

# Bus Services Bill [HL]

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THIRD  
MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE

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*The amendments have been marshalled in accordance with the Instruction of 27th June 2016, as follows –*

Clauses 1 and 2	Schedule 3
Schedule 1	Clauses 9 to 15
Clauses 3 to 6	Schedule 4
Schedule 2	Clauses 16 to 26
Clauses 7 and 8	

*[Amendments marked ★ are new or have been altered]*

**Amendment  
No.**

**Clause 9**

BARONESS CAMPBELL OF SURBITON  
BARONESS BRINTON  
BARONESS GREY-THOMPSON  
BARONESS JONES OF WHITCHURCH

**83A**

Page 36, line 39, at end insert –

“(3A) The policies and objectives referred to in paragraphs (3)(c) and (3)(d) must include policies and objectives which are aimed at protecting the interests of disabled passengers.”

LORD AHMAD OF WIMBLEDON

**84**

Page 37, line 21, leave out “a related enhanced partnership” and insert “the”

LORD BERKELEY

**84A**

Page 37, line 23, at end insert –

“(7A) An enhanced partnership scheme must state the minimum standards of service to be provided under the scheme.”

**Clause 9 - continued**

BARONESS CAMPBELL OF SURBITON  
 BARONESS BRINTON  
 BARONESS GREY-THOMPSON  
 BARONESS JONES OF WHITCHURCH

**84AA** Page 37, line 32, after “persons” insert “, including disabled persons,”

LORD BERKELEY

**84B** Page 38, line 37, leave out “may” and insert “must”

BARONESS RANDERSON  
 LORD BRADSHAW

**85** Page 39, line 1, leave out “may specify” and insert “must consider”

**86** Page 39, line 4, after “requirements” insert “, including emission levels and disabled access arrangements,”

EARL ATTLEE

**87** Page 39, line 31, at end insert –

“(6A) The requirements that may be specified under subsection (4)(b), (4)(e) and (4)(h) in relation to fares and the prices of multi-operator tickets may only be specified if all operators party to the enhanced partnership scheme are in agreement with the requirements.”

BARONESS JONES OF WHITCHURCH  
 LORD BERKELEY

**88** Page 40, line 19, at end insert –

“(9A) An enhanced partnership scheme must specify under section 138A(5)(b) that new vehicles delivering local services will meet the specifications of the low emission bus as set out by the Office for Low Emission Vehicles in the 2015 document “Low Emission Bus Scheme: Guidance for participants”.”

THE EARL OF LISTOWEL

**89** Page 40, line 19, at end insert –

“(9A) An enhanced partnership scheme must specify under section 138A(5)(b) that free bus travel must be provided for homeless families placed outside of their local authority area.”

**Clause 9 - continued**

BARONESS CAMPBELL OF SURBITON  
 BARONESS BRINTON  
 BARONESS GREY-THOMPSON  
 BARONESS JONES OF WHITCHURCH

**89A** Page 40, line 23, at end insert –

“(10A) The requirements that may be specified in an enhanced partnership scheme must include requirements for operators of local services to establish and provide arrangements and assistance to protect the interests of disabled people using their services and to facilitate use of their services by disabled people.”

LORD AHMAD OF WIMBLEDON

**90** Page 40, line 39, leave out “enhanced partnership area” and insert “area to which the scheme relates”

BARONESS CAMPBELL OF SURBITON  
 BARONESS BRINTON  
 BARONESS GREY-THOMPSON  
 BARONESS JONES OF WHITCHURCH

**90A** Page 40, line 42, at end insert –

“(1A) In providing facilities under subsection (1) there must be special regard to the needs of disabled people in respect of such facilities.”

BARONESS JONES OF WHITCHURCH  
 LORD KENNEDY OF SOUTHWARK

**90AA** Page 41, line 2, after “relate,” insert –

“(aa) may include qualitative performance measures to be collected under the scheme, which may include measures of passenger satisfaction regarding matters such as cleanliness, comfort and helpfulness of bus drivers,”

BARONESS CAMPBELL OF SURBITON  
 BARONESS BRINTON  
 BARONESS GREY-THOMPSON  
 BARONESS JONES OF WHITCHURCH

**90B** Page 41, line 5, at end insert –

“(2A) In taking measures under subsection (2) there must be special regard to the use and quality of local services experienced by disabled people.”

