

# Bus Services Bill [HL]

---

MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON REPORT

---

*The amendments have been marshalled in accordance with the Order of 14th September 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	Title.

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

Amendment  
No.

**Before Clause 1**

LORD WHITTY

1

Insert the following new Clause –

**“Additional functions of local councils with respect to local bus services in areas other than passenger transport areas**

After section 63 of the Transport Act 1985, insert –

**“63A Additional functions of local councils with respect to local bus services in areas other than passenger transport areas**

- (1) It shall be the duty of the county council in each non-metropolitan county of England to –
  - (a) consult on the needs for local bus services within the county, including by issuing a consultation document,
  - (b) give notice of the consultation mentioned in paragraph (a) in such manner as the council considers appropriate for bringing it to the attention of persons in the county to which it relates,
  - (c) following that consultation, prepare and publish an assessment of the needs for local bus services within the county,
  - (d) demonstrate that the assessment has fully considered and responded to the outcomes of that consultation, and
  - (e) secure such provision of local bus services as the county council considers reasonable and appropriate, to meet the needs identified in the assessment which would not, in its view, otherwise be met.

**Before Clause 1 - continued**

- (2) The Secretary of State must issue guidance concerning the preparation of an assessment under this section, and that guidance may, in particular, include guidance about the extent to which the county council must set out—
- (a) the ways in which it has considered and responded fully to the outcomes of the consultation under subsection (1)(a), and
  - (b) how it will meet the needs for local bus services identified in the assessment.
- (3) A consultation document issued under subsection (1)(a) relating to an assessment of the needs for local bus services must include—
- (a) a description of the existing provision of local bus services in the county,
  - (b) a description of any substantial proposed change to the provision of local bus services in the county, and
  - (c) the date by which responses to the consultation must be received.
- (4) During the consultation under subsection (1)(a), the county council must consult at least—
- (a) all persons operating local services in the county,
  - (b) all other persons holding a Public Service Vehicle operator’s licence or a community bus permit who may, in the opinion of the county council, be affected by the assessment,
  - (c) a traffic commissioner, and
  - (d) such organisations appearing to the county council to be representative of users of local services, including where appropriate and applicable—
    - (i) parish and town councils,
    - (ii) representatives of persons who are elderly or disabled,
    - (iii) representatives of young people, and
    - (iv) organisations, or types of organisation, specified by the Secretary of State in regulations made by statutory instrument,
- in accordance with criteria published by the Secretary of State.””

**Clause 1**

LORD AHMAD OF WIMBLEDON

2

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.”

**Clause 1 - continued**

LORD BRADSHAW  
BARONESS RANDEKSON

3 Page 2, line 40, at end insert –

“(11) Where a local transport authority or authorities make an advanced quality partnership scheme, the Secretary of State may by order make provision to confer upon that authority or authorities the functions to enforce traffic offences.

(12) The Secretary of State may make an order under subsection (11) only if a proposal for the making of the order in relation to the local transport authority or authorities has been made to the Secretary of State by the appropriate authority or authorities.”

LORD AHMAD OF WIMBLEDON

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

BARONESS RANDEKSON  
LORD BRADSHAW

5 Page 4, line 14, at end insert –

“(e) requirements as to a scheme to reduce emission levels from vehicles used as part of the scheme.”

LORD KENNEDY OF SOUTHWARK  
BARONESS JONES OF WHITCHURCH

6 Page 4, line 26, at end insert –

“(10) Each advanced quality partnership scheme must, as a standard of service, require that new vehicles delivering local services meet the specifications of the low emission bus scheme as set out by the Office for Low Emission Vehicles in its 2015 document “Low Emission Bus Scheme: Guidance for participants” if the vehicle comes into service after 1st April 2019.”

BARONESS RANDEKSON  
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

7 Page 4, line 26, at end insert –

“(10) Each advanced quality partnership must specify, as a standard of service, that a reduced fare concessionary scheme is put in place for young people ages 16 to 19.”

