

Guidance for Local Authorities on the change in the age of eligibility for Concessionary Travel

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Introduction

1. The Greater London Authority Act 1999 and the Transport Act 2000 (as modified by the Concessionary Bus Travel Act 2007) make provision for travel concessions for older and disabled people. These Acts provide for a statutory guarantee of free off-peak travel for eligible older and disabled people on local bus services anywhere in England.
2. In addition to the mandatory concession, the Greater London Authority Act 1999 and the Transport Act 1985 give local authorities the power, at their discretion, to offer additional travel concessions for older and disabled people.
3. The Travel Concessions (Eligibility) Act 2002 set the age at which older people are eligible for travel concessions as sixty years for both men and women. However, the Pre-Budget Report in December 2009 announced that there will be changes to the age of eligibility for concessionary travel in line with the changes that are being made to the state pension age from April 2010¹.
4. The Travel Concessions (Eligibility)(England) Order 2010 was laid on 1 March 2010 to enact the changes announced in the Pre-Budget Report. The changes will affect both statutory and discretionary concessionary travel entitlements.
5. The changes to the age of eligibility will not impact on anyone already in possession of, or entitled to, a concessionary travel pass. The eligibility of disabled people is unaffected by this change.
6. This guidance note is designed to assist local authorities in assessing whether someone is entitled to the concession based on their age. The information contained in this note can also be used to communicate the changes to older people.
7. This guidance applies only to England. Concessionary travel is a devolved policy area, and legislation and assessment of eligibility with regard to concessionary travel in Wales, Scotland and Northern Ireland are matters for the appropriate devolved administration.

¹ Under the Pension Acts of 1995 and 2007 the pensionable age is being gradually increased from the current ages of sixty years for women and sixty-five years for men. The process of equalisation of the pensionable ages of men and women will be completed in April 2020. The pensionable age will then increase further from 2024, reaching 68 by 2046.

History of concessionary travel entitlement

8. Until 2002 eligibility for concessionary travel in England was linked to the state pension age, with women becoming eligible at 60 and men at 65.
9. In 2002, the age of eligibility was equalised at 60 for both men and women in response to a challenge in the European Court of Human Rights. This meant that concessionary travel became available to those of working age.
10. From 6 April 2010, the age of eligibility for concessionary travel in England will be linked to the pensionable age applying to women.

Changes to the age of eligibility

11. Before 6 April 2010, both men and women become eligible for concessionary travel when they attain 60 years of age.
12. From 6 April 2010, the age of eligibility for concessionary travel in England will be tied to the pensionable age for women. So, as the pensionable age for women gradually increases from 60 to 65 over the ten-year period from 2010 to 2020 so too will the age of eligibility for concessionary travel increase for both men and women.
13. The age of eligibility for concessionary travel for those turning 60 after 6 April 2010 is therefore:
 - For women = pensionable age
 - For men = pensionable age of a woman born on the same day
14. By 2020 the pensionable age for men and women will have harmonised at 65.
15. Beyond 2020, the age of eligibility for concessionary travel will continue to increase in line with any future changes to the state pension age.

Background to the changes

16. The purpose of the concession is to provide greater freedom and independence to older people in their retirement. People are living longer, staying healthy longer, and tending to stay in work later in life and older people of working age are active, able people who are fundamentally no different from the rest of the working age population. It is right to reserve the benefits of the pass for those who have the greater need of additional support - older people on fixed low incomes and those with reduced mobility.
17. With the difference in state pension age for men and women set to disappear between 2010 and 2020, this change re-establishes the link

with pension age for concessionary travel and removes the anomalous position of working age citizens receiving free bus passes. This will assist in securing the long term financial sustainability of the scheme.

- 18.** People in the 60-64 age group with severe mobility problems may be eligible for a disabled concessionary bus pass, if they meet one or more of the categories of disabled person identified as eligible for concessionary travel in the Transport Act 2000 and the Greater London Authority Act 1999.
- 19.** An eligible disabled person is someone who:
 - a. Is blind or partially sighted
 - b. Is profoundly or severely deaf
 - c. Is without speech
 - d. Has a disability, or has suffered an injury, which has a substantial and long-term adverse effect on his or her ability to walk
 - e. Does not have arms or has long-term loss of the use of both arms
 - f. Has a learning disability, that is, a state of arrested or incomplete development of mind which includes significant impairment of intelligence and social functioning
 - g. Would, if he or she applied for the grant of a licence to drive a motor vehicle under Part III of the Road Traffic Act 1988, have his/her application refused pursuant to section 92 of the Act (physical fitness) otherwise than on the ground of persistent misuse of drugs or alcohol.