BARONESS JONES OF WHITCHURCH  
 LORD KENNEDY OF SOUTHWARK

**91** Page 42, line 29, at end insert –

“(h) passenger groups and other stakeholder groups representing bus users in the area.”

*Clause 9 - continued*

LORD KENNEDY OF SOUTHWARK  
BARONESS JONES OF WHITCHURCH

- 92 Page 42, line 29, at end insert –  
“(h) trade union and employee groups representing employees working for bus operators in the area.”

LORD BRADSHAW  
BARONESS RANDERSON

- 93 Page 42, line 29, at end insert –  
“(6A) Once consulted, the Competition and Markets Authority may not overturn an enhanced partnership plan and scheme.”

LORD JUDD  
LORD INGLEWOOD  
BARONESS SCOTT OF NEEDHAM MARKET

- 94 Page 42, line 35, at end insert –  
“(e) national park authorities in England.”

LORD KENNEDY OF SOUTHWARK  
BARONESS JONES OF WHITCHURCH

- 95 Page 42, line 35, at end insert –  
“(7A) The consultation process must –  
(a) be to a timescale that allows all interested parties and stakeholders to respond to the consultation, and  
(b) be in formats that are accessible to all interested parties and stakeholders in order to enable them to respond to the consultation.”

BARONESS RANDERSON  
LORD BRADSHAW

- 96 Page 43, line 15, at end insert –  
“(c) specify what would constitute unreasonable objections and determine an appeal mechanism to a traffic commissioner for authorities which believe that an objection is unreasonable.”

- 97 Page 43, line 15, at end insert –  
“(11A) Regulations under subsection (10) may not be made unless a draft of the regulations have been laid before and approved by a resolution of each House of Parliament.”

- 98 Page 44, line 37, at end insert –  
“(c) specify what would constitute unreasonable objections and determine an appeal mechanism to a traffic commissioner for authorities which believe that an objection is unreasonable.”

**Clause 9 - continued**

- 99 Page 44, line 37, at end insert –  
 “(10A) Regulations under subsection (9) may not be made unless a draft of the regulations have been laid before and approved by a resolution of each House of Parliament.”

BARONESS JONES OF WHITCHURCH

- 99ZA Page 45, line 6, at end insert –  
 “(g) whether, in making the scheme, the authority or authorities have given consideration to the wider social, economic and environmental benefits of the scheme, in accordance with the Public Services (Social Value) Act 2012.”

BARONESS CAMPBELL OF SURBITON  
 BARONESS BRINTON  
 BARONESS GREY-THOMPSON  
 BARONESS JONES OF WHITCHURCH

- 99A Page 45, line 26, at end insert –  
**“138HA Policies for the conduct of passengers in relation to disabled passengers**  
 In relation to bus services operating under enhanced partnership schemes, a local authority must require an operator to have policies in place to ensure that any passenger using the service –  
 (a) does not put at risk or unreasonably impede or cause discomfort to any disabled passenger on the bus, or any driver, inspector, conductor or employee of the operator who is seeking to make a reasonable adjustment to the provision of services on the bus in accordance with the duty on the operator under section 20 of and Schedule 2 to the Equality Act 2010 (‘duty to make adjustments’); and  
 (b) does not remain on the bus, when directed to leave by the driver, inspector or conductor on the grounds that he or she is preventing or impeding the service on the bus from conforming to the operator’s duty to make adjustments.”

LORD BERKELEY

- 99B Page 45, line 26, at end insert –  
**“138HA Meeting social need: enhanced partnership schemes**  
 (1) In making an enhanced partnership scheme, an authority or authorities must take such measures as are necessary to meet requirements for bus services which are related to –  
 (a) any of their functions as an education authority; or  
 (b) any of their functions in respect of social services.  
 (2) The authority or authorities must, in making an enhanced partnership scheme, secure the provision of such bus services as they consider appropriate to meet public transport requirements within their area which would not, in their view, otherwise be met.

