

Bus Services Bill [HL]

AMENDMENTS TO BE MOVED ON REPORT

Clause 1

LORD AHMAD OF WIMBLEDON

Page 2, line 33, at end insert—

“() An advanced quality partnership scheme must include a description of the authority’s or authorities’ plans for consulting such organisations appearing to the authority or authorities to be representative of users of local services as they think fit in order to seek their views on how well the scheme is working.”

Page 3, line 45, after “meet,” insert “including requirements about emissions or types of fuel or power,”

Page 5, line 20, at end insert “and

() the plans described in the scheme for consulting in order to seek views on how well the scheme is working,”

Page 5, line 33, at end insert—

“() the Passengers’ Council,”

Page 5, line 39, at end insert—

“() National Park authorities,
() the Broads Authority,”

Clause 4

LORD AHMAD OF WIMBLEDON

Page 15, line 3, at end insert—

“() The terms as to standard of service that may be specified include terms about requirements which vehicles being used to provide the service must meet, including requirements about emissions or types of fuel or power.”

Clause 4 - continued

Page 15, line 9, at end insert –

“() A franchising scheme must include a description of the franchising authority’s or authorities’ plans for consulting such organisations appearing to the authority or authorities to be representative of users of local services as they think fit in order to seek their views on how well the scheme is working.”

Page 15, line 11, leave out from “scheme” to end of line 12 and insert “are excluded from the functions to which section 101(1)(b) of the Local Government Act 1972 applies, where the franchising authority is a local authority within the meaning of section 101 of the Local Government Act 1972.”

Page 15, line 30, leave out “local transport” and insert “relevant local”

Page 17, line 23, at end insert –

“() such persons as appear to the authority or authorities to represent employees of persons falling within paragraph (a),”

Page 17, line 31, at end insert –

“() the Passengers’ Council,”

Page 17, line 34, at end insert –

“() a National Park authority,
() the Broads Authority,”

Page 18, line 9, at end insert –

“() a description of the authority’s or authorities’ proposed plans for consulting in order to seek views on how well the scheme is working,”

Page 29, line 37, leave out “who made” and insert “operating”

Page 30, line 24, leave out “who made” and insert “operating”

Page 30, line 29, leave out “who made” and insert “operating”

Page 30, line 36, leave out “who made” and insert “operating”

Clause 5

LORD AHMAD OF WIMBLEDON

Page 32, line 46, at end insert “, and

(b) to provide the information before the end of such reasonable period as may be specified by the franchising authority.”

Clause 5 - continued

Page 33, line 2, leave out “provide information required” and insert “comply with a requirement imposed”

Page 33, line 3, at end insert –

- “(7A) A franchising authority that have obtained information under this section may –
- (a) use the information for the purposes of their functions under this Part in relation to franchising schemes, and
 - (b) supply the information to a person specified in subsection (7B) for use in connection with the same franchising scheme or the same proposed franchising scheme.
- (7B) The persons referred to in subsection (7A) are –
- (a) a franchising authority;
 - (b) a person providing services to a franchising authority;
 - (c) a person carrying out functions under section 123D.”

Schedule 2

LORD AHMAD OF WIMBLEDON

Page 77, line 16, leave out “123J(6)” and insert “123J(3)”

Page 77, line 20, after “with” insert “a requirement imposed under”

Page 79, line 20, leave out “for any traffic area”

Page 79, line 29, leave out “for any traffic area”

Page 79, line 31, after “with” insert “a requirement imposed under”

Clause 7

LORD AHMAD OF WIMBLEDON

Page 35, line 18, at end insert –

- “(ba) any other relevant local authority any part of whose area would, in the opinion of the authority or authorities, be affected by the proposed scheme,”

Page 35, line 18, at end insert –

- “(bb) the Passengers’ Council,”

Page 35, line 20, at end insert –

- “() For the purpose of subsection (3)(ba) the following are relevant local authorities –
- (a) local transport authorities,
 - (b) district councils in England,

Clause 7 - continued

- (c) National Park authorities,
- (d) the Broads Authority,
- (e) London transport authorities, and
- (f) councils in Scotland.”

