

SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM (MEMORANDUM NO 3)

Bus Services (No. 2) Bill

1. This legislative consent memorandum is laid under Standing Order (“SO”) 29.2. SO29 prescribes that a legislative consent memorandum must be laid, and a legislative consent motion may be tabled, before Senedd Cymru if a UK Parliamentary Bill makes provision in relation to Wales which has regard to devolved matters.
2. The Bus Services (No. 2) Bill (“the Bill”) was introduced in the UK Parliament, the House of Lords, on 17 December 2024. I laid an LCM on 11 March and a supplementary LCM on 23 May 2025.
3. Committee Stage in the House of Commons began on 24 June 2025 and concluded on 3 July 2025. All references in this supplementary LCM to provisions in the Bill are to those provisions in the version of it as amended by the Public Bill Committee, a copy of which can be found at: [Bus Services \(No. 2\) Bill \[HL\]](#).

Amendments

4. The UK Government tabled 27 amendments on 18 and 24 June ([busservices_rm_pbc_0618.pdf](#) and [busservices_day_pbc_0624.pdf](#) respectively) for consideration at House of Commons Committee Stage. Most of these amendments were agreed to. None of the non-government amendments which were tabled were agreed to.
5. Some of the amendments which have been made make provision which do not have regard to devolved matters. However, UK Government amendments 4,5,11,13,15,17-22,76, 77 and NC4 have regard to devolved matters, as detailed below.

Policy Objectives

6. The UK Government’s stated policy objective is to deliver better bus provision by empowering local leaders in England to choose the bus operating model that works for their local area and provide powers to effectively underpin those models. The aim is to help improve bus services and grow usage, as passengers benefit from a more reliable network that provides the connections people need across the country.
7. The intention is to provide local leaders in England with more control and flexibility over bus funding and give them the freedom to take decisions to deliver their local transport priorities through:
 - a. Empowering local transport authorities (LTAs) and reforming funding.

- b. Allowing every community to take back control of their buses.
- c. Accelerating the bus franchising process.
- d. Ensuring that the provision of socially necessary local services is considered appropriately.
- e. Supporting public ownership.

Summary of the Bill

8. The UK Bill is sponsored by the Department for Transport (DfT).
9. The UK Bill makes provision for:
 - Franchising – the UK Bill enables all LTAs to franchise their bus services without requiring the consent of the Secretary of State.
 - Socially necessary local service – this measure aims to promote the wider thinking around local network management, including how bus services are maintained.
 - Enhanced Partnerships – the UK Bill will strengthen the partnership approach between LTAs and bus operators.
 - Local authority owned bus companies – the UK Bill will repeal the ban on establishing new local authority bus companies.
 - Grants – the UK Bill will provide LTAs with a power to make grants to operators of bus services in their areas.
 - Information about local services (bus registration) - provisions on bus registration will place a statutory requirement on LTAs in Enhanced Partnership areas with a delegated registration function, and franchising authorities, to provide information about bus services to a common location and to a data standard defined in secondary legislation.
 - Enforcement – the UK Bill includes measures to improve safety on buses by giving greater powers for LTAs to bring forward byelaws to tackle anti-social behaviour and help to improve safety on buses. The Bill also amends section 24 of the Public Passenger Vehicles Act 1981 to give LTAs additional powers to enforce fare requirements.
 - Safety and accessibility of stopping places – the UK Bill includes the measure to develop statutory guidance on the inclusivity of bus stops and stations and facilities.
 - Safeguarding for school services - the UK Bill includes a measure to require operators of public service vehicles to check an enhanced criminal record certificate, including information as to whether the driver is on the children's barred list, for drivers who carry out "closed" school

transport services frequently or more than 3 times in any 30-day period.

- Training of staff – the UK Bill includes powers to mandate training of bus drivers and others on tackling crime (which the UK Government intends will include offences against women and girls) and anti-social behaviour, and in relation to disability awareness and disability assistance.
 - Zero-emission Buses (ZEBs) – this measure will accelerate the rollout of ZEBs by introducing a restriction on the use of new non-zero-emission buses on registered local bus services. The restriction will not be able to take effect before 1 January 2030.
10. I am of the view that the provisions in the UK Bill and our own Bus Services (Wales) Bill (as drafted) will work for the delivery of better public transport across Wales and England. The amendments noted in this SLCM will ensure more cohesive delivery of cross-border services and, whilst they do not go as far as we would consider appropriate in relation to disability training of bus drivers (clauses 35 and 36 of the UK Bill), we do not think this matter is unsurmountable and together the Bills will help promote safer standards of delivery for passengers.

