

# Concessionary fares for disabled people: eligibility guidance

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## Introduction: the Statutory Minimum Concession

1. The Transport Act 2000 ("the Act") provided for a statutory minimum 50% discount on local bus services for elderly and disabled people in England and Wales. The Travel Concessions (Extension of Entitlement) (England) Order 2005 improves this statutory minimum requirement in England to free off-peak local bus travel for elderly and disabled people<sup>1</sup>. Given the correlation between age and disability - two thirds of disabled people are elderly - many disabled people would qualify for concessionary travel on the grounds of age alone, but the Act provides for the same benefits to be given to them, irrespective of age.

2. The Act modified the two statutory regimes under which travel concessions are granted. The grant of concessions is governed outside Greater London by sections 93 to 102 of the Transport Act 1985 and within London by sections 240 to 244 of the Greater London Authority Act 1999.

3. **Outside Greater London.** The Act requires the operator of a bus service to provide the statutory minimum to any person holding a 'statutory travel concession permit' (section 145(1)). Local authorities which are 'travel concession authorities'<sup>2</sup> must issue a permit free of charge to any applicant who appears to that authority to be an 'elderly or disabled person' residing in its area (section 145(2)). An elderly person, for the purposes of the Act, is a person who has attained the age of 60 years<sup>3</sup>. Disabled people are defined by reference to seven categories (section 146 - see below).

4. **Greater London.** The Act (section 151) has the effect of requiring London local authorities to agree uniform arrangements with Transport for London under which travel concessions are extended to disabled people in the same seven categories, failing which the reserve free scheme will be triggered.

5. **Free Bus Passes:** The concessionary fares permit for the statutory minimum is to be free of charge. The Act does not require the applicant to be fully indemnified for the cost of providing his/her photograph - nor for any signed medical certification, or any postage on his/her application. However, if the machine that issues the permit takes a photograph of the applicant as an integral part of the process, then no charge can be made.

6. **Replacement Bus Passes:** Bus operators must grant the statutory minimum concession to eligible persons. The purpose of imposing on the authority a duty to issue permits is to provide evidence to bus operators of the permit holder's entitlement. There is no provision in the Act about safe keeping and it is the permit holder's responsibility to look after that evidence. However, it is likely that if a person applies for a replacement in good faith, the authority would be under a duty to issue one subject to the cost of producing it. Nothing in the Act would seem to prevent an authority from refusing to issue a replacement pass to a person who it believed was engaged in fraud.

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<sup>1</sup> The statutory minimum requirement in Wales was extended to give elderly and disabled people free bus travel by the Travel Concessions (Extension of Entitlement) (Wales) Order 2001.

<sup>2</sup> Defined in section 146 as any Passenger Transport Executive, non-metropolitan district council and, where there is no district council for an area, a county council.

<sup>3</sup> The definition in the Act was amended by the Travel Concessions (Eligibility) Act 2002.