

BUS SERVICES BILL [HL]

EXPLANATORY NOTES ON COMMONS AMENDMENTS

What these notes do

- 1 These Explanatory Notes relate to the Commons amendments to the Bus Services Bill as brought from the House of Commons on 28 March 2017.
- 2 These Explanatory Notes have been prepared by the Department for Transport in order to assist the reader of the Bill and the Commons amendments, and to help inform debate on the Commons amendments. They do not form part of the Bill and have not been endorsed by Parliament.
- 3 These Explanatory Notes, like the Commons amendments themselves, refer to Bill 100, the Bill as first printed for the Commons.
- 4 These Explanatory Notes need to be read in conjunction with the Commons amendments and the text of the Bill. They are not, and are not meant to be, a comprehensive description of the Commons amendments.
- 5 Commons Amendments 1 to 23 were tabled in the name of the Minister.

Commons Amendments to Clause 1: Advanced quality partnership schemes

Commons Amendment 1

- 6 Amendment 1 would remove an order-making power under which the Secretary of State may confer on a local transport authority which has made an advanced quality partnership scheme the power to enforce traffic offences.

Commons Amendment 2

- 7 Amendment 2 would remove a requirement that all advanced quality partnership schemes must include a standard of service requiring new buses providing local services to meet eligibility requirements contained in the "Low Emission Bus Scheme" (a programme of grants to support the use of low and ultra-low emission vehicles) where the bus comes into service after 1 April 2019.

Commons Amendments 3 and 4

- 8 Amendments 3 and 4 would remove a requirement to consult appropriate representatives of employees who would be affected by the making of an advanced quality partnership scheme about a proposed scheme. The representatives of employees would have to be representatives of an independent trade union recognised by bus operators in the area of the proposed scheme or, if there are no such representatives, appointed or elected representatives of the employees.

Commons Amendments to Clause 4: Franchising schemes

Commons Amendment 5

- 9 Amendment 5 would provide that the bodies referred to in paragraphs (b) to (f) (county councils and other authorities in England) would only become "franchising authorities" when the Secretary of State made provision to that effect in regulations.

Commons Amendment 6

- 10 Amendment 6 would remove a requirement that, under a franchising scheme, local service contracts must require new buses providing local services to meet eligibility requirements contained in the "Low Emission Bus Scheme" (a programme of grants to support the use of low and ultra-low emission vehicles) where the bus comes into service after 1 April 2019.

Commons Amendment 7

- 11 Amendment 7 would require the Secretary of State to give consent before a franchising authority, other than mayoral combined authorities, could take the preliminary step of preparing an assessment.

Commons Amendment 8

- 12 Amendment 8 would make it clear that a person who may audit an assessment of a proposed franchising scheme must be "independent". New section 123D of the Transport Act 2000, as amended by amendment 10, sets out what "independent" means for the purposes of that section.

Commons Amendment 9

- 13 Amendment 9 would require the Secretary of State to issue guidance on the matters to be taken into account by a franchising authority when selecting a person to act as auditor and to issue guidance concerning the matters to be taken into account by an auditor when forming an opinion on the information relied upon by, and the analysis conducted by, a franchising authority is of sufficient quality. It would also require franchising authorities and auditors to have regard to such guidance.

Commons Amendment 10

- 14 Amendment 10 would make it clear what is meant by "independent" in new section 123D(1) of the Transport Act 2000 as amended by amendment 8.

Commons Amendment 11

- 15 Amendment 11 would alter the definition of "auditor" so that it means a person eligible for appointment as a local auditor by virtue of Chapter 2 of Part 42 of the Companies Act 2006 as modified by the Local Audit and Accountability Act 2014.

Commons Amendment 12 and 13

- 16 Amendments 12 and 13 would remove a requirement to consult appropriate representatives of employees who would be affected by the making of a franchising scheme about a proposed scheme. The representatives of employees would have to be representatives of an independent trade union recognised by bus operators in the area of the proposed scheme or, if there are no such representatives, appointed or elected representatives of the employees.

Commons Amendment 14

- 17 This amendment would cross refer to amendment 20 correctly.

These Explanatory Notes relate to the Commons Amendments to the Bus Services Bill [HL] as brought from the House of Commons on 28 March 2017 [HL Bill 120]

Commons Amendments to Clause 9: Enhanced partnership plans and schemes

Commons Amendment 15

- 18 Amendment 15 would remove a requirement that an enhanced partnership scheme must specify that new buses providing local services are to meet eligibility requirements contained in the "Low Emission Bus Scheme" (a programme of grants to support the use of low and ultra-low emission vehicles) where the bus comes into service after 1 April 2019.

Commons Amendments to Clause 18: Information about English bus services

Commons Amendment 16

- 19 Amendment 16 would allow regulations made under new section 141A of the Transport Act 2000 to require local transport authorities to provide information about all relevant local services which have one or more stopping places in their area, not just about services provided in a franchising scheme area.

Commons Amendments 17 and 18

- 20 Amendments 17 and 18 would ensure that information that can be required by regulations under new section 141A of the Transport Act 2000 includes information about stopping places.

Commons Amendments to Clause 19: Variation or cancellation of registration: service information

Commons Amendment 19

- 21 Amendment 19 would add a definition of "local transport authority" as appears in this clause.

Commons Amendments after Clause 21: Bus companies: limitation of powers of authorities in England

Commons Amendment 20

- 22 Amendment 20 would prohibit county and district councils in England, combined authorities, integrated transport authorities and passenger transport executives in England from setting up a company to provide local services.

Commons Amendments to Clause 26: Short title

Commons Amendment 21

- 23 Amendment 21 would remove the "privilege" amendment inserted by the House of Lords before the Bill's passage to the Commons in accordance with normal practice.

Commons Amendments to Schedule 2

Commons Amendment 22

- 24 Amendment 22 would correct a cross reference to text inserted by amendment 5.

Commons Amendments to Schedule 4

Commons Amendment 23

- 25 Amendment 23 would correct a cross reference to text inserted by amendment 5.

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