

The Rights of Passengers in Bus and Coach Transport Regulations 2013 (Amended 2017)

A guide for operators who **do not operate cross-border services or journeys over 250Km**

Please be aware that the following provisions will continue to apply following Britain's exit from the European Union.

1 Disability awareness/assistance training

The exemption from the requirement to ensure drivers are trained and instructed in meeting the needs of disabled passengers (*article 16.1*) ran out in March 2018 so you must ensure that all drivers have received disability awareness training. The requirements are as follows:

- awareness of and appropriate responses to passengers with physical, sensory (hearing and visual), hidden or learning disabilities, including how to distinguish between the different abilities of persons whose mobility, orientation, or communication may be reduced,
- barriers faced by disabled persons and persons with reduced mobility, including attitudinal, environmental/physical and organisational barriers,
- recognised assistance dogs, including the role and the needs of an assistance dog,
- dealing with unexpected occurrences, interpersonal skills and methods of communication with deaf people and people with hearing impairments, people with visual impairments, people with speech impairments, and people with a learning disability,
- how to handle wheelchairs and other mobility aids carefully so as to avoid damage (if any, for all staff who are responsible for luggage handling)

There are also requirements for Disability Assistance training for staff who are involved in directly assisting disabled persons and persons with restricted mobility which are as follows:

- How to help wheelchair users make transfers into and out of a wheelchair
- Skills for providing disabled people and people of restricted mobility travelling with a recognised assistance dog, including the role and needs of those dogs
- Techniques for escorting visually impaired passengers and for the handling and carriage of recognised assistance dogs
- An understanding of the types of equipment which can assist disabled persons and persons of restricted mobility and a knowledge of how to handle such equipment
- The use of boarding and alighting assistance equipment used and the appropriate procedures which safeguard the safety and dignity of the disabled person or person with restricted mobility
- Understanding the need for professional and reliable assistance

- Understanding the potential for some disabled people and persons of restricted mobility to experience feelings of vulnerability during travel because of their dependence of the assistance provided
- A knowledge of First Aid

2 Discrimination on the grounds of nationality

You cannot discriminate against passengers because of their nationality, except where a concessionary pass acceptance is limited to passengers from a particular part of the UK (known as a “social tariff”). While this is an unlikely event in the UK, it means that an operator cannot offer a special fare to tourists from another country without that fare being available to UK nationals also.

3 Refusal to transport a disabled person

Operators cannot refuse to transport somebody because of their disability or reduced mobility, nor can they charge extra for doing so. However, the regulations recognise that there are circumstances in which it is physically impossible to comply with the requirement to carry all passengers with disability, and these are spelled out in Article 10: Exceptions and special conditions

1. Notwithstanding Article 9(1), carriers, travel agents and tour operators may refuse to accept a reservation from, to issue or otherwise provide a ticket to, or to take on board, a person on the grounds of disability or of reduced mobility:

(a) in order to meet applicable safety requirements established by international, Union or national law, or in order to meet health and safety requirements established by the competent authorities;

(b) where the design of the vehicle or the infrastructure, including bus stops and terminals, makes it physically impossible to take on board, alight or carry the disabled person or person with reduced mobility in a safe and operationally feasible manner.

So essentially, the transportation of a disabled person still has to comply with safety legislation in force in the UK, and there is no requirement for vehicles to be accessible or for bus stops to be suitable to allow a disabled person to board within these regulations. However, the Disability Discrimination Act 1995 and the Equalities Act 2010 has ensured that all buses are now accessible and coaches will need to be so by 2020, although some wheelchairs and mobility scooters will not physically fit on a bus and it would be legal to refuse travel in those circumstances.

4 Compensation if Mobility equipment is damaged on the bus

There are explicit provisions where mobility equipment is damaged on the bus:

1. Carriers and terminal managing bodies shall be liable where they have caused loss of or damage to wheelchairs, other mobility equipment or assistive devices. The loss or damage shall be compensated by the carrier or terminal managing body liable for that loss or damage.

