

BUS SERVICES (NO. 2) BILL[HL]

EXPLANATORY NOTES ON COMMONS AMENDMENTS

What these notes do

- 1 These Explanatory Notes relate to the Commons Amendments to the Bus Services (No. 2) Bill [HL] as brought from the House of Commons on 11 September 2025 (HL Bill 132).
- 2 These Explanatory Notes have been prepared by the Department for Transport in order to assist the reader of the Bill on changes from Commons amendments. They do not form part of the Bill and have not been endorsed by Parliament.
- 3 These Explanatory Notes, like the Commons amendments themselves, refer to Bill Number 229, the Bill as first printed for the Commons.
- 4 These Explanatory Notes need to be read in conjunction with the Commons amendments and the text of the Bill. They are not, and are not meant to be, a comprehensive description of the Commons amendments.
- 5 Commons Amendments 3 to 26, 76 to 77 and New Clause 4 were tabled at Committee stage in the name of the Minister, Simon Lightwood MP.
- 6 Commons Amendments 31 to 57 and New Clause 38 were tabled at Report stage in the name of the Secretary of State, the Rt Hon Heidi Alexander MP.

Commentary on Commons amendments

Commons Amendments to Clause 1: Purpose: improvement of bus passenger services

Commons Amendment 1

- 7 This amendment removes clause 1 of the Bill. Clause 1 set out that the purpose of the Bill was to improve the performance, accessibility and quality of bus passenger services in Great Britain, and required the Secretary of State to have regard to that purpose when exercising functions under the Bill.

Commons Amendments to Clause 4: Specification of services

Commons Amendment 2

- 8 This amendment removes the words "relation to" from clause 4(4). These words are unnecessary.

Commons Amendments to Clause 7: Criteria for granting service permits

Commons Amendment 3

- 9 Clause 7(4) of the Bill inserts a definition of "cross-boundary service" into section 123Q of the Transport Act 2000, which applies for the purposes of the new tests for granting a service permit in inserted sections 123Q(5A) and (5B). As it originally stood, the definition of "cross-boundary service" covered services that had a stopping place in the franchising area, but began or ended, or began and ended, outside the area. It did not encompass a cross-boundary service that started and ended in a franchising area but had at least one stopping place outside the area.
- 10 This amendment and Commons Amendment 4 amend the definition of "cross-boundary service" so that it encompasses this latter category of services. As a result, the definition would include any service which has at least one stop inside the franchising area and one stop outside the franchising area. This amendment to the definition is designed to make it simpler for operators and franchising authorities to understand.

Commons Amendment 4

- 11 See the explanatory note for Commons Amendment 3.

Commons Amendments to Clause 12: Variation of schemes

Commons Amendment 5

- 12 This amendment removes the words "relation to" from newly inserted section 123MA(3)(a). These words are unnecessary.

Commons Amendment 6

- 13 This amendment removes the words "relation to" from newly inserted section 123MA(4)(a). These words are unnecessary.

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Commons Amendments after Clause 12: Miscellaneous amendments

Commons Amendment 7

- 14 Commons Amendment 7 inserts a new clause into the Bill which makes several miscellaneous amendments to the Transport Act 2000. Subclause (2)(a) of the new clause removes unnecessary provision from the assessment requirements for franchising schemes in section 123B. Section 123B(3)(b) requires franchising authorities to consider whether their proposed franchising scheme would contribute to neighbouring authorities' implementation of their transport policies under section 108(1)(a) of the Transport Act 2000. The amendments in subclause (2)(a) ensure that this requirement only applies where authorities are required to have policies under section 108(1)(a). Subclause (2)(b) of the new clause ensures that policies of Scottish Transport Partnerships are considered as part of the franchising assessment, where relevant. Subclause (3) requires consultation with Scottish Transport Partnerships and the Welsh Ministers, where relevant, before a franchising authority is makes its franchising scheme. Subclause (4) defines "council in Scotland" for the purposes of Part 2 of the Transport Act 2000.

Commons Amendments to Clause 14: Socially necessary local services

Commons Amendment 8

- 15 This amendment removes the requirement for the Secretary of State to carry out an assessment of the impact of ending the £2 bus fare cap and of the level of employer's national insurance contributions.

