



Committee for Finance

OFFICIAL REPORT (Hansard)

Administrative and Financial Provisions Bill:
Department for Infrastructure

21 January 2026

NORTHERN IRELAND ASSEMBLY

Committee for Finance

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Members present for all or part of the proceedings:

Mr Matthew O'Toole (Chairperson)
Ms Diane Forsythe (Deputy Chairperson)
Dr Steve Aiken
Mr Gerry Carroll
Miss Jemma Dolan
Miss Deirdre Hargey
Mr Harry Harvey
Mr Brian Kingston
Mr Eóin Tennyson

Witnesses:

Ms Linda Buick	Department for Infrastructure
Ms Brenda Burke	Department for Infrastructure
Ms Mary Claire McCullough	Department for Infrastructure

The Chairperson (Mr O'Toole): Thank you very much for coming to the Finance Committee. You are either lucky or, probably, cursing your luck, but you are here now because we are dealing with the Administrative and Financial Provisions Bill. We have Brenda Burke, director of transport regulation and public transport policy; Linda Buick, head of public transport strategy branch; and Mary Claire McCullough, public transport strategy branch. You are all very welcome. Brenda, please make a brief opening statement. Members, as always, indicate should you wish to ask a question.

Ms Brenda Burke (Department for Infrastructure): Chair and Committee members, thank you for the invitation to brief you today on clause 17 of the Administrative and Financial Provisions Bill, which provides powers for the Department for Infrastructure to charge a fee for the concessionary fares pass. The concessionary fares scheme has been a cornerstone of accessible public transport in Northern Ireland for nearly five decades. It was first established in 1978 under article 5 of the Transport (Northern Ireland) Order 1977, providing free travel for people who were registered blind and half-fare travel for senior citizens and war-disabled pensioners. Over time, the scheme has progressively expanded to reflect social need. Free travel for those aged 65 and over was introduced in 2001 and was extended to war-disabled pensioners in 2002. In 2004, additional disability-related categories were included for half-fare travel. A significant milestone came in 2008, when free travel was extended to all men and women aged 60 and over, creating the modern SmartPass framework that we know today.

The aim of the scheme is to promote social inclusion by improving public transport accessibility through free and concessionary fares for members of the community who are most vulnerable or who are liable to social exclusion. Through the scheme, eligible groups benefit from either free or half-fare

travel on bus and rail services throughout Northern Ireland. The entitlements help reduce isolation, support well-being and encourage a shift toward sustainable transport. However, the financial environment in which the scheme operates has changed significantly. Over recent years, the scheme has come under increasing affordability pressures, even though the benefits that it delivers remain clear. In 2024-25, the overall cost of delivering concessionary travel reached £50 million, with over £740,000 being attributed specifically to the administration of the scheme. Those are unavoidable operational costs that the Department incurs regardless of how often an individual uses their SmartPass.

Those pressures will continue to build. Our population is living longer, meaning that more people are becoming eligible and are retaining their eligibility for longer periods. At the same time, the real cost of providing public transport continues to rise year-on-year. Without action, the cost of operating the scheme in its current form will place increasing strain on the Department's already constrained budget.

Recognising those pressures, the Department for Infrastructure undertook a review of the scheme and, in 2023, conducted a 12-week public consultation on a suite of proposals aimed at supporting long-term affordability and sustainability. The consultation explored a number of options, including raising the age of eligibility from 60 to 65 or aligning with the state pension age, which is the case in England and the Republic of Ireland; restricting free travel to bus only and/or to off-peak, which is after 9.30 am; and refining disability-related eligibility. Alongside those options, the consultation included the proposal to introduce a fee for SmartPass applications; renewals, which happen every five years; and replacements.

Feedback demonstrated the public's strong appreciation of the scheme's social value and a clear desire to retain existing entitlements. Proposals to increase the age threshold or restrict entitlements were strongly opposed, reflecting the real-world impacts that such changes would have on independence, mobility and access to services. By contrast, introducing a fee for the SmartPass was widely viewed as the least impactful means of supporting sustainability. Forty-six per cent of respondents who provided a view agreed with the introduction of a fee, and many of those who were opposed indicated that they would accept a modest fee if it protected the scheme.