LORD AHMAD OF WIMBLEDON

8 Page 5, line 20, at end insert –

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

**Clause 1 - continued**

BARONESS RANDEKSON  
LORD BRADSHAW

9 Page 5, line 26, at beginning insert “bus users and”

LORD AHMAD OF WIMBLEDON

10 Page 5, line 33, at end insert –  
“( ) the Passengers’ Council,”

11 Page 5, line 39, at end insert –  
“( ) National Park authorities,  
( ) the Broads Authority,”

**Schedule 1**

LORD BRADSHAW  
BARONESS RANDEKSON

12 Page 76, line 39, at end insert –  
“( ) In paragraph 5 (investigations of CMA), at the beginning insert “Subject to paragraph 5A,”.”

13 Page 76, line 39, at end insert –  
“( ) After paragraph 5 (investigations of the CMA) insert –  
“5A Where the CMA was consulted under section 123E, it may not conduct an investigation into that franchising scheme for a period of two years unless –  
(a) it has received complaints about the operation of the franchise; or  
(b) there has consequently been a significant adverse effect on competition.””

**Clause 4**

BARONESS JONES OF WHITCHURCH  
LORD KENNEDY OF SOUTHWARK

14 Page 14, leave out lines 36 and 37

LORD AHMAD OF WIMBLEDON

15 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**

BARONESS RANDESON  
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

- 16 Page 15, line 6, at end insert “and must include provision for a scheme for reduced concessionary fares for young people aged 16 to 19.”

LORD AHMAD OF WIMBLEDON

- 17 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.”

- 18 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.”

LORD KENNEDY OF SOUTHWARK  
BARONESS JONES OF WHITCHURCH  
LORD WHITTY

- 19 Page 15, line 12, at end insert –  
“(9) A local service contract must require that new vehicles delivering local services meet the specifications of the low emission bus scheme as set out by the Office for Low Emission Vehicles in its 2015 document “Low Emission Bus Scheme: Guidance for participants” if the vehicle comes into service after 1st April 2019.”

LORD AHMAD OF WIMBLEDON

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

BARONESS RANDESON  
LORD BRADSHAW  
LORD WHITTY

- 21 Page 15, line 43, at end insert –  
“(g) the extent to which the proposed scheme would reduce vehicle emissions in the area of operation”.

LORD WHITTY

- 22 Page 15, line 44, at end insert –  
“( ) An award of any new franchise or contract shall not be made on the basis of labour costs estimated by the potential franchisee or contractor assuming labour costs for new employees at less than the labour cost of workers who are covered by TUPE protections in accordance with section 123X transferring to the new franchisee or contractor.”

**Clause 4 - continued**

LORD JUDD

- 23 Page 16, line 7, at end insert –  
“(d) a National Park authority”

BARONESS JONES OF WHITCHURCH  
LORD KENNEDY OF SOUTHWARK  
BARONESS BRINTON

- 24 Page 16, leave out lines 9 to 11

BARONESS RANDERSON  
LORD BRADSHAW

- 25 Page 16, leave out lines 9 to 18

BARONESS JONES OF WHITCHURCH  
LORD KENNEDY OF SOUTHWARK  
BARONESS BRINTON

- 26 Page 16, line 12, leave out from “required” to end of line 16 and insert “for the proposed scheme.”

BARONESS JONES OF WHITCHURCH  
LORD KENNEDY OF SOUTHWARK

- 27 Page 16, leave out lines 17 and 18

BARONESS SCOTT OF NEEDHAM MARKET  
LORD SHIPLEY

- 28 Page 16, line 26, after “an” insert “independent”

LORD AHMAD OF WIMBLEDON

- 29 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),”

BARONESS RANDERSON  
LORD BRADSHAW

- 30 Page 17, line 24, at beginning insert “bus users and”

LORD WHITTY

- 31 Page 17, line 24, leave out “such” and insert “Transport Focus and such other”