Clause 9

LORD AHMAD OF WIMBLEDON

Page 37, line 38, at end insert –

- “() An enhanced partnership plan must include a description of the authority’s or authorities’ plans for consulting such organisations appearing to the authority or authorities to be representative of users of local services as they think fit in order to seek their views on how well the plan and any related scheme are working.”

Page 38, line 46, leave out “138F to 138M and 138O, and” and insert –

- “(aa) sections 138F to 138J,
- (ab) section 138K(1) and (3) to (5),
- (ac) sections 138L and 138M,
- (ad) section 138O, and”

Page 39, line 4, at end insert –

- “() Subsection (5) is not to be taken as affecting the area indicated by references in the provisions mentioned in that subsection to the authority’s or authorities’ area or combined area.”

Page 39, line 42, at end insert “, and

- (b) requirements about emissions or types of fuel or power.”

Page 40, leave out lines 22 to 33

Page 42, line 40, at end insert –

- “() the Passengers’ Council,”

Page 42, line 46, at end insert –

- “() National Park authorities,
- () the Broads Authority,”

Page 51, line 2, leave out from first “references” to first “to” in line 3

Page 51, line 16, after “facilities” insert “or measures”

Page 51, line 22, at end insert “or measures”

Clause 9 - continued

Page 51, leave out line 28 and insert –

- “(a) section 138A(6) and (10),
- (aa) sections 138F to 138J ,
- (ab) section 138K(1) and (3) to (5),
- (ac) sections 138L and 138M,
- (ad) section 138O, and”

Page 51, line 30, at end insert –

- “() Subsections (1) and (2) are not to be taken as affecting the area indicated by references in the provisions mentioned in subsection (4) to the authority’s or authorities’ area or combined area.”

Page 55, leave out lines 1 to 6 and insert –

- “(h) make provision for appeals against –
 - (i) decisions to record or not to record requirements under paragraph (a);
 - (ii) decisions to cancel registrations of local services under paragraph (c).”

Page 55, line 6, at end insert –

- “() Regulations made by virtue of subsection (4)(h) may in particular include provision about –
 - (a) to whom an appeal may be made;
 - (b) how an appeal may be made and dealt with;
 - (c) further appeals;
 - (d) who may be parties to an appeal or further appeal.”

Page 55, line 37, leave out “who made” and insert “operating”

Page 56, line 24, leave out “who made” and insert “operating”

Page 56, line 29, leave out “who made” and insert “operating”

Page 56, line 36, leave out “who made” and insert “operating”

Clause 10

LORD AHMAD OF WIMBLEDON

Page 58, leave out lines 26 to 30 and insert –

- “(2) A local transport authority in England that are party to an enhanced partnership plan may, in connection with any relevant function, require an operator of a local service in their area, or in the combined area of the authority and any other local transport authority in England that are party to the plan, to supply relevant information.

Clause 10 - continued

- (2A) If an enhanced partnership plan is proposed to be varied so as to include another local transport authority in England, that authority may, in connection with determining whether and how to vary an enhanced partnership plan or scheme, require an operator of a local service in their area, or in the combined area of that authority and any other local transport authority in England that would be party to the plan as it is proposed to be varied, to supply relevant information.”

Page 58, line 33, at end insert “, and

- (b) to provide the information before the end of such reasonable period as may be specified by the local transport authority.”

Page 58, leave out lines 37 to 44 and insert –

“(4A) A local transport authority that have obtained information under this section in connection with a function relating to an enhanced partnership plan or scheme may –

- (a) use the information for the purposes of the function for which it was obtained, and
 (b) supply the information to a person specified in subsection (4B) for use for those purposes in connection with the same plan or scheme.

(4B) The persons referred to in subsection (4A) are –

- (a) a local transport authority;
 (b) the Secretary of State;
 (c) a metropolitan district council;
 (d) a person providing services to a local transport authority, the Secretary of State or a metropolitan district council.”

