

West Yorkshire Combined Authority

Transport Act 1985

Local Government Act 2000

Pre-0930 Disabled Travel Concession Scheme

To be valid

From 26 May 2026



DLA Piper UK LLP is part of DLA Piper, a global law firm, operating through various separate and distinct legal entities.

A list of offices and regulatory information can be found at dlapiper.com

West Yorkshire Combined Authority

1985 Act Travel Concession Scheme and the well-being power under section 2 of the Local Government Act 2000

Valid from 26 May 2026

The Scheme

- 1 This Travel Concession Scheme subsequently referred to as the **Scheme** has been established by the West Yorkshire Combined Authority (**Combined Authority**), in pursuance of its powers under:
 - 1.1 the *Transport Act 1985* (as amended) (**1985 Act**);
 - 1.2 *Travel Concession Scheme Regulations 1986* (**TCSR**),
 - 1.3 the well-being power under *section 2* of the *Local Government Act 2000*and all other relevant statutory regulations.
- 2 The Scheme will be administered by West Yorkshire Combined Authority (**Combined Authority**).
- 3 The Scheme covers the discretionary concessions to be provided by operators under the 1985 Act as detailed in paragraph 7 below. These concessions are a discretionary extension of concessions provided under the Travel Concession Reimbursement Arrangements made by the Combined Authority under the Transport Act 2000 on 13 May 2024, as such arrangements may be amended, updated and replaced from time to time (**ENCTS Arrangements**).
- 4 Unless otherwise defined in this Scheme words or terms used in the Scheme shall have the same meaning as given to such words or terms in the 1985 Act, and TCSR.

Operative date

- 5 The Scheme came into operation in its entirety on 26 May 2026.

Principal Area

- 6 The principal area covered by this scheme is the administrative area of the Metropolitan District Council of Wakefield (**Principal Area**).

Scheme applicability

- 7 The Scheme shall apply:
 - 7.1 to eligible persons listed in Schedule 1 who tender to the operator on a Scheme Service (as defined below) the applicable permit or pass and notified fare (if any) for that category of concessionary passenger referred to in Schedule 1; and

7.2 when travelling on eligible services (as defined in section 94(4) of the 1985 Act) which have been admitted or required to participate in the Scheme on the basis that they have one or more stopping places within the Principal Area,

but only on journeys commencing within West Yorkshire (whether or not the individual journey commences within the Principal Area). For the purpose of this Scheme **journey** means a trip between two points without a change of vehicle or service and **Scheme Service** means services referred to in paragraph 7.2 above.

Eligible persons and nature of concession

- 8 Operators participating in the Scheme will be required on all Scheme Services to allow the concessions detailed in Schedule 1 to persons who satisfy the requirements set out in paragraph 7 above.
- 9 Where the Combined Authority wishes to vary the class of eligible person or nature of the concessions to be provided or the reimbursement arrangements they shall use reasonable endeavours to consult with all operators participating in the Scheme no later than 90 days prior to the date of intended variation and then may by giving a minimum of 28 days' notice in writing vary the class of eligible person or nature of the concessions to be provided or the reimbursement arrangements by notice and where relevant such notice should comply with the provisions of section 97(6) of the 1985 Act.

Entry of operators to the Scheme

- 10 An operator shall be admitted into the Scheme following at least 56 days prior notice in writing from the operator to the Combined Authority that it wishes to participate in the Scheme or, if later, on commencement of their eligible service.
- 11 In accordance with sections 96(4) and (5) of the 1985 Act, the Combined Authority may make admission to or continuation by an operator in the Scheme conditional on the operator agreeing appropriate modifications to the reimbursement arrangements where it appears to the Combined Authority that the operators current or proposed fares for any eligible service include a "*special amenity element*" as defined in section 96(6) of the 1985 Act.
- 12 If the Combined Authority serves on the operator a participation notice pursuant to section 97 of the 1985 Act, the operator shall participate in the Scheme in respect of the eligible services specified in the notice from the date stated in and for the duration of such notice, and the operator may not give notice to withdraw such specified eligible services from the Scheme whilst such notice remains in force.

Removal or withdrawal of operators from the Scheme

- 13 An operator who is participating in the Scheme, in respect of any of its Scheme Services, other than pursuant to a participation notice, must give the Combined Authority at least 56 days' notice in writing of withdrawal from the Scheme in respect of all or any of such Scheme Services.
- 14 The Combined Authority may terminate the Scheme by giving the operator not less than two months' notice in writing.

