

# BUS SERVICES (NO. 2) BILL [HL]

## EXPLANATORY NOTES

### What these notes do

These Explanatory Notes relate to the Bus Services (No. 2) Bill [HL] as introduced in the House of Lords on 17 December 2024 (HL Bill 54).

- These Explanatory Notes have been prepared by the Department for Transport in order to assist the reader of the Bill. They do not form part of the Bill and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Bill will mean in practice; provide background information on the development of policy; and provide additional information on how the [Bill] will affect existing legislation in this area.
- These Explanatory Notes might best be read alongside the Bill. They are not, and are not intended to be, a comprehensive description of the Bill.

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## Overview of the Bill

- 1 The Bus Services (No. 2) Bill brings forward primary legislative measures intended to support the government's commitment to deliver better buses. The intention is to empower local leaders in England to choose the bus operating model that works for their local area and provide powers to effectively underpin these models. This should help improve bus services and grow usage, as passengers benefit from a more reliable network that provides the connections people need across the country.
- 2 The Bill contains measures to simplify the process for local transport authorities (LTAs) who wish to pursue bus franchising; strengthen legislation governing Enhanced Partnership (EP) agreements between LTAs and bus operators; and enable LTAs to establish new local authority bus companies (LABCos).
- 3 It includes provisions that: devolve grant making powers to LTAs; provide greater protection against service cancellation by placing a duty on LTAs to consider the provision of socially necessary local services, reduce the use of new non-zero emission buses, and deliver a more accessible and inclusive bus network, including measures aimed at protection from anti-social behaviour and violence against women and girls.
- 4 The Bill also contains measures aimed at improving the transparency and availability of data relating to bus services.

## Policy background

- 5 Buses are the most popular form of public transport, with local buses accounting for 58% of ticketed public transport journeys in Great Britain in the year ending March 2023, and are an essential part of the national transport system. However, passenger numbers and bus service levels have been in decline, with 1.8 billion fewer annual bus journeys in England outside London in 2023/24 than in 1985/86 and almost 300 million fewer miles driven by buses in England outside London in 2023/24 than in 2010.
- 6 The government is committed to modernise transport infrastructure and deliver better buses. The Bus Services (No. 2) Bill aims to improve the bus network and ensure greater consistency in local areas across the country. This is centred around putting control of local bus services into the hands of communities. It includes providing more control and flexibility over bus funding and giving local leaders the freedom to take decisions to deliver their local transport priorities. This is through:
  - a. Empowering LTAs and reforming funding.
  - b. Allowing every community to take back control of their buses.
  - c. Accelerating the bus franchising process.
  - d. Ensuring that the provision of socially necessary local services is considered appropriately.
  - e. Supporting public ownership.
- 7 Government took the first step to reform bus services by the laying of a Statutory Instrument (SI), The Franchising Schemes (Franchising Authorities) (England) Regulations 2024, in Parliament on 9 September 2024. This SI gives all types of LTAs in England, outside of London, access to powers to franchise their bus services; these powers were limited

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previously to Mayoral Combined Authorities (MCAs) and Mayoral Combined County Authorities (MCCAs). The Department for Transport (“The Department”) also launched a consultation on proposed updates to bus franchising guidance alongside this SI which closed on 7 October 2024. The proposals received broad support, and the Department intends to update guidance further to make corresponding changes once the Bus Services (No. 2) Bill receives Royal Assent.

- 8 The Bus Services (No. 2) Bill will further streamline the franchising process and provide LTAs with a suite of tools to enable the delivery of better bus services for local communities. The ambition is to ensure that communities have the transport connections they need, particularly to access school, further education, work and healthcare.
- 9 The Bus Services (No. 2) Bill also seeks to: deliver improvement in accessibility and safety on buses; provide greater powers to tackle anti-social behaviour and fare evasion; mandate training for bus drivers on tackling criminal and anti-social behaviour (which the government intends will include violence against women and girls); accelerate the rollout of zero emission bus services, and strengthen Enhanced Partnerships between bus operators and LTAs.
- 10 The Bus Services (No. 2) Bill measures are split into eleven areas:
  - a. Franchising – the Bill enables all LTAs to franchise their bus services without requiring the consent of the Secretary of State. It aims to reduce the amount of time it takes for LTAs to franchise their bus services and introduce further flexibilities. Government will also support authorities by further updating the franchising guidance.
  - b. Socially necessary local service – this measure aims to promote the wider thinking around local network management, including how bus services are maintained. Many LTAs provide their bus services under an Enhanced Partnership model. A provision will be introduced to require LTAs to specify requirements which must be followed where this arrangement is used (including to consider alternative arrangements), if a bus operator wishes to vary or cancel a bus service that has been identified as a socially necessary local service.
  - c. Enhanced Partnerships – the Bill will strengthen the partnership approach between LTAs and bus operators.
  - d. Local Authority Owned Bus Companies – the Bill will repeal the ban on establishing new local authority bus companies (LABCos).
  - e. Grants – the Bill will provide LTAs with a power to make grants to operators of bus services in their areas. This gives LTAs similar bus grant making powers to the powers that the Secretary of State has under section 154 of the Transport Act 2000. This will enable LTAs to make funding decisions tailored to their own local needs.
  - f. Information about local services (bus registration) - provisions on bus registration will place a statutory requirement on LTAs in Enhanced Partnership areas with a delegated registration function, and franchising authorities, to provide information about bus services to a common location and to a data standard defined in secondary legislation. A provision will also be included to allow the Secretary of State to collect and publish greater amounts of data, down to the bus operator level, rather than in the aggregate – driving transparency and accountability in the sector.

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- g. Enforcement – the Bill includes measures to improve safety on buses by giving greater powers for LTAs to bring forward byelaws to tackle anti-social behaviour and help to improve safety on buses. The Bill also amends section 24 of the Public Passengers Vehicles Act 1981 to give LTAs additional powers to enforce fare requirements. This will enable LTAs to have the same power as operators to ensure that non-payment of bus fares is enforced.
- h. Safety and accessibility of stopping places – the Bill includes the measure to develop statutory guidance on the inclusivity of bus stops and stations and facilities .
- i. Safeguarding for school services - the Bill will close a loophole through the inclusion of a measure to require the operator of a public service vehicle to check an enhanced criminal record certificate, including information as to whether the driver is on the children’s barred list, for drivers who carry out “closed” school transport services frequently or more than 3 times in any 30-day period.
- j. Training of staff – the Bill includes powers to mandate training of bus drivers and others on tackling crime (which the government intends will include offences against women and girls) and anti-social behaviour and in relation to disability awareness and disability assistance.
- k. Zero-emission Buses (ZEBs) – this measure will accelerate the rollout of ZEBs by introducing a restriction on the use of new non-zero-emission buses on registered local bus services. The restriction will not be able to take effect before 1 January 2030.

## Franchising schemes

- 11 The Transport Act 2000, as amended by the Bus Services Act 2017, provides bus franchising powers to specific types of local authority, referred to as “franchising authorities”. Bus franchising is given effect by a statutory franchising scheme.
- 12 Buses in England outside London are deregulated, with the majority (over 80%) of local bus services provided on a commercial basis by private sector bus companies. A franchising scheme is one in which the authority identifies which local bus services should be provided in a geographical area defined by the franchising scheme. The authority then enters into ‘local service contracts’ with private sector bus operators - which are awarded after a competitive tendering process. These services replace those formerly provided commercially under deregulation.
- 13 The requirements for a franchising scheme are set out in sections 123A to 123X of the Transport Act 2000.
- 14 The intention of bus franchising was to create an effective mechanism for LTAs to replace the deregulated bus market in their area. The policy was built around several key principles :
  - a. The passenger should be at the heart of any process
  - b. The franchising process must be simpler than the previous Quality Contract Scheme process (which was repealed by the Bus Service Act 2017)
  - c. Decision regarding franchising should be taken locally
  - d. Those taking the decision must be accountable
  - e. The decision-making process must be transparent.

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- 15 An additional objective was added through devolution deals to establish Mayoral Combined Authorities (MCAs). This was to ensure that MCAs had automatic access to franchising powers and create an incentive to local leaders to agree further devolution deals with directly elected Mayors.
- 16 Before the introduction of the Statutory Instrument, Franchising Schemes (Franchising Authorities) (England) Regulations 2024, only Mayoral Combined Authorities (MCA) and Mayoral Combined County Authorities (MCCA) had automatic access to powers to franchise their bus services, as set out in the Transport Act 2000. For local transport authorities (LTAs) other than MCAs and MCCAs, a two-stage process is required. First, regulations must be made which 'switch on' access to the franchising powers in the Transport Act 2000 for a particular category or categories of LTA. Secondly, the SoS must give their consent to any individual authority from within that category to prepare an assessment of their proposed franchising scheme. Other franchising authorities required the Secretary of State's consent before they could start the franchising process.
- 17 The Franchising Schemes (Franchising Authorities) (England) Regulations 2024 implements the initial stage of this process for all types of LTAs, ensuring that moving forward, they only need to obtain the SoS's consent to prepare a franchising scheme assessment. The Bill removes the consent stage entirely.

### Availability of franchising schemes

- 18 The Bill permanently removes the requirement for franchising authorities other than Mayoral Combined Authorities and Mayoral Combined County Authorities to obtain the Secretary of State's consent before starting the franchising process. This builds on the changes made by the Franchising Schemes (Franchising Authorities) (England) Regulations 2024 to grant all types of LTAs in England, outside of London, access to powers to franchise their bus services.

### Specification of and areas services to be provided

- 19 The requirements for a franchising scheme are set out in sections 123A and 123H of the Transport Act 2000, including that the scheme should "identify the local services that [the franchising authority] consider appropriate to be provided" and "must specify the local services intended to be provided under local service contracts". The Bill clarifies the different ways in which authorities can specify local services in their franchising scheme in line with these requirements. The different options are intended to give franchising authorities flexibility in defining the services that form part of their schemes and ensure they can be agile when responding to changing passenger demand. These new provisions will be included in revised guidance issued by the Secretary of State.

### Minimum period before provision of services

- 20 Section 123H(2)(d) requires franchising schemes to specify the minimum period that is to expire between the making of a local service contract and the provision of a local service under the contract 'on the ground'. If a franchising scheme specifies sub-areas, section 123H(3)(c) provides that the scheme may do the same for each sub-area. Section 123H(4) specifies that, in both cases, this period should be no less than six months .
- 21 Requiring franchising authorities to wait six months before franchised services can be introduced may impact the pace at which a franchise can be set up, particularly if the franchising scheme concerned adopts a different model than those developed to date – for example by creating a franchised network from existing tendered services in a more rural context. The Bill removes this requirement.

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## References to local services

- 22 The Bill amends references to local services by inserting the words “which have one or more stopping places” into certain sections of the Transport Act 2000. This is intended to clarify that the relevant reference to local services includes reference to cross-border services.

## Franchising schemes: non-franchised services

### Criteria for granting service permits

- 23 The service permit provisions allow bus operators that do not have a franchised contract to operate local bus services into, or within, the franchised area on a commercial basis .
- 24 To improve and further clarify the process for granting service permits, the Bill makes two key changes. First, it exempts heavy and light rail replacement services from the requirement to hold a service permit – this will save the operator and the franchising authority time and money in applying for, and needing to grant a permit for these services, respectively (see ‘substitute road services’ section below). Second, the Bill reformulates the tests for granting a service permit, setting out new and broader grounds for granting a permit and clarifying that benefits for passengers on cross-boundary services can be considered when applying the existing test in section 123Q(5) of the Transport Act 2000.
- 25 Taken together, these changes provide more flexibility for the franchising authority to grant permits if, in their opinion, the service would benefit either passengers travelling from neighbouring areas (where bus services remain deregulated) or the cross-boundary service would benefit the economy in those deregulated areas. This aims to deliver better overall outcomes for passengers.

### Registration of services provided under service permits

- 26 The Bill changes the default position for registration of services operating under service permits within the franchised area, re-applying the established requirements for these services to have their particulars (route and timetable) registered with the traffic commissioner. Cross-boundary services operating under a service permit would already need to be registered with the traffic commissioner for the section of the route that operated outside the franchised area. Extending these registration requirements to the section of the route that operates in the franchised area ensures consistency and is straightforward for operators to understand. Cross-boundary services and any services operated under permit wholly within the franchised area (e.g. sightseeing tours) would also remain subject to service permit conditions applied under section 123R – allowing the franchising authority to continue to exert the existing controls set out in the Franchising Schemes (Service Permits) (England) Regulations 2018.
- 27 The Bill gives the franchising authority a power to exempt specific services from the registration requirements in a franchised area, providing the option of regulating those services by only using a service permit.

### Substitution road services

- 28 This clause automatically exempts temporary rail and tram replacement services from the requirement to obtain a service permit to operate in an area with a franchising scheme.