2. The compensation referred to in paragraph 1 shall be equal to the cost of replacement or repair of the equipment or devices lost or damaged.

This puts a clear onus on bus companies and terminal managers to reimburse the full cost of replacing or repairing a wheelchair or other mobility aid damaged or lost on the bus or at the terminal. There does not appear to be any time limit for reimbursement of the costs nor a definition of what constitutes responsibility for the loss, especially when an uninsured third party is the ultimate cause of that injury or loss, so clarification from the Department for Transport would be helpful.

5 The right to information

The Regulations state that "Carriers and terminal managing bodies shall, within their respective areas of competence, provide passengers with adequate information throughout their travel. Where feasible, this information shall be provided in accessible formats upon request"

There are a number of issues with this part of the Regulations in terms of what constitutes "adequate" and where the responsibilities end if multiple carriers are involved in a journey. Also Local Authorities are often responsible for travel information but operators are liable if this is not accurate. CPT has produced a draft Passenger Charter which advises on how members might address these issues and it would be advisable to use this as a template.

6 Information on Passenger Rights

"Carriers and terminal managing bodies shall, within their respective areas of competence, ensure that passengers are provided with appropriate and comprehensible information regarding their rights under this Regulation at the latest on departure. This information shall be provided at terminals and where applicable, on the Internet. At the request of a disabled person or person with reduced mobility the information shall be provided, where feasible, in an accessible format. This information shall include contact details of the enforcement body or bodies"

Operators may use the EU website's summary of those rights to fulfil this requirement. For those journeys under 250Km, that summary of passenger rights would be as follows:

- **non-discrimination with respect to tariffs and contract conditions for passengers** based - directly or indirectly – on nationality,
- **non-discriminatory treatment of disabled persons and persons with reduced mobility** as well financial compensation for loss or damage of their mobility equipment in case of accident,
- **minimum rules on travel information** for all passengers before and during their journey as well as general information about their rights in terminals and online; where feasible, this information shall be provided in accessible formats upon request precisely in the interest of the persons with reduced mobility,
- a **complaint handling mechanism** by carriers available to all passengers,
- **independent national bodies in each Member State** with the mandate to enforce the Regulation and where appropriate to impose penalties.

7 Right to information on how to complain

There is also a requirement to provide all passengers with a Complaints process, which, in the case of the UK, should include the relevant enforcement body to which complaints may be escalated if the operator's response is not deemed satisfactory. In London, that would be London TravelWatch, in Northern Ireland, that would be the Dept for the Environment and anywhere else in the UK, that would be Bus Users UK.

Passengers may complain up to three months after the incident takes place. Operators are required to respond with a month to a passenger complaint by saying whether the complaint 'has been substantiated, rejected or is still being considered' and three months from the date of receipt of the complaint they must provide the final reply. The Enforcement Body has three months from receipt of the escalated complaint in which to resolve a complaint under this legislation.

Operators and terminal bodies are expected to provide our contact details as part of the information on Passenger Rights they are required to bring to the attention of passengers. There is not a specific

requirement for operators to carry details on their vehicles, although they will have to make this information available 'at the latest on departure' so unless, most operators are expecting to provide each passenger on each journey with a leaflet detailing this information, the obvious means of meeting this requirement would be an on-bus poster or sign.

If you have questions or queries, please look at:

- A summary of the original legislation which became law in 2013: https://ec.europa.eu/transport/themes/passengers/road_en which covers all the relevant requirements, including those which only apply to those on journeys over 250km and cross-border services.
- The Statutory instrument put in place in 2017 including the exemptions (most of which have now expired) <http://www.legislation.gov.uk/uksi/2017/99/contents/made>
- A useful summary of the exemptions made in Northern Ireland <https://www.global-regulation.com/law/united-kingdom/52429/the-bus-and-coach-passengers-rights-and-obligations-%2528designation-and-enforcement%2529-regulations-%2528northern-ireland%2529-2014.html>

Or contact Bus Users UK by emailing enquiries@bususers.org

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