Having carefully considered the responses, Minister O'Dowd decided to retain all current entitlements, recognising the value of the scheme for older people and people with disabilities in the wider community. That decision means that the Department must identify alternative and proportionate ways to strengthen the financial sustainability of the scheme. It is in that context that the Department intends to introduce a fee for the SmartPass. The purpose of the fee is not to generate revenue but to allow the Department to recover the administration costs associated with issuing, renewing and replacing SmartPasses. The costs include staff time, processing, printing, postage, card production and system hosting. The costs are real and reoccurring and continue irrespective of how little or how much someone travels using their pass.

The Department's aim is straightforward: to protect and sustain a scheme that delivers significant social benefit while ensuring that public funds are used responsibly. Introducing a fee for the SmartPass is the least impactful measure to achieve that, particularly in comparison with options such as raising the age of eligibility or restricting travel times, both of which were strongly opposed during consultation. In addition, introducing charges to offset administrative costs could help towards the cost of extending free fares to other categories such as disabled people.

Importantly, the fee will be payable only when an individual applies for the SmartPass, renews their pass every five years or needs a replacement. For the majority of users, therefore, it will be an infrequent and relatively small cost. In addition, the Department intends to explore exemption options for groups who may be disproportionately affected. The level of fee has yet to be determined. However, on the basis of current administration costs, and assuming that the fee is levied on everyone who is eligible for a SmartPass, it is estimated to be around £12. That is £12 every five years.

To put the proposed SmartPass fee into context, it is important to consider the scale of the benefit that pass holders receive. For 60- to 64-year-olds, the average SmartPass benefit to the user is approximately £144 per year in reimbursed free travel. Over the five-year lifetime of the SmartPass, that equates to around £720. A fee in the region of £12 every five years would therefore represent less than 2% of the value of the travel received. For Senior SmartPass holders, aged 65 and over, the average benefit to the user is about £745 worth of travel over the lifetime of a single SmartPass. That also represents less than 2% of the benefit received, which demonstrates that the fee is modest when set against the value of the entitlement.

We also recognise that not all SmartPass holders travel regularly. Around 56% of Senior SmartPass holders and approximately 88% of 60- to 64-year-olds use their pass in any given year, yet the Department must still cover the full administrative cost for 100% of passes issued.

The Chairperson (Mr O'Toole): Brenda, will you repeat that? What percentage do not use it in a year?

Ms Burke: Fifty-six per cent of Senior SmartPass holders and 88% of 60- to 64-year-olds use their pass, which means that 12% of 60- to 64-year-olds and 44% of Senior SmartPass holders do not use their pass.

The Chairperson (Mr O'Toole): For those aged between 60 and 64, it is 12%, and for over-65s, it is 44%.

Ms Burke: Yes, 44% do not use it in any given year.

The Chairperson (Mr O'Toole): OK.

Ms Burke: In that context, the proposed fee is roughly equivalent to the cost of three Metro day tickets spread over a five-year period, which is clearly a proportionate contribution towards administrative costs rather than a charge for the travel itself.

A statutory provision is required because the Department has no existing legal authority to recover the administrative costs of issuing SmartPasses. The Administrative and Financial Provisions Bill is being used as the legislative vehicle, because it already contains a number of cross-departmental financial and administrative provisions and therefore offers a timely and efficient means of progressing the enabling power. Relying on the Bill avoids the need for a separate DFI Bill, which would take significantly longer to develop and schedule and would delay the Department's ability to take forward a measure that is essential for the sustainability of the scheme.

The provision in the Bill will provide powers for the Department for Infrastructure and its agents to charge a fee for the SmartPass, exercisable through regulations. Initially, officials proposed that the regulations setting SmartPass fees should be subject to negative resolution, and the relevant clause was drafted as such. That approach was considered appropriate because the delegated power relates solely to administrative charges and the negative resolution procedure allows flexibility for updates without placing an unnecessary burden on the Assembly's time. However, we have taken into account the views of the Infrastructure Committee and the Finance Committee. Bearing in mind that the fee-setting process is not so time critical at this point, the Infrastructure Minister is content to adopt affirmative resolutions for the regulations. While that introduces an additional step, it provides greater transparency, and the additional scrutiny may strengthen overall confidence in the scheme.

The Committee should note that the Department intends to introduce an online application system for the concessionary fares scheme. The final level of the SmartPass fee will be informed by the administration costs that are associated with that system once it is in place. The fee will be collected through the new online system, incorporating an automatic payment function. The Department is working closely with Translink to consider the operational and administrative arrangements.