Commons Amendments to Clause 22: Local government bus companies

Commons Amendment 9

- 16 Subclause 22(6)(b)(i) inserts a new subsection 73(5)(c) into the Transport Act 1985, to clarify that that Act does not geographically restrict the operations of existing local authority bus companies. Commons Amendment 9 amends clause 22(6)(b)(i) to limit the application of new subsection 73(5)(c) to companies in England. This ensures that public transport companies in Wales are not captured by the new subsection.

Commons Amendments to Clause 24: Information provided on registration of local services

Commons Amendment 10

- 17 This amendment and Amendments 11 and 14 remove provision that is no longer needed because of the general data protection override in section 183A of the Data Protection Act 2018, which was inserted by section 106(2) of the Data (Use and Access) Act 2025 and came into force on 20 August 2025.

Commons Amendment 11

- 18 See the explanatory note for Commons Amendment 10.

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Commons Amendment 12

- 19 Clause 24(4) allows a traffic commissioner to provide information to the Secretary of State that was received before clause 24(4) comes into force. Commons Amendment 12 limits that power to say that a traffic commissioner may provide to the Secretary of State information about local services that have one or more stopping places in England. It operates in conjunction with Commons Amendment 13 to ensure that the power does not apply in respect of Wales.

Commons Amendment 13

- 20 This amendment limits the application of clause 24(4) further following Commons Amendment 12, and ensures that when providing information about local services to the Secretary of State under clause 24(4), the traffic commissioner is only authorised to provide information that relates to any part of the service that is provided in England, and is not authorised to provide information that relates to any part of the services which is provided outside England.

Commons Amendment 14

- 21 See the explanatory note for Commons Amendment 10.

Commons Amendments to Clause 25: Information about local services

Commons Amendment 15

- 22 This amendment removes provision that is no longer needed because of the general data protection override in section 183A of the Data Protection Act 2018, which was inserted by section 106(2) of the Data (Use and Access) Act 2025 and came into force on 20 August 2025.

Commons Amendments to Clause 28: Local transport authority byelaws

Commons Amendment 16

- 23 This amendment and Commons Amendment 17 remove provision that is no longer needed because of the general data protection override in section 183A of the Data Protection Act 2018, which was inserted by section 106(2) of the Data (Use and Access) Act 2025 and came into force on 20 August 2025.

Commons Amendment 17

- 24 See the explanatory note for Commons Amendment 16.

Commons Amendments to Clause 29: TfL byelaws

Commons Amendment 18

- 25 This amendment and Commons Amendment 19 remove provision that is no longer needed because of the general data protection override in section 183A of the Data Protection Act 2018, which was inserted by section 106(2) of the Data (Use and Access) Act 2025 and came into force on 20 August 2025.

Commons Amendment 19

- 26 See the explanatory note for Commons Amendment 18.

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Commons Amendments to Clause 33: Safeguarding duty: drivers of school services

Commons Amendment 20

- 27 This amendment provides for the duty to check the criminal record certificates of drivers of school bus services which have stops in Wales not to apply until switched on by the Secretary of State in regulations, and excludes that duty entirely for services for which the Welsh Ministers, Welsh local authorities or governing bodies of schools in Wales are responsible.
- 28 Clause 33 initially covered relevant services in both England and Wales. This amendment carves out services with a stopping place in Wales. The Welsh Government has agreed to implement a similar measure for relevant services through the Bus Services (Wales) Bill, currently before the Senedd, and through other existing powers. The Secretary of State may still make regulations to apply the duty in clause 33 to certain services which have a stopping place in Wales.

Commons Amendments to Clause 34: Training about crime and anti-social behaviour

Commons Amendment 21

- 29 This amendment removes provision that is no longer needed because of the general data protection override in section 183A of the Data Protection Act 2018, which was inserted by section 106(2) of the Data (Use and Access) Act 2025 and came into force on 20 August 2025.

Commons Amendment 22

- 30 This amendment relates to certain cross-border services, and provides for the training requirement in new section 144F of the Transport Act 2000 not to apply to any services that have stopping places in Wales until the requirement is switched on by the Secretary of State in regulations, and it limits that power to ensure that the training requirement cannot be made to apply to services for which the Welsh Ministers are responsible or which are provided in Wales under a service permit granted by the Welsh Ministers.