## Franchising schemes: procedure

### Report on assessment of proposed scheme

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- 29 Changes to the Transport Act 2000 introduced by the Bus Services Act 2017 require the franchising authority to produce a robust assessment of whether franchising was possible, affordable and deliverable in their area. This includes assessing bus franchising against alternative options (such as improved partnership working). The Act also imposes a requirement on the franchising authority to have elements of its business case independently assessed, to check whether it has conducted robust economic and financial modelling in accordance with guidance published by the Secretary of State.
- 30 This requirement is found in section 123D of the Transport Act 2000, which requires the authority to obtain a report from an independent auditor who reviews the franchising authority's assessment of its proposed franchising scheme.
- 31 The auditor must state whether the information used, and the analysis of it, in the assessment is of sufficient quality to assess affordability and value for money, and whether they consider that the franchising authority, in preparing the assessment, has given due regard to the guidance issued by the Secretary of State under section 123B.
- 32 Section 123D(3) and (5) 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 independent auditor and concerning the matters to be taken into account by an auditor. Sub-section (8) defines an "auditor" as 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 Schedule 5 to the Local Audit and Accountability Act 2014. The list of auditors includes persons who audit companies and those who audit building societies, insurers and banks.
- 33 The way in which the legislation has been interpreted by those authorities that have undertaken (or are undertaking) a franchising assessment has identified a number of areas where the existing legislation could be improved.
- 34 The definition of 'auditor' has resulted in a very narrow pool of persons that are willing to produce a report. The Bill removes the term 'audit', and the professional qualifications (or potentially, other experience) that would qualify a person to prepare a report will now be listed in secondary legislation. Government intends this approach to include the existing definition of an auditor in current section 123D(8), with further categories of qualifications to be added as appropriate. This measure intends to broaden the pool of persons that are qualified to review the assessment and produce the report whilst maintaining, or improving (through access to a wider pool of skills and relevant experience) the quality of the independent review.
- 35 The Bill also gives a franchising authority more flexibility to decide when to appoint an independent assessor, allowing the assessor to provide independent advice to the franchising authority much earlier in the assessment process.

## Variation of schemes

- 36 Section 123M of the Transport Act 2000 sets out how a franchising scheme can be varied. Currently, the variation process in the legislation is detailed, includes extensive consultation, and applies uniformly in respect of all kinds of variations to a scheme. In addition, the procedure is not explicitly set out in the legislation, which has created difficulties for franchising authorities when interpreting it.
- 37 The Bill creates a new variation procedure, set out in full in new Schedule 9A to the Transport Act 2000. The new procedure sets out different requirements depending on the kind of variation, with less onerous requirements for more minor changes. The intent is to make the

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process for varying a franchising scheme clearer and simpler for franchising authorities whilst still maintaining a robust process with an appropriate level of consultation and transparency for significant decisions.

## Direct award of contracts to incumbent operators

- 38 Simplifying the bus franchising process is a priority for government. Enabling franchising authorities to direct award the first bus franchising contracts to the incumbent operator(s), using net cost contracts, is a way to support this.
- 39 Direct award involves the award of a contract without a competitive tendering procedure and directly to the supplier of the awarding authority's choosing. Allowing franchising authorities to direct award initial franchising contracts to the operators already running the same, or 'substantially similar', bus services in the local area could reduce transitional risks of moving to a franchising model. These bus operators will already have existing vehicles, infrastructure and staff to provide the continuity of services to passengers. The transfer of assets and staff can then be managed over a longer period. This measure provides another option for LTAs that may otherwise be prevented from franchising, due to their inability to mitigate transitional risks.
- 40 The award of franchising contracts is governed by two procurement regimes, the Public Service Obligations in Transport Regulations 2023 (PSOT Regulations) and the Procurement Act 2023 (Procurement Act). The measure amends the PSOT Regulations to permit the direct award of net cost contracts under that regime. Under net cost contracts, the operator provides the franchised services in return for the fare revenue and must retain a 'real operating risk'.
- 41 The PSOT Regulations govern the award of net cost contracts for the provision of public bus services, as these are "concession contracts" containing public service obligations. These contracts are exempt from regulation under the Procurement Act. The PSOT Regulations generally require competent authorities to award a concession contract for bus services under a competitive procedure (Regulation 14(1)). However, there are some existing exceptions to this under the de minimis exception (Regulation 15) and to take emergency measures (Regulation 16).
- 42 The Bill creates a new direct award exception for contracts procured under the PSOT Regulations that is available to all franchising authorities in England, under specific conditions set out below. It amends Regulation 9 of the PSOT Regulations to set the maximum direct award contract duration to 5 years.
- 43 A franchising authority may only rely on the direct award exception for the first round of franchising contracts. If a franchising scheme is varied to add a new area, the exception will be available in respect of the first franchising contracts in that area. It cannot be applied to new local services in an existing franchise area. This is to support LTAs and operators in the transition to franchising, without restricting competition for franchising contracts in the long term.
- 44 This direct award exception can also only be used for contracts awarded to incumbent operators who have been providing services in the area to which the franchising scheme relates, for at least three months leading up to the date the contract starts. Contracts awarded under this exception can only relate to services that are the same as or substantially similar to local services already provided by the relevant operator.

## Enhanced partnership plans and schemes

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- 45 The Bus Services Act 2017 amended the Transport Act 2000 to include a new type of partnership arrangement, which is available only to LTAs in England and is known as an Enhanced Partnership (EP). An EP is a statutory partnership between one or more LTA(s) in England and their local bus operators. It is made up of two parts, an EP plan and one or more EP schemes relating to the area to which the plan relates.
- 46 EPs are entered into by agreement between the LTA and (usually) multiple operators. Authorities and operators must agree on shared aims and objectives to improve bus services in the area. Any operator can join the market in an EP area, with the requirements set out in the statutory scheme applying to them and the services they operate.

### Socially necessary local services

- 47 The Bill introduces a measure to help local network management, including to protect the availability and quality of bus services.
- 48 Currently, if an operator wishes to cancel or significantly alter an existing bus service, including services that provide essential access to goods, services, opportunities or activities, there is no statutory requirement for LTAs to consider whether alternative arrangements can be made to mitigate any adverse effects of the cancellation or variation.
- 49 This measure will require LTAs to identify which of the services in the EP area they consider as being socially necessary local services and to include a list of these services in their EP plan. This measure will place a duty on LTAs to specify requirements which must be followed if a bus operator wishes to vary or cancel a bus service that has been identified as a socially necessary local service. This must include a requirement to consider whether alternative arrangements can be made to mitigate any adverse effects of the cancellation or variation.
- 50 This will help to protect the routes that support communities and promote social equity.

### Objections by operators

- 51 The Transport Act 2000 provides for notice and consultation requirements when LTAs are creating, varying or revoking an EP plan or scheme under sections 138F-138O. An operator of a qualifying local service can object to any proposal to create, vary or revoke an EP plan or scheme at several key stages in the process.
- 52 The EP scheme, modifications or revocation cannot proceed where a sufficient number of operators object. Where a sufficient number of operators object, the LTA has an opportunity to revise its proposals for reconsideration, and then operators have another opportunity to object.
- 53 The mechanism for operators to object is critical to enable bus operators to have a reasonable say about the content and viability of individual EP plans and schemes. However, in some cases, LTAs have been working with operators in advance of issuing notices, so they have an opportunity to work through any potential objections.
- 54 Rather than being required to wait up to a month for the objection period to lapse in these circumstances, the Bill amends the Transport Act 2000 to allow LTAs to move to the next stage of creating, varying or revoking EP plans before the 28-day objection period lapses, where qualifying local services have indicated in writing they have no objection to the notice.

### Advance notice of requirement to provide information

- 55 Section 143B of the Transport Act 2000 provides LTAs with the power to obtain information about local bus services in connection with preparing or varying an EP plan or scheme.

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Similarly, where an EP is operational, this provision gives LTAs that are party to the EP the power to require local bus services in the area to provide information, in connection with any relevant function.

- 56 Information must be provided within a 'reasonable' timeframe specified by the LTA and in a specified format. If it appears to an LTA that an operator has failed to take all reasonable steps to provide the information, the LTA(s) must inform the Traffic Commissioner.
- 57 There have been occasions where operators have not met the timeframes set by LTAs. This Bill amends section 143B to make it a requirement for LTAs to provide a 14-day notice period before issuing an official request for information under section 143B. When imposing the requirement, the authority or authorities must have regard to any representations made by the operator in response to the notice under subsection.
- 58 This measure creates a mechanism through which operators can work with LTAs before a statutory request for information is issued under section 143B. This will facilitate LTAs working with operators to understand the ways in which they hold the relevant information, and how long it may take to collate, helping to ensure that requests are realistic. It is designed to provide some protection to operators against unexpected and unreasonable information requests.

## Local government functions

### Local government bus companies

- 59 The measure lifts the ban on the establishment of new local authority bus companies ((LABCos), formerly referred to as "municipals"), by repealing section 22 of the Bus Services Act 2017. This is intended to increase the powers available to local authorities (LAs) and expand choice in how they can own, organise and improve their bus services, by giving all LAs the freedom to set up a new LABCo if they so choose.
- 60 The proposed measure also introduces new requirements mirroring existing sections 74(1), (2) and (13) of the Transport Act 1985, which disqualify directors of existing public transport companies from being members of the LA that owns the company. Directors of new LABCos formed after the repeal of section 22 of the Bus Services Act 2017 will therefore be subject to the same governance requirement. This will maintain a well-established mechanism for keeping LABCos as arm's length bodies, separate from the local authority's central financial, operational and accountability processes. The measure is not intended to give LABCos any market advantage.

### Grants

- 61 The government committed to reform funding to local transport by giving local leaders control and flexibility by devolving powers to design and pay grants to bus operators .
- 62 Section 154 of the Transport Act 2000 gives the Secretary of State for Transport the power to design and pay grants to operators of eligible bus services towards the costs in operating those services. Exercise of the power is subject to consent from HM Treasury. Section 154 also gives the Secretary of State for Transport the power to make regulations defining the types of services eligible for grant support.
- 63 Section 154 (1) powers, to pay grants to bus operators, have been devolved by Orders to several Combined Authorities and the power is held concurrently between the Secretary of State for Transport and the authority. This means that those authorities who have this power

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can pay a bus grant without requiring the consent of the Secretary of State or HM Treasury. However, they cannot define which services are eligible and cannot design their own grant as the power to design grants set out in section 154(3) has not yet been devolved. This hampers their ability to support their local bus sector appropriately.

- 64 This Bill (inserting section 154A) grants LTAs with the power to design and to pay grants to bus operators to support bus services in their areas. LTAs will not be required to seek approval from HM Treasury to design or pay these grants and will be able to set criteria for which bus services in their area are eligible without being constrained by the Bus Service Operators Grant (England) Regulations 2002. These changes will allow LTAs to set the criteria for what bus services are eligible for grant support.
- 65 Section 154A gives the Secretary of State for Transport a delegated power to issue statutory guidance on the exercising of the payment and design powers to be devolved to all LTAs. The Secretary of State for Transport can choose whether to exercise this power and issue guidance. That guidance may include a set of outcomes which LTAs should consider if designing their own bus grant, and what practical considerations should be made before doing so exercising the powers. The statutory guidance, if issued, would aim to ensure that different approaches taken in different LTAs did not have unintended consequences for passengers – for example by having particular adverse impacts on services crossing LTA boundaries.

## Information about local services

### Information provided on registration of local services and about local services

- 66 Currently, there is no central source which contains information about all local bus services in England. This is because only operators in traffic commissioner-administered areas are required by law to provide registration information to the Traffic Commissioners (and for which a searchable database of certain information is available on gov.uk). Conversely, in Enhanced Partnership areas, registration functions can be delegated from the traffic commissioner to the LTA and there is no obligation to pass registration information to the traffic commissioners. Similarly, in areas where franchising schemes operate, the registration requirement is removed completely.
- 67 As well as registration information, there is a separate data stream in England known as bus open data, which must be provided by all operators to the Secretary of State and is provided via and stored on the Bus Open Data Service (BODS). This is managed by the Department for Transport, and the data is free and open, accessible by the public on gov.uk.
- 68 This combination of data sources has led to a fragmentation, both in the data available about bus services (because not all services have to be registered with the traffic commissioner) and because the BODS and registration systems are separate databases. This means that is not currently possible to consult one single source for information about all bus services in England, and it is inefficient for operators who sometimes need to provide similar data to multiple locations. Having one source of information would be helpful for passengers, operators and LTAs in viewing information about services, and it would also benefit the carrying out of government's compliance and enforcement functions.
- 69 This measure therefore makes various changes to require LTAs in Enhanced Partnership areas with a delegated registration function to provide registration information, and to require franchising authorities to provide information akin to registration information, to a central source and to a set data standard. The measure also enables the Secretary of State to publish all registration information, and information akin to it, into the public domain.

