



House of Commons

Thursday 16 March 2017

PUBLIC BILL COMMITTEE

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

BUS SERVICES BILL [*LORDS*]

NOTE

This document includes all amendments remaining before the Committee and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order of the Committee [14 March 2017].

Andrew Jones

Schedule 4, page 88, line 12, leave out “123A(4)(b) to (f)” and insert “123A(4)”
Member’s explanatory statement
See explanatory statement for amendment 17.

18

Andrew Jones

Clause 18, page 74, leave out lines 7 to 12 and insert “which have one or more stopping places in their areas”
Member’s explanatory statement
This amendment will allow regulations under new section 141A of the Transport Act 2000 to require local transport authorities to provide information about all relevant local services which have stopping places in their areas. As currently drafted the power is available only where there are franchising arrangements.

12

Andrew Jones

Clause 18, page 74, line 22, after “routes,” insert “stopping places,”
Member’s explanatory statement
This amendment and amendment 14 ensure that information about stopping places is included in

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Bus Services Bill [Lords], continued

the types of information that can be required by regulations under new section 141A of the Transport Act 2000.

Andrew Jones

Clause 18, page 74, line 23, at end insert “stopping places,”
Member’s explanatory statement
See the explanatory statement for amendment 13.

14

Lilian Greenwood

Clause 19, page 76, line 5, leave out “may” and insert “shall”
Member’s explanatory statement
This amendment would specify that regulations will require, rather than may require, operators to provide prescribed information.

31

Lilian Greenwood

Clause 19, page 76, line 13, leave out from “application” to end of line 14
Member’s explanatory statement
This amendment is consequential on amendment 31.

32

Andrew Jones

Clause 19, page 76, line 36, at end insert—
 “() In this section “local transport authority” has the meaning given in section 108(4) of the Transport Act 2000.”
Member’s explanatory statement
This amendment adds a definition of a term, “local transport authority”, which appears in the clause.

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NEW CLAUSES

Andrew Jones

To move the following Clause—

NC1

“Bus companies: limitation of powers of authorities in England

- (1) A relevant authority may not, in exercise of any of its powers, form a company for the purpose of providing a local service.
- (2) Subsection (1) applies whether the relevant authority is acting alone or with any other person.
- (3) In this section—
 “company” has the same meaning as in the Companies Acts (see sections 1(1) and 2(1) of the Companies Act 2006);

Bus Services Bill [Lords], continued

“form a company” is to be construed in accordance with section 7 of the Companies Act 2006;

“local service” has the same meaning as in the Transport Act 1985 (see section 2 of that Act);

“Passenger Transport Executive”, in relation to an integrated transport area in England or a combined authority area, means the body which is the Executive in relation to that area for the purposes of Part 2 of the Transport Act 1968;

“relevant authority” means—

- (a) a county council in England;
- (b) a district council in England;
- (c) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;
- (d) an Integrated Transport Authority for an integrated transport area in England;
- (e) a Passenger Transport Executive for—
 - (i) an integrated transport area in England, or
 - (ii) a combined authority area.”

Member’s explanatory statement

This amendment prohibits county and district councils in England, combined and integrated authorities in England and passenger transport executives in England from setting up companies to provide local services.

Daniel Zeichner
Lilian Greenwood
Nic Dakin

NC2

To move the following Clause—

“National strategy

- (1) The Secretary of State must, within 12 months of the day on which this Act is passed, publish a national strategy for local bus services setting out the objectives, targets and funding provisions for rural, urban and inter-urban local bus services in the ten years after Royal Assent is given to this Act.
- (2) The national strategy must include a consideration of a reduced fare concessionary scheme for young people aged between 16 and 19.”

Member’s explanatory statement

This new clause would require the Secretary of State to publish a national strategy for buses.

