

**EXPLANATORY MEMORANDUM TO**  
**THE CONCESSIONARY BUS TRAVEL (PERMITS) (ENGLAND)**  
**(AMENDMENT) REGULATIONS 2008**

**No. 2091**

**1. Introduction**

1.1. This Explanatory Memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

**2. Description**

2.1. These Regulations amend the Concessionary Bus Travel (Permits) (England) Regulations 2008 (SI 2008 No. 417). Those Regulations specify the format of concessionary travel passes. They require them to contain a chip in the form of an electronic media device specified in ITSO version 2.1.2 or any earlier compatible specification.

2.2. A new version of the ITSO specification, version 2.1.3, was published on 21 April 2008. These Regulations therefore amend the previous Regulations so as to ensure that passes may be produced in accordance with this new version. Passes may also continue to be produced to the previous or any other compatible version.

**3. Matters of special interest to the Joint Committee on Statutory Instruments.**

3.1. None

**4. Legislative Background**

4.1. The Concessionary Bus Travel (CBT) Act 2007 introduced free off peak travel on registered local buses anywhere in England. The CBT Act includes provision for the Secretary of State to specify the format of the pass issued by Travel Concession Authorities (TCAs) who administer Concessionary Travel Schemes.

4.2. The Concessionary Bus Travel (Permits) (England) Regulations 2008 SI 2008 No. 417 specify the format of the passes.

**5. Extent**

5.1. This instrument applies to England.

**6. European Convention on Human Rights.**

6.1. As this instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## 7. Policy background

7.1. Since 2006 there has been a national concession that guarantees free off peak travel on local buses for people aged 60 and over and eligible disabled people, within their local area.

7.2. The CBT Act 2007 introduced free off peak travel on local buses anywhere in England. TCAs will continue to administer local concessionary travel schemes. There are 291 TCAs outside London who are responsible for issuing passes and who can currently issue passes to any design they wish. There are over 6.5 million pass holders outside London and we estimate that this will continue to increase due to the greater benefits of the new concession.

7.3. To ensure that bus drivers throughout the country are able to recognise a pass holder's eligibility to the national concession it is necessary to have a standard pass design. The Concessionary Bus Travel (Permits) (England) Regulations 2008 (SI 2008 No. 417) specify that design and require the pass to be an ITSO compliant smartcard.

7.4. ITSO is a Member controlled organisation that maintains the ITSO Specification for Members and the Crown. The ITSO Specification is designed to provide a platform for the implementation of interoperable contactless smartcards, public transport ticketing and related services in the UK. The ITSO specification has been kept as open as possible in order to maximise competition in the supply of systems and components to the commercial benefit of the industry as a whole.

7.5. Smartcards have a number of advantages over traditional paper based passes. When used on smart readers, they are highly resistant to fraudulent replication. They can also help to speed up boarding, helping to reduce bus journey times. And in addition to use as concessionary travel passes, smartcards could be used for commercial ticketing on other transport services and additional services at local authorities' discretion, such as allowing access to leisure or library services.

7.6. The Concessionary Bus Travel (Permits) (England) Regulations 2008 (SI 2008 No. 417) require passes to meet version 2.1.2 of the ITSO Specification, or earlier compatible versions. This was the version that was current at the time the Regulations were made. However, version 2.1.3 has since been published. It is therefore necessary to amend the Regulations to ensure that TCAs may produce passes which meet the requirements of the new specification. Such amendments will be needed whenever a new ITSO specification is published. It is anticipated that this should be no more than twice a year.

7.7. All TCAs have been informed that the new specification has been published. Those who are ITSO members have been sent a copy of the specification directly by ITSO limited. Those who are not ITSO members and who have therefore signed up with ITSO Services Ltd (ISL) have been informed through their latest ISL news letter issued in May 2008.

7.8. All companies who are certified to produce passes are ITSO members and have therefore received details of the new specification directly from ITSO limited.

7.9. The Department will use a stakeholder bulletin to inform all TCAs that these Regulations are being produced and the reasons why they are necessary.

## **8. Impact**

8.1. An impact assessment been not been completed. The change is an enabling change only. TCAs and their pass producers can still produce passes to an earlier compatible specification.

8.2 As this is an enabling change, it has no financial or other impact on TCAs or pass producers who are required to issue concessionary travel passes. It enables them to issue passes to the latest specification, but does not require it, as the current version 2.1.2 remains "compatible". All existing passes will continue to be valid.

## **9. Contact**

9.1. Helen Smith at the Department for Transport, Great Minster House, 76 Marsham Street, London, SW1P 4DR, Tel: 0207 944 5379, email [helen.smith@dft.gsi.gov.uk](mailto:helen.smith@dft.gsi.gov.uk) can answer any queries regarding the instrument.