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- 70 The Bill also makes changes to mandate the digital registration of bus services in England, to improve efficiencies for both applicants/Operators and for Traffic Commissioners.

### Information obtained under Statistics of Trade Act 1947

- 71 The Department has made transparency and open data a key priority. Transparency fosters accountability drives improvements in public services by informing choice, and stimulates innovation and growth.
- 72 The Statistics of Trade Act 1947 provides the legal framework for the collection and publication of certain data by certain government departments from relevant undertakings. The Department utilises these powers to publish bus statistics, currently in aggregate form.
- 73 The restrictions in section 9 of the Statistics of Trade Act 1947 mean that statistics collected under section 1 of the Act cannot be published in a way that identifies individual bus operators, without those operators' consent. This consent requirement significantly impedes the Department's ability to publish operator-level data, which would drive further transparency and accountability of local bus services.
- 74 Having visibility of the business and operations of a specific, identifiable operator ensures that passengers have trust in the service that is local to them, and in turn have confidence that if they choose to take the bus, it will meet their needs.
- 75 The Bill amends the Statistics of Trade Act 1947. The newly inserted section 9B of the Statistics of Trade Act 1947 disapplies the provisions in Section 9 in relation to information obtained under section 1 from or on behalf of Public Service Vehicle operator's licence holders, about local bus services in England, from 1 May 2015 up until the day the relevant clause comes into force.
- 76 The newly inserted section 9C requires the Secretary of State to publish a notice at least 30 days prior to publishing any information obtained pursuant to the new section 9B, describing in general terms the information that will be published, and confirming that the information is being published by virtue of the powers conferred by section 9B.

### Enforcement

- 77 The government is committed to tackling anti-social behaviour (ASB). This would provide for a safer and improved bus network. The Bill aims to provide LTAs with the powers to effectively enforce against ASB and fare evasion on their bus networks.
- 78 On ASB, the Bill provides LTAs with similar powers to those that exist for light and heavy rail. For fare evasion the Bill empowers LTAs to authorise their officers to exercise existing enforcement powers.

### Powers of inspectors

- 79 Section 24 of the Public Passenger Vehicles Act 1981 enables regulations to be made regarding the conduct of drivers, inspectors and conductors. Section 25 of that Act enables regulations to be made regarding the conduct of passengers on public service vehicles. The Public Service Vehicle (Conduct of Drivers, Inspectors, Conductors and Passenger) Regulations 1990 are made under these provisions and contain measures to target fare evasion. However, these powers rest with drivers, inspectors, and conductors, who are generally employed or authorised by bus operators, and do not extend to officers of LTAs.
- 80 Section 24(4) of the 1981 Act defines an "inspector", in relation to a public service vehicle (PSV), as a person authorised to act as an inspector by the holder of the PSV operator's licence

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under which the vehicle is being used. This definition has become outdated and does not reflect current enforcement operations. Bus franchising authorities and LTAs typically have their own enforcement officers who are specially trained and accredited by the Community Safety Accreditation Scheme and referred to as Transport Safety Officers or Transport Support and Enforcement Officers. The Bill will amend the definition of “inspector” to enable LTAs to authorise these officers as “inspectors”, alongside the existing ability for bus operators to do so .

## Local transport authority byelaws

- 81 There are currently no specific powers for local authorities to make byelaws to deal with ASB on their bus networks. Certain authorities may use the general powers in section 235 of the Local Government Act 1972 for this purpose, but these powers are not available to all LTAs.
- 82 In contrast to the position for buses, LTAs have been conferred with specific powers to make byelaws addressing ASB on light rail networks and heavy rail operators also have equivalent byelaw powers in relation to their network. Transport for London (TfL) has powers to make byelaws in relation to road transport premises such as bus stations and bus shelters, but has no equivalent powers to make byelaws applying on vehicles.
- 83 The Bill enables LTAs to introduce byelaws to tackle ASB on vehicles, and within and at bus-related infrastructure (for example bus stations). Giving these powers to all LTAs is intended to ensure consistency with the policy objective to improve safety on the transport network, including targeting violence against women and girls.

## Safety and accessibility of stopping places

- 84 There is currently no specific legislation specifying accessibility or personal safety standards for bus stations and stops serving local bus and coach services. The Public Service Vehicles Accessibility Regulations 2000 (PSVAR) provide a framework for the accessibility of buses and coaches but have no direct bearing on the accessibility of bus stations and stops. Likewise, the Equality Act 2010 duties not to discriminate, to make reasonable adjustments, and, where relevant, the Public Sector Equality Duty (PSED) may influence decisions taken regarding the provision of roadside infrastructure, but do not specify standards or approaches for providing it.
- 85 Generally, responsibility for roadside infrastructure supporting local services rests with local authorities (LAs). Some LAs appear to carry out functions in relation to bus shelters under the Local Government (Miscellaneous Provisions) Act 1953, sections 4-7. EPs may also require authorities to “provide particular facilities in the area to which the scheme relates”. Depending on the infrastructure concerned, responsibility may sometimes be split between the LA with transport functions and the Traffic Authority.
- 86 Passengers therefore cannot travel by bus with confidence that the bus stations and stops they need to use will meet their access needs or provide an adequate level of personal safety.
- 87 The Bill will therefore create a new power for the Secretary of State to issue statutory guidance concerning the location, design, construction and maintenance of stopping places used by Public Service Vehicles providing local services, and facilities in the vicinity of such stopping places, for the purpose of facilitating disabled persons’ travel on local services and improving the safety of persons using the facilities. When publishing, revoking or substantially changing such guidance, the Secretary of State will be required to consult the Disabled Persons Transport Advisory Committee (DPTAC). Local traffic Authorities, LTAs and National Highways which are responsible for commissioning new or upgrading or maintaining

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existing bus stations and stops in England outside London will be required to have regard to the guidance when commissioning such activity.

## Safeguarding for school services

- 88 The scope of this clause is restricted to closed school bus services which are services on public service vehicles (PSV) that transport children between their homes and schools and are not open to the public. It does not include public bus services that stop at or near to schools.
- 89 When a PSV operator is contracted by a school or local authority to provide closed school bus services, there is guidance which requires LAs and schools to ensure an appropriate level of safeguarding check has been carried out for each driver. For these drivers, it is expected that each driver has an enhanced criminal record certificate, which includes a check of whether the driver is on the children's barred list.
- 90 Government has been made aware that other closed school bus services are currently operating independently, not contracted or operated by schools or local authorities. In these cases, there is no explicit requirement for drivers to have an enhanced criminal record certificate including a children's barred list check. The Bill aims to close this 'loophole' so that contracted school services are not being held to a higher standard than commercial school services and children are safe on all closed school bus services, regardless of whether they are contracted or commercial.
- 91 The enhanced criminal record certificate involves a check of a person's criminal records, which shows a person's spent and unspent convictions, cautions, reprimands and final warnings plus any information held by local police that is considered relevant. A children's barred list check shows whether a person has been barred from working in a regulated activity with children.
- 92 The Safeguarding Vulnerable Groups Act 2006 sets out what "regulated activity relating to children" is. A person is eligible to apply for an enhanced criminal record certificate, including information about whether they are barred from undertaking regulated activity relating to children, if they intend to undertake regulated activity relating to children.
- 93 Regulated activity relating to children is work that a person who is barred from working with children must not do. Driving a vehicle which is being used only for the purpose of conveying children and any person supervising or caring for them is a regulated activity relating to children, if the following criteria apply:
- a. The driver is doing it as part of their job (paid or otherwise).
  - b. It is carried out by the same person frequently or on 3 or more days in any 30-day period.
- 94 It is an offence for an operator to permit a driver to drive a closed school service if the operator knows or has reason to believe the driver is barred from undertaking regulated activity relating to children. To ensure they are complying with the law, operators can request an enhanced criminal record certificate with a check of the children's barred list, but it is not currently compulsory.
- 95 The Bill will require operators of PSVs to only permit drivers to drive a vehicle for a school service if they have checked the relevant enhanced criminal record certificate of the driver, which includes information as to whether the driver is barred from regulated activity relating to children. The operator must check the enhanced criminal record certificates at least every 3 years. This can be done by applying for a new check or ensuring that the up-date information

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advises that no new information would be found should a new check be carried out.

- 96 A PSV is defined, in section 1(1) of the Public Passenger Vehicles Act 1981, as a motor vehicle (other than a tramcar) adapted to carry more than eight passengers that is used for carrying passengers for hire or reward or a vehicle used to carry eight or less passengers used for carrying passengers for hire or reward at separate fares in the course of the business of carrying passengers.
- 97 This will be enforced by the Driving Vehicles Standards Agency (DVSA) and the Traffic Commissioners (TCs). DVSA will check operators hold the relevant certificates as part of their inspection checklist. Cases where operators do not hold the relevant certificates for eligible drivers will be referred to the TCs.

## Training of staff

- 98 Improving personal safety and perception of safety for people, including women and girls, on transport is a key component of the government's manifesto. This measure aims to upskill staff in the bus industry to identify and respond to acts of crime, including violence, against people – particularly women and girls – and anti-social behaviour ("ASB"). There are currently no requirements for bus drivers or other relevant bus staff to be trained in relation to tackling crime (including violence against women and girls) and ASB.
- 99 The provisions in the Bill are intended to apply to bus operators of public service vehicles (PSVs, as defined in section 1 of the Public Passenger Vehicles Act 1981) i.e. the holders of PSV licences, undertaking a local service.
- 100 The Bill will introduce an obligation on bus operators to ensure that bus drivers and other relevant staff undertake training to enable them to identify, respond appropriately to, and where possible prevent criminal offences that cause a victim to fear for their personal safety (which the government intends will include violence against women and girls) and ASB, at least every five years. The obligation would be placed on bus operators, rather than the staff themselves. The Bill also introduces powers to require bus operators to record and publish training statistics. The Bill provides for an enforcement power for the traffic commissioners against operators who breach the training requirements, including in relation to statistics.
- 101 The Bill also introduces measures in relation to disability training. Currently, there is an existing requirement (in Article 16 of Regulation (EU) 181/2011) for mandatory training on disability-awareness and disability-assistance to be undertaken by particular categories of staff of carriers and terminal managing bodies, with different categories of staff required to do different elements of the training.
- 102 Government regards the distinction between the two types of training as superficial. The Bill therefore streamlines the requirement so that on local services, all categories of staff referenced in Article 16 of Regulation (EU) 181/2011 should undertake both disability-assistance and disability-awareness training. This will enable bus drivers and staff who deal directly with the travelling public or with issues related to the travelling public, including those who provide direct assistance to passengers, to be informed of the needs and experiences of disabled passengers.
- 103 Additionally, in respect of both aspects, the relevant personnel will be required to have undertaken the training at least every 5 years (as opposed to just once).
- 104 The Bill builds on existing training requirements in respect of disabled passengers to address gaps in training in relation to local services and regularise the position across both disability-

awareness and disability-assistance.

105 The Bill also introduces a requirement for carriers and terminal managing bodies to record and publish training statistics, to ensure that compliance is monitored. The Bill also provides for an enforcement power for the traffic commissioners against those who breach the training requirements, including in relation to statistics.

## Zero-emission buses

106 The full transition to zero-emission buses (ZEBs) is a vital part of the government's plan to make buses better for passengers and to realise the benefits of lower running costs, cleaner air and smoother, quieter journeys.

107 Bus operators have begun to invest in new battery electric and hydrogen fuel cell electric buses, supported by government funding initiatives. LTAs have begun to move to, or plan for, zero-emission fleets. Bus operators, manufacturers and LTAs share ambitions to achieve a zero-emission bus fleet more quickly. However, there is a need for government intervention to accelerate bus decarbonisation by supporting the sector with greater certainty of future demand for zero-emission buses.

108 This measure will prevent the use of new non-zero emission buses on local services in England that are registered under section 6 of the Transport Act 1985. Local services run under a franchise, including in London, will be unaffected, as those services are not required to be registered under section 6. Where franchising is in place, the decision on the use of non-zero emission buses and timescales would be a local one – with the LTA having the ability to set the emissions expectations taking into account local needs and franchising costs.

109 This change to the law will come into effect on a date specified by the Secretary of State in regulations. The restriction on the use of new non-zero emission buses will not take effect any earlier than 2030. This will provide time and confidence for manufacturers to shift production and to operators and local transport authorities to plan the fleet transition.

## Legal background

110 The relevant legal background is explained in the policy background of these notes.

## Territorial extent and application

111 Clause [29] sets out the territorial extent of the Bill, that is the jurisdictions where the Bill will form part of the law. The extent of an Act can be different to its application. Application is about where the Act produces a practical effect rather than where it forms part of the law.