Commons Amendments to Clause 36: Training about disability: further provisions

Commons Amendment 23

- 31 This amendment and Commons Amendment 24 remove provision that is no longer needed because of the general data protection override in section 183A of the Data Protection Act 2018, which was inserted by section 106(2) of the Data (Use and Access) Act 2025 and came into force on 20 August 2025.

Commons Amendment 24

- 32 See the explanatory note for Commons Amendment 23.

Commons Amendment 25

- 33 Clause 36 amends the Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) Regulations 2013 ("the 2013 Regulations") to provide an enforcement power to the traffic commissioner in respect of the new disability training provisions in clauses 35 and 36. Commons Amendment 25 ensures that a traffic commissioner is correctly regarded as the

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enforcement authority in respect of the new training requirement as regards a terminal managing body under the requisite EU Regulation. It also confirms that the enforcement authority in respect of regulations made under clause 36 of is a traffic commissioner who is subject to the duty in regulation 10A(1) of the 2013 Regulations.

Commons Amendment 26

34 This amendment is consequential on the insertion of Commons Amendment 25.

Commons Amendment 27

35 This amendment ensures consistency of expression with the existing 2013 Regulations.

Commons Amendments after Clause 37: Use of zero-emission vehicles for local services in Scotland

Commons Amendment 28

36 This new clause would require vehicles first registered after a date to be specified in regulations (which will not be before 1 January 2030) that are used to provide local services in Scotland to be zero-emission vehicles, subject to any exceptions made by regulations.

37 This subject matter is devolved, so this measure initially related only to England. At the request of the Scottish Government, this amendment replicates clause 37 for the use of non-zero emission vehicles in Scotland. The Scottish Ministers are provided with a power to make regulations to set the date after which a non-zero emission vehicle may not be registered and then used for providing a local service. The Scottish Ministers are also given the power to make regulations to specify documents which may be used to determine the tailpipe emissions from a vehicle (and therefore whether a vehicle is zero-emission or not) and to specify descriptions of vehicle or types of local services to which clause 38(1) does not apply. These mirror the Secretary of State's powers in clause 37. Commons Amendments 32, 33, 34 and 35 make consequential amendments as regards extent, commencement and powers relating to transitional and savings provisions.

Commons Amendments to Clause 38: Review of the provision of bus services to villages in England

Commons Amendment 29

38 This amendment removes the requirement to review the level of bus services being provided to villages in England.

Commons Amendments to Clause 39: Implementing a Vision Zero programme

Commons Amendment 30

39 This amendment removes the requirement to implement a Vision Zero programme. A Vision Zero programme would require the Secretary of State to work with several parties with the aim of eliminating serious injuries relating to bus operations.

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Commons Amendments to Clause 40: Recording and sharing data about assaults

Commons Amendment 31

- 40 This amendment removes the requirement to record and share data about assaults and violent behaviour.

Commons Amendments to Clause 42: Extent

Commons Amendment 32

- 41 This amendment is consequential on Commons Amendment 28 and ensures that the clause introduced by Commons Amendment 28 extends to Scotland.

Commons Amendments to Clause 43: Commencement and transitional provision

Commons Amendment 33

- 42 This amendment is consequential on Commons Amendment 28 and provides for the commencement of the clause introduced by Commons Amendment 28.

Commons Amendment 34

- 43 This amendment is consequential on Commons Amendment 28 and provides the Scottish Ministers with powers to make transitional and savings provisions in respect of the clause introduced by Commons Amendment 28.

Commons Amendment 35

- 44 This amendment is consequential on Commons Amendment 28 and ensures that the Secretary of State's powers to make transitional or savings provision in regulations, do not apply in respect of the clause introduced by Commons Amendment 28.

Commons Amendment 36

- 45 This amendment is consequential on Commons Amendment 28 and ensures that section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 (as regards Scottish Statutory Instruments) applies in relation to the clause introduced by Amendment 28.

Commons Amendments to Clause 44: Short title

Commons Amendment 37

- 46 This amendment would remove the privilege amendment inserted by the Lords.

Commons Amendments to Schedule: Procedure for varying franchising scheme

Commons Amendment 38

- 47 This amendment removes the words "relation to" from Part 1, paragraph 1, of the Schedule. These words are unnecessary.

