

## **BUS SERVICES (NO. 2) BILL**

### **Supplementary Delegated Powers Memorandum from the Department for Transport**

#### **A. INTRODUCTION**

1. This memorandum has been prepared by the Department for Transport to assist with the scrutiny of the Bus Services (No. 2) Bill (“the Bill”).
2. This Memorandum describes powers in the Bill conferring power to make subordinate legislation and other delegated powers which were amended or added at the Report stage in the House of Lords (first House). This Memorandum supplements the Delegated Powers Memorandum on the Bill as introduced.
3. This memorandum covers one amendment to an existing delegated power, and one new delegated power, made by amendments approved by the House of Lords at Report stage on 2 April 2025.

#### **B. DELEGATED POWERS**

##### **Safety and accessibility of stopping places**

###### **Clause 30**

Power conferred on: Secretary of State

Power exercised by: Statutory Guidance

Parliamentary procedure: N/A

###### **Context and Purpose**

1. This clause has been amended to enable the existing guidance power about safety and accessibility of stopping places to include guidance for the purpose of enabling disabled people to travel on local services independently, and in safety and reasonable comfort (clause 30(1)(c)).
2. This clause has also been amended to apply to London, with Transport for London and local traffic authorities in London being required to give regard to the guidance.

###### **Justification for taking the power**

3. The justification for the power can be found in the [Delegated Powers Memorandum](#) for the Bus Services (No. 2) Bill, from paragraph 113 – 118. The Department considers that said justification continues to apply to the clause, as amended.
4. Inserting the new subsection (1)(c) clarifies that the purpose of statutory guidance made under this clause could include both facilitating travel by disabled people on local bus and coach services and enabling them to do so independently, and in safety and reasonable comfort. The statutory guidance may therefore be developed in a way that would address, for example, the physical safety of disabled passengers when moving from a footway or bus to a stopping place, the physical comfort and the ability to use the facility without anxiety or loss of confidence due to its design, and the ability to use services without assistance from others, except for bus operator staff. As introduced, clause 30 already required local transport authorities, local traffic authorities (except in relation to stopping places on roads in Greater London) and strategic highways companies in England to have regard to the guidance. Extending the clause to also apply to Transport for London and local traffic authorities in London, therefore, amends the geographical scope of the existing duty to have regard to guidance, but does not otherwise extend the guidance power itself.
5. In accordance with the justification for this clause's power in the [Delegated Powers Memorandum](#) for the Bus Services (No. 2) Bill, the Department continues to consider that statutory guidance is the most appropriate vehicle to achieve the purpose of this clause, as amended.

#### Justification for the procedure

6. The justification for the guidance to not be subject to parliamentary procedure can be found in the [Delegated Powers Memorandum](#) for the Bus Services (No. 2) Bill, at paragraph 119. The Department considers that said justification continues to apply to the clause, as amended.

## **Provision and design of floating bus stops**

### **Clause 31**

Power conferred on: Secretary of State

Power exercised by: Statutory Guidance

Parliamentary procedure: N/A

#### Context and Purpose

7. This new clause requires the Secretary of State to publish guidance about the provision and design of floating bus stops, which certain authorities must have regard to.

#### Justification for taking the power

8. The Department considers it is most appropriate for bus stop design on local bus networks to be dealt with in guidance. The guidance is likely to be technical in nature and developed through research and stakeholder engagement. The exercise of this power is subject to consultation with the Disabled Persons Transport Advisory Committee and other relevant persons. It is also important that there is sufficient flexibility in the contents of the guidance to ensure it can apply to infrastructure in a range of locations from busy city streets to remote rural villages.
9. The Department considers it would be inappropriate to prescribe requirements relating to floating bus stops on the face of the Bill, given the likely need to amend it frequently over time and the Parliamentary time that would be required to consider even minor updates. We also consider that neither a detailed Bill clause nor Regulations would support the flexible approach sought to ensure recommendations are relevant to a range of situations across the country, and can take account of emerging research in this evolving policy area.
10. The Department therefore considers that statutory guidance is the most appropriate vehicle to address provision and design issues regarding floating bus stops.

#### Justification for the procedure

11. Given the likely nature and content of the statutory guidance, and in particular the fact that it will not define or create new mandatory legal responsibilities, the Department does not consider it is necessary for the guidance to be subject to any parliamentary procedure. In addition, before giving, revoking or substantially changing the guidance, the Secretary of State will be required to consult with the Disabled Persons Transport Advisory Committee and other relevant persons.