112 This Bill's extent is Great Britain wide, however it generally extends to England and Wales with application only in England, with the exception of the following clauses which also apply in Wales and/or extend to and (in some cases) apply in Scotland:

- a. Clause 11 (Direct award of contracts to incumbent operators) – this will extend to England, Scotland and Wales, but only apply in England.
- b. Clause 19 (Information obtained under Statistics of Trade Act 1947) – this will extend to and apply in England, Scotland and Wales.
- c. Clause 20 (Powers of inspectors) – this will extend to England, Wales and Scotland

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but apply only in England.

- d. Clause 23 (Safeguarding duty: drivers of school services) – this will extend to and apply in England and Wales.
- e. Clause 24 (Training about crime and anti-social behaviour) – this will extend to and apply in England and Wales.
- f. Clauses 24 and 25 (Training about disability) – this will extend to and apply in England, Scotland and Wales.
- g. Clauses 28 to 31 (General) – these will extend to England, Wales and Scotland.

113 None of the Bill provisions extend to or apply in Northern Ireland.

114 See the table in Annex A for a summary of the position regarding territorial extent and application in the United Kingdom.

# Commentary on provisions of Bill

## Franchising schemes

### Clause 1: Availability of franchising schemes

- 115 This clause amends the Transport Act 2000 in relation to the availability of franchising schemes.
- 116 Subsection (1) is self-explanatory.
- 117 Subsection (2) amends section 123A(4) of the Transport Act 2000 to remove the requirement for the Secretary of State to provide in regulations that subsections 123A(4)(b) to (g) have effect. These subsections list the non-mayoral authorities that are franchising authorities.
- 118 Subsection (3) amends section 123C to remove the requirement for the Secretary of State to consent before franchising authorities that are not mayoral combined authorities or mayoral combined county authorities can prepare an assessment of a proposed franchising scheme.
- 119 Subsection (4) repeals section 143A(5) to remove the requirement for Secretary of State consent if franchising authorities that are not mayoral combined or mayoral combined county authorities wish to exercise the powers to obtain information about local services in their areas in sections 143A(1) and (2).
- 120 Subsection (5) is self-explanatory.

### Clause 2: Specification of areas

- 121 This clause inserts a new subsection (2A) into section 123H of the Transport Act 2000. Inserted subsection 123H(2A) makes it clear that, where more than one area is specified in a franchising scheme, the specified areas need not be contiguous.

### Clause 3: Specification of services

- 122 This clause amends section 123H of the Transport Act 2000 to clarify the different ways franchising authorities may specify services in a franchising scheme for the purposes of section 123H(2)(b).
- 123 Subsection (1) inserts a new section 123H(2B) into the Transport Act 2000, setting out how local services may be specified for the purposes of subsection (2)(b) of section 123H.
- 124 Inserted subsection 123H(2B)(a) of the Transport Act 2000 clarifies that services may be specified by reference to the routes or places intended to be served. For example, a franchising authority could specify services in line with this subsection by listing the principal points to be served e.g. “the local services intended to be provided under local service contracts are services which serve the following principal points [followed by a list]”. The principal points could be points such as a local hospital, railway station, or in a rural area, individual villages. Another example of a specification under this subsection would be listing services route by route.
- 125 Inserted subsection 123H(2B)(b) of the Transport Act 2000 clarifies that services can be specified by describing the intended services in general terms. This is broad and franchising authorities have a wide range of options for specifying services under this subsection. For example, a franchising authority could specify services by references to the purposes that the services will serve, e.g.: “the local services to be provided are those services necessary to connect passengers to school, further education, work, and healthcare facilities in X area.”

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- 126 Inserted subsection 123H(2B)(c) of the Transport Act 2000 clarifies that franchising authorities can combine the approaches under inserted sections 123H(2B)(a) and (b). For example, under this subsection a franchising authority whose franchising scheme covers both urban and rural areas could specify services by reference to specific routes in the urban areas, in line with section 123H(2B)(a), but then for the rural areas take a broader approach to specification under section 123H(2B)(b).
- 127 The final inserted subsection, subsection 123H(2B)(d), clarifies that it is also open to franchising authorities to specify services in any other way the franchising authority or authorities think(s) fit, as long as the specification enables the services to be identified.
- 128 The remaining subsections in the clause (subsections (2)-(5)) are transitional provisions.
- 129 Subsection (2) provides that subsection (3) applies where an authority has not yet made a franchising scheme at the time the clause comes into force but has started the process and has published a consultation document under section 123E(2) of the Transport Act 2000. Subsection (3) then provides that, when the franchising authority or authorities ultimately make the scheme, the authority or authorities may specify local services as mentioned in section 123H(2B) in the scheme regardless of how the services were described in the consultation document.
- 130 Subsection (4) allows authorities to vary the way services are specified in an existing franchising scheme, without following the variation procedure in Part 3 of inserted Schedule 9A to the Transport Act 2000. This applies for up to 2 years after the clause comes into force. Subsection (5) clarifies that an existing franchising scheme is a franchising scheme made before the clause comes into force.

#### Clause 4: Minimum period before provision of services

- 131 Subsection (1) of this clause omits subsection 123H(4) of the Transport Act 2000. Subsection 123H(4) set out that a franchising scheme may not specify a period of less than six months in its scheme under subsections 123H(2)(d) or 123H(3)(c). This meant that at least six months had to expire between the authority making a local service contract, and the provision of a local service under the contract.
- 132 Subsections (2) and (3) make transitional provision in relation to subsection (1).
- 133 Subsection (2) sets out when the transitional arrangements in subsection (3) apply. This is where, at the time the clause comes into force, the franchising authority or authorities have published a consultation document relating to a scheme or variation of a scheme under section 123E(2) but have not yet made the scheme or varied it.
- 134 Subsection (3) then provides that, when making (or varying) a franchising scheme pursuant to the consultation document, the franchising authority or authorities may specify a minimum period under section 123H(2)(d) or (3)(c) which is less than six months.

#### Clause 5: References to local services

- 135 This clause amends sections 123E(4)(a), 123N(2)(a), 123Q(5)(a) and 123R(5)(a) of the Transport Act 2000 to add the words “which have one or more stopping places” after the references to “local services” in those sections. This clarifies that the references to “local services” incorporate any service which has a stopping place in the relevant area, including cross-boundary services operating pursuant to a service permit.

## Franchising schemes: non-franchised services

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## Clause 6: Criteria for granting service permits

- 136 Subsections (1), (2), (3) and (4) of this clause amend section 123Q of the Transport Act 2000 (application for service permit).
- 137 Subsection (2) inserts new subsections 123Q(5A) and (5B) after subsection (5) of section 123Q of the Transport Act 2000. These new subsections set out additional tests for granting service permits. Inserted subsection 123Q(5A) provides two additional tests by which a franchising authority or authorities may grant service permits for cross boundary services. Subsection 123Q(5A)(a) sets out that a franchising authority or authorities may grant a service permit for a cross-boundary service if satisfied that the benefits to persons making journeys on the proposed service will outweigh any adverse effect on any local service provided under a local service contract in the scheme area. Alternatively, subsection 123Q(5A)(b) sets out that a franchising authority or authorities may grant a service permit for a cross-boundary service if the authority or authorities are satisfied that the benefits of the proposed service to the economy of the 'relevant area', or to persons living in that area, will outweigh any adverse effect on any local service provided under a local service contract.
- 138 Inserted subsection 123Q(5B) is for service permits for services that are not cross-boundary services. The authority or authorities may grant a service permit under subsection 123Q(5B) if that the benefits of the proposed service to the economy of the scheme area, or to people living within that area, outweigh any adverse effect on any local service provided under a local service contract.
- 139 Subsection (3) Amends existing subsection 123Q(6) so it sets out that a franchising authority or authorities may not grant a service permit except under existing subsection (5), and new subsections (5A) and (5B).
- 140 Subsection (4) inserts a new subsection 123Q(8) defining terms used in Section 123Q in relation to a franchising scheme. A 'Cross-boundary service' is a service that has one or more stopping places in the area which the franchising scheme relates, but that begins or ends, or begins and ends, outside the franchising scheme area. A 'relevant area' in relation to a cross-boundary service, means the combined area of each local transport authority, council in Scotland and Transport Partnership in which the service has a stopping place.
- 141 Subsection (5) amends section 123S(2) of the Transport Act 2000 (revocation and suspension), to clarify that a franchising authority or authorities can revoke or suspend a service permit granted under sections 123Q(5), (5A), or (5B), if the authority/authorities are no longer satisfied of the matters in the subsection in question.
- 142 Subsection (6) provides that amendments made by this clause only apply to applications for a service permit made on or after the date that this clause comes into force. This clarifies that the clause does not change the position for existing applications for a service permit.

## Clause 7: Registration of services provided under service permits

- 143 Subsection (1) is self-explanatory.
- 144 Subsection (2) inserts new subsection 123J(4A) into section 123J of the Transport Act 2000. The new subsection provides that existing subsection (2) of section 123J, which disappplies the registration requirements in sections 6 to 9 of the Transport Act 1985 in relation to local services in a franchised area, does not apply in relation to a service which is provided under a service permit.
- 145 Subsection (3) amends section 123P of the Transport Act 2000 to provide that, where an

operator has been granted a service permit by the franchising authority or authorities, the franchising authority or authorities must inform a traffic commissioner. This is to ensure that a traffic commissioner is aware that the service has been granted a service permit. Unless the franchising authority or authorities has granted an exemption under new section 123PA of the Transport Act 2000 (inserted by subsection (4) of the clause), all services operated within the franchised area under a service permit must be registered with the traffic commissioner.

- 146 Subsection (4) inserts new section 123PA. Subsection (1) of inserted section 123PA provides a power for a franchising authority, or more than one authority acting jointly, to exempt from the registration requirement any local service or class of local service operated under a service permit in the franchised area.
- 147 Inserted subsection 123PA(2) provides that if the franchising authority grants an exemption, the requirement to register a local service with the traffic commissioner does not apply.
- 148 Inserted subsection 123PA(3) allows the franchising authority to vary or revoke an exemption at any time.
- 149 Inserted subsection 123PA(4) requires the franchising authority to inform the traffic commissioner within 14 days if an exemption is granted, varied or revoked, and to publish details of the grant, variation or revocation.
- 150 Subsection (5) of the clause inserts new subsection (2A) into section 123S of the Transport Act 2000 to require the franchising authority or authorities to inform the traffic commissioner when a service permit is revoked or suspended
- 151 Subsection (6) inserts new subsection (ba) into section 123V(1) of the Transport Act 2000 to allow the Secretary of State to make regulations and transitional provisions in relation to the new power in section 123PA for franchising authorities to exempt local services or classes of local services from the registration requirement.

## Clause 8: Substitute road services

- 152 Subsection (1) provides that this clause amends Section 123J of the Transport Act 2000 (effect of local service contracts: registration requirements and provision of services).
- 153 Subsection (2) amends subsection 123J(5) to provide that subsections 123J(2) and (3) do not apply to the temporary rail and tram replacement services described in inserted subsection 123J(8).
- 154 Subsection (3) inserts new subsection 123J(8).
- 155 The effect of these amendments is that operators of the services described in inserted subsection 123J(8) no longer need to apply for a service permit to operate in a franchised area. They will also continue to be subject to the ordinary requirements for registration of local services in sections 6 to 9 of the Transport Act 1985.

## Franchising schemes: procedure

### Clause 9: Report on assessment of proposed schemes

- 156 This clause sets out how section 123D of the Transport Act 2000 (audit) is amended in accordance with subsections (2)-(8).
- 157 Subsection (2) replaces subsection (1) of section 123D and sets out that a franchising authority may not proceed with a proposed franchising scheme unless they have obtained a report from

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an “approved person” on the assessment of the proposed scheme. “Approved person” replaces “auditor” as the undertaker of the report. The approved person must be independent.

158 Subsection (3)(a) and (b) remove the references to “auditor,” replacing with “approved person” where appropriate, and subsection 3(c) clarifies that the report must state whether the information relied in the authority or authorities’ assessment is of sufficient quality for the purposes of both 123(3)(d) and (e).

159 Subsection (4) replaces subsection (3) of section 123D by stating that the Secretary of State must issue guidance as to when it is appropriate to appoint an approved person and what the franchising authority needs to take into account when selecting an approved person (a matter which is in current section 123D(3)), including in relation to whether a person is independent.

160 Subsection (5) and (6) replace “auditor” in subsections (5) and (6) of section 123D with “approved person.”

161 Subsection (7) sets out that an “approved person” means a person specified in regulations by the Secretary of State. This replaces subsections (7) and (8) of section 123D.

162 Subsection (8) is self-explanatory.

163 Subsection (9) amends section 123E to remove references to “auditor”.

164 Subsection (10) is a transitional provision. It provides that, where an auditor has already been appointed under the existing section 123D, the amendments to this section do not apply.

#### Clause 10: Variation of schemes

165 This clause amends the Transport Act 2000 to set out the new process for varying a franchising scheme.

166 Subsection (2)(a) amends subsection 123M(3) of the Transport Act 2000, to allow the notice of the decision to vary a scheme to state that the variation will take effect on one or more dates.