In summary, the introduction of a fee represents a necessary and proportionate step to ensure that the concessionary fares scheme remains affordable and accessible for the long term. It supports the continued delivery of a scheme that is widely valued and contributes significantly to social well-being across Northern Ireland.

Chair and members, that concludes my opening remarks. I am happy to take any questions.

The Chairperson (Mr O'Toole): Thank you very much for coming to see us. It is useful to get all that on the record, because, I am sure, there are people watching who are not totally aware that the Executive have, in effect, made a policy decision that there would be that charge. There has been some coverage of it, but it is important to clarify that. It is also important to clarify for anybody watching that the power in the Bill does not give the Minister the right to do away with the scheme. At some point in the future, someone could make that policy decision if they wished, but this does not involve doing away with it or reducing eligibility. It is an administrative fee that can be charged.

Ms Burke: Yes.

The Chairperson (Mr O'Toole): OK. I want to go through the detail a little bit. What happens at the minute? I am not quite there yet myself, but I will be, probably sooner than —.

Dr Aiken: Is that a declaration of interest, Chair? *[Laughter.]*

The Chairperson (Mr O'Toole): You look deceptively young in that photograph, Dr Aiken.

Dr Aiken: It is me, honestly.

The Chairperson (Mr O'Toole): Oh yes: it is very flattering. I think that the officials may need to —.

Ms Burke: Is that one for the over-60s or the over-65s? I am only joking.

Dr Aiken: It is for the over-60s. Steady, you. Do not be insulting the Committee.

The Chairperson (Mr O'Toole): If someone turns 60, and they are resident in Northern Ireland, do they automatically receive a SmartPass in the post?

Dr Aiken: No.

Ms Burke: No. You have to apply for it. Currently, you make the application using a paper form that you have to leave into Translink. That is why the online application process will be developed. We will look to automate the process and the verification as much as possible in order to reduce the administrative burden.

The Chairperson (Mr O'Toole): At the minute, to apply for your pass, you go to the post office or somewhere else to get a form.

Ms Burke: You pick up the form from a Translink office. My husband got one recently. That is how I know. He picked it up from Belfast Central station and then had to physically leave it in to Belfast Central station along with his ID, which can be a passport or driving licence. Translink obviously did its tick-box exercise, and he got his pass through the post.

The Chairperson (Mr O'Toole): Assuming that the Bill is passed, the Minister will then introduce regulations to bring in a charge. You are telling us that the charge will be £12. Presumably, the £12 is not set in law or regulation. How is that determined? How do you arrive at £12?

Ms Burke: The £12 is purely illustrative and is based on current administrative charges. It is calculated by assuming that everyone who is eligible for a SmartPass, whether it is for half fare or full fare, or whether they are over 60 or over 65, will pay that fee. As I said, we will look at options to see whether categories could be exempted. There could be cross-subsidisation: the lower age group could, perhaps, pay a higher fee than the higher age group. We could exempt categories. If we had a good means of verification and audit through automation, we could exempt low income-pensioners over the age of 67. We could decide to exempt all pensioners who are over the age of 67 or 65. All those options have to be explored. The fee will be calculated by looking at the total administrative cost and using that to calculate a maximum fee.

The Chairperson (Mr O'Toole): Assuming that the Bill passes and gets Royal Assent — it is only at Committee Stage now — it sounds as though there is still quite a lot of work to be done on the design of how the fee would work.

Ms Burke: Absolutely.

The Chairperson (Mr O'Toole): What is the earliest possible date for the introduction of the charge?

Ms Burke: We intend to introduce the charge when the online application system has been implemented, but we do not have a timetable for that as yet. We are in discussions with Translink to try to pin down an exact —.

The Chairperson (Mr O'Toole): Are we talking months or years?

Ms Burke: Linda, can you throw any light on it?

Ms Linda Buick (Department for Infrastructure): It will possibly be in the next financial year.

The Chairperson (Mr O'Toole): Does the "next financial year" mean 2026-27 or 2027-28?

Ms Buick: At the earliest, 2026-27, but it could be later than that. We are only at the early stages of discussion with Translink on the online system. The spec, the implementation and operational issues need to be scoped out. There is a lot of work to be done on it. It will be a number of months at the earliest.