Objective for reimbursement of operators

- 15 The objective of the Scheme (which is not a duty) in relation to reimbursement of operators under the 1985 Act is to provide that such operators both individually and collectively are no

better and no worse off financially than they would be if they did not participate in the Scheme in accordance with the principles set out in the TCSR but the Combined Authority shall not be liable for any failure to achieve such objective.

Payment periods and dates

- 16 The "*payment periods*" under the Scheme are as set out in Schedule 5 or as notified to the Operators from time to time by the Combined Authority in writing.
- 17 Subject to paragraph 24, the Combined Authority will make a payment to operators not later than the day which is half-way between the first and last days of each payment period, equal to not less than 85% of the sum the Combined Authority estimates to be due to the operator in that period.
- 18 Subject to paragraph 24, the Combined Authority will make a further payment to operators, not later than three months after the end of the relevant payment period, equal to the difference (if any) between:
 - 18.1 the sum already paid to the operator for the relevant payment period as set out in paragraph 17; and
 - 18.2 the actual amount calculated as due to the operator for that relevant payment period.
- 19 If the amount paid under paragraph 16 above exceeds the amount calculated under paragraph 17.2 such that the Combined Authority has made an over payment for the relevant period the Combined Authority shall:
 - 19.1 deduct the level of such overpayment from the next or any subsequent payment; or
 - 19.2 if no such further payment is likely to become due or to be insufficient to recover such overpayment, demand such overpayment by notice in writing to the operator who shall repay the same within 14 days of demand being made.
- 20 The Combined Authority shall use reasonable endeavours to identify any overpayment promptly. The Combined Authority shall be entitled to set off any amount payable to an operator pursuant to this Scheme against any other amounts owed to the Combined Authority by such operator.
- 21 Where an operator believes that payment in accordance with paragraphs 16 to 20 would not satisfy the objective under paragraph 15, the operator may notify the Combined Authority of the reasons for any adverse impact, and the Combined Authority may, in its sole discretion, modify the timing of payments to that operator or to any identified group of operators to mitigate such adverse impacts, provided that no such modification to the timing of payments shall delay the payments beyond the timings specified in paragraphs 16 to 20.

Standard method of determining passenger journeys and fare values/ reimbursement arrangements

- 22 The standard method for assessing the total number of journeys made by eligible persons under the Scheme is set out in Schedule 2. The standard method for assessing the fares value to be attributed to those journeys is set out in Schedule 3. The standard method for calculating the reimbursement due to the operator will be on the basis of the formula and parameters set out in Schedule 3. In calculating the reimbursement due to the operator, the Combined Authority will take into account any data supplied by the operator if it can be shown that the data supplied is more accurate than the standard method and is more likely to enable the Combined Authority to meet its objective for reimbursement set out in paragraph 14.

- 23 In calculating the reimbursement due to the operator, the Combined Authority will take into account any data supplied by the operator if it can be shown that the data supplied is more accurate than the standard method and is more likely to enable the Combined Authority to meet the objectives set out in paragraph 14.
- 24 By agreement between the operator and the Combined Authority the standard method need not be applied in respect of calculating the reimbursement of that operator if any one of the following conditions are satisfied:
- 24.1 the vehicles normally used by the operator in providing services on which concessions are available have eight or less seats available for fare-paying passengers;
 - 24.2 the mileage run by vehicles is less than 150,000 miles per annum within the area covered by this Scheme during the times at which concessions are available; and
 - 24.3 except during the first three months of operation of this Scheme, there has not expired a period of three months commencing with the date on which the operator is admitted to participate in this Scheme in respect of a service or (if appropriate) becomes subject to the obligation imposed by a participation notice to provide concessions on a service.