- 32 Page 17, line 25, at end insert –  
“(ca) appropriate representatives of any affected employees,”

LORD AHMAD OF WIMBLEDON

- 33 Page 17, line 31, at end insert –  
“( ) the Passengers’ Council”

**Clause 4 - continued**

LORD BRADSHAW  
BARONESS RANDERSON  
LORD AHMAD OF WIMBLEDON

- 34 Page 17, line 31, at end insert –  
“() the Competition and Markets Authority”

LORD WHITTY

- 35 Page 17, line 31, at end insert –  
“() In subsection (4)(ca) “appropriate representatives of any affected employees” means –  
(a) representatives of a recognised trade union, if an independent trade union is recognised by existing operators in the area of the proposed franchising scheme,  
(b) in any other case, employee representatives appointed or elected by the affected employees who have authority from those employees to receive information and be consulted on their behalf.”

LORD AHMAD OF WIMBLEDON

- 36 Page 17, line 34, at end insert –  
“() a National Park authority,  
( ) the Broads Authority,”

- 37 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,”

LORD KENNEDY OF SOUTHWARK  
BARONESS JONES OF WHITCHURCH

- 38 Page 18, line 18, at end insert –  
“(3) The consultation process must –  
(a) be to a timescale that allows all interested parties and stakeholders to respond to the consultation;  
(b) be in a format that is accessible to all interested parties and stakeholders, and enables them to respond to the consultation;  
(c) include trade unions and employee groups.”

LORD KENNEDY OF SOUTHWARK  
BARONESS JONES OF WHITCHURCH  
BARONESS RANDERSON  
BARONESS SCOTT OF NEEDHAM MARKET

- 39 Page 19, line 31, at end insert –  
“(7A) The scheme must specify whether consideration has been given to the wider social, economic and environmental benefits of the scheme, in accordance with the Public Services (Social Value) Act 2012.”

**Clause 4 - continued**

BARONESS RANDESON  
LORD BRADSHAW

40 Page 25, line 34, at beginning insert “bus users and”

LORD WHITTY

41 Page 29, line 22, leave out “at the same time,”

42 Page 29, line 34, leave out from beginning to “a” in line 35

LORD AHMAD OF WIMBLEDON

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

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

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

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

LORD WHITTY

47 Page 31, line 51, at end insert –

**“123Y Employees not covered by TUPE protections**

Employees of local bus service providers who are not covered by TUPE protections may not be employed on terms and conditions less favourable than those provided by TUPE.”

48 Page 31, line 51, at end insert –

**“123Z Effect on employees of introduction of local service contract**

- (1) Where, either before or after the introduction of a local service contract following an assessment under section 123B, any employee of an operator in the area to which the scheme relates is dismissed, that employee is to be treated for the purposes of Part 10 of the Employment Rights Act 1996 as unfairly dismissed if the sole or principal reason for the dismissal is the introduction of the relevant local service contract.
- (2) Subsection (1) applies whether or not the employee in question was part of an organised grouping of employees principally connected with the provision of local services, under section 123X(4).
- (3) Where section 123X(4) applies, a new operator may not engage employees or workers on terms and conditions less favourable than those of the employees whose employment transferred from the former operator.”



**Clause 5**

LORD AHMAD OF WIMBLEDON

- 49 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.”
- 50 Page 33, line 2, leave out “provide information required” and insert “comply with a requirement imposed”
- 51 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

- 52 Page 77, line 16, leave out “123J(6)” and insert “123J(3)”
- 53 Page 77, line 20, after “with” insert “a requirement imposed under”
- 54 Page 79, line 20, leave out “for any traffic area”
- 55 Page 79, line 29, leave out “for any traffic area”
- 56 Page 79, line 31, after “with” insert “a requirement imposed under”

**Clause 7**

LORD AHMAD OF WIMBLEDON

- 57 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,”
- 58 Page 35, line 18, at end insert –  
“(bb) the Passengers’ Council,”

**Clause 7 - continued**

59 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,
- (c) National Park authorities,
- (d) the Broads Authority,
- (e) London transport authorities, and
- (f) councils in Scotland.”

