

THE CONCESSIONARY TRAVEL SCHEME FOR YOUNG PEOPLE IN KENT
SCHEME DEFINITION (with effect from 1 April 2009)

1. Definitions and Interpretation

1.1 In this Document and in the Arrangements for Reimbursement Document the following expressions (arranged in alphabetical order and in certain instances incorporating in their definitions expressions defined elsewhere in this Document) shall have the meaning set out below::

- i) “Act” means the Transport Act 1985 (as amended);
- ii) “Administering Authority” means the authority responsible for administering the Scheme;
- iii) “Arrangements for Reimbursement” means the most recently published Arrangements for Reimbursement associated with the Scheme;
- iv) “Concession Period” means the period of 12 calendar months starting on 1 April in any year;
- v) “Eligible Person” means a person residing in Kent and in full-time education at years 7 to 11 inclusive, attending a school located in Kent (see Schedule 1 for list of schools) or a person aged 16-18 in Kent County Council Local Authority care, and those aged 18-20 and known as “Care-Leavers” (as defined in The Children Act 1989 and The Children (Leaving Care) Act 2000);
- vi) “Entitled Person” means an eligible person in possession of a valid pass issued under the terms of this scheme;
- vii) “Eligible Services” shall be construed in accordance with section 146 of the Transport Act 2000 as modified by the Travel Concessions (Eligible Services) Order 2002 (SI12002No 1016) and any subsequent order, or any other local service registered with the Traffic Commissioner;
- viii) “Excluded Services” means those Public Passenger Transport Services and/or specified journeys on those services and/or at specified times on which concessionary travel cannot be undertaken under the terms of the Scheme;
- ix) “Included Services” means those Eligible Services and/or Public Passenger Transport Services and/or specified journeys on those services on which concessionary travel can be undertaken under the terms of the Scheme;
- x) “Issue Charge” means any payment required from an Eligible Person in return for making a Scheme Pass available to that person excluding any charge to recover the cost of providing a photograph and/or the cost of providing a replacement Scheme Pass at a time other than the normal date of renewal.
- xi) “Off-peak” means a scheduled or actual departure time (whichever is the later) of between 0930 and 0430 the following day on weekdays that are not public holidays and

any time on Saturdays, Sundays and public holidays unless otherwise specified by the Administering Authority;

- xii) "Participating Operator" shall be construed as any transport operator providing Included Services in accordance with the terms set out in this Scheme Description;
 - xiii) "Passenger Journey" means the act of a person being transported by bus from one location to another;
 - xiv) "Principal Area" shall be construed in accordance with Section 93 (2) of the Act as the area comprising the Administrative Area of the County of Kent and for the avoidance of doubt, this excludes the administrative area of Medway Council;
 - xv) "Public Passenger Transport Service" shall be construed in accordance with Section 63 (10)(a) of the Act;
 - xvi) "Regulations" means the Travel Concessions Schemes Regulations 1986 and any subsequent modifications and/or additions thereto, together with any other relevant regulations;
 - xvii) "Scheme" means The Concessionary Travel Scheme For Young People In Kent as described herein;
 - xviii) "Scheme Pass" means a pass, to be known as a Kent Freedom Pass, that entitles the person to whom it was issued to travel without the payment of a fare on any Included Service; and at any time of day;
 - xix) "Special Services" means those Eligible Services whose primary function is to provide transport to and/or from schools and colleges, and which carry no or very few passengers paying single or return fares.
- 1.2 Reference to any statute or order shall include any statutory extension modification or re-enactment therefore and any order regulation or byelaw made thereunder
- 1.3 Words importing the singular number only shall include the plural number and vice versa and words importing any particular gender shall include masculine feminine and neuter genders
- 1.4 The provisions of Schedule 1 of this Document shall form part of this Document as if set out here.
- 1.5 All notices to be given under this Document shall:
- 1.5.1 be in writing;
 - 1.5.2 be delivered personally or sent by pre-paid recorded delivery post addressed to the party to be served at the address set out in this Document or such other address as may from time to time be notified for the purpose by notice in writing; and
 - 1.5.3 be deemed to have been served in the case of a notice delivered personally at the time of delivery or in the case of a notice sent by pre-paid recorded delivery post at the expiration of 48 hours after the notice was delivered into the custody of the postal authorities