Bus Services Bill [Lords], continued

Daniel Zeichner
Lilian Greenwood
Nic Dakin

NC3

To move the following Clause—

“Disability awareness training

- (1) All drivers of buses and staff at bus terminals must complete approved disability equality and awareness training (“approved training”) by 1 April 2019.
- (2) This training must cover the needs of persons with mental or physical disabilities, including hidden disabilities.
- (3) After 1 April 2019—
 - (a) all new bus drivers and terminal staff must complete approved training within one month of starting work; and
 - (b) bus drivers and terminal staff must undertake refresher training at least once every three years.
- (4) Bus operating companies must consult passenger groups, disability stakeholder groups, trade unions and relevant authorities when developing their approved training for bus drivers and terminal staff.
- (5) In this section “approved training” means a training course concerning the needs of persons with mental or physical disabilities, including hidden disabilities, who use or seek to use bus services, approved in a manner specified by regulations to be made by the Secretary of State.”

Member’s explanatory statement

This new clause would require all drivers of buses and staff at bus terminals to complete approved disability equality and awareness training by 1 April 2019.

Daniel Zeichner
Lilian Greenwood
Nic Dakin

NC4

To move the following Clause—

“Ability to make adjustments for disabled passengers

Insert new section 6AA into the Transport Act 1985—

- “(1) A condition for registration of a local bus service in England is that the operator has policies in place to ensure that it is able to conform to its duty under section 20 of the Equality Act 2010 to make adjustments for any disabled passenger on the bus.
- (2) This condition will be enforced by the Traffic Commissioner.””

Member’s explanatory statement

This new clause would make it a condition for registration of bus services in England that bus operators have in place policies to ensure that they are able to make adjustments for any disabled passenger on the bus. This comes following the Supreme Court decision First Group v Pauley.

Bus Services Bill [Lords], continued

Daniel Zeichner
Lilian Greenwood
Nic Dakin

NC5

To move the following Clause—

“Bus safety

- (1) An operator of a local service may not participate in any scheme under sections 1, 4, 7 or 9 of this Act, and an authority or authorities may not approve the participation of an operator as party of any such scheme, unless the operator has given a written undertaking to the applicable authority or authorities that—
 - (a) it has subscribed to a confidential safety reporting system that—
 - (i) is suitable for bus operations staff;
 - (ii) can demonstrate it is adequately experienced, resourced and staffed; and
 - (iii) is entirely independent of any bus operator’s control;
 - (b) it has used its best endeavours to ensure that all staff of the operator have been made aware of their right to use this confidential safety reporting system to enable bus operators’ staff to report incidents, unsafe acts, concerns and safety-related issues that they do not feel able to report through normal channels, or where normal reporting channels have not resolved the issue;
 - (c) it will collect and monitor bus casualty data in a manner to be prescribed by the applicable authority or authorities from time to time, and
 - (d) it will make its bus casualty data available to the applicable authority or authorities by way of a report on at least a monthly basis.
- (2) The authority or authorities must publish on their own website, every quarter, the bus casualty data that they have collected from operators.”

Member’s explanatory statement

This new clause would require bus operators taking part in any scheme to subscribe to a confidential safety reporting system, to make bus casualty data available to local authorities, and for local authorities to publish that data quarterly.

Lilian Greenwood

NC7

To move the following Clause—

“Priority wheelchair spaces

- (1) The Secretary of State may by regulations make such provision as appears to the Secretary of State to be appropriate for the purpose of facilitating travel by wheelchair users on local services.
- (2) The regulations may in particular require operators of local services to put in place and enforce a policy for priority wheelchair spaces.
- (3) For the purposes of subsection (2) a policy for priority wheelchair spaces is one under which—
 - (a) a wheelchair user has priority use of any wheelchair space on a public service vehicle unless it is not reasonable for other passengers to vacate the space;

Bus Services Bill [Lords], continued

- (b) other passengers are required to vacate the space for the wheelchair user if it is reasonable for them to do so; and
 - (c) a passenger who unreasonably refuses to vacate the space may, if necessary, be required to leave the vehicle.
- (4) The power conferred by subsection (1) includes power to amend, repeal, revoke or otherwise modify—
- (a) an Act passed before or in the same Session as this Act; or
 - (b) an instrument made under an Act before the regulations come into force.
- (5) Regulations under this section must be made by statutory instrument.
- (6) A statutory instrument which contains (whether alone or with other provision) regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

Member’s explanatory statement

This new clause enables the Secretary of State to make regulations to require bus operators to put in place and enforce policies for priority wheelchair spaces.

