

EXPLANATORY MEMORANDUM TO
THE PUBLIC SERVICE VEHICLES (ACCESSIBLE INFORMATION)
REGULATIONS 2023

2023 No. [XXXX]

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of His Majesty.

2. Purpose of the instrument

- 2.1 The purpose of these Regulations is to provide real-time audible and visible information on the route, next stop, and diversions consistently for disabled passengers across England, Scotland, and Wales on board buses and coaches operated as local services. These Regulations are intended to improve disabled passengers' confidence and safety when travelling on local services, whilst providing flexibility for the industry to meet the requirements.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

4. Extent and Territorial Application

- 4.1 The extent of this instrument is England and Wales, and Scotland.
4.2 The territorial application of this instrument is England and Wales, and Scotland.

5. European Convention on Human Rights

- 5.1 The Parliamentary Under Secretary of State for Transport, Minister Richard Holden MP, has made the following statement regarding Human Rights:

“In my view the provisions of the Public Service Vehicles (Accessible Information) Regulations 2022 are compatible with the Convention rights.”

6. Legislative Context

- 6.1 These Regulations are being made using powers in the Equality Act 2010.
6.2 Section 17 of the Bus Services Act 2017 inserted sections 181A – 181D into the Equality Act 2010. Section 181A provides powers for the Secretary of State for Transport to make regulations for the purpose of facilitating travel by disabled persons, requiring operators of certain services to make available information about the service to persons travelling on it.
6.3 Section 17 of the Bus Services Act 2017 also amended section 26 of the Transport Act 1985, section 155 of the Transport Act 2000, and section 39 of the Transport (Scotland) Act 2001 to allow the requirements of regulations made under s181A of the Equality Act 2010 to be enforced by Traffic Commissioners.

7. Policy background

What is being done and why?

- 7.1 The intended impacts of these Regulations are threefold. Firstly, they intend to ensure disabled people have access to consistent onboard information across the country, thereby securing patronage of existing users and incentivising non-users by improving disabled passengers' confidence, safety, and satisfaction with local services. Secondly, they intend to provide operators with reasonable flexibility in how they comply with the Regulations to enable industry innovation, provide operators with options suited to their business model, and to mitigate the risk that more stringent requirements could make some financially marginal services unviable. Lastly, they intend to create wider benefits for society by increasing the attractiveness of local bus and coach services for all passengers, disabled and non-disabled alike, supporting the Government's growth agenda.
- 7.2 Disabled people make more journeys by local bus services than non-disabled people¹. However, research by The Guide Dogs for the Blind Association found that 7 in 10 visually impaired respondents had experience of a bus driver forgetting to inform them when their stop was reached, and 23% of disabled respondents had at some time been left more than a mile from their intended stop².
- 7.3 Out of 31,000 buses used by local operators in England in 2021/22, 46% provided onboard audible and visible information. Yet, this total varies greatly in different parts of the country. 98% of buses in London provided audible and visible information, whilst the same can only be said of 25% of buses in England outside London³.
- 7.4 These Regulations would address the inconsistency of provision of on-board information. Subject to some exceptions (for example for heritage or smaller vehicles), they would require operators to provide audible and visible information on board their vehicles which operate as local services. In particular, these Regulations would set out the requirements and parameters for 'what', 'when', and 'how' onboard information must be provided.
- 7.5 In terms of the 'what', the Regulations specify five key elements of a journey which passengers must be informed on. These requirements intend to strike a balance between providing vital information for passengers to make informed decisions about their journey with the need to ensure that such information can be delivered readily by operators and that the frequency of messages does not dilute the key information. However, these Regulations do not prevent an operator from providing additional information beyond the requirements, such as on connecting services or key landmarks. This intends to provide operators with options to tailor the information they provide to passengers, suitable for that journey.
- 7.6 These requirements have been drafted to enable consistency across the country whilst providing operators with a framework in which to select solutions consistent with

¹ Transport: Disability and Accessibility Statistics, England, 2020, Department for Transport, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1019477/transport-disability-and-accessibility-statistics-england-2020.pdf

² Destination Unknown: An Investigation into Bus Passenger Experiences, 2014, Guide Dogs, https://www.guidedogs.org.uk/-/media/project/guidedogs/guidedogsdotorg/files/how-you-can-help/talking-buses-campaign/1252_7603-a4-destination-unknown_v8-1.pdf/

³ Annual Bus Statistics, 2021/22, Department for Transport, [Annual bus statistics: year ending March 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/1019477/annual-bus-statistics-year-ending-march-2022-gov.uk)

their business model. As such, wherever possible, these Regulations define information standards in terms of the outcomes they achieve rather than prescribing precise statements, timings, or distances. Therefore, for the ‘when’, the timing requirement on next stop information mandates that the information must be provided after the preceding stopping place and in sufficient time to enable passengers to leave the vehicle at the stop being announced.

