



Llywodraeth Cymru  
Welsh Government

# **Bus Services (Wales) Bill**

Statement of Policy Intent for Subordinate  
Legislation to be made under this Bill

March 2020

# **BUS SERVICES (WALES) BILL**

## **STATEMENT OF POLICY INTENT FOR SUBORDINATE LEGISLATION**

### Introduction

This document provides an indication of the current policy intention for the subordinate legislation that the Welsh Ministers would be empowered or required to make under the provisions of the Bus Services (Wales) Bill (“the Bill”).

The Statement has been prepared in order to assist committees during the scrutiny of the Bill, and should be read in conjunction with the Bill and the Explanatory Memorandum and Explanatory Notes which accompany it. Details of the Assembly procedure associated with each of these powers are set out in Chapter 5 of the Explanatory Memorandum and are not repeated in this document.

The key purposes of the Bill are to:

- amend existing legislative provision (the Transport Act 1985 (“the 1985 Act”) and the Transport Act 2000 (“the 2000 Act”)) to provide local authorities with an improved range of tools to consider using when planning and delivering local bus services in their areas; and
- put in place new information sharing arrangements.

While detailed provision for these matters of policy is set out on the face of the Bill, there are a number of instances where the Welsh Government considers subordinate legislation powers are essential to support the effective implementation and future operation of those provisions. Therefore, the Bill confers regulation-making powers on the Welsh Ministers in order to prescribe matters of procedural detail; and to provide the flexibility for matters which may require adjustment from time to time to facilitate the effective operation of relevant provisions.

This document describes the proposed regulation-making powers under each Part of the Bill, and sets out what these powers could be used to achieve and why they are required. Mirroring the structure of the Bill, the proposed regulations are grouped together as follows:

<b>BILL PART</b>	<b>REGULATIONS RELATING TO</b>
Part 2	Welsh partnership schemes
	Welsh franchising schemes
	Provision of information in connection with Welsh partnership schemes and franchising schemes
Part 4	Provision of service information by operators of local services

	Power to require information about bus services
Part 5	General

There are no secondary legislation-making powers in relation to Part 3 of the Bill (Local authority bus services).

Section 28 of the Bill provides that Part 5 will come into force on the day after the day on which the Bill receives Royal Assent. The other provisions in the Bill will be commenced by order at such time or times as determined by the Welsh Ministers.

In developing subordinate legislation, the Welsh Government will work closely with stakeholders in order to ensure the provisions are relevant, valid and proportionate. A phased approach to implementation of the Bill is anticipated and where regulations are essential for the practical operation of those enabling provisions, the intention is to bring these forward by statutory instrument at the same time as the provisions are commenced.

<b>BILL PART</b>	PART 2: SCHEMES FOR THE PROVISION OF LOCAL BUS SERVICES
<b>REGULATIONS RELATING TO</b>	Chapter 1: Welsh Partnership Schemes
<b>SECTION(s) WHERE POWERS ARE PROPOSED</b>	8, 10, 11 and 12
<b>DESCRIPTION OF THE REGULATIONS</b>	
<p>The Bill makes provision for a series of amendments to the quality partnership scheme provisions in the 2000 Act, and to the related registration provisions at section 6 of the 1985 Act, to introduce a bespoke partnership scheme for Wales, which will be known as a Welsh Partnership Scheme (WPS).</p> <p>The Bill makes provision for Welsh Ministers to specify, by regulation, a number of details relating to the process of establishing a WPS, or varying or revoking such schemes.</p> <p>Welsh Ministers will be provided with the power to make regulations:</p> <ol style="list-style-type: none"> <li>1. to make provision in situations where a WPS incorporates facilities or measures which already exist;</li> <li>2. about the procedure to be followed when making, varying or revoking a WPS;</li> <li>3. about the objections regime for a WPS including, the types of service standards that may be objected to under a WPS, and the content and operation of the schemes which contain such service standards;</li> <li>4. to specify further types of service standards that can be objected to under a WPS or to remove or modify such service standards;</li> <li>5. to issue guidance to local authorities in relation to their functions under a WPS;</li> <li>6. to specify the detailed procedure for applications to register, vary or cancel a service which is subject to registration restrictions under a WPS;</li> <li>7. to specify the detailed procedures by which the traffic commissioner must give notice of a registration application, how representations may be made following such a notice, and how an application must be determined;</li> <li>8. to make supplementary provision about the procedure for the cancellation of services, including conditions that must be satisfied by an operator to avoid cancellation of a service;</li> <li>9. to determine the level and scope of fees payable to local authorities when carrying out the functions of the traffic commissioner;</li> <li>10. to vary the appeals process and the timeframe for appeals in relation to the registration of WPS; and</li> </ol>	