Assessing eligibility for concessionary travel

- 20.** A person is eligible for concessionary travel by virtue of age if they are a woman of pensionable age or a man born on the same day as a woman of pensionable age.
- 21.** The easiest way to assess if a person is eligible for concessionary travel is by reference to their date of birth.
 - People born before 6 April 1950 are eligible for concessionary travel from their 60th birthday
 - People born after 5 April 1950 and before 6 April 1955 will become eligible for concessionary travel between their 60th and 65th birthdays. Their precise age of eligibility will depend on their individual date of birth.
 - People born after 5 April 1955 will not become eligible for concessionary travel until they are 65 or older (in line with future planned changes to the state pension age).

22. The pension age calculator on the Directgov² website, can be used to work out on what date a person becomes eligible for concessionary travel. Alternatively, the table at Annex A can be used to work out the date at which a person becomes eligible for concessionary travel under the new age eligibility criteria.
23. The changes will only affect those due to turn 60 on or after 6 April 2010. If a person reached the age of 60 before 6 April 2010 but they had not applied for a concessionary travel pass before this date, they are still eligible and entitled to one – the changes to the age of eligibility for concessionary travel does not affect them.

Passes

24. The concessionary travel pass for the statutory minimum concession is to be issued free of charge to eligible older and disabled people. Local authorities must issue passes which conform to the standard design specifications published by the Department for Transport.³
25. It is important to emphasise that English National Concessionary Travel Scheme (ENCTS) passes may only be issued to eligible older and disabled people (as assessed using this guidance on the eligibility of older people and the Department for Transport's guidance on eligibility of disabled people⁴). Passes of the national concession design must not be issued to other groups, such as companions of disabled people, as this could lead to confusion about their entitlement to the statutory concession as opposed to discretionary enhancements.
26. Passes issued on a discretionary basis should be produced to a different design from the national pass.

Discretionary travel concessions for 60-64 year olds

27. Whilst local authorities will no longer be able to use their powers under the Transport Act 1985 and the Greater London Authority Act 1999 to provide travel concessions to those below the pensionable age applying to women, subject to their own legal advice, they might be able to use their well-being powers under the Local Government Act 2000 to provide discretionary travel schemes to such people.
28. However, English National Concessionary Travel Scheme (ENCTS) passes may not be issued to these people and the arrangements with transport operators would have different legal arrangements. We advise

² http://www.direct.gov.uk/en/Dio11/DoltOnline/DG_4017967

³ <http://www.dft.gov.uk/pgr/regional/buses/concessionary/informationlocalauthorities/passes/>

⁴ The Department for Transport has published guidance for local authorities on assessing the eligibility of disabled people for concessionary travel, which can be accessed from the DfT website: <http://www.dft.gov.uk/pgr/regional/buses/concessionary/informationlocalauthorities/guidancedisabled/>

any local authority seeking to offer such concessions to seek advice from their own lawyers before they are established.

Cross Border Discretions

- 29.** The intention of the Travel Concessions (Eligibility)(England) Order 2010 is to affect only concessionary journeys administered by English authorities. Concessions administered by Welsh and Scottish authorities will be unaffected (that is Welsh and Scottish residents will continue to receive their concessionary passes at 60).
- 30.** Where discretionary schemes exist to provide cross-border travel concessions with the Devolved Administrations, only those English residents who are eligible under the new age of eligibility rules (and thus have a ENCTS pass) will be able to travel into Wales and Scotland. However, people aged 60 with Welsh passes may travel into and out of England if those Welsh authorities pay for them to do so and people aged 60 with Scottish passes may travel into and out of England if those Scottish authorities pay for them to do so.
- 31.** As mentioned above, English authorities may consider offering discretionary travel concessions (including cross-border travel) to those below the pensionable age applying to women (e.g. from age 60) using their well-being powers under the Local Government Act 2000.
- 32.** We would advise local authorities to seek their own legal advice concerning any cross-border arrangements implemented under these powers and to bear in mind that ENCTS passes may not be issued for concessions offered under these powers.

Communications with older people

- 33.** Local authorities are likely to have communication documents which contain the term 'over 60' with regard to eligibility for the concessionary travel pass. We recommend replacing this term with either 'eligible age' or 'older' depending on the context of the message that is being conveyed. These terms could then be supplemented where necessary with 'for a woman these means pensionable age, for a man this means pensionable age of a woman born on the same day'.
- 34.** Attached at Annex B of this guidance are some key Q&A that may assist you in dealing with queries about the age of entitlement for concessionary travel. You may wish to include these in your own communications with older people.