167 Subsection (2)(b) omits subsection (4) of section 123M to remove the minimum period of 6 months before a variation of the scheme can have effect.

168 Subsection (2)(d) removes subsections (8) and (9) of section 123M, which set out the existing process for varying a scheme.

169 Subsection (3) then inserts new section 123MA of the Transport Act 2000.

170 Inserted subsection 123MA(1) ensures that a franchising scheme as varied must include the same matters as a franchising scheme when it is initially made, as set out in subsections 123H(2) to (10) of the Transport Act 2000. Inserted subsection 123MA(2) clarifies that, where a variation of a scheme adds to the scheme area, the scheme as varied must specify the matters in subsections 123H(2)(c) and (d) in relation to local service contracts for services to be provided in the additional area. Otherwise, the requirements in subsections 123H(2)(c) and (d) do not apply to a scheme varied in accordance with section 123M.

171 Inserted subsections 123MA(3) and (4) make provision in relation to new Schedule 9A of the Transport Act 2000.

172 Subsection (4) provides that the Schedule to the Bill inserts new Schedule 9A after Schedule 9 in the Transport Act 2000. Schedule 9A has 3 parts. Each part sets out a different variation procedure, applying to the kind(s) of variations specified.

#### Clause 11: Direct award of contracts to incumbent operators

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- 173 This clause amends the Public Service Obligations in Transport Regulations 2023 to allow franchising authorities to directly award the first local service contracts under a franchising scheme to the incumbent bus operator(s) in the area to which the franchising scheme relates.
- 174 Subsection (1) is self-explanatory.
- 175 Subsection (2) inserts a new regulation 16A into the Public Service Obligations in Transport Regulations 2023.
- 176 Inserted regulation 16A(1) enables franchising authorities to directly award a public service contract under specific conditions.
- a. Regulation 16A(1)(a) and (b) specify that the award must be of a local service contract in relation to a franchising scheme, in circumstances where no local services are currently provided under franchise contracts in the area to which the contract relates. This is to support the transition to a franchising model, if the franchising authority chooses.
  - b. Regulation 16A(1)(c) sets out the recipient must be an operator who has provided the same or substantially similar services as those to which the contract relates for at least 3 months before the contract is entered into. This is to ensure the operator has the capability to provide service continuity to passengers during the transition. Significant network alterations are not envisaged during the direct award period.
- 177 Inserted regulation 16A(2) sets out the requirements for franchising authorities to publish information relating to the contract awarded within 6 months of granting the direct award. Inserted regulation 16A(3) specifies the information that must be published. This is in addition to the publication requirements in regulation 23 (post award publication).
- 178 Inserted regulation 16A(4) sets out definitions for the purposes of new regulation 16A and is self-explanatory.
- 179 Subsection (3) amends regulation 9 of the Public Service Obligations in Transport Regulations 2023 (duration of public service contracts). It amends regulation 9(1)(c) to limit the maximum duration of a contract awarded under new regulation 16A to 5 years. It amends regulation 9(4) to disapply regulations 9(2) and 9(3), which set out circumstances where the contract duration can be extended beyond the period specified in regulation 9(1). These circumstances are specific to the rail context.
- 180 Subsection (4) amends regulation 22(3) of the Public Service Obligations in Transport Regulations 2023 (pre-award publication) to provide that a franchising authority may choose not to publish the specific public service contract information in regulation 22(1). Information about the direct award of bus contracts still requires publication, post contract award, in accordance with the new regulation 16A(2) and existing regulation 23 (post award publication) of the Public Service Obligations in Transport Regulations 2023.

## Enhanced partnership plans and schemes

### Clause 12: Socially necessary local services

- 181 This clause amends the Transport Act 2000 by requiring LTAs to identify and list services in the EP area that are “socially necessary local services” and to specify requirements which must be followed if a bus operator of these services wishes to vary or cancel them.
- 182 Subsection (1) is self-explanatory.

*These Explanatory Notes relate to the Bus Services No.2 Bill [HL] as introduced in the House of Lords on 17 December 2024 (HL Bill 54)*

183 Subsection (2) amends section 138A of the Transport Act 2000 (enhanced partnership plans and schemes) to require LTAs to identify and list socially necessary local services in their EP plans.

- a. Subsection (2)(a) inserts a new subsection (ba) into section 138A(3) of the Transport Act 2000 and requires LTAs to identify which local services in their area are “socially necessary local services” and list those services within the EP Plan.
- b. Subsection (2)(b) inserts a new subsection (4A) into section 138A of the Transport Act 2000 and requires LTAs to keep the list of socially necessary services under review and amend it as necessary. This will ensure that the list of socially necessary local services reflects any sudden network changes in an EP area.
- c. Subsection (2)(c) inserts a new subsection (15) into section 138A of the Transport Act 2000 and provides a definition of “socially necessary local services”.

184 Subsection (3) inserts a new subsection (9A) into section 138C of the Transport Act 2000 (requirements in respect of local services).

185 Inserted subsection (9A)(a) provides that LTAs must include requirements in their EP scheme that apply where an operator of a socially necessary local service proposes to cancel the registration under section 6 of the Transport Act 1985 in relation to that service, or vary the registration in such a way as is likely to have a material adverse effect on the ability of passengers to access the goods, services, opportunities or activities. This might include, for example, a requirement for an extended notice period before changes are made to these services. Inserted subsection (9A) does not allow LTAs to mandate operators continue providing any socially necessary local service.

186 Inserted subsection (9A)(b) provides that an EP scheme must require LTAs, where they have been notified of a proposed cancellation or variation, to consider whether any alternative arrangements may be made so as to mitigate any adverse effects to passengers caused by the variation or cancellation of the service.

187 Subsection (4) provides that LTAs who are party to existing EP agreements must vary the plan and scheme in accordance with subsection 138K(3) of the Transport Act 2000 within one year of the clause coming into force, so that the EP plan and scheme satisfy the requirements of this clause.

### Clause 13: Objections by operators

188 This clause amends the Transport Act 2000 in relation to the objections periods when authorities give notice to operators about creating, varying or revoking an EP plan or scheme.

189 Subsection (1) is self-explanatory.

190 Subsection (2) amends section 138F (preparation, notice and consultation) of the Transport Act 2000 by removing subsection (2)(c) and substituting it with a new subsection (2)(c). This has the effect of setting a fixed objection period of 28 days within which objections may be made to the authority, removing the power for LTAs to set the period within which objections may be made. It also inserts a new subsection (4A) which allows LTAs to give notice of a proposal to make a plan or scheme in accordance with section 138F(1)(d) before the end of the objection period if every person who is required to be given the notice has confirmed in writing that they do not intend to object. Subsection (2)(c) is self-explanatory.

191 Subsection (3) amends section 138G (making of plans and schemes) in the Transport Act 2000 by removing subsection (3)(c) and substituting it with a new subsection (3)(c). This has the

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effect of setting a fixed objection period of 28 days within which objections may be made to the authority, removing the power for LTAs to set the period within which objections may be made. It also inserts a new subsection (3A) that allows authorities to make the EP plan and scheme with modifications before the end of the objection period if every person who is required to be given the notice has confirmed in writing they do not intend to object. Subsection (3)(c) is self-explanatory.

- 192 Subsection (4) amends section 138L (variation: preparation, notice and consultation) of the Transport Act 2000 by removing subsection (2)(c) and substituting it with a new subsection (2)(c). This has the effect of setting a fixed objection period of 28 days within which objections may be made to the authority, removing the power for LTAs to set the period within which objections may be made. It also inserts a new subsection (4A) that allows authorities to give notice of a proposal to vary the plan or scheme in accordance with section 138L(1)(d) before the end of objection period if every person who is required to be given the notice has confirmed in writing they do not intend to object. Subsection (4)(c) is self-explanatory.
- 193 Subsection (5)(a) amends section 138M (variation: making the variation) of the Transport Act 2000 by removing subsection (4)(d) and substituting it with a new subsection (4)(d). This has the effect of setting a fixed objection period of 28 days within which objections may be made to the authority, removing the power for LTAs to set the period within which objections may be made. Subsection (5)(b) inserts a new subsection (4A) which allows authorities to vary a plan or scheme before the end of the objection period if every person who is required to be given the notice has confirmed in writing they do not intend to object. Subsection (5)(c) omits subsection 138M(8)(c) of the Transport Act 2000 which has the effect that the Secretary of State no longer has the power to set the minimum objection period by regulations.
- 194 Subsection (6)(a) omits subsection 138O(7)(a) of the Transport Act 2000. This has the effect that where an LTA issues a notice of an intention to revoke an EP plan or scheme, they are no longer required to state the date on which the revocation takes effect on this notice. This allows LTAs to proceed with the revocation of a plan or scheme where the relevant operators have indicated they do not intend to object under the new subsection (7B).
- 195 Subsection (6)(b) amends section 138O (revocation) of the Transport Act 2000 by removing subparagraph (7)(d) and substituting it with a new subsection (7)(d). This has the effect of setting a fixed objection period of 28 days within which objections may be made to the authority, removing the power for LTAs to set the period within which objections may be made.
- 196 Subsection (6)(c) also inserts a new subsection (7A) and (7B) into section 138O of the Transport Act 2000.
- a. Where a notice of an intention to revoke an EP plan or scheme is issued under subsection 138O(6) of the Transport Act 2000, inserted subsection (7A) allows LTAs (but does not require them) to state the date on which revocation of the plan or scheme will have effect. Therefore, in circumstances where specifying a date is necessary because an LTA is, for example, moving to a Franchising Scheme, it is still open to LTAs to specify a revocation date on a notice issued under subsection 138O(6).
  - b. Inserted subsection (7B) allows authorities to revoke the plan or scheme before the end of the objection period if every person who is required to be given the notice has confirmed in writing that they do not intend to object (subject to any revocation date specified under inserted subsection (7A)).

197 Subsection (6)(d) omits subsection 138O(11)(c) of the Transport Act 2000 which has the effect that the Secretary of State no longer has the power to set the minimum objection period by regulations.

198 Subsection (7) is self-explanatory.

## Clause 14: Advance notice of requirement to provide information

199 This clause amends the Transport Act 2000 by creating a new requirement for LTAs or authorities to give advance notice before issuing a request for information under section 143B of the Transport Act 2000.

200 This clause inserts a new subsection (4A) and (4B) into section 143B. Inserted subsection (4A) provides that an LTA may not require an operator to supply information unless, at least 14 days before imposing the requirement, they have given notice to the operator of their intention to impose the requirement. This notice should set out, the date they intend to issue the notice and the period they intend to allow for the provision of information. Inserted subsection (4B) provides that when imposing the requirement to provide information, the LTA must have regard to any representations made by the operator during the 14-day period in response to the notice.

## Local government functions

### Clause 15: Local government bus companies

201 Subsection (1) repeals section 22 of the Bus Services Act 2017. Section 22 of the Bus Services Act 2017 set out that the “relevant authorities” listed in section 22(3) could not exercise their powers to form a company for the purpose of providing a local bus service in England .

202 Subsections (2)-(5) create new requirements mirroring existing sections 74(1), (2) and (13) of the Transport Act 1985 – legislation that disqualifies directors of existing public transport companies from being members of the local authority that owns the company. The new requirements in subsections (2)-(5) will ensure that directors of new LABCos formed after the repeal of section 22 of the Bus Services Act 2017 are subject to the same governance requirements.

203 Subsection (2) provides that a director of a local government bus company who is paid to act in that capacity or is an employee of the company or a subsidiary, is disqualified from being elected or being a member of a relevant authority that controls the company.

204 Subsection (3) explains when a company is taken to be controlled by a relevant local authority.

205 Subsection confirms that the requirements in subsections (1) to (3) also apply to subsidiaries of local government bus companies.

206 Subsection (5) provides definitions of key terms used in subsections (2), (3) and (4), including “local government bus company” and “relevant authority”.

207 Subsection (6) amends the Transport Act 1985. Subsection (6)(a) inserts a new subsection (1A) after subsection (1) in section 66 of the Transport Act 1985 (exclusion of powers of district councils to run bus undertakings). It clarifies that subsection 66(1) does not prevent a non-metropolitan district in England from forming a bus company to provide a local service. Subsection (6)(b) inserts a new subsection (c) into section 73(5) of the Transport Act 1985 (control over constitution and activities of public transport companies). New subsection 73(5)(c) disapplies subsection 73(3)(a) of the Transport Act 1985 in relation to the provision of

local services by a public transport company, or any other activity of the company relating to those services. Section 73(3)(a) requires controlling authorities of public transport companies to ensure that these companies do not engage in activities in which the controlling authority has no power to engage or permit their subsidiaries to engage in such activities.

208 Subsection (7) and (8) make consequential amendments to the Transport Act 2000 and the Levelling Up and Regeneration Act 2023, to remove references to the sections in legislation that will be repealed as a result of this clause.