- 1.6 The headings in this Document are inserted for convenience only and shall not affect the construction or interpretation thereof
- 1.7 This Document may not be assigned by the Participating Operator without the written consent of the Administering Authority
- 1.8 A person who is not a party to this Document has no rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any terms of this Document but this does not affect any right or remedy of a third party which exists or is available apart from such Act

2 Administration of the Scheme

- 2.1 KCC is the Administering Authority and the Scheme is established and administered under the provisions laid down in the Act.
- 2.2 The Act encourages voluntary participation in the Scheme, backed where necessary by a process of compulsion and the Scheme is founded on this principle.

3 Responsibilities of the Administering Authority

The Administering Authority will:

- 3.1 manage and operate the scheme in accordance with the requirements of the Act and other relevant legislation
- 3.2 issue Scheme Passes to Eligible Persons
- 3.3 reimburse Participating Operators of Included Services in respect of the proper use of Scheme Passes upon confirmation from those operators that the Passenger Journeys have been made and in accordance with the separately published Arrangements for Reimbursement document.

Issue of Scheme Passes

- 4 It is the responsibility of Eligible Persons to apply for their Scheme Pass and applicants are responsible for any costs incurred in making their application including the cost of providing any photograph that may be required for security purposes and in obtaining and/or presenting the necessary proof of their eligibility. The Administering Authority will issue a Scheme Pass at the published Issue Charge to any Eligible Person that applies in the correct manner.
- 5 Concessionary Travel under the Scheme will only be permitted upon the production of a valid Scheme Pass in the form and subject to the terms and conditions specified from time to time by the Administering Authority.
- 6 Any arrangements for an alternative pass and/or other types of concession are not part of the Scheme.
- 7 Passes will normally expire on 31 August following the end of the school year during which the Eligible Person attains the age of 16.
- 8 In cases where a Scheme Pass is stolen, lost, badly damaged or destroyed, the Administering Authority may at its sole discretion provide a replacement Scheme Pass during the currency of

one that has already been issued but reserve the right to make an administration charge to cover the cost of so doing.

Transport Services

- 9 Concessionary Travel is available under the Scheme for Passenger Journeys on Included Services:
- i) Between places in the Principal Area, and;
 - ii) Subject to any specified exclusions (see paragraph 11), between places in the Principal Area and other places in its vicinity providing that the Passenger Journey does not involve a change of bus outside the Principal Area.
- 10 Transport services that may be included within the Scheme and which are defined as Included Services are:
- a) all Eligible Services operating within to and/or from the Principal Area;
 - b) any other Public Passenger Transport Service for which arrangements regarding participation have been agreed between the Administering Authority and the operator of that service;
- 11 Notwithstanding 10 above, the Administering Authority reserves the right to exclude specified services (and/or parts of services) from the Scheme where these would otherwise enable Passenger Journeys beyond the vicinity of the Principal Area. Details of any and all exclusions and any changes thereto shall be published from time to time by the Administering Authority.
- 12 Notwithstanding 10 above and subject to prior consultation with all Participating Operator(s) providing services that may be affected, the Administering Authority reserves the right to exclude specified services (and/or specified journeys on specified services) from the Scheme where they have good reason to do so. Participating Operators may also request the Administering Authority to agree to exclusions on similar grounds, such agreement not unreasonably being withheld. Details of any and all exclusions and any changes thereto shall be published from time to time by the Administering Authority.
- 13 Operators participating in the Scheme shall be reimbursed on the basis specified in the separately published Arrangements for Reimbursement, and shall recognise and accept valid Scheme Passes in the form and subject to the terms and conditions specified by the Administering Authority and allow the rightful holders of such Scheme Passes to travel free of charge only upon production of a valid Scheme Pass when they commence their Passenger Journey.