Other concessions related to the change in state pension age

35. The Pre-Budget Report announced that the age at which pensioner benefits can be received will increase in line with the female state pension age. Concessionary Travel is therefore not the only age related concession that is being aligned with the changes in state pension age.
36. Eligibility for the following benefits is also changing in a similar way from 6 April 2010:
 - Winter fuel payments
 - Pension credits
37. The Department of Health is also considering how to implement changes to the age at which people qualify for free prescriptions, in line with the changes to state pension age for women. They will not however be introducing any changes to age exemptions in April 2010
38. For further details on other age related concessions contact the issuing authority/ relevant Government Department or refer to the Directgov website.

Further Information

39. For any queries not covered by this guidance note please contact the Concessionary Travel branch at the Department for Transport using the following email address: concessionaryfares@dft.gsi.gov.uk
40. If you would like to discuss any of the issues covered in this guidance note with other local authorities then the Concessionary Travel Online Community (CTOC) is the place to go. The community is a forum for those involved in delivering the concession to share best practice, ideas and practical tips. Follow the link below to sign up:
<http://www.communities.idea.gov.uk/reg/register.do>

Annex A - State Pension Age changes table

Equalisation of State Pension Age timetable for women born on or after 6 April 1950 and before 6 April 1959, based on date of birth	
Date of birth	Date they reach State Pension age
6 April 1950 to 5 May 1950	6 May 2010
6 May 1950 to 5 June 1950	6 July 2010
6 June 1950 to 5 July 1950	6 September 2010
6 July 1950 to 5 August 1950	6 November 2010
6 August 1950 to 5 September 1950	6 January 2011
6 September 1950 to 5 October 1950	6 March 2011
6 October 1950 to 5 November 1950	6 May 2011
6 November 1950 to 5 December 1950	6 July 2011
6 December 1950 to 5 January 1951	6 September 2011
6 January 1951 to 5 February 1951	6 November 2011
6 February 1951 to 5 March 1951	6 January 2012
6 March 1951 to 5 April 1951	6 March 2012
6 April 1951 to 5 May 1951	6 May 2012
6 May 1951 to 5 June 1951	6 July 2012
6 June 1951 to 5 July 1951	6 September 2012
6 July 1951 to 5 August 1951	6 November 2012
6 August 1951 to 5 September 1951	6 January 2013
6 September 1951 to 5 October 1951	6 March 2013
6 October 1951 to 5 November 1951	6 May 2013
6 November 1951 to 5 December 1951	6 July 2013
6 December 1951 to 5 January 1952	6 September 2013
6 January 1952 to 5 February 1952	6 November 2013
6 February 1952 to 5 March 1952	6 January 2014
6 March 1952 to 5 April 1952	6 March 2014

6 April 1952 to 5 May 1952	6 May 2014
6 May 1952 to 5 June 1952	6 July 2014
6 June 1952 to 5 July 1952	6 September 2014
6 July 1952 to 5 August 1952	6 November 2014
6 August 1952 to 5 September 1952	6 January 2015
6 September 1952 to 5 October 1952	6 March 2015
6 October 1952 to 5 November 1952	6 May 2015
6 November 1952 to 5 December 1952	6 July 2015
6 December 1952 to 5 January 1953	6 September 2015
6 January 1953 to 5 February 1953	6 November 2015
6 February 1953 to 5 March 1953	6 January 2016
6 March 1953 to 5 April 1953	6 March 2016
6 April 1953 to 5 May 1953	6 May 2016
6 May 1953 to 5 June 1953	6 July 2016
6 June 1953 to 5 July 1953	6 September 2016
6 July 1953 to 5 August 1953	6 November 2016
6 August 1953 to 5 September 1953	6 January 2017
6 September 1953 to 5 October 1953	6 March 2017
6 October 1953 to 5 November 1953	6 May 2017
6 November 1953 to 5 December 1953	6 July 2017
6 December 1953 to 5 January 1954	6 September 2017
6 January 1954 to 5 February 1954	6 November 2017
6 February 1954 to 5 March 1954	6 January 2018
6 March 1954 to 5 April 1954	6 March 2018
6 April 1954 to 5 May 1954	6 May 2018
6 May 1954 to 5 June 1954	6 July 2018
6 June 1954 to 5 July 1954	6 September 2018
6 July 1954 to 5 August 1954	6 November 2018
6 August 1954 to 5 September 1954	6 January 2019

6 September 1954 to 5 October 1954	6 March 2019
6 October 1954 to 5 November 1954	6 May 2019
6 November 1954 to 5 December 1954	6 July 2019
6 December 1954 to 5 January 1955	6 September 2019
6 January 1955 to 5 February 1955	6 November 2019
6 February 1955 to 5 March 1955	6 January 2020
6 March 1955 to 5 April 1955	6 March 2020
6 April 1955 to 5 April 1959	65th birthday

Annex B - Change in the Age of Eligibility for Concessionary Travel in England - Q&As

I reach the age of 60 after 6th April 2010. When will I get my bus pass?