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Commons Amendment 39

- 48 Paragraph 2 of Part 1 of the Schedule requires franchising authorities to prepare an assessment before varying a franchising scheme to add to the scheme area. As part of this assessment, franchising authorities must consider whether the proposed variation would contribute to neighbouring authorities' implementation of their policies under section 108(1)(a) of the Transport Act 2000. This amendment, together with Commons Amendments 40 and 41, clarifies that this requirement applies only where neighbouring authorities have such policies. Commons Amendment 7 makes equivalent changes to section 123B of the Transport Act 2000.

Commons Amendment 40

- 49 See the explanatory note for Commons Amendment 39.

Commons Amendment 41

- 50 See the explanatory note for Commons Amendment 39.

Commons Amendment 42

- 51 This amendment adds to the assessment requirements in Part 1 of the Bill's Schedule, to require franchising authorities to consider whether a proposed variation adding to the scheme area would contribute to the implementation of policies of neighbouring Scottish Transport Partnerships. Commons Amendment 7 makes equivalent changes to section 123B of the Transport Act 2000.

Commons Amendment 43

- 52 This amendment amends Part 1 of the Schedule to require franchising authorities to consult with the Welsh Ministers before varying a franchising scheme to add to the scheme area. The requirement applies where, in the franchising authority or authorities' opinion, the variation would affect any part of Wales. Commons Amendment 7 makes equivalent changes to section 123E of the Transport Act 2000.

Commons Amendment 44

- 53 This amendment amends Part 1 of the Schedule to require franchising authorities to consult with Scottish Transport Partnerships before varying a franchising scheme to add to the scheme area. The consultation requirement applies where, in the franchising authority or authorities' opinion, the variation would affect any part of a Partnership's area. Commons Amendment 7 makes equivalent changes to section 123E of the Transport Act 2000.

Commons Amendment 45

- 54 This amendment removes the words "relation to" from Part 2, paragraph 8, of the Schedule. These words are unnecessary.

Commons Amendment 46

- 55 This is an amendment to Part 2 of the Schedule to require consultation with the Welsh Ministers before a franchising authority or authorities vary a franchising scheme to reduce the scheme area. The consultation requirement applies where, in the authority's or authorities' opinion, the variation would affect any part of Wales. Commons Amendments 7 and 43 make equivalent changes to section 123E of the Transport Act 2000 and Part 1 of the Bill's Schedule, respectively.

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Commons Amendment 47

- 56 This amendment amends Part 2 of the Schedule to require consultation with a Scottish Transport Partnership before a franchising authority or authorities vary a franchising scheme to reduce the scheme area. The consultation requirement applies where, in the authority's or authorities' opinion, the variation would affect any part of the Partnership's area. Commons Amendments 7 and 44 make equivalent changes to section 123E of the Transport Act 2000 and Part 1 of the Bill's Schedule, respectively.

Commons Amendment 48

- 57 This amendment removes the words "relation to" from Part 3, paragraph 12(a), of the Schedule. These words are unnecessary.

Commons Amendment 49

- 58 Commons Amendment 49 adds two further types of variations into paragraph 12 of the Schedule: variations of additional facilities identified in a franchising scheme under section 123A(3)(d) of the Transport Act 2000, and variations of plans for consultation included in the scheme under section 123A(9). The effect is that franchising authorities must comply with the procedure set out in Part 3 of the Schedule before making these types of variations to a scheme.

Commons Amendment 50

- 59 This amendment removes the words "relation to" from Part 3, paragraph 12(b)(i), of the Schedule. These words are unnecessary.

Commons Amendment 51

- 60 This amendment removes the words "relation to" from Part 3, paragraph 12(b)(ii), of the Schedule. These words are unnecessary.

Commons Amendment 52

- 61 This amendment removes the words "relation to" from Part 3, paragraph 12(b)(iii), of the Schedule. These words are unnecessary.

Commons Amendment 53

- 62 This amendment to paragraph 13 of the Schedule relates to Commons Amendment 49, and provides for consultation with the Welsh Ministers, local authorities, relevant organisations and the Passengers' Council in the case of a variation of plans for consultation included in a franchising scheme under section 123A(9).

Commons Amendment 54

- 63 This amendment requires consultation with the Welsh Ministers for certain variations under Part 3 of the Bill's Schedule.

Commons Amendment 55

- 64 This amendment requires consultation with Scottish Transport Partnerships for certain variations under Part 3 of the Schedule.

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Financial Effects of Commons Amendments

- 65 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.
- 66 The Department does not consider that any of the Commons amendments give rise to any significant public expenditure

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