

## **Bus & Coach Transport Regulations 2019**

# **A Guide to the Rights of Passengers**

This is a quick guide to the legislation covering passengers on regular, scheduled bus and coach journeys.

Originally known as the 'European Passenger Rights Regulation', the legislation aimed to remove barriers to travel for people with disabilities or restricted mobility. Many of these rights, however, benefit all passengers.

Points to note:

- While most of the rights outlined below won't be affected by Brexit, journeys across borders, over 250km and from one EU member state to another may change when the UK leaves the EU.
- There are some differences when it comes to private hire and package holidays, so you may need to check these separately.
- While buses already have to be wheelchair accessible, coaches are currently exempted until 2020.

## **1 Journeys **under 250km** within the UK**

### **Disability awareness/assistance training**

Bus and coach companies need to ensure all drivers are trained in meeting the needs of disabled passengers. Training must include awareness of, and appropriate responses to:

- passengers with physical, sensory (hearing or visual), hidden or learning disabilities. Staff must be able to distinguish between the different abilities of people whose mobility, orientation, or communication may be reduced
- barriers faced by people with disabilities and those with restricted mobility including attitudinal, environmental, physical and organisational
- assistance dogs or other assistance animals, including the role and needs of the animal. In the UK, assistance animals don't need to be registered but it's useful for owners to provide information about the help the animal provides
- dealing with unexpected occurrences, interpersonal skills and methods of communication with people who are hearing impaired, visually impaired, speech impaired, or have a learning disability
- all staff responsible for luggage handling need to be trained in handling wheelchairs and other mobility aids so as to avoid damage.

Staff who are directly involved in assisting people with disabilities or restricted mobility are also required to have Disability Assistance Training in the following areas:

- helping wheelchair users transfer into and out of a wheelchair
- supporting passengers with disabilities or restricted mobility travelling with a recognised assistance animal, including an understanding of the role and needs of the animal
- techniques for escorting visually impaired passengers and for the handling and carriage of recognised assistance animals
- an understanding of the equipment used to assist passengers with disabilities or restricted mobility and a knowledge of how to handle such equipment
- the use of boarding and alighting assistance equipment and the procedures which safeguard the safety and dignity of the passenger
- understanding the need for professional and reliable assistance
- understanding the feelings and vulnerability that passengers may experience because of their dependence on the assistance provided
- First Aid.

#### **Discrimination on the grounds of nationality**

Bus and coach operators cannot discriminate against passengers because of their nationality, except where a concessionary pass is limited to passengers from a particular part of the UK (known as a 'social tariff'). While this is unlikely to happen in the UK, if an operator offers a special fare to tourists from another country, that fare must also be made available to UK nationals.

#### **Refusal to transport a person with disabilities**

Bus and coach operators cannot refuse to transport somebody because of their disability or restricted mobility, nor can they charge extra for doing so. However, the regulations recognise that there are some circumstances in which it may not be possible to transport someone with disabilities, and still comply with UK safety legislation.

Within these regulations, there is no requirement for vehicles to be accessible or for bus stops to be suitable for a person with disabilities to board. However, the Disability Discrimination Act 1995 and the Equalities Act 2010 has ensured that all buses are now accessible and by 2020, this will also apply to coaches. It's worth noting that some wheelchairs and mobility scooters will not physically fit on a bus and, in these circumstances, it's legal to refuse travel.

#### **Compensation if mobility equipment is damaged on the bus**

If mobility equipment is damaged or lost on the vehicle or at the terminal, responsibility lies with the bus or coach company to reimburse the full cost of replacing or repairing a wheelchair or mobility aid. There doesn't appear to be any time limit for reimbursement of the costs, nor a definition of what constitutes responsibility for the loss, even when an uninsured third party is the ultimate cause of the damage or loss. We have asked for clarification from the Department for Transport on this issue.

#### **The right to information**

Operators and terminal managing bodies are required to provide passengers with 'adequate' information throughout their travel.

This raises questions around what constitutes 'adequate', and where responsibility lies if multiple carriers are involved in a journey. Also, Local Authorities are often responsible for bus travel information but operators are liable if it's not accurate. Essentially, passengers should expect reasonable information on what's happening before and during their bus or coach journey.