The Chairperson (Mr O'Toole): Is the expectation that applications will be done on the Translink website or on nidirect?

Ms Buick: That has not been worked out yet.

Ms Burke: It is likely to be the Translink website.

The Chairperson (Mr O'Toole): At the minute, it is just the principle that has been decided — the Department wants to charge people for the cards — and everything else will be in regulation or discussed with Translink.

Ms Buick: It will not necessarily be discussed with Translink. We want to move to an online application system, because, these days, people expect to be able to apply online. Translink administers the scheme on our behalf and has the contract with the card supplier, so that is why we are in discussions with it on the spec of the online application system.

The Chairperson (Mr O'Toole): Brenda, in your opening remarks, you said that the Department is not looking to generate revenue. Not generating revenue is not the same as being revenue-neutral, so, clearly, understanding the cost will be critical. Will you establish how much the administration costs are in, for example, year 1, divide that by the number of expected applications and not charge any more than that, or will you start with an amount — £12 has been quoted — and go from there, with anything extra going back into the Department's coffers?

Ms Burke: As I said, one option is to charge everybody the fee, irrespective of how much they use the pass, whether they are disabled, their age etc. If you were to do that, the fee would be calculated by dividing the total administrative cost by the number of users. That means that you would raise no more than the total administrative cost. Alternatively — for the sake of argument, let us say that the cost is £750,000 — you could look at an option whereby you raise either the whole £750,000 or a portion of it by charging those aged 60 to 64 or those who are more able to pay a higher rate.

Take London as an example. As I said, free travel is available in England and the Republic of Ireland only for those of pension age. However, those aged from 60 to 64 who live in London can avail themselves of free transport in London. They pay £35 for a 60+ Oyster card and a renewal fee of £18 a year for verification of their address. That equates to £107. That is what those 60- to 64-year-olds pay. We could look at a higher charge for those who are assessed to be more able to pay, and others could be exempt. A decision may be taken to keep the fee lower and raise only a proportion of that £750,000. All those options are to be considered. What we are looking for is the power to raise the fee.

The Chairperson (Mr O'Toole): I see that we have, hopefully, lots of public transport users from Sacred Heart Grammar School in Newry, who have joined us for this part of the Committee session. You are very welcome, guys. I hope that you find it useful.

At the minute, how much are the administration costs per year?

Ms Burke: We have estimated the administration costs, which are based on Translink costs, the cost of introducing the cards and departmental costs, to be between £700,000 and £750,000.

The Chairperson (Mr O'Toole): How many SmartPass users are there currently in Northern Ireland?

Ms Buick: It is more about how many applications, renewals and replacements there are.

Ms Burke: There are 101,670 — roughly 102,000 — applications, renewals and replacements.

The Chairperson (Mr O'Toole): It costs about £700,000 to administer per year, and there are about 100,000 applications per year. If I were being cheeky, I would say that it should be £7 to pay rather than £12.

Ms Burke: We have made a few adjustments to take into account a fee handling charge, for example. The fee will be based on real cost. The example of £12 that we used is purely illustrative to give you an idea of the magnitude of it. We are not talking about a £50 charge; it is £12. It could be £12 over five years or 15 years; we could give a range. It could be anything from £7 to £15, for example.

The Chairperson (Mr O'Toole): Although that is not a huge amount of money, there are people who will use those passes. Presumably, people who already use public transport will use it a lot more when they turn 60 or 65, because, all of a sudden, it is affordable for them. We have to be mindful of the person for whom it is a real cost every time they get the bus or the train because they are vulnerable and on a very low income. Has any modelling been done on the number of people — it might be a low number, but there might be several — who simply say, "Actually, I'm not going to bother now" or who do not avail themselves of the service? Have you done any modelling on that?

Ms Burke: Not yet. We will take that into account. If it was discovered that people on very low incomes would decide not to use public transport if the fee was introduced, that would impact on decisions around exemptions. As you know, a lot of administrative work is involved in verification. The more exemptions that there are, the more administrative work and, therefore, cost there is. There has to be a balance. That is why we are investigating an online application system and moving quickly on automation. Obviously, age can be determined. If there was a huge correlation between age and ability to pay, we could decide not to introduce a fee for over-67s. Alternatively, we could introduce an exemption for those who are on particular benefits, if that were practicable and did not impose huge costs.