Page 58, line 45, leave out “local transport authority must not disclose information obtained” and insert “public authority must not disclose information supplied to the authority”

Page 59, line 6, leave out “(5) or (6)” and insert “(4A)(b)”

Page 59, line 24, at end insert “, or

- () determining whether to revoke an enhanced partnership plan or scheme;”

Clause 11

LORD AHMAD OF WIMBLEDON

Page 60, leave out lines 37 and 38

Clause 14

LORD AHMAD OF WIMBLEDON

Page 65, line 8, leave out “, 6E and 6F” and insert “and 6E”

Schedule 4

LORD AHMAD OF WIMBLEDON

Page 83, line 8, leave out “section 143B(1) or (2)” and insert “a requirement imposed under section 143B”

After Clause 16

LORD AHMAD OF WIMBLEDON

Insert the following new Clause—

“Information for bus passengers

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

“CHAPTER 2A

BUS SERVICES

181A Information 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 make available information about a local service to persons travelling on the service.
- (2) The regulations may make provision about—
 - (a) the descriptions of information that are to be made available;
 - (b) how information is to be made available.
- (3) The regulations may, in particular, require an operator of a local service to make available information of a prescribed description about—
 - (a) the name or other designation of the local service;
 - (b) the direction of travel;
 - (c) stopping places;
 - (d) diversions;
 - (e) connecting local services.
- (4) The regulations may, in particular—
 - (a) specify when information of a prescribed description is to be made available;
 - (b) specify how information of a prescribed description is to be made available, including requiring information to be both announced and displayed;
 - (c) specify standards for the provision of information, including standards based on an announcement being audible or a display being visible to a person of a prescribed description in a prescribed location;
 - (d) specify forms of communication that are not to be regarded as satisfying a requirement to make information available.
- (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.

After Clause 16 - continued**181B Exemptions etc**

- (1) The Secretary of State may by regulations make provision for securing that the provisions of regulations under section 181A 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 181A 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.

181C Guidance

- (1) The Secretary of State must issue guidance about the duties imposed on operators of local services by regulations under section 181A.
- (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.
- (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,

After Clause 16 - continued

- (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.

181D 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 “, 181A(5), 181B(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 181A or 181B (information 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 181A 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 181A of the Equality Act 2010, the traffic commissioner may make one or more orders under subsection (1A)(a) or (d).”

After Clause 16 - 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 181A of the Equality Act 2010.”

Clause 17

LORD AHMAD OF WIMBLEDON

Page 68, line 38, at end insert –

- “() The information that may be prescribed is such information within subsection (2) as appears to the Secretary of State to be required –
- (a) in order to make information about relevant local services available to users or prospective users of those services, or
 - (b) in order to facilitate the exercise of functions relating to the registration of relevant local services.”

Page 68, line 39, leave out “that may be prescribed includes” and insert “within this subsection is”

Page 69, line 2, leave out “time at which vehicles operating the services” and insert “location of vehicles operating the services and the time at which they”

Page 69, line 10, at end insert –

- “() The provision made under subsection (4)(a) may not require the information to be provided to a person other than –
- (a) the Secretary of State;
 - (b) a local transport authority whose area is in England;
 - (c) a person prescribed in the regulations, being a person who provides or facilitates the provision of, or is to provide or facilitate the provision of, information about relevant local services to users or prospective users of those services.”

Page 69, line 20, after “registration” insert “, or for the variation or cancellation of a registration,”

Page 69, line 22, at end insert –

- “() Before making regulations under this section the Secretary of State must consult –
- (a) such persons or organisations as appear to the Secretary of State to represent the interests of operators and users of relevant local services,
 - (b) such persons or organisations as appear to the Secretary of State to represent the interests of local transport authorities whose areas are in England, and

Clause 17 - continued

- (c) such other persons or organisations as the Secretary of State considers appropriate.”

Page 69, line 22, at end insert –

- “() The references to traffic commissioners in subsections (1)(d) and (6)(b) are to be read as including references to any local transport authority carrying out the functions of a traffic commissioner in accordance with section 6G of the Transport Act 1985.”

Clause 24

LORD AHMAD OF WIMBLEDON

Page 74, line 2, at end insert “, subject to the following subsections.”

Page 74, line 2, at end insert –

- “() Section (*Information for bus passengers*)(1) to (4) extend to England and Wales and Scotland.
() Section (*Information for bus passengers*)(6) extends to Scotland.”

Clause 25

LORD AHMAD OF WIMBLEDON

Page 74, line 9, at end insert –

- “() Section (*Information for bus passengers*) comes into force on such day as the Secretary of State may by regulations made by statutory instrument appoint.”

Bus Services Bill [HL]

AMENDMENTS
TO BE MOVED
ON REPORT

5 October 2016