If a passenger requests information in an accessible format in advance of their journey, then bus and coach operators have a duty to make a reasonable effort to meet their needs. If something unforeseen occurs during the journey and the bus or coach driver is unable to provide passengers with an update in an accessible format, they should do the best they reasonably can to ensure that no passenger is disadvantaged.

### **Information on passenger rights**

The regulations state that passengers must be provided with 'comprehensible' information on their rights, at the latest, on departure. The information must be provided by operators and terminal managing bodies online and at terminals. Wherever possible, it should be provided in an accessible format.

For journeys under 250km, the 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-discrimination of passengers with a disability or restricted mobility as well as 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
- a complaint handling mechanism by operators available to all passengers
- contact details of an Enforcement Body - an independent national body, responsible for enforcing passenger rights regulations and, where appropriate, imposing penalties.

### **Information on how to complain**

Bus and coach operators must provide passengers with a complaints process, along with details of the relevant Enforcement Body. Passengers can escalate complaints to an Enforcement Body if they're unhappy with the response from a bus or coach operator. In London, this is London TravelWatch, in Northern Ireland, it's the Department for the Environment, and everywhere else in the UK, it's Bus Users UK.

Contact details for Enforcement Bodies must be made available to passengers, at the latest, on departure.

Passengers can complain up to 3 months after an incident takes place. Within a month of a passenger making a complaint, the operator must respond by saying whether a complaint has been substantiated, rejected, or is still being considered. Within 3 months of the complaint being made, the passenger must receive a final response from the operator.

Enforcement Bodies have 3 months to resolve an escalated complaint.

## **2 Journeys of more than 250km or cross-border travel**

The regulations apply to all regular services of 250km or more which start and finish in 2 different EU member states, including into or out of the UK.

They also apply to all third parties involved in the journey, including subcontracted carriers, ticket vendors, travel agents, tour operators and terminal managing bodies.

The UK is exempt from some elements of the regulations until 2021, including:

- journeys of 250km or more within the UK
- regular services between the UK and Geneva, with bus stops only in Folkestone and Paris
- regular services between the UK and Zurich, with bus stops only in Folkestone, Brussels and Basel.

It's important to note that it's the journey of the *coach* that determines whether the regulations apply, not the journey of the *passenger*.

Journeys largely outside the EU might be exempted even if they have stops within EU countries and the passenger is only travelling from one EU country to another.

#### **Disability awareness/assistance training**

All customer-facing staff on these journeys are required to have had disability awareness and assistance training, as outlined in section 1 of this guide.

#### **Discrimination on the grounds of nationality**

Bus and coach operators cannot discriminate against passengers because of their nationality. So if an operator from the UK or an EU country offers a special fare to tourists from another country, that fare must also be available to UK nationals.

#### **Refusal to transport a disabled person**

Operators cannot refuse to transport somebody because of their disability or restricted mobility, nor can they charge extra for doing so. However, the regulations recognise that there are some circumstances in which it may not be possible to transport a passenger with a disability. These circumstances are outlined in section 1 of this guide.

Any safety restrictions affecting the ability of a person with disabilities to travel, should be publicly available on the websites of the operator and terminal, and in printed and accessible formats. If a passenger requests a copy of these restrictions, a physical copy should be provided. All information relating to the journey and conditions of carriage should be available in appropriate and accessible formats.

If an operator, tour operator or travel agent refuses travel on these grounds, they must inform the passenger of any acceptable alternative service they may operate. They must also offer a full refund, free return to the point of departure as soon as possible, or a reasonable alternative transport option to the destination.

If a passenger is refused travel because it isn't possible to transport them in a safe and operationally feasible manner, they can ask to be accompanied by a person of their choosing if that makes it safe to travel. That person should travel free-of-charge and, wherever possible, in the seat next to the passenger.

Passengers should inform the operator, tour operator, travel agent, and terminal of their need for assistance at least 36 hours before the assistance is needed. They should arrive at the time specified by the operator, which should be no more than an hour before departure. If no time is specified, they should arrive at least 30 minutes before departure.

Even if no notice is given by the passenger, operators and terminal managers need to make every reasonable effort to ensure that the passenger can board and alight from the booked service, or change to an alternative option.

Reimbursement cannot be withheld if a passenger does not give 36 hours' advance notice.

### **Compensation if Mobility equipment is damaged on the bus/coach**

Provisions for damage to mobility equipment are outlined in section 1 of this guide.