Ms Forsythe: Thank you all for being here. This Committee is different from the one that you would probably usually be involved with, but this is the first time, I think, that a Bill has brought together so much, not just with financial provisions but with administrative provisions. The clauses are so different. Clause 17 is on infrastructure, so we appreciate your coming to speak to us on it. When we first saw the Bill, a big thing for me was going through the clauses and trying to understand what was a tidy-up and what was a brand new power. For complete clarity, this provision is completely new: you had the review, you are looking at future services, and this is a brand new thing to cover admin costs.

Ms Burke: Yes, the proposal to introduce a fee is brand new.

Ms Forsythe: The Transport (Northern Ireland) Order 1977 sets out the basic terms, with clause 2 setting out the concessions. When we first looked at the Bill, I felt that clause 17, "Travel concession passes", which referred to bringing in a new fee, was not much in the spirit of the earlier legislation. Having heard from you today, however, I understand what you are trying to do. It does not seem that this is just a provision to bring in charges under a concessionary heading. I totally understand that; it is an admin thing.

I was also concerned about its being subject to negative resolution. You said in your opening remarks that you have worked on that and that the Minister is content to move some matters to affirmative resolution. That is important, as it will give the Minister, the Department and Members an opportunity to speak to those on the Floor. I do not think that people will understand the wider context of the clause, especially in the first instance, if the power is introduced through negative resolution, because if, at some time in the future, you were to bring in charges, people might say, "Well, how did that happen? How did that slip through?" It would feel like there had been a lack of transparency. I raised that point before; it is really important. Are you saying that that would be changed?

Ms Burke: We are happy to do that. We appreciate that it gives a level of transparency to the introduction of the fee, and the Minister is content.

Ms Forsythe: You talked about moving to a new online system. Is a brand new system needed, or is a system in place through government services or any of the shared service functionality in the Department of Finance whereby that could be added on as a module? Does it have to be completely stand-alone?

Ms Burke: That is something that we will discuss with Translink. We will explore those options. I imagine that it may be new, so that it aligns with all the rest of Translink's systems. However, we will explore that if there are efficiencies to be had.

Ms Forsythe: There are a whole lot of things with the Department. I know that Translink sits separately, and it is different, but, in the Department of Finance, there are a lot of moves to digitisation and a lot of different charging facilities coming in, so it would be good if it could be considered. If it is happening somewhere else, it could be another module of the same. There could be an efficiency there, which would be good.

Ms Burke: We will definitely take that away as something to check.

Ms Forsythe: The Chair raised the point about the pattern of use. People who have worked their whole life aspire to having a SmartPass. Nobody would believe that my mum has her SmartPass, but the countdown was on to her getting it, and she was very proud when she got it. That is the feeling across society. The pension age is increasing, and we are seeing a lot of hits to older people, so people feel quite strongly about it.

Ms Buick: That came out in the public consultation. We had a number of focus groups, and the very clear message was how much people valued it, how important it was to them and how they are looking forward to the day that they get it. That was very clear.

Ms Forsythe: It means a lot to people, and we should not underestimate that. I represent South Down. I live in the Mourne, and, in my area, apart from the school buses, the buses are pretty empty. If people did not have a SmartPass, the buses would be even more empty. Therefore, I do not think that people using SmartPasses on buses are displacing anybody or really costing any money. I know that it is different around the city.

It is also quite good for the environment. When people such as my mum and her friends go out for the day, they get the bus to the city centre. There is a good outcome to that. There is a wider perspective.

It is good that that came out strongly in the consultation —

Ms Buick: Very much so.

Ms Forsythe: — because that is very much the feedback that I had around that. It is important to remember that. Thanks very much.

Mr Carroll: Thanks for the presentation. I have said before that I am opposed to the policy, but I appreciate the officials from DFI coming in and presenting, as much as I disagree with it.

I have a few questions. The Chair mentioned something that I want to tease out a bit further. The Law Centre has stated that a payment for registration of the pass would create a barrier for people on low incomes. I know that it was mentioned in passing about waiving it for people on benefits. How much has that been considered in detail? Can you respond to the point that was made that a fee might deter people from applying?

Ms Burke: Once we have the power to do the fee, we will look in detail at how we would levy it. The Department and the Minister are very aware that we do not want to disadvantage anyone disproportionately. When setting the fees, we will definitely take into account people on low incomes who rely heavily on public transport and for whom it would impact on their decision.

