

ACCESSIBLE INFORMATION REGULATIONS – SCOPING NOTE

Relevant section of the Bill

The Government has brought forward an amendment at Report stage.

Policy intent

The amendment to the Bus Services Bill will enable the Secretary of State to make regulations requiring operators of local services in Great Britain to provide “accessible information” on-board their services, which can include information identifying the route and upcoming stops, using both audible and visible media.

The requirements will be imposed by way of secondary legislation, with an obligation on the Secretary of State to issue statutory guidance.

- Primary legislation will be used to provide the regulation-making powers required. It will also provide for an enforcement framework – Accessible Information Regulations will be enforced by the Traffic Commissioners who will be able to apply sanctions (penalty and conditions attached to operators’ licence);
- Secondary legislation will be used to specify:
 - Who must provide information;
 - What and how information must be provided;
 - When information must be provided and to what standard;
 - Who or what will be exempt from any of the requirements.
- Statutory guidance, produced for England, Scotland and Wales, will help operators to comply with their duties, by recommending options for providing accessible information in a manner which meets the legal requirements.

Operators are best placed to select the most appropriate solution for providing the required accessible information on their services, and as such the Regulations will not require the use of specific types of equipment. Our current intention is that Regulations will require information to be provided using audible and visible media. The statutory guidance will focus on possible options in terms of ways in which information can be provided and information standards with a view to operators considering the needs of passengers when complying with the requirement.

Outline of proposed content

Who must provide accessible information?

- The Bill will provide the Secretary of State with the power to require operators of local services in Great Britain to provide accessible information including operators of local services within franchising schemes.

What and how accessible information must be provided?

- The Bill will provide powers for the Secretary of State to specify, in Regulations, the information that must be provided and how it must be provided.
- It is our intention that this power will be used to specify that information must be provided that:
 - Identifies the route and direction;
 - Identifies each upcoming stopping place, diversion from the scheduled route.
- Regulation-making powers would also enable us to require the provision of real-time information regarding the respective service and connecting services, which may be used in the future when related technology is suitably developed and related costs reduced. There are no immediate plans to include this in initial Regulations.
- In terms of how the information is to be made available, the regulations will enable the Secretary of State to specify what forms of communication that are not to be regarded as satisfying a requirement to make information available. The Government's intention is to ensure that, for example, passengers do not have to buy or possess a hi-tech, expensive piece of electronic equipment (e.g. a smartphone) solely for the purpose of being able to access the information (e.g. through an app). However, this would allow operators to provide such information by way of hand-held devices (e.g. smartphones) provided by these are free at the point of boarding and available to any passenger that wants to use the equipment.

When information must be provided and to what standard?

- The Bill will provide powers to the Secretary of State to specify, in Regulation, when specific categories of information must be provided, and the standard to which it must be provided.
- It is our intention that the powers will be used to require the provision of information when it is most useful to passengers. As such we anticipate requiring information identifying the route to be provided when the vehicle is stopped at a stopping place for the benefit of both existing and boarding passengers; and for information on upcoming stopping places to be provided no earlier than the previous stopping place and no later than ten seconds before the last point at which a passenger could signal to the driver to stop in time to alight.
- Regulations will also be made to specify the standard to which information must be provided, which may be described in terms of a passenger's ability to discern and understand information at an appropriate distance from the source of the information media used.
- Statutory guidance will be published by the Secretary of State to assist operators, including by identifying technological and other solutions which an operator might consider using, and providing guidance about how the information can be provided (e.g. colour contrast, font size) to help operators comply with the requirements.

Exemptions from information requirements

- The Bill will provide powers to the Secretary of State to specify, in Regulations, specific categories of service, vehicle or operator that are to be exempt from a requirement imposed by the Regulations.
- The Government is mindful of the impact on smaller operators and will consider using this power with a view to ensuring that requirements imposed on operators take into account the sustainability of smaller operators and the routes they serve. Subject to consultation and Parliamentary procedure, the power may be used, for instance, to give operators with 250 or fewer employees longer to comply, or to require them only to provide information using audible media in order to reduce the cost of compliance. They might also be used to exempt circular tour services with no intermediate stops.
- A power will also be provided to enable the Secretary of State to specify by Regulations, not made by statutory instrument, a public service vehicle, public service vehicles of specified operators or local service which is exempted from a requirement imposed by the Regulations.
- This power would enable exemption of specific services or services operated by specific operators. It might be used, for instance, to exempt a service operated entirely by historic buses from the need to provide visible information, where doing so would require the extensive modification of the vehicle, damaging its historical appeal.

Approach to preparation

The Bill specifies that before making, the Secretary of State must consult the Welsh and Scottish Ministers. Regulations will be developed in liaison with passenger and bus industry representatives, including the Disabled Persons' Transport Advisory Committee (DPTAC), and will set implementation deadlines based on these discussions. There is an obligation to consult with the Welsh and Scottish Ministers, DPTAC, Transport Focus (Passengers' Council), organisations representing operators and such other persons as the Secretary of State sees fit before issuing guidance.

Government will work with stakeholders, both in the development of Secondary legislation and the statutory guidance, and more generally to ensure that the needs of bus operators and users are balanced effectively, and that disproportionate burdens on the bus industry are minimised.

Timing

We are aiming to launch a consultation in spring 2017, with a view to publishing finalised Secondary Legislation in April 2018.