- 7.7 In using parameters, the ‘how’ requirements of these Regulations intend to accommodate for the diverse environments in which local services operate across the country, so that operators can choose a system which works best for their service and within their financial capabilities. Additionally, this approach intends to encourage a competitive market and foster innovation for suppliers of audible and visible information systems. To ensure that the information provided reaches a reasonable level of consistency across the country, the Regulations set parameters based on the minimum and maximum audible volume, and minimum character height for the visible information. The only requirement which prescribes specific equipment relates to making audible induction loop technology available to passengers in the wheelchair space and priority seating. Many people who use hearing-aids rely on them to filter out extraneous noise when using the “T” setting – and there is no consistently available, reliable alternative which operators might choose to use instead. As the intention of these Regulations is to provide information first-and-foremost for disabled people, which induction loops would support, this specific requirement purposefully departs from the Government’s preferred stance of technology-neutrality.
- 7.8 The Regulations incorporate three implementation timescales based on the age of a vehicle to balance the importance of providing information in a timely manner with the practicalities for operators in providing systems to meet the requirements. Older vehicles (first used between January 1973 and September 2014) have three years to comply with the Regulations. This is a longer time period than for newer vehicles (which will have between 1 and 2 years to comply, depending on the vehicle’s age). This intends to provide operators with sufficient time to review their fleet and make a decision on whether to retrofit their older vehicles (which would have either surpassed or be nearing their expected lifespan) or to purchase a new vehicle which has built-in audible and visible equipment. It also intends for passengers to start benefitting from the Regulations no later than one year following commencement i.e. in October 2024.

8. European Union Withdrawal and Future Relationship

- 8.1 This instrument does not relate to withdrawal from the European Union.

9. Consolidation

- 9.1 These Regulations would not amend another instrument.

10. Consultation outcome

- 10.1 Between 5 July and 16 September 2018, the Government held a public consultation on proposals for the Accessible Information Regulations⁴. Seven stakeholder events were organised during the consultation period in England, Scotland, and Wales. Over 250 people engaged in discussion of the key policy issues during these events, which

⁴ Bus Services Act 2017: accessible information consultation, Department for Transport, <https://www.gov.uk/government/consultations/bus-services-act-2017-accessible-information>

provided an opportunity to explain the background to the proposals and to explore technical aspects in greater depth than standard consultation responses were likely to allow. 101 responses were received on the consultation itself, of which 61 were via the online form and 40 by email. This included 22 responses from local authorities, 28 from individuals, 14 from transport operators, and 12 from organisations representing disabled people. An additional 229 responses were received from people responding to a campaign by Guide Dogs, emphasising the organisation's strong support for the accessible information agenda.

- 10.2 The consultation covered: the categories of information which could be required, the timing of such information, how operators would be required to provide it, exemptions for certain vehicle types, and implementation timescales. 76% of respondents agreed with the core proposal to introduce Accessible Information Regulations, whereas 10% disagreed, and 12% didn't know. Whilst passengers were most in support of the core proposal (38 agreed; 4 disagreed), industry operators (10 agreed; 5 disagreed) and local authorities (18 agreed; 3 disagreed) were still in favour overall. Of those responding positively, nineteen respondents explicitly acknowledged that the core proposal would help remove barriers faced by disabled and older users. Nine respondents stated that the proposal had positive, far-reaching implications, arguing that – as well as disabled users – it would benefit those unfamiliar with a route or area.
- 10.3 The two predominant concerns amongst stakeholders were the cost of complying with the Regulations and the practicalities of complying with the technical requirements. In particular, operators were concerned of the costs associated with the requirements to provide audible induction loops throughout the vehicle and to provide visible information to passengers in a wheelchair space (which often faces backwards, and therefore would likely require additional visible information equipment). As a result, the Regulations require that audible induction loops only need to be available in the priority seating and wheelchair space, rather than the entirety of the vehicle. The Regulations also only require that the visible information is available to passengers in a backwards facing wheelchair space on vehicles first used from 1 October 2024. This is intended to reduce the costs of retrofitting existing fleets, but still ensure that these Regulations benefit disabled passengers for years to come.
- 10.4 The Government also engaged directly with the Scottish and Welsh governments as part of this consultation exercise. Both governments provided letters of support for the proposals. The Scottish government highlighted the importance of ensuring that coaches which operate as local services are included within the scope of the Regulations, as these vehicles are often used on rural Scottish routes. The Welsh government noted that demand responsive transport services should be exempt from the Regulations, due to their irregular stopping places and nature of their business. As such, we have drafted the Regulations so that any applicable local service is within scope of the Regulations. This includes coaches which operate as local services but excludes demand responsive transport.
- 10.5 The Government has changed some aspects of the accessible information policy, such as removing separate implementation timescales for smaller operators, from what was originally consulted on due to consultee responses and further stakeholder engagement. The high volume of consultation responses and the technical subject matter meant that it took longer than anticipated to develop regulations that appropriately balance passenger needs with requirements on operators. However,

