

WEST MIDLANDS COMBINED AUTHORITY

TRANSPORT ACT 1985

Older and Disabled Persons Travel (Bus) Concession Scheme

To be valid

From 1st April 2020

WEST MIDLANDS COMBINED AUTHORITY

**1985 ACT OLDER AND DISABLED PERSONS TRAVEL (BUS)
CONCESSION SCHEME**

1ST APRIL 2020

The Scheme

1. This Older and Disabled Persons Travel (Bus) Concession Scheme subsequently referred to as “the Scheme” has been established by the West Midlands Combined Authority (“the Authority”) , in pursuance of its powers under:-
 - i. the Transport Act 1985 (as amended) (“1985 Act”);
 - ii. Travel Concession Scheme Regulations 1986 (“TCSR”);
 - iii. and all other relevant statutory regulations.
2. The Scheme will be administered by the Authority.
3. The Scheme covers the discretionary concessions to be provided by operators under the 1985 Act as detailed in clause 7 below;
4. Unless otherwise defined in this 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 1st April 2020 and be in operation until 31st March 2021 (inclusive).

Principal Area

6. The principal area covered by the scheme is the Passenger Transport Area of the West Midlands, which consists of the administrative areas of Birmingham City Council, Coventry City Council, Wolverhampton City Council and the Metropolitan District Councils of Dudley, Sandwell, Solihull and Walsall (“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 referred to in Schedule 1;
 - (b) when travelling on registered local eligible bus services (as defined in section 94 (4) of the 1985 Act and as further defined in the Travel

Concession (Eligible Services) Order 2002 and the Travel Concession (Eligible Services) (Amendment) Order 2009) which have been admitted or required to participate in the Scheme; but

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

Eligible Persons and Nature of Concession

8. Operators participating in the Scheme will be required on all Scheme Services to allow the concessions detailed in Schedule 1 to persons who satisfy the requirements set out in paragraph 7 above.
9. The Authority 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 should comply with the provisions of section 97(6) of the 1985 Act.

Travel Provision

10. The operator shall admit any eligible person who tenders a valid permit or pass referred to in Schedule 1 to travel on any Scheme Service it provides and shall not charge any class of pass or permit holder.

Entry of Operators to the Scheme

11. Subject to paragraph 12 an operator shall be admitted into the Scheme from the next admissions date with at least 28 days prior notice in writing from the operator to the Authority that it wishes to participate in the scheme (the admission dates being 1 April, 1 July, 1 October and 1 January after expiry of such notices). At the Authority's discretion, operators may be admitted into the Scheme in advance of these admission dates.
12. If the Authority 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

13. 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 the Authority at least 42 days' notice in writing of withdrawal from the Scheme in respect of all or any of such Scheme Services.
14. The Authority 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 such that 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 in accordance with the principles set out in the TCSR but the Authority 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 West Midlands Passenger Combined Authority Transport Act 2000 Travel Concession 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, the Authority and operators shall review the reimbursement calculations 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 the Authority under the Arrangements shall be provided to the following contact point (or such other contact point as may be nominated by the Authority to operators in writing from time to time):

Swift and Concessions Scheme Manager
West Midlands Combined Authority
16 Summer Lane
Birmingham
B19 3SD

telephone 0121 214 7006
email paula.higgins@tfwm.org.uk

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 the Authority 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 the Authority 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 the Authority of such an official contact, then the Authority 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 1985 Act

| Class of Eligible Persons | Nature of Concession to be Provided On Scheme Services Provided by Bus |
|---|---|
| <p><u>Older Persons</u> Women and men who have attained the age of entitlement as defined in the Statutory Instrument 459 Travel Concession (Eligibility) (England) Order 2010.</p> <p><u>Disabled Persons</u> As defined in section 146 of the Transport Act 2000.</p> | <p>On production of a statutory travel concession permit carrying a logo identifying it as being issued by the West Midlands Combined Authority, or any other permit as agreed by the Authority, a person shall be carried without charge on services to which the Arrangements apply, provided that the actual time of boarding falls between the following hours:</p> <p>(a) Monday to Friday from 2300 to end of daytime service (except when the day is a bank holiday). In cases where a service operates on a 24-hour basis 'end of daytime service' will be defined as 2359.</p> |