

**November 2010**

## **CONCESSIONARY BUS TRAVEL – BULLETIN #26**

### **Publication of final DfT Concessionary Travel Reimbursement Guidance**

As you know the Department for Transport issued a draft reimbursement guidance for consultation on 17 September 2010. The purpose of the guidance, which is not statutory, is to assist Travel Concession Authorities (TCAs) in their understanding of and compliance with their legal obligations. Ultimately TCAs are free to use the methodology of their choice subject to ensuring compliance with the legislation. In particular, TCAs should consider whether it is appropriate to deviate from the advice given in the guidance in order to give effect to the ‘No better, no worse off’ principle.

The consultation is now closed and the Department is giving due consideration to the consultation responses before issuing a final version of the guidance. There are likely to be some changes to the guidance in the light of responses received during the consultation. The Department is hoping to issue the final guidance as soon as possible before December 1st.

TCAs have a statutory duty to publish details of their scheme four months prior to the scheme coming into force. The 1985 Transport Act (which covers discretionary schemes) sets out provisions regarding the amount of detail which TCAs must publish on their schemes. Provisions on the detail of the schemes to be published have not been made under the 2000 Transport Act (covering statutory schemes). It should be remembered, however, that should a TCA fail to include sufficient detail, necessitating the subsequent addition of further information, that this would in all likelihood constitute a “variation” for the purposes of Section 150(1) of the Transport Act 2000.

The 1985 Transport Act stipulates that the arrangements for reimbursement must provide a detailed description of the basis on which reimbursement of operators of eligible services is to be calculated. This should be a statement of principles only and need not specify amounts due. The objective should be to make it possible for operators to form a clear idea of the payments they can expect to receive under it. The amount of detail necessary will depend on the type of scheme involved and the method of calculation devised.

TCAs who wish to use the DfT reimbursement guidance or elements of the guidance to calculate reimbursement may wish to refer to the guidance in general terms in their schemes as the standard method to be used and provide details of how it will be applied in a way that enables operators to estimate reimbursement. The Department will be publishing a revised guidance before December 1st which should enable operators to estimate the level of reimbursement they can expect to receive should the guidance or elements of it be used as a standard method.

The draft reimbursement guidance can be found at <http://www.dft.gov.uk/consultations/closed/2010-34/reimbursement.pdf> and queries can be emailed to [concessionaryfares@dft.gsi.gov.uk](mailto:concessionaryfares@dft.gsi.gov.uk)

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