despite the four-year gap between the consultation exercise and the response, the overall policy scope and intent has remained consistent, and the audible and visible information sector has remained mostly unchanged. Therefore, the Government has decided not to re-consult as there is a strong likelihood that the responses would lead to the same conclusions if launched again. As such, the Government has used the responses to the 2018 consultation combined with the advice of industry specialists in developing these Regulations.

11. Guidance

- 11.1 The Government will issue guidance to operators on the practical steps that they can take to provide audible and visible information to passengers. As per section 181C of the Equality Act 2010, the Government will consult, including undertaking engagement with Scottish and Welsh Ministers, Transport Focus, the Mobility and Access Committee for Scotland (MACS), the Confederation of Passenger Transport UK (CPT), the Association of Local Bus Company Managers (ALBUM), and the government's statutory expert committee, the Disabled Persons Transport Advisory Committee (DPTAC), among others, before issuing this guidance. Whilst a draft version of the guidance will be published in Parliament when the Regulations are laid, the finalised draft will be published once the Regulations have been made, but before they are commenced.

12. Impact

- 12.1 The impact on business, charities or voluntary bodies is estimated to be a net direct cost of around £3.4 million per year. This includes familiarisation costs, equipment and installation costs, upskilling costs and back-office costs.
- 12.2 The impact on the public sector is £4.65 million allocated to the Accessible Information Grant to support small operators with complying with the Regulations. Additionally, there may be a possible loss of indirect tax revenue due to modal shift from car to bus as a result of better audible-visible information.
- 12.3 A De Minimis Assessment is submitted with this memorandum and published alongside the Explanatory Memorandum on the [legislation.gov.uk](https://www.legislation.gov.uk) website.

13. Regulating small business

- 13.1 The legislation applies to activities that are undertaken by small businesses (small bus and coach companies which operate local services).
- 13.2 To minimise the impact of the requirements on small businesses (employing up to 50 people), the approach taken by the Government is to provide grant funding for the upfront equipment and installation costs for small operators (those with 20 or fewer public service vehicles) via a £4.65 million Accessible Information Grant. It is intended that these funds will be made available when these Regulations come in to force. This intends to support those small operators in complying with the Regulations without disproportionately impacting their ability to operate local services, many of which are in rural areas with a strong community reliance upon them. Additionally, by setting three implementation timescales by reference to vehicle age, small operators – who often have less resource available than larger operators – will have time to review their existing fleet and plan how to comply with the Regulations.

13.3 The basis for the final decision on what action to take to assist small businesses was determined based on the amount of grant funding available.

14. Monitoring & review

14.1 The approach to monitoring of this legislation involves ongoing stakeholder engagement with the industry and representatives of disabled people and passengers generally, and continuous monitoring of uptake of onboard audible-visible information systems via the Department for Transport's annual bus statistics and Transport Focus' Bus Passenger Survey.

14.2 A statutory review clause is included in the instrument. The instrument contains a requirement for the Secretary of State for Transport to review the legislation at least every five years. This aligns with the timing of the review clause for the Regulations' associated guidance, as set out under section 181C of the Equality Act 2010.

15. Contact

15.1 Robert Johnson, at the Department for Transport, telephone: 0300 330 3000 or email: robert.johnson@dft.gov.uk, can be contacted with any queries regarding the instrument.

15.2 Alison Franks, Deputy Director for Accessible and Inclusive Travel, at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.

15.3 Richard Holden MP, Parliamentary Under Secretary of State at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.