Update on position since the publication of the first two Legislative Consent Memorandums

11. This supplementary LCM relates to provisions in the Bill as amended. The provisions listed in this LCM should be read alongside the previous LCMs laid on 11 March and 23 May 2025.
12. Whilst there has been divergence in our and DfT's competence analysis in relation to clauses 33 to 36, we have worked with DfT to develop constructive solutions that are consistent with the effective delivery of bus reform across Wales and England. The changes brought about by the amendments will ensure compatibility in the delivery of cross-border bus services and will help promote safer standards of delivery for passengers.
13. DfT have rejected our request to take Wales out of the scope of clauses 35 and 36 relating to disability training for drivers. However, we are confident this will not impact our ability to deliver bus reform for the people of Wales. Importantly, it does not prevent us from ensuring that frontline bus staff are effectively and appropriately trained to deliver services for disabled people.
14. My officials continue to have discussions with DfT colleagues on the potential impact of the provisions that still apply to Wales on the future delivery of the Bus Services (Wales) Bill, which is currently being considered by the Senedd.

15. In the meantime, I am laying this supplementary LCM in relation to those provisions in order to comply with SO29.

Provisions in the Bill for which consent is required

16. In my view, a supplementary LCM is required in relation to amendments made to clauses 7, 12(3)(a), 22(6)(b)(i), 24(4) and (5), 33, 34(2), 36(9) to (11), and the Schedule, as set out below.

- **Clause 7** – Registration of services provided under service permits - UK Government amendments 4 and 5 alter the definition of a “cross-boundary service” in relation to franchising schemes to include a service which has one or more stopping places outside the area to which the scheme relates (rather than limiting the definition to a service which begins and/or ends outside the area to which the scheme relates).

This amendment widens the definition of cross-boundary services so that if a service passes into Wales a permit may only be granted for it if the authority is satisfied that the benefits of the proposed service for the area into which the service passes will outweigh any adverse effects.

This change is welcome because it will help accommodate all cross-border services that may be secured under the Bus Services (Wales) Bill.

- **Clause 12(3)(a)** - Miscellaneous amendments to the Transport Act 2000 - UK Government amendment NC4 has been inserted into the Bill as clause 12. Clause 12(3)(a) inserts a requirement for franchising authorities to consult the Welsh Ministers if any part of Wales would be affected by a proposed franchising scheme.
- **Clause 22(6)(b)(i)** – Local government bus companies - clause 22(6)(b)(i) inserts section 73(5)(c) into the Transport Act 1985 and provides certainty that bus companies established under section 67 of the 1985 Act can engage in activities in which their controlling authority has no power to engage. UK Government amendment 17 restricts the application of new section 73(5)(c) of the 1985 Act to public transport companies in England.
- **Clause 24(4) and (5)** – Information on registration of local services – clause 24(4) enables the Traffic Commissioners to share existing registration information under sections 6 and 61 of the 1985 Act with the Secretary of State. As originally drafted, the effect of this provision was to enable such information on bus services in Wales to be shared with the Secretary of State. Whilst this would not significantly impact the delivery of services in Wales it was not DfT’s intent to include Wales within the scope of clause 24(4). UK Government amendments 18

(which amends clause 24(4)) and 19 (which inserts clause 24(5)) limit clause 24(4) so that information received by a traffic commissioner under sections 6 or 6I of the Transport Act 1985 before clause 24 comes into force can only be passed on to the Secretary of State if the information is connected to local services which have one or more stopping places in England; but the information cannot relate to a part of the service which is provided outside of England.

- **Clause 33** - Safeguarding duty: drivers of school services – clause 33 inserts a new section 29A into the Public Passenger Vehicles Act 1981 which requires operators to check the enhanced criminal record certificate of drivers of school services, which includes information on whether the individual is barred from undertaking regulated activity relating to children, or up-date information in relation to that enhanced criminal record certificate, every three years before permitting such drivers to drive a public service vehicle on a closed school service (i.e. services that are not open to the public).

UK Government amendment 76 inserts a new section 29B into the 1981 Act which provides for the duty to check the criminal record certificates of drivers of school bus services which have stops in Wales not to apply until switched on by regulations and excludes that duty entirely for services for which the Welsh Ministers, Welsh local authorities or governing bodies of schools in Wales are responsible.

As I am of the view that existing legislation and the Learner Travel Statutory Provision and Operational Guidance read together can achieve a similar outcome to the new section 29A duty, this amendment is welcome because it takes the majority of bus services carrying school children in Wales out of the reach of the clause.

- **Clause 34(2)** – Training about crime and anti-social behaviour (ASB) – clause 34(2) inserts new section 144F into the Transport Act 2000. That section requires holders of PSV operator licences to ensure their drivers, and other persons dealing directly with passengers or passenger issues on behalf of the operator, complete training at least every five years that would help them to identify, respond appropriately to, and where possible, prevent criminal offences that would cause a victim/potential victim to fear for their personal safety and ASB.