### **The right to information**

A passenger's rights to information are outlined in section 1 of this guide.

For cross-border journeys and journeys above 250km, operators have to inform passengers as soon as possible of a cancellation or delay, and of the estimated departure time. This must happen no later than 30 minutes after the scheduled departure time.

If this results in passengers missing a connecting service, the operator should make reasonable efforts to inform them of alternatives.

This information must be delivered in accessible formats and, where possible, in electronic formats to all passengers who provided contact details and asked to be kept updated.

If the departure of a journey scheduled to take more than 3 hours is delayed by more than 90 minutes, passengers should be offered free snacks, meals or refreshments if they are available and can reasonably be supplied.

Accommodation, and transport to and from that accommodation, must be offered where a stay of 1 or more nights becomes necessary. The accommodation costs may be limited to 80 Euros per passenger per night for 2 nights. Particular effort needs to go into meeting the needs of passengers with disabilities and any accompanying person.

Passengers also have the right to seek damages under consumer law.

### **Information on passenger rights**

The regulations covering information on passenger rights are outlined in section 1.

For cross-border journeys and journeys over 250km, the summary of passenger rights would also include the following:

- adequate assistance, for example snacks, meals and up to 2 nights hotel accommodation, in the event of a cancellation or following a delay of more than 90 minutes for a journey of more than 3 hours
- a guarantee of reimbursement or re-routing in situations of overbooking, cancellation or delays of more than 2 hours from the scheduled/estimated time of departure
- compensation of 50% of the ticket price following delays of more than 2 hours from the scheduled/estimated time of departure, cancellation of a journey and if the carrier fails to offer the passenger either re-routing or reimbursement
- information when a service is cancelled or delayed in departure
- protection of passengers in case of injury, loss or damage caused by road accidents and/or compensation in case of death

- specific assistance, free-of-charge, for passengers with a disability or restricted mobility both at terminals and on-board and, where necessary, free transport for any accompanying person.

### **Information on how to complain**

Passengers' rights to information on how to complain are outlined in section 1.

## **3 Passenger rights at bus or coach terminals**

There are currently only 3 designated terminals in the UK which fall within this category:

- London Victoria Coach Station
- Birmingham (Digbeth) Coach Station
- Europa Bus Centre, Belfast.

### **Disability awareness/assistance training**

All customer-facing staff at these terminals are required to have disability awareness and assistance training outlined in section 1 of this guide.

### **Discrimination on the grounds of nationality**

Staff in a designated bus or coach terminal cannot discriminate against passengers because of their nationality, except where a concessionary pass is limited to passengers from a particular part of the UK (known as a 'social tariff'). While this is unlikely to happen in the UK, a terminal offering a service to tourists from another country must also make that service available to UK nationals.

### **Assistance to travel**

The rights of passengers with a disability or restricted mobility to travel are outlined in section 1.

Terminals are public spaces and should be accessible to all passengers. Their needs should be factored into the design of any new terminal.

Passengers with a disability or restricted mobility should receive free assistance at terminals, enabling them to travel. There should be designated access points where they can register their arrival and need for assistance, and accessible boarding points.

Terminals should have freely available copies of the access conditions for the transport of passengers with a disability or restricted mobility, developed in conjunction with organisations representing people with disabilities.

Passengers should inform the terminal of their need for assistance at least 36 hours before the assistance is needed, and arrive at the time specified by the terminal, which should be no more than an hour before departure. If no time is specified, they should arrive at least 30 minutes before departure.

Even if no notice is given by the passenger, operators and terminal managers need to make every reasonable effort to ensure they can board and alight from the booked service, or change to an alternative option.

If you have questions or queries about any of the issues outlined in this guide, we suggest the following resources:

- A summary of the original European Passenger Rights Regulation  
<https://bit.ly/2usfJxo>
- The Statutory instrument put in place in 2017 including exemptions and enforcements  
<https://bit.ly/2knbmjb>
- A summary of the exemptions made in Northern Ireland  
<https://bit.ly/2JBM27t>

Or contact Bus Users UK by emailing [enquiries@bususers.org](mailto:enquiries@bususers.org)

Bus Users UK is an independent, registered charity that aims to bring people and communities together through socially inclusive transport.

We are an approved Alternative Dispute Resolution (ADR) Body for bus and coach passengers and the body which deals with complaints under the European Passenger Rights Regulation (outside London).

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