**Clause 9 - continued**

- (3) Subject to sections 89 to 92 of the Transport Act 1985 (expenditure on public passenger transport services), an authority or authorities has the power to enter into an agreement providing for service subsidies for the purposes of securing the provision of services under subsection (1) if the service in question cannot be provided without subsidies.”

## LORD AHMAD OF WIMBLEDON

- 100 Page 46, line 8, leave out “made by” and insert “requires”
- 101 Page 46, line 9, leave out “requires them”
- 102 Page 47, line 5, leave out from “authorities” to end of line 6 and insert “to whose area or combined area, or part of it, an enhanced partnership plan relates may vary the plan and any related enhanced partnership scheme.”
- 103 Page 47, line 7, after “plan” insert “or scheme”
- 104 Page 47, line 8, after “plan” insert “or scheme”
- 105 Page 47, line 27, leave out “enhanced partnership area” and insert “area to which the scheme relates”
- 106 Page 47, leave out lines 30 to 32 and insert –  
 “(6) The references in subsections (1) and (3) to (5) and sections 138L and 138M to the local transport authority or authorities –  
 (a) in relation to the variation of an enhanced partnership plan, or  
 (b) in relation to the variation of an enhanced partnership scheme, if the scheme is proposed to be varied at the same time as the related enhanced partnership plan is proposed to be varied,  
 include a reference to a local transport authority to no part of whose area the plan relates but to whose area or part of it the plan would relate under a proposed variation.”
- 107 Page 48, line 34, leave out “proposed plan and scheme (or proposed scheme)” and insert “proposal”

BARONESS RANDESON  
LORD BRADSHAW

- 108 Page 49, line 44, after “persons” insert “, including bus users,”
- 109 Page 50, line 24, at end insert –  
 “(c) specify what would constitute unreasonable objections and determine an appeal mechanism to a traffic commissioner for authorities which believe that an objection is unreasonable.”

**Clause 9 - continued**

- 110** Page 50, line 24, at end insert –  
“(10) Regulations under subsection (8) may not be made unless a draft of the regulations have been laid before and approved by a resolution of each House of Parliament.”

- 111** Page 51, line 44, after “persons” insert “, including bus users,”

**Clause 11**

LORD BERKELEY

- 111A** Page 60, line 10, at end insert –  
“(3A) A traffic commissioner must have regard to relevant information supplied by a local transport authority when exercising functions under this section.”

**Clause 12**

LORD BERKELEY

- 111B** Page 61, line 45, at end insert –  
“(8A) A traffic commissioner must have regard to relevant information supplied by a local transport authority when exercising functions under this section.”

**Clause 14**

LORD AHMAD OF WIMBLEDON

- 112** Page 63, line 21, leave out from “relates” to end of line 22 and insert “to –  
(i) a particular service that only has stopping places in the area to which the scheme relates,  
(ii) particular services at least one of which is such a service,  
or  
(iii) a particular description of services which includes or is capable of including such a service.”

LORD BERKELEY

- 112A** Page 63, leave out lines 28 and 29

LORD AHMAD OF WIMBLEDON

- 113** Page 63, line 28, leave out from “relates” to end of line 29 and insert “to a particular service that only has stopping places in the area to which the scheme relates, particular services at least one of which is such a service or a particular description of services which includes or is capable of including such a service –”

- 114** Page 63, line 31, leave out “such services” and insert “services that only have stopping places in that area”

**Clause 14** - *continued*

- 115 Page 64, line 3, leave out “relevant”
- 116 Page 64, line 4, leave out “relevant”
- 117 Page 64, line 5, leave out “relevant”
- 118 Page 64, line 10, leave out from “effect” to end of line 12
- 119 Page 64, line 15, at end insert –  
 ““the relevant registration functions”, in relation to an enhanced partnership scheme, means the functions of a traffic commissioner under sections 6, 6D, 6E and 6F of this Act so far as relating to –  
 (a) in the case of functions relating to the variation of registration, services that would be relevant services if varied as proposed, or  
 (b) in the case of any other function, relevant services;  
 “relevant service”, in relation to an enhanced partnership scheme, means a local service that only has stopping places in the area to which the scheme relates;”
- 120 Page 65, line 4, leave out from “service”” to end of line 7 and insert “has the same meaning as in section 6G;”