This clause provides the Secretary of State with powers to make regulations to require PSV operators to keep records, publish information and provide Secretary of State with information about their compliance with this training requirement. The Secretary of State may also issue guidance about compliance with this training requirement.

Clause 34(3) amends the Transport Act 2000 to provide enforcement powers for traffic commissioners against operators who breach this training requirement.

UK Government amendment 77 provides for the training requirement in new section 144F of the Transport Act 2000 not to apply to services that have stops in Wales until switched on by regulations and excludes that requirement entirely for services for which the Welsh Ministers are responsible or which are provided in Wales under a service permit granted by the Welsh Ministers.

This amendment is welcome because it enables the Welsh Ministers, as is appropriate, to ensure the delivery of training on crime and anti-social behaviour under the provisions set out in the Bus Services (Wales) Bill as part of the broader package of training for drivers and other front-line bus staff.

- **Clause 36(9) to (11)** – Training about disability - clause 36(11) inserts a new regulation 10A into the Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) Regulations 2013 which provides enforcement powers for the traffic commissioners against those who breach various disability training requirements.

UK Government amendments 20 and 21 insert new provisions (clause 36(9) and (10)) to ensure that references in the Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) Regulations 2013 to the enforcement authority cover traffic commissioners responsible for taking enforcement action under regulation 10A.

UK Government amendment 22 amends clause 36(11) to ensure that the duty imposed on the Traffic Commissioner by the new regulation 10A of the Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) Regulations 2013 relates to the exercise of any powers available to them under the 2013 Regulations (rather than just the powers under regulation 10A).

- **The Schedule** - Procedures for varying franchising scheme – the Schedule inserts a new Schedule 9A into the Transport Act 2000 in relation to varying franchising schemes in England.
 - UK Government amendment 11 inserts a new **paragraph 5(4)(f)** into the new Schedule 9A which requires consultation with the Welsh Ministers before a franchising authority in England varies (by adding to the scheme area) a franchising scheme, where the variation would affect any part of Wales.
 - UK Government amendment 13 inserts a new **paragraph 9(3)(f)** into the new Schedule 9A which requires consultation with the Welsh Ministers before a franchising authority in England varies (by reducing the scheme area) a franchising scheme, where the variation would affect any part of Wales.
 - UK Government amendment 15 inserts a new **paragraph 13(1)(a)(i)** into the new Schedule 9A which requires consultation with the Welsh Ministers before a franchising authority in England makes other specified variations to a franchising scheme, where the variation would affect any part of Wales.

17. I consider that these clauses as amended trigger the legislative consent process set out in Standing Order 29 on the basis that they contain provision in relation to Wales that has regard to devolved matters (namely, the delivery of local bus services).

UK Government view on the need for consent

18. The UK Government is of the view that, other than clauses 22(6)(b)(i) and 24(4), these provisions relate to reserved matters and therefore do not engage the Legislative Consent process.
19. In relation to clauses 22(6)(b)(i) and 24(4) the UK Government agrees that they are within competence of the Senedd. However, both of these provisions have now been amended, as noted above, taking Wales out of the scope.

Welsh Government position on the amendments to the Bill

20. Amendments to clause 22(6)(b)(i) and clause 24(4) and (5) have been made because these provisions were only intended to apply to England. I am content that the amendments ensure those provisions no longer apply in relation to Wales.
21. The amendment to clause 33 will ensure that the Welsh Ministers can continue to act in Wales's interests in relation to school and local bus services, scrutinised by the Senedd as is appropriate.
22. The amendment to clause 34 will ensure the Welsh Ministers can make provision for training of staff on crime and anti-social behaviour via the provisions in the Bus Services (Wales) Bill.
23. The amendments to clause 7, 12(3)(a) and the Schedule to the UK Bill will, alongside our Bill, support the effective delivery of cross-border services.

Financial implications

24. It is not expected that there will be any additional financial implications to Welsh Government, though there are likely to be some financial implications for operators in Wales due to the requirements to provide and administer training to drivers and other staff. The full implications of this would have to be considered in light of the delivery of the Bus Services (Wales) Bill.

Conclusion

25. I regret the delays to the laying of the LCMs during the passage of the UK Bill and any difficulties this has caused in relation to Senedd's ability to scrutinise the Bus Services (Wales) Bill. This has been due to the many challenges brought by having both Bills progressing through their respective parliaments simultaneously, as well as the priority we have felt was required to overcome the differences in competence analysis in a way that ensures that bus services in Wales, including those crossing the border, are delivered in the best interests of passengers.
26. I am of the view that the amendments listed above will lead to improvements to the delivery of cross-border services and to the Welsh Government's ability to work effectively with counterparts in the UK Government on public transport.
27. I will continue to monitor the UK Bill's developments and update the Senedd as appropriate.

Ken Skates MS
Cabinet Secretary for Transport and North Wales
15 July 2025