## Clause 16: Grants

209 This clause provides LTAs with the power to design and administer bus grants.

210 Clause 16 inserts a new section 154A after section 154 of the Transport Act 2000.

211 Subsection (1) of inserted section 154A states that an LTA whose area is in England may make grants to operators of services mentioned in subsection (2) towards operating costs.

212 Subsection (2) of inserted section 154A specifies that the “services” are local services that have one or more stopping places in the authority’s area and includes services that would otherwise be excluded from the definition of “local service” by subsection 2(4)(b) of the Transport Act 1985.

213 Subsection (3) of inserted section 154A sets out that the grant may be of an amount and subject to such conditions that the authority determines.

214 Subsection (4) and (5) of inserted section 154A sets out that if an LTA are MCA or a MCCA, the function in subsection (1) is exercisable only by the mayor acting on behalf of the authority.

215 Subsection (6) and (7) of inserted section 154A sets out that the Secretary of State may issue guidance to LTAs and Mayors in England as to the exercise of their function using the grants, which LTAs and Mayors must have regard to. Subsections (8) and (9) set out the power to vary and revoke this guidance, and the requirements around publishing this guidance.

216 Subsection (10) of inserted section 154A disapplies subsection 88(1) of the Transport Act 1985 (application to subsidy agreements of sections 89 to 92 of that Act) in relation to grants under this section.

## Information about local services

### Clause 17: Information provided on registration of local services

217 This clause amends Section 6 of the Transport Act 1985 in various respects in relation to the registration of local bus services. Subsection (1) of the clause is self-explanatory.

218 Subsection (2)(a)(i) amends section 6(9) of the Transport Act 1985.

219 New subsection (da) of section 6(9) allows the Secretary of State to make regulations for the prescribed particulars of the bus service to be provided to prescribed persons.

220 New subsection (e) of section 6(9) of the Transport Act 1985 amends the current power in section 6(9)(e) in respect of England, which provides that a traffic commissioner may refuse to accept an application for registration, variation or cancellation of a service if the applicant either does not provide information to the traffic commissioner, or, if the applicant is subject to requirements of regulations made under section 141A of the Transport Act 2000 (which applies in England only), the applicant does not comply with them.

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- 221 Subsection subsection (e)(i) amends the power to enable regulations that require this information to be provided to prescribed persons rather than just the traffic commissioner, in England only. New subsection (e)(ii) restate the current power to ensure that the traffic commissioner can to refuse to accept the application if an applicant who is subject to requirements in regulations made under section 141A of the Transport Act 2000 does not comply. New subsection (ea) restates the current power insofar as it applies in relation to Wales to make clear that the amendments in relation to England do not apply.
- 222 Subsection 2(a)(ii) amends s.6(9)(j) of the Transport Act 1985 so that the Secretary of State can prescribe who operators are to send records to in respect of England, maintaining the current legal position in respect of Wales.
- 223 Subsection 2(a)(iii) inserts a new subsection (kb) into section 6(9) and allows the Secretary of State to make regulations as to the use and disclosure of information given, or records made available, under regulations made using section 6 powers.
- 224 Subsection (2)(b) inserts a new subsection (12) into section 6 and allows the Secretary of State to make regulations on the manner and form in which information is provided, including electronically.
- 225 Subsections (3) amends section 6I (records of registration etc) of the Transport Act 1985 in relation to registration records held by local transport authorities who have been delegated the registration functions of the traffic commissioner in respect of Enhanced Partnership areas.
- 226 Subsection (3)(a) amends section 6I(4) of the Transport Act 1985 to allow the Secretary of State to prescribe persons to whom such local transport authorities are to provide particulars of the services that are registered with them.
- 227 Subsection 3(b) amends section 6I(7) of the Transport Act 1985 by introducing new subsections (b) to (d). New subsection (7)(b) allows for regulations as to the particulars to be supplied under section 6I. New subsection (7)(c) allows for regulations as to the manner and form in which particulars are supplied, including electronically. New subsection (7)(d) allows for regulations as to the use and disclosure of records kept and particulars supplied under this section.

## Clause 18: Information about local services

- 228 This clause amends section 141A of the Transport Act 2000 to allow the Secretary of State to make regulations that require franchising authorities to provide data about their services, akin to registration data, to the Secretary of State. The clause also amends section 141A to allow the Secretary of State to make regulations authorising the collection and publication of additional categories of data about local services and their operators, with the aim of improving data transparency about these matters.
- 229 Subsection (1) of the clause is self-explanatory.
- 230 Subsection (2) amends subsection 141A(2) of the Transport Act 2000 to provide that information may be prescribed in regulations under subsection 141A(1) if it appears to the Secretary of State that the information is required in order to monitor the provision of relevant local services and to facilitate the Secretary of State's exercise of their functions.
- 231 Subsection (3) amends section 141A(3) of the Transport Act 2000 to add new categories of information that may be prescribed in regulations under section 141A(1). This allows the Secretary of State to prescribe additional information about operators of relevant local services and the vehicles used to provide local services. It also ensures that the same information can

be obtained in relation to franchised services as is currently required of registered services under section 6 of the Transport Act 1985.

232 Subsection (4) amends section 141A(4) of the Transport Act 2000 to clarify that the reference to “information about the operation of the services” in existing subsection 141A(3)(c) includes information about the cost of operating the services and the number of staff engaged in the operation of the services.

233 Subsection (5) amends section 141A(8) of the Transport Act 2000 to allow the Secretary of State to make regulations enabling the information to be disclosed by the Secretary of State to the Traffic Commissioners.

## Clause 19: Information obtained under Statistics of Trade Act 1947

234 This clause inserts 2 new sections into the Statistics of Trade Act 1947, to disapply provisions preventing the Secretary of State from publishing bus statistics collected under section 1 of the Statistics of Trade Act 1947 in a way that identifies specific bus operators.

235 The first new section, inserted after existing section 9A of the Statistics of Trade Act 1947, is new section 9B (Exception for publication of information about local bus services).

236 Inserted new subsection 9B(1) of the Statistics of Trade Act 1947 disapplies the existing provisions in section 9 of the Statistics of Trade Act 1947 in relation to information obtained from or on behalf of a PSV operator’s licence holder under section 1 of that Act about relevant local bus services in the qualifying period. Existing section 9 of the Statistics of Trade Act 1947 relevantly sets out that no information identifying an individual undertaking, obtained under the Act, may be published without the previous consent in writing of the person carrying out the undertaking.

237 Inserted subsection 9B(2) sets out a non-exhaustive list of the categories of information about relevant local services referred to in inserted subsection 9B(1).

238 Inserted new subsection 9B(3) sets out definitions relevant to subsections 9B(1) and (2), including definitions of ‘relevant local service’, which is defined as a local service with one or more stopping places in England, and the ‘qualifying period’, which is the period beginning on 1 May 2015 and ending on the day on which this clause comes into force.

239 The second new section of the Statistics of Trade Act 1947, newly inserted section 9C, provides that the Secretary of State must, at least 30 days before publication of any information collected pursuant to the new section 9B, publish a notice describing the information to be published (subsection 9C(1)). Inserted subsection 9C(2) sets out where this notice must be published.

240 Inserted subsection 9C(3) clarifies that, following the publication of any information in reliance on new section 9B of the Statistics of Trade Act 1947, section 9 and any subordinate legislation cease to apply in relation that information.

## Enforcement

### Clause 20: Powers of inspectors

241 This clause gives LTAs and Transport for London (“TfL”) new powers to enforce against fare evasion.

242 Subsection (1) states that Section 24 of the Public Passenger Vehicles Act 1981 (regulation of conduct of inspectors) is amended by subsections (2) and (3).

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- 243 Subsection (2) inserts a new subsection 24(1A) into the Public Passenger Vehicles Act 1981. Inserted subsection 24(1A) clarifies that regulations under subsection 24(1)(b) of the Public Passenger Vehicles Act 1981 may make a provision about whether or not a person authorised to act as an inspector by an LTA can do so outside the authority's area, or in relation to a local service which does not have a stopping place in the authority's area.
- 244 Subsection (3) replaces current subsection 24(4) of the Public Passenger Vehicles Act 1981, which sets out the definition of "inspector" for the purposes of sections 24(4) and 25 of the Public Passenger Vehicles Act 1981, with new subsections 24(4) and (4A). Inserted subsection 24(4)(a) retains the definition of "inspector" from previous subsection 24(4) (a person authorised as an inspector by the holder of the PSV operator licence under which the vehicle is being used). Inserted new subsection 24(4)(b) provides that, for vehicles providing a "relevant local service", an "inspector" is a person authorised by a "relevant authority". "Relevant authority" is defined in new subsection 24(4A) as an LTA in England, or TfL. New subsection 24(4A) also defines "relevant local service" and "stopping place".
- 245 Subsection (4) amends the Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) Regulations 1990 to clarify that "inspector" in the Regulations includes an inspector authorised under section 24(4)(b) of the Public Passenger Vehicles Act 1981 - that is, a person authorised to act as an inspector by a LTA in England or by TfL (in the case of a vehicle being used to provide a relevant local service).

## Clause 21: Local transport authority byelaws

- 246 This clause inserts five new sections into the Transport Act 2000: sections 144A (Power of local transport authority to make bus byelaws), 144B (Byelaws: procedure), 144C (Byelaws: copies and evidence), 144D (Powers of authorised persons in relation to byelaws), and 144E (Fixed penalty notices).
- 247 Subsection (1) of inserted section 144A (Power of local transport authority to make bus byelaws) sets out that an LTA in England, or two or more such authorities acting jointly, may make byelaws to regulate in one or more of three areas: 1) travel on their local services (1)(a), 2) to maintain order on their local services (1)(b)(i) and/or at bus facilities in their area or combined area (1)(b)(ii), and 3) regarding the conduct of people travelling on their local services (1)(c)(i) and/or using bus facilities in their area or combined area (1)(c)(ii).
- 248 Subsection (2) of section inserted 144A sets out what the byelaws may make provision for. This includes ticket and fare evasion (2)(a), interference with or obstruction of service provision and bus facilities (2)(b)(ii), preventing people from vaping on services (2)(c) and from smoking and vaping at bus facilities (2)(c), and preventing people from causing a nuisance (2)(e).
- 249 Subsection (3) of inserted section 144A sets out that anyone found guilty will be liable for a fine not exceeding level 3 on the standard scale, or a lower amount set out in the byelaws. Inserted subsection 144A(4) sets out the definitions of terms used in the previous sub-sections including "local services" (4)(a), "bus facility" (4)(b), "bus station" and "associated facilities" in relation to a bus station (4)(c) and, "bus shelter" (4)(d).
- 250 Subsection (1) of inserted section 144B (Byelaws: procedure) states that LTAs which propose to make byelaws under inserted section 144A must publish a copy of the proposed byelaws on their website or websites (1)(a), as well as publishing notice of the proposal to make byelaws in local newspapers and online (1)(b). Inserted subsection 144B(2) sets out what information LTAs must include in the notice.

- 251 Subsection (3) of section 144B states that any person affected by the proposed byelaws has a period of at least 28 days from the day after the notice is published to formally challenge the proposal. Subsection (4) stipulates that LTAs must not submit the byelaws for confirmation by the Secretary of State unless they have considered any representations made to them. Subsection (5) details the role of the Secretary of State in confirming the byelaws.
- 252 Inserted subsection 144B(6) sets out how confirmed byelaws can come into force. This can either be on a date fixed by the Secretary of State or 28 days following the day on which the byelaws are confirmed.
- 253 Inserted subsection 144B(7) states that the power to make byelaws under section 144A also includes the power to amend or revoke byelaws made under that section. The Secretary of State may also, by regulations, revoke byelaws made under section 144A (inserted subsection 144A(8)).
- 254 Subsections (1), (2) and (3) of inserted new section 144C (Byelaws: copies and evidence) sets out the requirements and process for copies of the byelaws to be made available once confirmed by the Secretary of State. These include requirements for LTAs to publish copies of the byelaws and notices stating when the byelaws come into force and how people can access printed copies. Subsection 144C(3) specifies that a printed copy of the byelaws indorsed with a certificate must be produced and signed by an officer of a LTA who made the byelaws, with further details of the requirements relating to this set out in inserted subsection 144C(4).
- 255 Subsection (1) of inserted new section 144D (Powers of authorised persons in relation to byelaws) sets out the powers of an “authorised person”, as defined in new subsection 144D(7). Inserted subsection 144D(1)(a) states that an authorised person can issue a fixed penalty notice to anyone that the authorised person has reason to believe has committed an offence under the byelaws under section 144A ,or an offence under section 144D(3). Section 144D(1)(b) provides that, should an authorised person suspect someone has committed or attempted to commit an offence under the byelaws under section 144A, the authorised person can either request the name and address of the person (1)(b)(i), and/or ask the person to leave the vehicle or premises where the byelaws apply (1)(b)(ii).
- 256 Inserted inserted subsection 144D(2) an authorised person can use reasonable force to remove a person they believe has committed an offence or suspect has committed or attempted to commit an offence from the vehicle or premises should the person fail to do so when asked. By failing to leave the vehicle or premises when asked, the person is deemed to have committed an offence under inserted section 144D(3) and is liable to pay a fine, the value of which should not exceed level 3 on the standard scale.
- 257 Inserted subsections 144D(4) states that the Secretary of State may issue guidance about how the functions under section 144D and section 144E should be carried out, and provides that LTAs in England and authorised persons must pay due regard to the guidance when carrying out their functions. Subsection 144D(5) provides the Secretary of State with the power to vary or revoke the guidance, and 144D(6) requires that any guidance or variation or revocation of the guidance should be published by the Secretary of State.
- 258 Inserted subsection 144D(7) provides a definition of an “authorised person”.
- 259 Inserted section 144E (Fixed penalty notices) sets out the detail of the fixed penalty scheme provided for in inserted section 144D(1). Subsection 144E(1) explains what a fixed penalty notice is. Subsection 144E(2) sets out the effect of a fixed penalty notice. Subsection 144E(3) details the information that must be included in a fixed penalty notice. Subsection 144E(4) states that a fixed penalty must not exceed £100, and subsection 144E(5) states that two

amounts may be specified on a fixed penalty notice, with the lower amount being applicable if payment is made within a specified period of less than 14 days. Further details about payment methods are detailed in subsections 144E(6) and (7). Subsection 144E(8) deals with evidence of fixed penalty notices in proceedings, and subsection 144E(9) provides a definition of “chief financial officer” relevant to section 144E(8).