Data

- 25 When an operator is to first be admitted (pursuant to paragraph 10) or become obliged to participate (pursuant to paragraph 12) in the Scheme, to the extent that such information has not already been provided to the Combined Authority pursuant to the terms of any other concessionary travel scheme operating in the Scheme Area, the operator shall supply to the Combined Authority no later than 2 weeks prior to the date on which it is to be admitted or required to participate:
- 25.1 a list of eligible services to be operated by that operator;
 - 25.2 all relevant fares and fare tables and a list of the ticket types valid for travel on such services; and
 - 25.3 the running boards/drivers duties applicable to such eligible services,
- to enable assessment of the operator's entitlement to reimbursement. The operator shall inform the Combined Authority of the introduction or cessation of any Scheme Services, changes to the times at which and routes on which Scheme Services operate and any circumstances leading to the temporary cessation or major disruptions to such services, within seven days of such event occurring.
- 26 An operator shall provide data to the Combined Authority in accordance with the provisions of Schedule 4.
- 27 If the operator fails to provide such information or data as is referred to above, then the Combined Authority may in its discretion either defer all or part of any payment otherwise due to the operator until such omission is fully rectified or reimburse the operator on the basis of such estimated reimbursement as it considers appropriate in the absence of such data.
- 28 Where it becomes apparent to the Combined Authority that any eligible service is or has been subject to material disruption, or has not been operated in accordance with the registered timetable, then the Combined Authority may, after giving the operator the opportunity to comment on the effects of the same on the journeys being taken by eligible persons on such

services, make such adjustments to the reimbursement due to such operators as it considers necessary to reflect the effects of such disruption or non-operation.

Recalculation of reimbursement

- 29 At the end of each financial year the Combined Authority shall reserve the right to review this Scheme, which may include, where relevant, the calculation method specified in Schedule 3, elasticities, average fares and additional costs. If following the review, it is determined by the Combined Authority that changes are required a new Scheme will be issued for consultation.
- 30 If, following the review of the reimbursement calculations in accordance with the provisions of paragraph 27 above, there is a dispute between an operator and the Combined Authority in respect of the level of reimbursement paid to that operator, then, if such dispute relates to either:
- 30.1 the payment rate to be attributed to journeys by persons eligible to receive concessions on the operator's eligible services covered by this Scheme;
 - 30.2 the total number of journeys made by persons eligible to receive concessions on the operator's eligible services covered by this Scheme; or
 - 30.3 the number of additional journeys generated in consequence of the availability on the operator's eligible services of such concessions, then such dispute shall be the subject of the dispute resolution procedure set out in Schedule 6.

Additional costs

- 31 An operator shall be entitled to additional reimbursement payments in accordance with regulation 5 of TCSR where the operator demonstrates (in accordance with paragraph 32 below) to the Combined Authority's satisfaction (acting reasonably):
- 31.1 that the operator has necessarily incurred costs additional to basic operating costs and attributable to an increase in the number or the capacity of the vehicles used in providing services on which concessions are available in order to meet the extra demand created by the availability of those concessions; and
 - 31.2 that those costs are such that they will not be met by reimbursement payments made in accordance with the standard method during the year in which the costs are incurred or during the three months immediately following the end of that year.
- 32 Any operator claiming additional reimbursement payments pursuant to paragraph 31.1 above (increase in the capacity or number of vehicles) shall, in making such a claim, provide the Combined Authority with sufficient information supporting their claim for additional costs to satisfy the criteria set out in paragraph 31.1 and 31.2, including, but not limited to:
- 32.1 details of the additional number or capacity of vehicles used in providing Scheme Services as a result of concessions being available;
 - 32.2 information demonstrating that the additional capacity was required on those services, and is not spare capacity, and showing the extent to which the reason for requiring such additional capacity was due to the availability of concessionary travel pursuant to the terms of this Scheme, and that the operator has sought to mitigate the need for such additional capacity;
 - 32.3 details of the cost of additional vehicles deployed (or provision of additional capacity) and details of how these have been utilised less any benefit realised by the operator from disposal (or other use) of vehicles previously used to provide such services and

any other benefits including, but not limited to, the level of generated commercial patronage expected from such additional capacity; and

- 32.4 any other information that the operator believes is relevant to its claim for additional reimbursement payments arising from providing additional vehicles or capacity to meet demand created by the availability of the concessions.
- 33 The Combined Authority shall use all data provided by the operator in conjunction with any further information that the Combined Authority may itself have to assess the additional costs which the the operator incurred or would incur as a result of this Scheme and assess the additional reimbursement payments to be made.
- 34 Payment of additional reimbursement payments shall be paid by 12 equal monthly instalments starting from the payment date following the date of calculation of the costs additional to the basic operating costs carried out by the Combined Authority in accordance with regulation 5 of TCSR.

