

**Bus Users UK response**

**Q1: Do you agree with the Department for Transport's proposed amendments to regulation 3? If not, please explain why?**

*(Proposal to remove the references to both 'hearing dog' and 'guide dog' and to amend the definition of 'assistance dog'.)*

Yes.

**Q2: Are there any further amendments to this regulation that you think should be made?**

No.

**Q3: Do you agree with the Department for Transport's proposed amendments to regulations 4 and 5? If not, please explain why?**

*(Proposal to simplify the rules [regulation 4] for drivers communicating with passengers and using a microphone while the vehicle is in motion, and their ability to announce the location of the vehicle, or its next stops. Regulation 5 refers to officials to whom drivers, conductors and inspectors must give their details when required and also prohibits them smoking on the vehicle, both of which are now covered by other legal requirements outside these regulations)*

Generally, yes. Under the European Passenger Rights Regulations passengers are entitled to information about delays, so drivers should be empowered to announce reasons for delays etc as well as announcing next stops etc using PA equipment on the vehicle, whilst not enabling them to give running commentaries (eg on sightseeing tours).

**Q4: Are there any further amendments to these regulations that you think should be made?**

Clearly the regulations on smoking are considerably out of date, especially those giving drivers permission to smoke on the bus in certain circumstances. It would be good also to ban smoking in a position where smoke can drift into the vehicle (eg leaning against the front corner with the doors open); perhaps an 'exclusion zone' around the vehicle could be cited?

**Q5: Do you agree with the Department for Transport's proposed amendments to regulations 6 and 7? If not, please explain why?**

*(Regulation 6 deals with passengers smoking and also prohibits them from giving out "any paper or other article for the purpose of giving or seeking information about or comment upon any matter" or "sell or offer for sale any article" without the permission of the operator, which, says DfT, "in practice now means the driver". Regulation 7 deals with how passengers pay for their journey, which has changed considerable since the Regulations were drawn up in 1990, and need updating).*

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Paragraph 1.22 says 'Regulations 6(1)(e) and (f) state that passengers may not "distribute any paper or other article for the purpose of giving or seeking information about or comment upon any matter" or "sell or offer for sale any article" without the permission of the operator which in practice now means the driver.' The word 'operator' is not defined in the interpretation section but surely in practice means the bus operator, ie the company operating the bus, not the driver?

The removal of these regulations would give anyone carte blanche to go round buses giving out leaflets and selling things and would be a real nuisance to passengers with drivers powerless to prevent them: we would wish this regulation to remain. All sorts of things are difficult to enforce, which is not a reason to remove the regulation (would you propose to legalise, for example, the use of hand-held phones by drivers on the same basis?). It seems that the current regulation discourages such activities, and in any case it is not difficult for the driver to enforce the regulation without recourse to penalties. With weight of the regulation behind them most drivers would be able to stop people acting in this way.

Clearly the arrangements for fare collection have changed since these regulations (and indeed they seem quite outdated even for 1990) and it is time these sections were brought up to date.

**Q6: Are there any further amendments to these regulations that you think should be made?**

No.

**Q7: Do you agree with the Department for Transport's proposed approach to make no changes to regulations 11 to 17? If not, please explain why?**

*(Regulations 11 to 17 set out the responsibilities for drivers and conductors in respect of wheelchair users and disabled passengers. For further details see the full consultation on [bususers.org/publications/#consultation-responses](https://bususers.org/publications/#consultation-responses))*

Except as noted below we agree with the proposal not to change regulations 11-17, although along with other groups we would prefer to see a greater onus on occupants of the wheelchair space to vacate the wheelchair space for a wheelchair user.

**Q8: Are there any specific amendments to these regulations that you think should be made?**

Regulation 13 implies that kneeling systems are intended for disabled people and need only be deployed for disabled people. There are many situations where people who are not disabled benefit from the deployment of the kneeling system. We would recommend the replacement of the word 'disabled' in Regulation 13.2a (*'A driver and a conductor shall operate the kneeling system or the folding or retractable step — whenever they consider that a disabled person will need the system to be operated or the step to be deployed...'*) with 'any'.

We wonder too whether the references to portable wheelchair ramps will still apply once PSVAR is fully implemented? We are not certain that PSVAR can be met with portable ramps.