From 6th April 2010, the age of eligibility for concessionary travel for women will be pension age and for men it will be the pensionable age of a woman born on the same day.

The state pension age for women is rising by five years over a period of ten years. The age of eligibility will rise incrementally, that is, in stages, between 2010 and 2020. The earliest age for men and women to get bus passes will therefore rise gradually, from 60 on 5 April 2010 to 65 on 6 April 2020.

The Government decided that this would be the fairest method, rather than introduce a one-off rise which would leave those currently close to retirement age facing a full five-year delay.

Beyond 2020, the age of eligibility for concessionary travel will continue to increase in line with any future changes to the state pension age.

This means the earliest date on which you can get your bus pass will depend on which month you were born in and will not necessarily fall on your birthday. The table below sets out when those approaching the age of 60 will become eligible for their concessionary bus pass.

Dates of Eligibility for Concessionary Travel	
Period within which date of birth falls	Day become eligible for concessionary travel
Before and including 5th April 1950	Date of 60th birthday
6th April 1950 to 5th May 1950	6th May 2010
6th May 1950 to 5th June 1950	6th July 2010
6th June 1950 to 5th July 1950	6th September 2010
6th July 1950 to 5th August 1950	6th November 2010
6th August 1950 to 5th September 1950	6th January 2011
And so on...	

There is also a ready reckoner tool which enables people affected by the pension age changes to see at what age they become eligible for their state pension and associated benefits. You can find this on the DirectGov website at:

<http://pensions.direct.gov.uk/en/state-pension-age-calculator/home.asp>

Are you taking my bus pass away from me?

Absolutely not. For people who have already reached the age of 60 or are due to do so before 6th April 2010 there will be no change whatsoever. Even if you have not already taken up your entitlement to a bus pass, you will be unaffected by the changes if your 60th birthday is before 6th April 2010.

Will I have to wait until I'm 65 to get my bus pass?

You will only have to wait until you are 65 to get a bus pass if you were born after 5th April 1955. See the 'When will I get my bus pass question' above for details on how to calculate when you will be eligible for a bus pass.

I was born after 5 April 1959, when will I get my bus pass?

People born after 5 April 1959 will not become eligible for concessionary travel until they are 65 or older (in line with future planned changes to the state pension age).

By 2020 the pensionable age for men and women will have harmonised at 65.

Beyond 2020, the age of eligibility for concessionary travel will continue to increase in line with any future changes to the state pension age.

Why have working age men been entitled to a bus pass in the past?

The purpose of the concession has always been to provide greater freedom and independence to older people in their retirement. Until 2002, eligibility for the concessionary bus pass was linked to the state pension age, meaning women became eligible at 60 and men at 65.

However, in 2000 this difference was challenged as discriminatory in the European Court of Human Rights. The Government pre-emptively took the decision to lower the age of entitlement for men and in 2002 new legislation was passed that equalised the age of eligibility for both sexes at 60. However, this meant that, for the first time, concessionary bus travel was made available to older people of working age.

With the difference in state pension age for men and women set to disappear between 2010 and 2020, it is appropriate to re-establish the link with pension age and remove the anomalous position of working age citizens receiving free bus passes.

What about other age-related benefits I'm entitled to?

The Government has already announced that the entitlement age for a number of other benefits currently available at 60, such as pension credit and winter fuel payments will increase in line with changes to the female state pension age.

In addition to confirming that the age of eligibility for concessionary travel will increase in line with the pension age changes, the Government also announced in the Pre-Budget Report that the age of eligibility for free prescriptions will increase, although this change is not being implemented in April 2010.

Further information can be obtained from the DirectGov website or directly from the Government Departments that offer other age-related benefits.

No one currently entitled to other age-related benefits will be affected. The changes will only affect those due to turn 60 on or after 6th April 2010.

Will you be cutting money paid to local authorities for concessionary travel?

These changes are expected to generate savings for local authorities, which will be taken into account when funding allocations are set in future local government finance settlements. No reductions are being made to the overall amount of funding available for concessionary travel in 2010/11 as a result of these changes.

I live in Wales/ Scotland/ Northern Ireland - when will I get my bus pass?

Concessionary travel is a devolved policy area so the arrangements in Scotland, Wales and Northern Ireland will be a matter for the devolved administrations.

Currently the age of entitlement in Scotland and Wales is 60 and in Northern Ireland it is 65.