

## 4. CONSIDERATION OF CLAUSES

### 4.1. Concessionary Travel Schemes Bill 2016 – Clauses considered

Mr Gawne to move.

**The Speaker:** Item 4, Consideration of Clauses.

We turn to the Concessionary Travel Schemes Bill and I call on the mover, the Hon. Member for Rushen, Mr Gawne.

**Mr Gawne:** Gura mie eu, Loayreyder.

I would firstly like to thank those Members who supported the Bill at the Second Reading last month.

Clause 1 gives the Act resulting from the Bill its short title. The Bill does not have any commencement provisions, so all its provisions will come into force upon the passing of the Bill.

Loayreyder, I beg to move that clause 1 stand part of the Bill.

**The Speaker:** Mr Skelly.

**Mr Skelly:** I beg to second and reserve my remarks.

**The Speaker:** I put the motion that clause 1 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 2.

**Mr Gawne:** Gura mie eu, Loayreyder.

This clause amends the Isle of Man Passenger Transport Act 1982 by the insertion of a new section 23A into Part V of that Act. The new subsection 23A will comprise seven subsections covering the following:

Subsections (1) and (2) will enable the Department of Infrastructure to make concessionary travel schemes for eligible persons travelling on eligible services. The meaning of 'eligible persons' and 'eligible services' is defined in subsection (7).

Subsection (3) provides that a concessionary travel scheme must include provision for determining the rate or rates of travel concessions and for specifying the days and times during which travel concessions apply. This will allow the Department to ensure that any travel concessions do not apply at times when, for example, the buses are carrying lots of commuters.

Subsection (4) provides that a concessionary travel scheme may allow a person to publish background information relating to the scheme and for the electronic transmission of any information or documents that may be referred to in the scheme.

The new subsection (4) also allows a person to exercise discretion in dealing with any matter in the scheme and to make provision for other matters that the Department may consider appropriate. For example, requesting certain documentation: proof of identity, address, etc. in order to verify the validity of the information on the application form. Provision is also included to allow the Department to levy a fee under the scheme. For example, to cover the administration costs involved in the processing of any applications for concessionary travel.

Subsection (5) provides for the modification or revocation of any concessionary travel scheme which is currently being used by the Department at the time this new section comes into operation. The current scheme provides for concessionary travel for persons over a certain age limit and persons who are substantially and permanently handicapped and in need of assistance towards travel costs.

Subsection (6) provides that the Department must consult with the Treasury before making any scheme. As some Hon. Members may already be aware, the Department is currently consulting with the Treasury about the details of a new concessionary travel scheme, and whilst it is not a statutory requirement, the Department does intend to consult publicly with all interested parties in the details of this new scheme.

Subsection (7) provides the meaning of certain terms that may be referred to in any scheme as well as defining 'eligible person' and 'eligible service'. The Department will also be able to define what level of travel concession will apply to a journey. At the moment, the current scheme allows for eligible persons to either pay half the adult standard fare or no fare at all.

Loayreyder, I beg to move that clause 2 stands part of the Bill.

**The Speaker:** Mr Skelly, are you seconding?

**Mr Skelly:** I beg to second and reserve my remarks.

**The Speaker:** Thank you, sir.

Hon. Member for Douglas South, Mr Malarkey.

**Mr Malarkey:** Thank you, Mr Speaker.

Can the mover – and I do not know why I did not pick this up at Second Reading ... Most of what is in this clause is what the Department, as I understand, is actually doing at the moment – charging the likes of pensioners for certain hours of the day for getting on buses, etc. if I am reading this right within the clause. So can I ask the mover, is this being put through now because what you are doing at the moment you have not got legislation for?

I am a little bit confused at where the mover is going with this ... that is going to be different from what we already have in place with charging with regard to concessionary schemes.

It talks about people of a certain age, it talks about charging administration fees. Is this going to give the powers to the Department then to start charging for over-65 passes in future, instead of giving them out free? I just need clarification: is what the Department is doing at the moment legal or is this to legalise something that the Department has been doing for the last 12 months, Mr Speaker?

**The Speaker:** Hon. Member, Mrs Beecroft?

Hon. Member for Onchan, Mr Quirk.

**Mr Quirk:** Thank you, Mr Speaker.

Just on a similar vein as my colleague from South Douglas, Mr Malarkey, regarding concessionary travel, I wonder if the Minister could tell us when the talks with Treasury are likely to be concluded.

I, too, believe that there are people who do voluntary service who actually are students, those concessionary travels which are given ... I would not like to see a heavy administration charge applied to those individuals there, because if people are doing voluntary service which helps us, especially regarding health into the third sector, we are going to rely on them quite a bit.

If we are to say to a person ... and I know an example, not in my own constituency of Onchan but somewhere else, where a particular person had to come away from the voluntary service because if she did not, by the time she got on the bus and she did not get home in time, she was actually charged a full fare. I find that is quite appalling or ridiculous. I am just wondering whether that is part of the concession or there is a discretion that the Minister is giving to those drivers, especially in rural areas as well where the bus has virtually sometimes maybe three or four people on it; so just to carry an extra person, to me, does not make any difference whether it is the three o'clock cut off or whatever. Let's just get the person home; they are doing us a service within Government.

**The Speaker:** I call on the mover to reply, Mr Gawne.

**Mr Gawne:** Gura mie eu, Loayreyder.

A very helpful intervention from my friend, the Hon. Member for Douglas South. The first scheme was made in 1974 by the former board of Social Security. What this Bill actually does is make more legal all the schemes –

**Mr Malarkey:** But it is not legal, what you are doing now.

**Mr Gawne:** – *more* legal, all the schemes. It removes any uncertainty about the existing legislation.

So at the moment one may perhaps wish to challenge our ability to offer any concessionary fares. If the Hon. Member keeps pushing in that direction, that could be the result – that all the concessionary fares end up being removed. So I think for the time being if we can get this piece of legislation through to bring absolute clarity as to the powers that the Department has to offer concessions, that would be most helpful.

I do take on board the points, though, that both the Hon. Member for Douglas South and indeed for Onchan have made in relation to what needs to be in a concessionary travel scheme and we have already had discussions about that – certainly the Hon. Member for Douglas South and myself, and I know other Members as well – and the Department is very much aware of that and we will work with Members as best we can; and certainly when the new scheme comes in, Members will have the opportunity to vote on that and raise their views, indeed, during the consultation.

I beg to move.

**The Speaker:** Members, I put the motion that clause 2 do stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 3, please.

**Mr Gawne:** Gura mie eu, Loayreyder.

Subclause 1 provides for the Act to cease to have effect on the day after its promulgation and subclause 2 also provides for a transitional provision so that subclause 1 does not affect the ongoing validity of the amendments made by clause 2.

Loayreyder, I beg to move that clause 3 stands part of the Bill.

**Mr Skelly:** I beg to second and reserve my remarks.

**The Speaker:** I put the motion, clause 3. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.