LORD KENNEDY OF SOUTHWARK  
 BARONESS JONES OF WHITCHURCH  
 BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

- 121 Page 66, line 5, at end insert –  
 “(5) After section 6I (inserted by subsection (4)) insert –  
**“6J Community bus routes**  
 (1) Traffic Commissioners must keep a list of bus routes in their area which are of community value.  
 (2) For the purpose of this section, a bus route of community value is one that has been designated by the traffic commissioner as furthering the social well-being or social interests of the local community.  
 (3) Bus routes may only be designated by a traffic commissioner as being of community value in response to a community nomination.  
 (4) A community nomination must be made by a community group which is based in, or has a strong connection with, an area through which the bus route passes, and on which community the bus route has a direct social impact.



**Clause 14 - continued**

- (5) A community group may be a local or parish council, a voluntary or community body with a local connection, a bus user group, a group formed for the specific purpose of maintaining the bus route, a church or other religious group, or a parent teacher group associated with a particular school or schools.
- (6) The traffic commissioner must consider the community nomination, and if—
  - (a) the nomination is successful, the commissioner must notify the relevant parties of this decision in writing; or
  - (b) the nomination is unsuccessful, the commissioner must notify the relevant parties of this decision in writing and give reasons why the decision was made.
- (7) A six month moratorium must be placed on the closure of any bus route which is designated as being of community value, in order for the community to—
  - (a) work with relevant authorities to find an alternative operator;
  - (b) set up a community transport group in order to run the service; or
  - (c) partner with an existing not-for-profit operator to run the route.
- (8) The community may apply to the Secretary of State for financial assistance, training or advice during the moratorium in order to achieve any of the aims set out in subsection (7).”

**After Clause 15**

BARONESS JONES OF WHITCHURCH  
 LORD KENNEDY OF SOUTHWARK  
 BARONESS BRINTON

122 Insert the following new 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 a broad range of mental and 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 and relevant authorities when developing their approved training for bus drivers and terminal staff.

**After Clause 15 - continued**

- (5) In this section “approved training” means a training course concerning the needs of disabled passengers who use or seek to use bus services, approved in a manner specified by regulations.”

**Schedule 4**

LORD AHMAD OF WIMBLEDON

**123** Page 81, line 17, at end insert –

- “(4) In subsection (1)(bzb) (inserted by Schedule 2), after “143A” insert “or 143B”.”

**After Clause 16**

LORD BERKELEY

**123A** Insert the following new Clause –*“Passenger representation***Passenger representation**

- (1) A local transport authority, in developing any scheme under this Act, shall be required to set out mechanisms whereby the users of services specified or affected by the scheme shall be involved in monitoring and evaluating the scheme.
- (2) A local transport authority in developing any scheme under this Act shall be required to specify a body to review complaints from bus users using services specified or affected by the scheme.”

**Clause 17**

BARONESS JONES OF WHITCHURCH

**124** Page 67, line 43, at end insert –

- “(d) information about the environmental impact of bus operations and vehicles including information on the emissions of the vehicles in use.”

LORD BERKELEY

**124A** Page 67, line 43, at end insert –

- “(d) information about the environmental impacts of bus operations and vehicles.”

**124B** Page 67, line 43, at end insert –

- “(d) the number of and nature of complaints made about bus services,
- (e) information on performance statistics for bus routes and bus operators, which may include punctuality, reliability, helpfulness of the bus driver and comfort.”

