WELSH STATUTORY INSTRUMENTS

# 2002 No. 2023 (W.207)

# PUBLIC PASSENGER TRANSPORT, WALES

## The Travel Concessions (Eligible Services) Order 2002

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| *Made - - - -* | *31st July 2002* |
| *Coming into force - -* | *14th August 2002* |

The National Assembly for Wales, in exercise of the powers conferred upon it by section 94(4) of the Transport Act 1985(**1**) and section 146 of the Transport Act 2000(**2**), hereby makes the following Order:

### Citation, commencement and application

**1.**—(1) This Order may be cited as the Travel Concessions (Eligible Services) Order 2002 and comes into force on 14 August 2002.

(2) This Order applies to Wales.

### Interpretation

**2.** In this Order, the expressions "elderly person" ("*person oedrannus*") and "disabled person" ("*person anabl*") have the same meaning as in section 146 of the Transport Act 2000.

### Eligible services

**3.**—(1) Subject to paragraph (4) of this article, a service is an eligible service under section 94 of the Transport Act 1985 and under section 146 of the Transport Act 2000 if it is of one of the following classes—

(a) a local service provided or secured—

(i) by a local education authority pursuant to arrangements made under section 509 of the Education Act 1996(**3**), or

(ii) for elderly persons or disabled persons,

(**1**) 1985 c. 67; section 94(4) was amended by the Transport Act 2000, Schedule 11, paragraph 16. Section 135(2)(b) of the Transport Act 1985 provides that any power of the Secretary of State to make an order under any provision of that Act is exercisable by statutory instrument. By virtue of section 43(1) of the Government of Wales Act 1998 (1998 c. 38) the reference to the Secretary of State in section 135 of the Transport Act 1985 is to be construed, for the purpose of the exercise by the National Assembly of its functions under section 94(4), as including a reference to the National Assembly for Wales.

(**2**) 2000 c. 38.

(**3**) 1996 c. 56.

and in respect of which the conditions set out in paragraph (2) are satisfied;

(b) a local service, other than a service described in paragraph (1)(a) which is provided by means of a vehicle adapted to carry more than eight passengers (or by a smaller vehicle, but only if the services are operated in accordance with a time table), and in respect of which the conditions set out in paragraph (3) are satisfied.

(2) The conditions referred to in paragraph (1) (a) are that—

(a) seats on the vehicle by means of which the service is provided are normally available to members of the general public and the service is regularly used by such members;

(b) the stopping places (other than those to or from which the service is mainly provided) are situated at locations where they are likely to be used with reasonable frequency by members of the general public;

(c) such members are able to make a single journey between any two stopping places upon payment of a fare which is not a deliberate deterrent to their use of the service;

(d) such members are able to pay the fare at a place and in a manner which are not a deliberate deterrent to their use of the service; and

(e) arrangements are made which afford members of the general public a reasonable opportunity to inform themselves of the existence of the service, the times of its operation, and the places which it serves.

(3) The conditions referred to in paragraph (1)(b) are that—

(a) at least half of the accommodation on the vehicle by means of which the service is provided is normally available to members of the general public and the service is regularly used by such members;

(b) the stopping places are situated at locations where they are likely to be used with reasonable frequency by members of the general public;

(c) such members are able to make a single journey between any two stopping places upon payment of a fare which is not a deliberate deterrent to their use of the service;

(d) such members are able to pay the fare at a place and in a manner which are not a deliberate deterrent to their use of the service;

(e) there is not displayed on the vehicle by means of which the service is provided any sign or description intended or likely to convey the impression that the service is only available to a particular category of person; and

(f) arrangements are made which afford members of the general public a reasonable opportunity to inform themselves of the existence of the service, times of its operation and the places which it serves.

(4) This regulation only has effect after section 92 of the Finance Act 1965(**4**) ceases to have effect as a result of the coming into force, in relation to Wales, of section 154(6) of the Transport Act 2000.

(**4**) 1965 c. 25.