260 Section (2) of clause 21 is a transitional provision and states that subsection (3) of section 235 of the Local Government Act 1972 does not prevent byelaws which could also be made under section 144A of the Transport Act 2000 from being made under section 235 if an application to the Secretary of State under regulation 6 of the Byelaws (Alternative Procedure) (England) Regulations 2016 (S.I. 2016/165) was made prior to section 21(2) of the Bill coming into force.

## Safety and accessibility of stopping places

### Clause 22: Safety and accessibility of stopping places

261 Subsection (1) provides the Secretary of State with the power to issue statutory guidance about stopping places and facilities in the vicinity of such stopping places to improve the safety of people using such facilities, and to help disabled people to complete journeys on local services.

262 Subsection (2) sets out that this guidance may include guidance about (a) the location, design, construction and maintenance of stopping places and facilities in the vicinity of them and (b) how people who are obliged to consider the guidance should engage with other people, such as partner authorities, in fulfilling that duty.

263 Subsection (3) gives the Secretary of State the power to vary or revoke guidance made under this section and subsection (4) requires the Secretary of State to publish the guidance or any variation or revocation of it.

264 Subsection (5) requires the Secretary of State to consult with the Disabled Persons Transport Advisory Committee (DPTAC) when publishing, substantially changing, or revoking the guidance under this section.

265 Subsection (6) sets out that LTAs in England, local traffic authorities in relation to stopping place on roads in England outside of Greater London and strategic highways companies in relation to stopping places on highways in England must have regard to any guidance published under this section.

266 Subsection (7) sets out the definitions of “facilities”, “local service” and “stopping place”.

## Safeguarding duty: drivers of school services

### Clause 23: Safeguarding duty: drivers of school services

267 This clause inserts new Part 2A: “Safeguarding duty: drivers of school services” after Part 2 of the Public Passenger Vehicles Act 1981. New Part 2A mandates operators to check the enhanced criminal record certificate, which includes information on whether the individual is barred from undertaking regulated activity relating to children, or up-date information in relation to that enhanced criminal record certificate, of their drivers every three years before permitting such drivers to drive a public service vehicle on a closed school service.

268 Subsection (1) of section 29A of inserted Part 2A sets out that an operator of a public service vehicle may not permit another person to drive the vehicle for a school service unless the operator has, satisfied conditions 1 or 2 as set out in subsections (2) and (3).

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269 Subsection (2) of section 29A details condition 1 that (a) an operator has checked the drivers enhanced criminal record certificate issued within the past three years and that (b) it does not state that they are barred from regulated activity relating to children. Subsection (3) details condition 2 as (a) the operator has within the last three years checked (i) their drivers enhanced criminal record certificate and (ii) the update information and that (b) it does not show the driver is barred from regulated activity relating to children and (c) that the update information does not advise a new check is needed.

270 Subsection (4) of section 29A defines “enhanced criminal record certificate” and “relevant enhanced criminal record certificate”.

271 Subsection (1) of section 29B of inserted Part 2A sets out how a reference to regulated activity relating to children is to be construed.

272 Subsection (2) of section 29B sets out when person is classified as driving a public service vehicle for a school service for the purpose of Part 2A.

273 Subsection (3) of section 29B sets what the wording “primary education”, “secondary education”, “further education” and “children” mean for the purpose of Part 2A.

## Training of staff

### Clause 24: Training about crime and anti-social behaviour

274 This clause sets out how the Transport Act 2000 will be amended to insert a new section 144F for the provision of training about crime and anti-social behaviour.

275 Subsection (2) of clause 24 details this. The new section 144F(1) of the Transport Act 2000 sets out that the holder of the PSV operator’s licence is responsible for training for any person who drives a public service vehicle used under this licence for a local service and persons who deal directly with passengers on such services or issues related to such passengers.

276 Subsection (2) of section 144F details that the person needs to have completed the training in the last five years to enable them to identify, respond appropriately to and, where possible, prevent criminal offences that cause a victim or potential victim to fear for their personal safety, and anti-social behaviour (ASB).

277 Subsection (3) of section 144F gives powers to the Secretary of State to make consequent regulations requiring the holders of PSV operators’ licences to record compliance, publish information relating to their compliance, and provide the Secretary of State with information regarding their compliance as required.

278 Under subsection (4) the Secretary of State may issue guidance about compliance with this section and any regulations made under it. Under subsection (5), the Secretary of State may vary or revoke guidance issued under subsection (4). Subsection (6) states that the Secretary of State must publish guidance issued under subsection (4) and any variation or revocation of it.

279 Section (3) of clause 24 inserts in section 155 (sanctions) of the Transport Act 2000, after subsection (1ZD), a new subsection (1ZDA) enabling traffic commissioners to issue certain sanctions if the holder of a PSV operator’s licence does not comply with these requirements.

### Clause 25: Training about disability

280 This clause amends Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004, regarding carriers’ and terminal management

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bodies' duty to train their staff in relation to disability.

281 Subsection (2) amends Article 2 so that in respect of a "local service," personnel, other than drivers, who provide direct assistance to passengers are captured by the requirement in Article 16 to do disability awareness and disability assistance training. Subsection (3) inserts the definition of a "local service" into Article 3.

282 Subsection (4) amends Article 16 (training) so that in respect of a local service, personnel, including drivers, who deal with the travelling public are required to do disability assistance training (they are already required to do disability awareness training). Subsection (4) also inserts a requirement for carriers and terminal managing bodies to ensure that the disability training requirements introduced by subsections (2) and (4) (which are only in respect of a local service) have been completed within the past five years.

## Clause 26: Training about disability: further provisions

283 This clause sets out amendments relating to compliance with, and enforcement, of the requirements introduced by the previous clause.

284 Subsection (1) of this clause gives powers to the Secretary of State, in respect of the disability training requirements being applied to local services as introduced by the previous clause, to make regulations that require carriers and terminal managing bodies to:

- a. Keep compliance records of the disability training requirements.
- b. Publish information about their compliance with the disability training requirements.
- c. Provide the Secretary of State with information relating to compliance with the disability training requirements, as required.

285 Subsection (2) ensures that regulations under this section may include consequential, supplementary, incidental, transitional or saving provisions and may include different provisions for different purposes.

286 Subsection (3) requires regulations under subsection (1) to be made by statutory instrument and provides information about the required parliamentary procedure.

287 Subsection (4) allows the Secretary of State to issue guidance on compliance of the requirements in relation to the disability training requirements, and regulations made under this section. Subsection (5) allows the Secretary of State to vary or revoke guidance issued under subsection (4). Subsection (6) states that the Secretary of State must publish guidance under subsection (4) and any variation or revocation of the guidance. Subsection (7) defines relevant terms ("regulation 181/2011", "carrier", "terminal managing body" and "disability training requirements").

288 Subsection (8) inserts a new regulation 10A after regulation 10 of the Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) Regulations 2013 to provide traffic commissioners with a method of enforcing against a carrier or terminal managing body who has not ensured that the training is completed or complied with record-keeping, data-publication or provision of information requirements.

289 Subsection (1) of 10A outlines that it is the duty of the traffic commissioner to exercise available powers to remedy or avoid any contravention of a requirement of paragraph 1A of Article 16 of Regulation 181/2011, or a requirement of regulations made under this clause.

290 Subsection (2) outlines that if a traffic commissioner is satisfied that a carrier or terminal

managing body has contravened the requirement at subsection (1), they may impose a penalty on the carrier or terminal managing body.

291 Subsection (3) provides that certain subparagraphs of regulation 10 are to apply in relation to the imposition of a penalty under regulation 10A as they do to the imposition of an equivalent penalty imposed under regulation 10.

## Zero-emission vehicles

### Clause 27: Use of zero-emission vehicles for registered local services in England

292 This clause inserts a new section 151A into the Transport Act 2000 to prevent the use of non-zero emission buses on local bus services that have one or more stopping places in England, outside Greater London, and which are registered under section 6 of the Transport Act 1985.

293 Under subsections (1) and (2) of new section 151A, such services may not use a vehicle that is constructed to carry both seating and standing passengers, has seats for more than 22 passengers, is registered under the Vehicle Excise and Registration Act 1994 on or after a date specified in regulations made by the Secretary of State, and has tailpipe emissions (of carbon dioxide, carbon monoxide, hydrocarbon, nitrogen oxide or particulates). Subsection (3) of new section 151A makes provision regarding regulations that can be made by the Secretary of State. Subsection (4) of new section 151A provides that the date that may be specified in regulations in respect of registration under the Vehicle Excise and Registration Act 1994 may not be before 1 January 2030. Subsection (5) of new section 151A provides that the area in which the restriction will take effect is England, outside Greater London. The restriction will also not apply to services provided as part of a franchising scheme under the Transport Act 2000, as such services are not registered under section 6 of the Transport Act 1985 (see section 123J(2) of the 2000 Act).

294 Subsection (3) of clause 27 inserts a new subsection (1ZDB) into section 155 of the Transport Act 2000, which provides that operators of a local service may be subject to sanctions if they contravene new section 151A(1). The applicable sanctions may be one or more orders made by the traffic commissioner under subsection (1A)(a) or (d) of section 155.

## General

### Clause 28: Power to make consequential provision

295 This clause sets out that the Secretary of State may make by regulations provision that is consequential to this Bill.

296 Subsection (2) sets out that the regulations made under this clause may amend, repeal or revoke provisions made by or under an Act passed before this Bill or later in the same parliamentary session.

297 Subsection (3) makes further provision about what may be included in regulations made under this clause.

298 Subsection (4) states that regulations can only be made under this clause by statutory instrument and subsections (5) and (6) set out the applicable Parliamentary procedures.

### Clause 29: Extent

299 This clause sets out the territorial extent.

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## Clause 30: Commencement and transitional provision

300 This clause sets out the commencement details of the Bill and enables transitional or saving provision to be made in connection with commencement.

## Clause 31: Short title

301 This clause sets out that the Bill (when enacted) may be cited as the Bus Services (No. 2) Act 2025.

# Schedule

## Schedule 1: Procedure for varying franchising schemes

302 Paragraph 1 of Schedule 9A provides that Part 1 of the Schedule (Adding to scheme area) applies where a franchising authority or authorities vary the area specified under section 123H(2)(a) of the Transport Act 2000 to add a new area or areas to the scheme area (“adds to the scheme area” is defined in inserted section 123MA(4)). Part 1 of Schedule 9A sets out the following broad requirements in relation to variations to which it applies:

- a. The franchising authority or authorities must undertake an assessment of the variation against the assessment criteria set out in paragraph 2(3) of Schedule 9A and provide notice of the assessment beforehand (paragraphs 2 and 3).
- b. The franchising authority or authorities must obtain an independent report from an approved person (paragraph 4).
- c. The franchising authority or authorities must undertake a consultation in line with paragraph 5, including preparing a consultation document which covers the matters in paragraph 6.
- d. The franchising authority or authorities must publish a response to the consultation in line with paragraph 7.

303 As set out in paragraph 8 of Schedule 9A, Part 2 of the Schedule (Reducing scheme area) applies where a franchising authority or authorities vary the area specified under section 123H(2)(a), but the variation does not add to the scheme area (“adds to the scheme area” is defined in inserted section 123MA(4)). Part 2 requires the franchising authority/authorities to comply with consultation requirements (set out in paragraph 9 and 10) and to publish a response to the consultation (paragraph 11).