It is easy for me to say that £12 over five years is nothing, but, for some people, that may be quite a lot of money, so we will look at exemptions, and we will look at how we will do that in a practical way. There are means of being able to be verified as being blind, for example, and being eligible. In the same way, we hope to look at how we could bring in ways in which people could provide evidence that they are on low incomes and to bring in exemptions around that.

We will also look at cross-subsidisation. There are people between the ages of 60 and 64 who are still working and for whom £12, or even £20 or £40, over five years is a relatively small amount, particularly relative to the benefit that they are getting for it. Therefore, we could look at levying different fees on different groups, depending on age and income. Those are all options that we will consider in detail. We totally take the point on board.

Mr Carroll: Thanks for that. Obviously, the point is that £12 is low for people who are working, but it is about the principle and the fact that it will likely rise over the years.

The fact that people are living for longer was referred to, but it has to be added that there is still quite a large life expectancy gap in deprived constituencies such as mine of West Belfast and others. I think that the life expectancy gap is about nine or 10 years, with people dying younger in poor areas, and another fact has to do with healthy life expectancy, as people in deprived areas tend to become unwell or disabled when they are in their mid-50s. How is that being factored into the Department's deliberations on the policy?

Ms Burke: I am not clear what you mean. The policy and the eligibility criteria are what they are. Once you are 60, you are eligible for the pass; once you are 65, you are eligible for the cross-border travel. You are eligible for it for as long as you live, so life expectancy does not really impact on the policy. On the policy as it relates to the fees and the correlation between that and income, we hope to take that into account when we are looking at the criteria for exemption. As I said, raising the fee gives more revenue to allow the Minister to expand the scheme to more categories; for example, extending half fare for disabled people to full fare. People receiving the personal independence payment and those with mobility-related illnesses or mental health disabilities could be eligible for free travel. We are looking at the full picture and at all social groups.

Mr Carroll: OK. It was said that it is not about raising revenue, but I think that we have heard a couple of times that revenue raising is connected to it. Two different things are being said.

I have another couple of questions. How does the Department stand over implementing the policy when the majority — 54% — of responses to the Department's consultation actually opposed a fee being levied? How does the Department stand over implementing the policy against the wishes of the respondents to its consultation?

Ms Burke: When asked the questions, people were more strongly opposed to changing the eligibility criteria, and a number of the 56% who said that they were against the introduction of a fee qualified that by saying that they were happy enough with a small fee as long as it did not impact on the eligibility criteria. We can send you a more detailed analysis of the consultation responses. To be honest, I was quite surprised by how low the number opposing it was, because, usually, when you ask such questions, you get 100% opposition. As I said, a number of people qualified their response to say that it was the least-impactful measure and that they were aware that something needed to be done to protect the scheme for the long term.

Mr Carroll: OK. It was still a majority. Thanks for your answer.

You referred, in passing, to some of the costs of implementing it: several hundred thousand pounds, if I heard that correctly. Quite often, in a general sense, when implementing a new scheme, it becomes quite expensive and, in some cases, more expensive to implement it than the money raised. How confident are you that that will not be the case with this one?

Presumably, if uptake is not as high as it is for the SmartPass now, it is likely that the £12 will go up. Have you done any modelling around what the higher rate of the application would be if there were low uptake?

Ms Burke: Analysis around what the impact would be on demand if there were a fee has not been carried out. A lot of the fee relates to hard charges associated with the postage and the card preparation etc, so the overall costs would decrease if fewer people applied, lost their cards or renewed. The overall impact would be considered to be negligible at this point. However, we will do an analysis of the amount if there were, for example, a 20% reduction in uptake. Again, it would make the overall cost of the concessionary fares scheme considerably less expensive, which would offset the increased costs. We do not want to encourage that; I am just pointing it out. We do not want to discourage people from using public transport, particularly if they get a social benefit from it.

Mr Carroll: Thank you for your answers.

Mr Kingston: I have two questions. The first is to further clarify what Gerry Carroll asked about the amount of income raised. Paragraph 5 states:

"The regulations may set a fee at an amount that exceeds the cost of issuing the pass concerned."

However, paragraph 6 states:

"But in setting fees the Department must aim to ensure that the income from them in a given financial year does not exceed the costs arising from the issue of passes under the agreement in that financial year."

It can be an amount that is above the cost, but it should not be more in total. It should not be revenue raising.