Lilian Greenwood

NC8

To move the following Clause—

“Termination of Bus Service Operators Grant

Insert new section 112A into the Transport Act 2000—

- “(1) The Bus Service Operators Grant shall be terminated on the last day of the first financial year to begin after this Act has received Royal Assent.
- (2) Sums equivalent to those projected to be spent on Bus Service Operators Grant in each year following the year specified in subsection (1) shall be provided to local transport authorities for expenditure on local transport.
- (3) The meaning of “local transport” in subsection (2) shall be taken to include—
- (a) local transport services;
 - (b) local transport infrastructure; and
 - (c) supporting services, including ticketing and transport information services.””
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Bus Services Bill [*Lords*], *continued*

Lilian Greenwood

NC9

To move the following Clause—

“Accessibility policies for bus passengers

- (1) After section 181 of the Equality Act 2010 insert—

“CHAPTER 2A

BUS SERVICES

181E Accessibility policies for bus passengers

- (1) The Secretary of State may, for the purpose of facilitating travel by disabled persons, make regulations requiring operators of local services to put in place and publish policies for making their services accessible.
- (2) The regulations may make provision about—
 - (a) what is to be included in the policies;
 - (b) how and where the policies are to be published.
- (3) The regulations may, in particular, require an operator of a local service to make provision in the policy about—
 - (a) passenger information;
 - (b) fares, tickets and reservations;
 - (c) facilities and assistance on the vehicle;
 - (d) priority seating and wheelchair and scooter space;
 - (e) connections to local services and transport interchange;
 - (f) diversions, disruptions and alternative accessible transport;
 - (g) contact details, feedback and complaints;
 - (h) staff training.
- (4) The regulations may, in particular—
 - (a) specify ways of making the policies available, including different media and alternative formats;
 - (b) specify standards and guidelines relevant to the policies or means of publication;
 - (c) specify requirements for reviewing the policies.
- (5) Regulations under this section may make different provision—
 - (a) as respects different descriptions of vehicle;
 - (b) as respects the same description of vehicle in different circumstances.
- (6) Before making regulations under this section, the Secretary of State must consult—
 - (a) the Welsh Ministers;
 - (b) the Scottish Ministers.

Bus Services Bill [Lords], continued**181F Exemptions etc**

- (1) The Secretary of State may by regulations make provision for securing that the provisions of regulations under section 181E do not apply or apply subject to such modifications or exceptions as the regulations may specify to—
 - (a) public service vehicles of a prescribed description;
 - (b) operators of a prescribed description;
 - (c) local services of a prescribed description.
- (2) Regulations under subsection (1)(b) may, in particular, make provision by reference to an operator's size.
- (3) Regulations under this section may also make provision for securing that the provisions of regulations under section 181E do not apply or apply subject to such modifications or exceptions as the regulations may specify to—
 - (a) a prescribed public service vehicle;
 - (b) public service vehicles of a prescribed operator;
 - (c) a prescribed local service.
- (4) Regulations under subsection (1) or (3) may make the provision subject to such restrictions and conditions as are specified in the regulations.
- (5) Regulations under subsection (1) or (3) may specify the period for which provisions of those regulations are to have effect.
- (6) Regulations under subsection (1) may make different provision for different areas.
- (7) Section 207(2) does not require regulations under this section that apply only to—
 - (a) a prescribed public service vehicle,
 - (b) public service vehicles of a prescribed operator, or
 - (c) a prescribed local service,to be made by statutory instrument; but such regulations are as capable of being amended or revoked as regulations made by statutory instrument.
- (8) Before making regulations under this section, the Secretary of State must consult—
 - (a) the Welsh Ministers;
 - (b) the Scottish Ministers.

181G Guidance

- (1) The Secretary of State must issue guidance about the duties imposed on operators of local services by regulations under section 181E.
- (2) The Secretary of State—
 - (a) must review the guidance issued under subsection (1), at intervals not exceeding five years, and
 - (b) may revise it.