Other requirements of the Scheme

- 35 All operators participating in the Scheme will, if required by the Combined Authority, display on his vehicle a sign, supplied by the Combined Authority, for the purpose of showing that concessions are available on those vehicles.
- 36 Operators shall not discriminate against eligible persons or any class of eligible persons in the provision of eligible services or associated services and facilities.

Contact for communications

- 37 All notices, data and other information required to be given to the Combined Authority under this Scheme shall be provided to the following contact point (or such other contact point as may be nominated by the Combined Authority to operators in writing from time to time):

Position: Director of Transport Services

Address: Wellington House, 40-50 Wellington Street, Leeds, LS1 2DE

E-mail: Tim.Taylor@westyorks-ca.gov.uk

Tel: 0113 251 7246

- 38 On commencing the provision of eligible services in the Principal Area, the operator shall provide to the Combined Authority details of the name, address, telephone number and email address of its official contact for communications in relation to this Scheme and shall by notice in writing inform the Combined Authority of any changes to the same.
- 39 Any notice or communication sent to the last such address or email address as is referred to above shall be deemed to be duly served on the recipient. If an operator has failed to give notice in writing to the Combined Authority of such an official contact, then the Combined Authority may send any notice or other communication to any address set out in the most recent correspondence from the operator concerned, which shall be deemed to be its address for service

Schedule 1 Eligible person and nature of concession under 1985 Act (paragraph 8)

1 Bus

Class of Eligible Persons	Nature of Concession to be Provided On Scheme Services Provided by Bus
<p>Disabled Persons (with and without companions) (as defined in section 146 <i>Transport Act 2000</i>)</p> <p>(a) Persons who are blind or partially sighted.</p> <p>(b) Persons who are profoundly or severely deaf.</p> <p>(c) Persons without speech.</p> <p>(d) Persons with a disability, or have suffered an injury, which has a substantial and long term adverse effect on their ability to walk.</p> <p>(e) Persons who do not have arms or have long-term loss of the use of both arms.</p> <p>(f) Persons with a learning disability, that is, a state of arrested or incomplete development of mind, which includes significant impairment of intelligence and social functioning.</p> <p>(g) Persons who would, if they applied for the grant of a licence to drive a motor vehicle under Part III of the Road Traffic Act 1988, have their application refused pursuant to section 92 of the Act (physical fitness) otherwise than on the ground persistent misuse of drugs or alcohol. Concessions for disabled persons are available at any age.</p>	<p>On production of a statutory travel concession permit an eligible person shall be carried without charge on eligible services* to which the Scheme applies, provided that the actual time of boarding falls from the commencement of service of that eligible service until 09:30am.</p>

* Exclusions are certain special services, excursions, tours, private hire vehicles, school and works contract services and certain express bus services, which cross the West Yorkshire boundary.

Schedule 2 Standard method of determining concessionary passenger journey (paragraph 16)

1 Operation of the Standard method

- 1.1 The Combined Authority will determine its reimbursement payments to the operator on the basis of the estimates it makes of the total number of eligible journeys made by eligible persons listed in Schedule 1 subject to the relevant concession listed in Schedule 1 on the operator's eligible services as defined in section 146 of the 2000 Act.
- 1.2 For the purposes of such calculation the Combined Authority shall be entitled to use:
- (a) the number of eligible journeys recorded using smart ticketing as determined from data in the NERO back office data store operated by the Combined Authority; and
 - (b) manual journey records recorded by the operator using the electronic ticketing machine (ETM) on the vehicle in respect of an eligible journey where such operator was unable to reasonably record such eligible journey using smart ticketing, which shall include:
 - (i) any eligible service operated using a vehicle without a smart ticket machine;
 - (ii) for any eligible service operated using a vehicle with a smart ticket machine:
 - (A) any failure of the smart element of the statutory travel concession permit; or
 - (B) any failure of the smart ticket machine, provided that for each such eligible journey the operator identifies to the Combined Authority the reason for such failure to record the eligible journey using smart ticketing.
- 1.3 To enable the use of the NERO back office for the purposes of such calculation the operator shall provide the Combined Authority with full details of the eligible services on which eligible persons may use the relevant concession, as specified in paragraphs 23 to 26 of the Scheme. The details of the information to be provided are set out in Schedule 4.

2 Output from the standard method

The Combined Authority will access via the NERO back office and manual journey records, for each of the payment periods and dates referred to in paragraphs 15 to 17 of this Scheme, the total number of eligible journeys made by eligible persons using the relevant concession on the operator's eligible services.