Ms Burke: It is not revenue raising. The amount of money that can be raised through the issuing of the fee cannot exceed the administrative costs associated with the card. For example, the amount of money raised through the fee cannot exceed £750,000. However, if the individual cost associated with each SmartPass holder is £12, the regulation gives us the power to set a fee above £12, and that is where the exemption applies. For example, if we considered the appropriate fee for 60- to 64-year-olds to be £20, and that meant that we could exempt those with a lower income or those above a certain age, the regulation would allow us to do that.

Mr Kingston: The fee for the card could potentially be different under the legislation.

Ms Burke: There could be a different fee. For example, you could exempt those over the age of 67 and only charge those aged between 60 and 64 with one fee. It may not raise as much as £750,000, or you could aim to recover the £750,000 through fewer people, which would mean a higher fee. The options will all be explored.

Mr Kingston: Overall, the charges will not be revenue raising.

Ms Burke: Absolutely not. It is not going to raise any more than the cost of the administration.

Mr Kingston: My next question is to understand how it works, and it is not directly related to the wording. When a SmartPass is used, is Translink subsidised per journey, or does it become part of a general subsidy to public transport?

Ms Burke: Translink is subsidised for the value of the journeys used.

Mr Kingston: Therefore, each journey using a SmartPass creates an income; the cost of the journey goes directly to Translink.

Ms Burke: Yes.

Mr Kingston: OK. Thank you.

Dr Aiken: I declare an interest as I have a SmartPass, but I am at the very front end of it.

A lot of constituents have asked about the number of cards issued. There is the health and social services card and various other cards that come from parts of government. Have you had any conversations about combining the cards and, in particular, using e-cards?

Ms Burke: The Republic of Ireland has a public services card, which can be used for prescriptions and transport. The card has initials printed on it. That has just come to light. We are at an early stage, but we will consider looking at that down the line in discussions with Translink.

Dr Aiken: The Committee has said for some time that it wants to examine how those things are done in Europe. In Estonia, everything is done on an e-basis: your identity, the social security system and all your passes. It encourages a lot of people who are over a certain age to use the electronic passes,

which increases their social mobility and ability to interact with others. It is not just a question of the financial cost; there is a social cost from excluding people from using the system. Again, I declare an interest: it can get a bit squeezed in the first-class section of the Enterprise train because people can pay the extra £10 on top of their SmartPass. It is a really important social piece.

My other question is on the £12 administration charge for the online application process and the ability to use particular data to say who it is or whatever it happens to be. Have there been any conversations about having access to other government databases, particularly nidirect, which is also the digital passporting process, so that people can identify themselves? That might cut your costs down a bit from £12. One of the most expensive things, I imagine, is trying to verify data, and that is one of the costs that comes through.

Ms Burke: No, there have been no discussions as such on that. The verification of the data is at an early stage. It was used, for example, in the high street scheme to verify applicants' identity. I was involved in that scheme, and we will be looking to do that in a similar manner. I do not say that I am an IT expert, but we will definitely get involved in all those discussions with nidirect. Those are all very valid points.

Dr Aiken: I have one other small point. One of the issues during COVID was about trying to define people rapidly and identify people. That was when nidirect came into its own and when, in particular, of all bodies, Land and Property Services (LPS) became the custodian of the Northern Ireland database of who was who, what was what, wages and the rest of it. If there is an option to talk to LPS to be able to look at how it carried out processes to see whether you could reduce that administration charge, that would be quite useful.

The Chairperson (Mr O'Toole): No further members have indicated that they wish to ask questions. I have a couple of final ones. There is no time limit on this; nothing in the legislation requires this to happen. You have suggested that, in a sense, the earliest that it could happen is in the next financial year. That is just an estimate of the process.

Ms Buick: It is a total estimate at this stage. There is still a lot of work to be done on the policy side with the fees and everything and with the development of the system. There have been suggestions here about different ways that it could be done. A lot of work still needs to be done. There is nothing in the legislation that requires it to be in by a certain date.

The Chairperson (Mr O'Toole): It is highly unlikely that the Bill will get Royal Assent by the start of the financial year. It will not be long out of the Committee by then. It may well have gone for Consideration Stage before the start of the new financial year, but it will not have passed and got Royal Assent by then. The earliest that it could realistically be introduced is probably some point in 2027.