Bus Services Bill [Lords], continued

- (3) Before issuing the guidance or revising it in a way which would, in the opinion of the Secretary of State, result in a substantial change to it, the Secretary of State must consult—
- (a) the Welsh Ministers,
 - (b) the Scottish Ministers,
 - (c) the Passengers' Council,
 - (d) such organisations representing disabled persons, including the Disabled Persons Transport Advisory Committee and the committee established under section 72 of the Transport (Scotland) Act 2001, as the Secretary of State thinks fit,
 - (e) such organisations representing operators of local services as the Secretary of State thinks fit, and
 - (f) such other persons as the Secretary of State thinks fit.
- (4) The Secretary of State must arrange for any guidance issued or revised under this section to be published in a way the Secretary of State considers appropriate.

181H Interpretation

- (1) In this Chapter—
- “local service” has the same meaning as in the Transport Act 1985;
- “public service vehicle” means a vehicle that is a public service vehicle for the purposes of the Public Passenger Vehicles Act 1981;
- “stopping place” has the same meaning as in the Transport Act 1985.
- (2) For the purposes of this Chapter, a local service (“service A”) is a connecting local service in relation to another local service (“service B”) if service A has a stopping place at, or in the vicinity of, a stopping place of service B.
- (3) References in this Chapter to the operator of a passenger transport service of any description are to be construed in accordance with section 137(7) of the Transport Act 1985.”
- (2) In section 207 of that Act (exercise of power to make orders and regulations), in subsection (5), after “174(4)” insert “, 181E(5), 181F(6)”.
- (3) In section 208 of that Act (procedure for orders and regulations), in subsection (5) (statutory instruments subject to affirmative procedure), after paragraph (f) insert—
- “(fa) regulations under section 181E or 181F (accessibility policies for bus passengers);”
- (4) In section 26 of the Transport Act 1985 (conditions attached to PSV operators' licence), in subsection (1), after paragraph (bb) insert—
- “(bc) the operator has failed to comply with a requirement of regulations made under section 181E of the Equality Act 2010;”
- (5) In section 155 of the Transport Act 2000 (sanctions), after subsection (1ZD) (inserted by Schedule 4), insert—
- “(1ZE) Where a traffic commissioner is satisfied that the operator of a local service has, without reasonable excuse, failed to comply with a requirement of regulations made under section 181E of the Equality Act 2010, the traffic commissioner may make one or more orders under subsection (1A)(a) or (d).”

Bus Services Bill [Lords], continued

- (6) In section 39 of the Transport (Scotland) Act 2001 (penalties), in subsection (1)—
- (a) omit the “or” following paragraph (b);
 - (b) after paragraph (c) insert “; or
 - “(d) failed to comply with a requirement of regulations made under section 181E of the Equality Act 2010,”.”

Member’s explanatory statement

This new clause inserts new sections into the Equality Act 2010 to enable the Secretary of State to make regulations requiring bus operators to publish accessibility policies for disabled passengers, and to give the Traffic Commissioners powers to enforce them. It reflects similar requirements on train companies.

Andrew Jones

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Clause 26, page 79, line 37, leave out subsection (2)

Member’s explanatory statement

This amendment removes the privilege amendment inserted by the Lords.

ORDER OF THE HOUSE [1 MARCH 2017]

That the following provisions shall apply to the Bus Services Bill [Lords]:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 21 March 2017.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

4. Proceedings on Consideration and proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

Other proceedings

7. Any other proceedings on the Bill (including any proceedings on consideration of any message from the Lords) may be programmed.
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Bus Services Bill [*Lords*], *continued*

ORDER OF THE COMMITTEE [14 MARCH 2017]

That—

- (1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 14 March) meet—
 - (a) at 2.00 pm on Tuesday 14 March;
 - (b) at 11.30 am and 2.00 pm on Thursday 16 March;
 - (c) at 9.25 am and 2.00 pm on Tuesday 21 March;
- (2) the proceedings shall be taken in the following order: Clauses 1 and 2; Schedule 1; Clauses 3 to 6; Schedule 2; Clauses 7 and 8; Schedule 3; Clauses 9 to 15; Schedule 4; Clauses 16 to 21; new Clauses; new Schedules; Clauses 22 to 26; remaining proceedings on the Bill;
- (3) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Tuesday 21 March.

NOTICES WITHDRAWN

The following Notices were withdrawn on Monday 13 March:

NC6