3 Estimates to be made in the absence of information from the operator and manual journey records

- 3.1 In the event that:
- (a) the operator fails to provide sufficient information to enable the Combined Authority to determine the number of concessionary journeys made during a particular period the Combined Authority may at its discretion make such estimates as it thinks fit of the concessionary journeys made by eligible persons carried by the operator on eligible services; or

- (b) the percentage of manual journey records is greater than 0.5% of the total eligible journeys for that period, the number of manual journey records shall be capped at 0.5% of the total eligible journeys for that period for the purposes of calculating reimbursement,

subject to correction when, and to the extent that, better information is made available to the Combined Authority.

- 3.2 In the event that any operator with smart ticket machines fitted to their vehicles provides a materially greater proportion of manual journey records in accordance with paragraph 1.2 in respect of eligible journeys made on such vehicles than other operators with smart ticket machines, then the Combined Authority shall be entitled to request further information from such operator(s) in respect of such returns, to identify whether such manual journey records properly relate to eligible journeys. For the avoidance of doubt, where the Combined Authority believes that such manual journey records do not reflect the actual number of eligible journeys, then the Combined Authority shall be entitled to make an estimate as it thinks fit, subject to correction when, and to the extent that, better information is made available to the Combined Authority, and any dispute between the Combined Authority and the operator in respect of such returns shall be referred to the Dispute Resolution Procedure in Schedule 6.

Schedule 3 Standard method of determining payment rate and reimbursement (paragraph 21)

1 Determination of Payment Rate

- 1.1 Schedule 3 (*Standard Method of Determining Payment Rate and Reimbursement*) of the ENCTS Arrangements shall apply for the purposes of calculating the reimbursement due to an operator under this Scheme save that for the purposes of paragraph 2.3 of that Schedule:
- 1.2 the **Observed Concessionary Journeys** at Cell F10 shall be the total number of eligible journeys made by eligible persons as determined in accordance with Schedule 2.

2 Additional Costs

- 2.1 The Additional Costs will be calculated for the operator for each of the payment periods as referred to in paragraph 15 of this Scheme or such other period as may be reasonably determined by the Combined Authority.
- 2.2 The Combined Authority will use the "**Additional Costs**" set out in tab "**General Inputs tab**" of the DfT Reimbursement Calculator to estimate the marginal cost rates per generated concessionary passenger in order to calculate reimbursement for an operator's additional marginal operating costs and marginal capacity costs (**Additional Costs**) as follows:
- (a) **Administration Costs** shall be zero pounds (£0) at cell F36 save where the Operator has provided specific data of scheme administration costs which they have incurred which they can demonstrate are not covered by marginal operating costs, which are not covered by the ENCTS Arrangements and which have been validated by the Combined Authority pursuant to paragraph 15 of this Scheme; and
- (b) **Peak Vehicle Requirements Costs** shall be zero pounds (£0) at cell F38, save where the Operator has provided data and analysis that they have increased the number of and/or capacity of vehicles in order to accommodate generated concessionary passengers, noting that additional peak vehicle requirements are likely to be exceptional so any Operator making such a claim will have to demonstrate that exceptional or unusual circumstances are relevant, and such peak vehicle requirement shall be validated by the Combined Authority pursuant to paragraph 21 of this Scheme.

Outputs

3 Total Reimbursement

- 3.1 The Combined Authority will calculate the Payment Rate due to the operator for each of the payment periods as referred to in paragraph 15 of this Scheme or such other period as may be reasonably determined by the Combined Authority. The calculation will be the result of dividing the "**Total Reimbursement**" set out in tab "**Outputs**" at cell F52 of the DfT Reimbursement Calculator by the Observed Concessionary Journeys set out in tab "**Outputs**" at cell F20 of the DfT Reimbursement Calculator.
- 3.2 The Reimbursement Payment due per operator shall be the result of multiplying the Payment Rate pursuant to paragraph 5.4 by the observed concessionary journeys for the payment period pursuant to Schedule 2 of this Scheme.

4 Alternative method

Following consultation with the operator as an alternative to determining the applicable Payment Rate in accordance with this Schedule 3 and the DfT Reimbursement Calculator, the Combined Authority reserves the right to use an alternative method for calculating the reimbursement due to an operator where the Combined Authority, acting reasonably, believes that the application of such alternative method will be more consistent with "*no better off and no worse off*" principles.