Ms Buick: Yes. Once the Bill gets Royal Assent, we will need to do the regulations and everything as well.

The Chairperson (Mr O'Toole): The regulations could have a commencement date that is a year or two years in the distance, theoretically.

Ms Buick: We will have to work out all the policy and the fees, but we will probably want to bring in the regulations close to the implementation date, because the regulations will set what the fee is. Therefore, you need that to be correlated with the administrative costs for that year. If it were for a year in advance, it would be difficult to know what the administrative costs might be.

The Chairperson (Mr O'Toole): I think that it would be helpful, for the purposes of our reporting back to the Assembly and, indeed, for the onward debate that will happen on the Floor, that there be at least an indication from the Minister. The Minister will not be there on the Floor of the Assembly, so, in a sense, this is our opportunity to clarify these points with you, because you will not be sitting in the Officials' Box, I presume, for the Administrative and Financial Provisions Bill. There will be a lot of officials in the Officials' Box; it will be standing room only for the civil servants for this Bill. We will probably not be able to get the information in real time at Consideration Stage or Final Stage. We have asked for information today, and the Committee Clerk will be able to summarise it.

First, it was important that, in the Committee, we were clear, as our counterparts on the Infrastructure Committee were, that we did not think that the charge was appropriate. Even if it is a relatively modest charge, it will still have an impact, so it would be helpful to understand whether any modelling has been done on the potential impact on the take-up, particularly by vulnerable groups, because of the cost. It may be that there are behavioural studies from elsewhere that show that people who are vulnerable or are on benefits will simply shy away from even a £12, £15 or £10 outlay.

The second point is around any more detailed policy considerations going on. It sounds as though, at this point, considerations around concessions to the charge are very initial and tentative. Whether those are in relation to people who are in receipt of all or some benefits or in relation to other people in other circumstances, it would be helpful to understand that and the other points that were raised. We will clarify those in due course. For example, the cost is currently about £750,000. If that changes, we would appreciate having that information so that we can report back.

I have nothing else to raise. Does anyone else?

Miss Hargey: I will add to that. It would be good to have that. It is good that you have clarified that it is not about revenue raising but about protecting the concessionary scheme. It is right to raise concerns to make sure that the most vulnerable or those on the lowest incomes are protected where possible. By doing this, we could potentially expand the scheme or, as you said, look at exemptions. In effect, we could bring in more people to the scheme, given the equality screening that may be done. If you are picking any of that up, it would be important for that to be reported back. More people could be included — the hardest to reach or the most vulnerable. In essence, introducing the charge would be protecting the scheme for such people. If any assessment is being done or looked at, report that back to us as well, please.

Ms Burke: OK.

The Chairperson (Mr O'Toole): That could be a positive way of describing revenue raising: it is creating revenue in order to do other things. It is not always a bad thing. If the Minister has more detail on that, I would be more than happy to hear it.

I want to check one final point of information on affirmative versus negative. Are we expecting the Minister to bring forward an amendment converting it from negative resolution, as it is currently in the Bill?

Ms Burke: Yes.

The Chairperson (Mr O'Toole): Will she, and you, bring forward an amendment? Or will it be the Finance Minister? Which Minister are we expecting to bring forward that amendment?

Ms Buick: We will liaise with DOF officials to see how that works out in practice.

The Chairperson (Mr O'Toole): We will need to know that information. It is boring but practical information.

Ms Buick: You need to know what the process will be.

The Chairperson (Mr O'Toole): Yes. Do not be expecting us to do it: we have enough to do. [Laughter.] We need you to clarify where that amendment is coming from, because the Bill will have to be amended. At the minute, it is negative.

Dr Aiken: I would like some clarity, because we are doing other parts of the Bill, as well. Even though it is by affirmative revolution, if it is a Bill that is passed by the Department of Finance, it will have to come through the Finance Minister. Is that right?

The Chairperson (Mr O'Toole): Affirmative "resolution" not "revolution": I think that you said "revolution". I do not want to give people the wrong idea, given the week that is in it in today's world.

No, it can be any Minister. This is a Bill that gives different Ministers loads of different powers to do things, so it will be the Infrastructure Minister who is given the power to bring forward regulations.

Dr Aiken: That has to be laid out in the Bill.

The Chairperson (Mr O'Toole): It is laid out in the Bill.

Thank you very much for coming.