**Clause 17 - continued**

BARONESS JONES OF WHITCHURCH  
LORD KENNEDY OF SOUTHWARK

- 124C Page 67, line 43, at end insert –  
 “(d) information about the number of and nature of complaints made about bus services, and  
 (e) performance statistics for bus routes and bus operators, which may include statistics on punctuality and cancellations”

BARONESS RANDERSON  
LORD BRADSHAW

- 125 Page 68, line 15, leave out “may” and insert “must”

**After Clause 17**

BARONESS JONES OF WHITCHURCH  
LORD LOW OF DALSTON  
BARONESS RANDERSON

- 126 Insert the following new Clause –

**“Communication of information**

In Schedule 2 to the Public Service Vehicles Accessibility Regulations 2000, after paragraph 8, insert –

**“Communication of information**

- 9 (1) In respect of a regulated public service vehicle, provision must be made for the effective communication to all passengers, including blind and partially-sighted passengers and those with hearing loss, of the information specified in sub-paragraph (2).  
 (2) The information referred to in sub-paragraph (1) is –  
 (a) the next stop at which the vehicle will be stopping;  
 (b) any delay exceeding ten minutes to the scheduled timing for that journey; and  
 (c) any diversions from the route shown in the published timetable for that journey.”

**Clause 18**

LORD AHMAD OF WIMBLEDON

- 127 Page 69, line 24, after “commissioner” insert “or a body carrying out a traffic commissioner’s functions in accordance with section 6G”

**Clause 21**

LORD KENNEDY OF SOUTHWARK  
BARONESS RANDERSON

*The above-named Lords give notice of their intention to oppose the Question that Clause 21 stand part of the Bill.*

**After Clause 21**

BARONESS RANDESON

127A Insert the following new Clause –

**“Authorities in England: funding and obligations**

- (1) The Bus Service Operators Grant shall be terminated from the end of the financial year which follows the passing of this Act, and the monies therefrom shall be directed to relevant authorities.
- (2) Where there is established demand for bus services, relevant authorities must consider joint funding of services with specialist and community operators, when otherwise no bus services would be provided.”

**Before Clause 22**

LORD WHITTY

128 Insert the following new Clause –

**“National strategy**

The Secretary of State must, within 12 months of the day on which this Act is passed, issue a national strategy for local bus services setting out the objectives, targets and funding provisions for rural, urban and inter-urban local bus services over the next 10 years.”

LORD BERKELEY

129 Insert the following new Clause –

**“Duty to increase bus ridership**

- (1) Local transport authorities must, in exercising their powers under this Act, set out strategies to increase the use of buses and the share of the journeys in their area undertaken by local bus services.
- (2) In preparing strategies under subsection (1), authorities shall consult such organisations as they see fit, and in particular those who appear to the authorities to be representative of users of local bus services.”

**After Clause 22**

LORD BERKELEY

130 Insert the following new Clause –

**“Bus services investment strategy**

- (1) The Secretary of State may at any time –
  - (a) publish a bus services investment strategy for England;
  - (b) vary a strategy which has already been set.
- (2) A bus services investment strategy may relate to such a period as the Secretary of State considers appropriate; but a strategy for a period of more than five years must be reviewed at least once every five years.
- (3) A bus services investment strategy must specify –
  - (a) objectives to be achieved during the period to which it relates, and

**After Clause 22 - continued**

- (b) the financial resources to be made available by the Secretary of State for the purpose of achieving those objectives.
- (4) The objectives to be achieved may include—
    - (a) activities to be performed;
    - (b) results to be achieved;
    - (c) standards to be met.
  - (5) Before setting or varying a bus services investment strategy the Secretary of State must consult such persons as he or she considers appropriate.
  - (6) In considering whether to vary a bus services investment strategy the Secretary of State must have regard to the desirability of maintaining certainty and stability in respect of bus services investment strategies.
  - (7) A bus services investment strategy must be published in such a manner as the Secretary of State considers appropriate.
  - (8) Where a bus services investment strategy has been published the Secretary of State must from time to time lay before Parliament a report on progress towards meeting its objectives.
  - (9) If a bus services investment strategy is not in place, the Secretary of State must—
    - (a) lay before Parliament a report explaining why a strategy has not been set, and
    - (b) set a strategy as soon as may be reasonably practicable.”

# Bus Services Bill [HL]

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THIRD  
MARSHALLED  
LIST OF AMENDMENTS  
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*18 July 2016*

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