schedule 1

Eligible Person and Nature of Concession under the 1985 Act

Class of Eligible Persons		Nature of Concession to be Provided On Scheme Services Provided by Bus
(i)	<u>Older Persons</u> Women and men, resident in the Principal Area who have attained the age of entitlement as defined in the Travel Concession (Eligibility) (England) Order 2010	On production of a Merseytravel English National Concessionary Travel Pass a person shall be carried without charge on Scheme Services, provided that the actual time of boarding falls during the following hours: (a) Older Persons - Monday to Friday (except when the day is a bank holiday) before 06.31 and after 23.00 (except on designated commercial night bus services);
(ii)	<u>Disabled persons resident in the Principal Area</u> (as defined in Section 146 Transport Act 2000).	(b) Disabled - Monday to Friday (except when the day is a bank holiday) before 09.30 and after 23.00 (except on designated commercial night bus services).
(iii)	Persons resident in the Principal Area who have attained the age of 60 but are not entitled under the English National Concessionary Travel Scheme.	On production of a Merseytravel Local Travel Pass a person shall be carried without charge on Scheme Services, providing that the actual time of boarding falls during the following hours: Monday to Friday (except when the day is a Bank Holiday) before 06:31 and after 09:30 (except on designated commercial night bus services). Any time on a Saturday or Sunday or on any day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971.