**Clause 9**

LORD AHMAD OF WIMBLEDON

60 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.”

61 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”

62 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.”

BARONESS RANDESON  
LORD BRADSHAW  
LORD WHITTY

63 Page 39, line 18, after “requirements” insert “, including emission levels,”

LORD AHMAD OF WIMBLEDON

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

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

65 Page 40, leave out lines 22 to 33

## Clause 9 - continued

LORD KENNEDY OF SOUTHWARK  
BARONESS JONES OF WHITCHURCH

- 66 Page 40, line 33, 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” if the vehicle comes into service after 1st April 2019.”

BARONESS CAMPBELL OF SURBITON

- 67★ Page 40, line 37, at end insert –  
“( ) The requirements that may be specified in an enhanced partnership scheme must include requirements for operators to establish and publish policies to protect the interests of disabled people using its services and to facilitate such use.”

BARONESS RANDESON  
LORD BRADSHAW  
LORD WHITTY

- 68 Page 41, line 47, at end insert “, including local bus users and organisations representing bus users.”

LORD AHMAD OF WIMBLEDON

- 69 Page 42, line 40, at end insert –  
“( ) the Passengers’ Council,”

LORD KENNEDY OF SOUTHWARK  
BARONESS JONES OF WHITCHURCH

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

LORD AHMAD OF WIMBLEDON

- 71 Page 42, line 46, at end insert –  
“( ) National Park authorities,  
( ) the Broads Authority,”

LORD KENNEDY OF SOUTHWARK  
BARONESS JONES OF WHITCHURCH

- 72 Page 42, line 48, at end insert –  
“( ) The consultation process must –  
(a) be to a timescale that allows all interested parties and stakeholders to respond to the consultation;  
(b) be in a format that is accessible to all interested parties and stakeholders, and enables them to respond to the consultation.”

**Clause 9 - continued**

BARONESS JONES OF WHITCHURCH  
 LORD KENNEDY OF SOUTHWARK  
 BARONESS RANDERSON  
 BARONESS SCOTT OF NEEDHAM MARKET

- 73 Page 44, line 23, at end insert –  
 “(c) specify whether consideration has been given to its wider social, economic and environmental benefits in accordance with the Public Services (Social Value) Act 2012.”

LORD AHMAD OF WIMBLEDON

- 74 Page 51, line 2, leave out from first “references” to first “to” in line 3
- 75 Page 51, line 16, after “facilities” insert “or measures”
- 76 Page 51, line 22, at end insert “or measures”
- 77 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”
- 78 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.”
- 79 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).”
- 80 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.”

LORD WHITTY

- 81 Page 55, line 24, leave out “at the same time,”

**Clause 9 - continued**

82 Page 55, line 35, leave out “at the same time,”

LORD AHMAD OF WIMBLEDON

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

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

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

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

LORD WHITTY

87 Page 58, line 16, at end insert—

**“138T Effect on employees of introduction of enhanced partnership scheme or plan**

- (1) Where, either before or after the coming into force of an enhanced partnership scheme or plan, any employee of an operator in the area to which the contract relates is dismissed, that employee is to be treated for the purposes of Part 10 of the Employment Rights Act 1996 as unfairly dismissed if the sole or principal reason for the dismissal is the introduction of the awarded contract.
- (2) Subsection (1) applies whether or not the employee in question was part of an organised grouping of employees principally connected with the provision of local services, under section 138S(4).
- (3) Where section 138S applies, a new operator may not engage employees or workers on terms and conditions less favourable than those of the employees whose employment transferred from the former operator.”

**Clause 10**

LORD AHMAD OF WIMBLEDON

88 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.
- (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.”