304 As set out in paragraph 12 of Schedule 9A, Part 3 of the Schedule (Other variations) applies where the variation: does not include a variation of the area specified under section 123H(2)(a) but does include one or more of the following:

- a. A variation of the local services under section 123H(2)(b)
- b. A variation of the scheme sub-areas specified under sections 123H(3)(a)
- c. A variation of the period specified under section 123H(2)(d) or (3)(c)
- d. A variation of the local services that are excepted under section 123H(5) from regulation arising because of the scheme.

305 Before varying a franchising scheme, Part 3 of Schedule 9A requires the franchising authority or authorities to undertake a consultation in accordance with paragraph 13 and publish a response to the consultation in line with paragraph 14.

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## Commencement

306 Clause [30] provides for commencement of the provisions in the Bill. For the most part, the provisions of the Bill will come into force on days appointed by the Secretary of State by regulations. [Different days may be appointed for different purposes or areas]. Clause 21 comes into force two months after Royal Assent and clause 23 comes into force six months after Royal Assent. Clauses [28 to 31] come into force on the day the Bill is passed. Clauses [28 to 31] deal with the power to make consequential provision, extent, commencement and transitional provision and the short title.

## Financial implications of the Bill

307 The measures in this Bill are, in the most part, enabling and as a result most of the proposals will not place direct costs on the Department for Transport and its agencies purely by their enactment.

308 Further details of the costs and benefits of individual provisions are set out in the impact assessment published alongside the Bill.

## Compatibility with the European Convention on Human Rights

309 Section 19 of the Human Rights Act 1998 requires the Minister in charge of a Bill in either House of Parliament to make a statement about the compatibility of the provisions of the Bill with the European Convention on Human Rights (“ECHR”) (as defined in section 1 of that Act).

310 In the opinion of the Minister of State, the provisions of the Bill are compatible with the Convention rights and he has made a statement to this effect.

311 These notes deal only with those parts of the Bill which raise specific ECHR issues. The remaining provisions of the Bill are considered not to engage Convention rights, or, if they do, to do so in a way in which it is clear that there is no interference.

## Article 6

312 Article 6 (right to a fair trial) is engaged by clause 21. Article 6 sets out that everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

313 Clause 21 establishes powers for franchising authorities and LTAs in England to make byelaws addressing anti-social behaviour on their bus networks. Inserted section 144A of the TA 2000, sets out that the byelaws may provide that a person contravening them is guilty of an offence and liable, on summary conviction, to a fine not exceeding (a) level 3 on the standard scale, or (b) such lower amount as is specified in the byelaws. Therefore, the clause provides for franchising authorities and LTAs to create new criminal offences in their byelaws.

314 Any such offences would be triable in the Magistrates’ court, per the Magistrates’ Courts Act 1980. Those proceedings would be subject to the usual safeguarding provisions for procedural fairness, as set out in the Magistrates’ Courts Act 1980, including the right to appeal the

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Magistrates' court decision.

315 Further, clause 21 contains a power for persons authorised by LTAs to issue fixed penalty notices to individuals. A person issued with a fixed penalty notice may choose not to pay the penalty and proceed to be tried in the Magistrates' court, with the usual safeguards then applying, as set out above.

316 Therefore, the Department considers the provisions do not interfere with Article 6.

## Article 8

317 Article 8 (right to respect for private and family life) is engaged by clause 23. The effect of clause 23 is that PSV operators are required to check enhanced criminal record certificates, issued under section 113B of the Police Act 1997, which include suitability information relating to children by virtue of section 113BA of the Police Act 1997, or up-date information which does not advise that a new certificate is required, for all relevant drivers, every 3 years. These certificates will include information, such as cautions or convictions held on the Police National Computer (unless they have been filtered), which may not be relevant to the PSV operator for the purpose of them checking if the driver is barred from regulated activity relating to children.

318 Article 8 is a qualified right. Any interference is justified where it is in accordance with law, necessary in a democratic society, and pursues a legitimate objective. The circumstances under which an enhanced criminal record certificate will be required are prescribed in the Bill. These requirements are set out in a clear, foreseeable and adequately accessible manner. The requirements pursue a legitimate objective, as they are concerned with ensuring the safety of children, specifically in a potentially vulnerable setting for children (transportation between their homes and an educational institution). This also engages a State's positive obligation under Article 2 of the Convention (right to life).

319 Finally, clause 23 is necessary in a democratic society, as it is a proportionate measure to ensure the safety of children when they are being transported between their homes and an educational institution. Therefore, the Department considers that clause 23 does not interfere with Article 8.

320 Additionally, clause 23 is compatible with the UN Convention on the Rights of the Child ("UNCRC"). Article 3 of UNCRC requires that children's best interests are a primary consideration in all decisions affecting them. Given that clause 23 is aimed at ensuring that only suitable persons are eligible to drive children between their homes and education institution, the Department considers that clause 23 is consistent with Article 3, specifically, and with the UNCRC in general.

## Article 1, Protocol 1

321 Clauses 1 to 11, and 27 engage Article 1, Protocol 1 (protection of property) ("A1P1"). Clauses 1 to 11 (the "franchising measures") remove legislative barriers to LTAs exercising bus franchising powers, and generally make bus franchising powers more accessible to LTAs. A practical effect of an LTA making a franchise scheme is that an incumbent operator might not bid for or win a contract to operate a service it had previously operated.

322 As with Article 8, A1P1 is a qualified right. Any interference is similarly justifiable where, in summary, it is in accordance with law, in the public interest, and proportionate. The franchising measures make amendments to the regulation of bus franchising schemes set out in Part II of the Transport Act 2000, which prescribes the steps and safeguarding measures

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which local authorities must engage with when creating, varying or revoking a franchising scheme. The franchising measures, by removing barriers to franchising schemes, enable authorities to improve local bus services and to achieve more for passengers by choosing the most appropriate option depending on their local bus market. Therefore, the Department considers that the franchising measures are in accordance with law, in the public interest, and proportionate, and as such, any interference that the franchising measures have with A1P1 rights is justified.

323 Clause 27 prohibits operators from using non-zero emission buses on local services registered under section 6 of the Transport Act 1985. The prohibition will commence on a date to be specified in regulations. The measure will only prevent the use of non-zero emission buses registered under the Vehicle Excise and Registration Act 1994 on or after a date specified in regulations, where such date cannot be before 1 January 2030. The measure has a legitimate objective, in the public interest, of reducing carbon emissions and improving air quality, by reducing the number of non-zero emissions buses operating on specified routes. Furthermore, given that it will only prevent the use of vehicles registered under the Vehicle Excise and Registration Act 1994 on a date no earlier than 1 January 2030, operators will have time to plan for the restriction taking effect, and as such this legislative change is being made in a clear, foreseeable, and adequately accessible manner. Finally, given the strong public interest in reducing carbon emissions and improving air quality, the measure is proportionate, Therefore, the Department considers that the measure is in accordance with law, is in the public interest, and proportionate, and therefore that any interference that clause 27 has with A1P1 rights is justified.

324 Finally, in relation to the powers given in clause 21 to LTAs, section 6 of the Human Rights Act 1998 imposes a separate obligation upon public authorities to act compatibly with the Convention rights.

## Duty under Section 20 of the Environment Act 2021

325 The Minister of State is of the view that the Bill as introduced into the House of Lords contains provision which, if enacted, would be environmental law for the purposes of section 20 of the Environment Act 2021 and that the Bill will not have the effect of reducing the level of environmental protection provided for by any existing environmental law. Accordingly, a statement has been made under section 20(2)(a) and (3) of that Act.

## Duty under Section 13C of the European Union (Withdrawal) Act 2018

326 The Minister of State is of the view that the Bill as introduced into the House of Lords does not contain provision, which, if enacted would affect trade between Northern Ireland and the rest of the United Kingdom. Accordingly, no statement under section 13C of the European (Withdrawal) Act 2018 has been made.

## Related documents

327 The following documents are relevant to the Bill and can be read at the stated locations:

- The government's Manifesto Commitment: <https://labour.org.uk/wp->

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<content/uploads/2024/06/Labour-Party-manifesto-2024.pdf>

- The government's five-point plan:  
<https://www.gov.uk/government/news/transport-secretary-sets-out-5-key-priorities-to-deliver-the-biggest-overhaul-to-transport-in-a-generation>
- Impact Assessment on the Bus Services (No. 2) Bill: update once published
- The Franchising Schemes (Franchising Authorities) (England) Regulations 2024 Statutory Instrument: <https://www.legislation.gov.uk/ukdsi/2024/9780348263305>
- The government's response to the Consultation on franchising: update once published

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## Annex A – Territorial extent and application in the United Kingdom

Provision	England	Wales		Scotland		Northern Ireland	
	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Legislative Consent Motion process engaged?	Extends and applies to Scotland?	Legislative Consent Motion process engaged?	Extends and applies to Northern Ireland?	Legislative Consent Motion process engaged?
Clause 1	Yes	No	N/A	No	N/A	No	N/A
Clause 2	Yes	No	N/A	No	N/A	No	N/A
Clause 3	Yes	No	N/A	No	N/A	No	N/A
Clause 4	Yes	No	N/A	No	N/A	No	N/A
Clause 5	Yes	No	N/A	No	N/A	No	N/A
Clause 6	Yes	No	N/A	No	N/A	No	N/A
Clause 7	Yes	No	N/A	No	N/A	No	N/A
Clause 8	Yes	No	N/A	No	N/A	No	N/A
Clause 9	Yes	No	N/A	No	N/A	No	N/A
Clause 10	Yes	No	N/A	No	N/A	No	N/A
Clause 11	Yes	No	N/A	No	N/A	No	N/A
Clause 12	Yes	No	N/A	No	N/A	No	N/A
Clause 13	Yes	No	N/A	No	N/A	No	N/A
Clause 14	Yes	No	N/A	No	N/A	No	N/A
Clause 15	Yes	No	N/A	No	N/A	No	N/A
Clause 16	Yes	No	N/A	No	N/A	No	N/A
Clause 17	Yes	No	N/A	No	N/A	No	N/A
Clause 18	Yes	No	N/A	No	N/A	No	N/A
Clause 19	Yes	Yes	No	Yes	No	No	N/A
Clause 20	Yes	No	N/A	No	N/A	No	N/A
Clause 21	Yes	No	N/A	No	N/A	No	N/A
Clause 22	Yes	No	N/A	No	N/A	No	N/A
Clause 23	Yes	Yes	No	No	N/A	No	N/A
Clause 24	Yes	Yes	No	No	N/A	No	N/A
Clause 25	Yes	Yes	No	Yes	No	No	N/A
Clause 26	Yes	Yes	No	Yes	No	No	N/A
Clause 27	Yes	No	N/A	No	N/A	No	N/A
Schedule 1	Yes	No	N/A	No	N/A	No	N/A

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- 328 The main subject of the Bill is the provision of bus services. The majority of the Bill extends to England and Wales and applies in England only, except the following measures which relate to subject matters that are reserved and therefore extend and apply to Wales and/or Scotland.
- 329 Under both the Scotland Act 1998 and the Government of Wales Act 2006, “equal opportunities” constitutes a reserved matter, subject to exceptions. Provisions of the Bill which relate to training on disability awareness and assistance are considered to fall within this reservation and none of the exceptions apply. Those measures therefore extend and apply to Scotland and Wales.
- 330 Under the Government of Wales Act 2006, the “prevention, detection and investigation of crime” constitutes a reserved matter, subject to one exception. Provisions of the Bill which relate to training for responding to incidents of criminal and anti-social behaviour are considered to fall within this reservation and the exception does not apply. Those measures therefore extend and apply to Wales. The same reservation does not apply in respect of Scotland.
- 331 Under the Government of Wales Act 2006, “public service vehicle operator licensing” and “criminal records, including disclosure and barring”, are reserved matters. The provisions in the Bill requiring criminal record checks for operators and drivers of school bus services are considered to fall within these reservations and therefore extend and apply to Wales.
- 332 Clause 19 (Information obtained under Statistics of Trade Act 1947) extends and applies to England, Scotland and Wales. It does not relate to a reserved matter but it applies only in respect of information obtained by the Secretary of State on local bus services in England and therefore does not require a legislative consent motion.
- 333 Clause 20 (Powers for inspectors) extends and applies to England, Scotland and Wales. It does not relate to a reserved matter but it applies only in respect of persons authorised to act as inspectors by authorities in England and therefore does not require a legislative consent motion.



# **BUS SERVICES (NO. 2) BILL [HL]**

## **EXPLANATORY NOTES**

These Explanatory Notes relate to the Bus Services (No. 2) Bill [HL] as introduced in the House of Lords on 17 December 2024 (HL Bill 54).

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