Schedule 4 Data provision (paragraph 23)

- 1 Annex F of the Guidance lists the data required by the Combined Authority to use the DfT Reimbursement Calculator. Every operator claiming reimbursement under the Scheme is required to submit to the Combined Authority within seven working days of each payment period, statements containing the following data, save that where an operator does not provide information marked [optional] the Combined Authority shall be entitled to rely upon the default data specified in Schedule 3, and where the operator has provided such data under the ENCTS Arrangements they shall not be required to provide such information again:

Table 4.1 Data items required to use DfT Reimbursement Calculator	
Component of reimbursement	Data items
Journeys	Total concessionary journeys (disabled people), such data provision to be satisfied by the operator providing or allowing the provision of the information required pursuant to Schedule 2.
Average Fare	For each product within the cash fare, daily ticket and weekly ticket categories: (a) total revenue (on & off Bus); (b) total number of tickets sold (on & off Bus). The data should cover the payment period. being calculated and exclude child tickets. It is acknowledged that where the Combined Authority has a capped fare scheme in place that the average fare may be determined by reference to the shadow fare under such scheme, rather than the fare charged to passengers (where such fare has been capped by such scheme).
Reimbursement Factor	Percentage increase in nominal fares between 2005/06 and the year of calculation, save that where such information is not provided or not validated by the Combined Authority, the Combined Authority may rely upon its own data.
Marginal Operating Costs	All components of marginal operating costs (per concessionary passenger) [optional]: (a) fuel, tyres and oil; (b) maintenance and cleaning; (c) insurance; (d) information; (e) additional time costs.
Marginal Capacity Costs	(a) Average commercial fare. (b) Average speed [optional]. (c) Average route length [optional].

Table 4.1 Data items required to use DfT Reimbursement Calculator	
Component of reimbursement	Data items
	(a) Average journey length [optional]. (b) Average occupancy [optional]. (c) Commercial journeys as a % of total [optional].

- 2 If required by the Combined Authority, each such statement must be certified by a member of the Institute of Chartered Accountants in England and Wales, the Institute of Chartered Accountants of Scotland or the Chartered Association of Certified Accountants consistent with the requirements of Regulation 16 of the *Travel Concession Scheme Regulations 1986*, and be provided in the form from time to time specified by the Combined Authority.

Schedule 5 Payment periods (paragraph 15)

The payment periods will be each calendar month and the payment day will be the mid point of the payment period.

Schedule 6 Dispute Resolution procedure (paragraph 28)

- 1 In the event of any dispute arising in connection with any matter arising from paragraph 28 of Scheme or paragraph 3.2 of Schedule 2 of this Scheme which cannot be resolved by agreement between the parties representatives within five working days of the dispute arising, senior representatives of the parties shall, within five working days of a written request from either party to the other, meet in good faith to attempt to resolve the dispute.
- 2 If the dispute is not resolved as a result of such meeting, either the Combined Authority or the operator may (at such meeting or within five working days of its conclusion) propose to the other in writing that the dispute be referred to an independent expert (**Independent Expert**).
- 3 If the parties are unable to agree on an Independent Expert or if the Independent Expert agreed upon is unable or unwilling to act then any party may within five working days from the date of the proposal to appoint an Independent Expert or within a further five working days of notice to either party that he or she is unable or unwilling to act, apply to the President of the Law Society to appoint an Independent Expert.
- 4 If any matter is referred to the Independent Expert for determination in accordance with paragraph 3 above, then:
 - 4.1 the Independent Expert shall determine the matter, subject to the remaining provisions of this paragraph 4, on a basis that is fair and reasonable in all respects as between the operator and the Combined Authority and that takes into account all relevant factors and circumstances;
 - 4.2 the Independent Expert shall act as an expert and not as an arbitrator and its determination of the dispute shall be final and binding on the parties (save in the case of manifest error);
 - 4.3 the Combined Authority and the operator shall ensure that the Independent Expert has full access to all books, information and records in their possession or in the possession of their auditors and accountants that are relevant to the dispute and to his determination thereon; and
 - 4.4 the Independent Expert's fees shall be borne equally by the parties unless he or she shall decide that one party has acted unreasonably (in which case his or her fees shall be borne as he or she shall direct).