**Clause 10 - continued**

- 89 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.”
- 90 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.”
- 91 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”
- 92 Page 59, line 6, leave out “(5) or (6)” and insert “(4A)(b)”
- 93 Page 59, line 24, at end insert –  
“( ) determining whether to revoke an enhanced partnership plan or scheme;”

**Clause 11**

LORD AHMAD OF WIMBLEDON

- 94 Page 60, leave out lines 37 and 38

**Clause 12**LORD BRADSHAW  
BARONESS RANDERSON

- 95 Page 61, line 18, at end insert –  
“( ) If a traffic commissioner considers that the operator of a registered service has failed to comply with a condition attached to the service permit, the traffic commissioner may cancel the registration of that service.”

### Clause 14

LORD AHMAD OF WIMBLEDON

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

LORD KENNEDY OF SOUTHWARK  
BARONESS JONES OF WHITCHURCH

97 Page 67, line 4, 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.
- (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

98 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.
- (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 made by statutory instrument.”

BARONESS BRINTON

99★ Insert the following new Clause—

**“Wheelchair space priority**

The Secretary of State must by regulation made by statutory instrument provide that, where a passenger’s presence or the presence of his or her effects is unreasonably preventing a wheelchair user from using a wheelchair space on a vehicle, the driver of that vehicle must require the passenger to vacate that space upon request from a wheelchair user.”

**Schedule 4**

LORD AHMAD OF WIMBLEDON

100 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

101 Insert the following new Clause—

**“Information for bus passengers**

- (1) After section 181 of the Equality Act 2010 insert—  
“CHAPTER 2A



**After Clause 16 - continued**

## 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.

**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.

**After Clause 16 - continued**

- (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,
  - (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.

**After Clause 16 - continued**

- (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).”
- (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

102 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.”

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

BARONESS JONES OF WHITCHURCH  
LORD KENNEDY OF SOUTHWARK

104 Page 68, line 43, at end insert –

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

LORD AHMAD OF WIMBLEDON

105 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”

106 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.”

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

108 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
  - (c) such other persons or organisations as the Secretary of State considers appropriate.”

**Clause 17 - continued**

109 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.”

**After Clause 17**

BARONESS JONES OF WHITCHURCH  
LORD KENNEDY OF SOUTHWARK  
LORD LOW OF DALSTON  
BARONESS BRINTON

110 Insert the following new Clause—

**“Communication of information**

In Schedule 2 to the Public Service Vehicles Accessibility Regulations 2000, after paragraph 8 (route and destination displays), 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 21**

LORD KENNEDY OF SOUTHWARK  
BARONESS JONES OF WHITCHURCH  
BARONESS RANDERSON

111 Leave out Clause 21

**Before Clause 22**

BARONESS JONES OF MOULSECOOMB

112 Insert the following new Clause—

**“Bus safety**

- (1) An operator of a local service may not participate in any scheme, and an authority or authorities may not approve the participation of an operator as part of any scheme, unless the operator has given a written undertaking to the applicable authority or authorities that—

**Before Clause 22 - continued**

- (a) it has subscribed to the Confidential Incident Reporting and Analysis System (“CIRAS”), and that it has made all possible efforts to ensure that all staff of the operator have been made aware of their right to use CIRAS as a confidential reporting channel in respect of any safety concerns,
  - (b) 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
  - (c) 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.”

LORD WHITTY

113 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 BRADSHAW  
BARONESS RANDESON

114★ Insert the following new Clause –

**“Rural bus services: concessionary travel**

- (1) A local transport authority must –
  - (a) in making a scheme under Part 2 of the Transport Act 2000 (local services), or
  - (b) in carrying out any functions related to the provision of local bus services,

ensure that, in making provision for the reimbursement of operators of local services in respect of concessionary bus travel, rural areas are given greater weighting over urban areas.
- (2) In this section, “rural areas” and “urban areas” are distinguished with reference to the Rural Urban Classification.”

**Clause 24**

LORD AHMAD OF WIMBLEDON

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

116 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

**117** 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]

---

MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON REPORT

---

*10 October 2016*

---