11. to make supplemental provisions about local authorities carrying out the registration functions of the traffic commissioner.

#### **WHAT CAN THE REGULATIONS ACHIEVE?**

WPSs are intended to be an enabling provision for local authorities, where a statutory partnership arrangement could strengthen the delivery of bus services in a local area. Regulations, and accompanying guidance, will establish a clear and detailed procedure as to how WPS are to function at an operational level.

**Points 1 and 2** – under a WPS, a local authority may provide facilities or undertake measures as part of their role in the partnership scheme. The regulation-making power referred to at point 1 above, provides for instances where existing facilities or measures could be taken into account when establishing a WPS. For example, if a local authority had recently invested in bus lanes, the regulations could permit such infrastructure to be included in the partnership agreement. It is the intention that the regulations would take account of when the existing facilities or measures became effective (how old they are) and the type or scale of existing facilities or measures that may be included in a WPS. Point 2 enables Welsh Ministers to make regulations about the procedure when making, varying or revoking a WPS.

**Points 3 and 4** – the Bill allows bus operators to make objections to a local authority, on certain matters, about a proposed WPS. The regulation-making powers described at points 3-4 above, may be used to provide for how the formal objections regime may operate and can include matters such as: what may be objected to; what constitutes an ‘admissible objection’; and what constitutes a sufficient number of objections. The regulation-making powers at points 3 and 4 also deal with the service standards that can be objected to under a scheme and allows the Welsh Ministers to add other service standards or remove or vary existing standards within a scheme.

**Point 5** – allows the making of guidance by the Welsh Ministers in relation to the exercise of local authority functions under a WPS.

**Points 6 and 7** – the regulation-making powers described at points 6 and 7 may be used to set out the procedure for applications to the traffic commissioner for the registration, variation or cancellation of a local service which is covered by a WPS. The Bill proposes that where such an application is made, the traffic commissioner must issue a notice to all relevant operators and local authorities, notifying them of their right to make representations about the application. Regulations under this section of the Bill (section 11) may set out matters of further detail for this process,

for example, specifying the procedure for giving notice, making representations and determining an application.

**Point 8** – the Bill proposes that the traffic commissioner is empowered to cancel registration of a service if it is not being provided in accordance with the service standards imposed by a WPS and that regulations may make supplemental provisions in this regard.

**Points 9-11** – the Bill makes provision for Welsh Ministers to direct local authorities to carry out a number of functions of the traffic commissioner where a WPS is in force. The powers described at points 9-11 enable Welsh Ministers to make regulations to support local authorities in taking on this role. It is proposed in the Bill that where the local authority carries out the registration function of the traffic commissioner, they may charge a fee. Point 9 describes the power for Welsh Ministers to determine through regulations the level and scope of these fees payable to local authorities. Point 10 enables Welsh Ministers to specify the timeframe and procedure for appeals in relation to the registration of WPS, and point 11 provides the flexibility to make supplemental provisions about local authorities carrying out the registration functions of the traffic commissioner. These regulations are intended to support the practical working of the WPS by placing greater day-to-day control of operating arrangements with the partnership.

#### **WHY ARE THE REGULATIONS REQUIRED?**

The policy intent of the WPS provisions in the Bill is to provide the statutory framework within which bus operators and local authorities can implement a series of agreed improvements to the quality and provision of bus services. However, a successful WPS approach will require a considered partnership balance between local authorities and bus operators. The operational details of this partnership balance, such as the roles and responsibilities of each party, parameters for formal objection, and the procedures for compliance with a WPS once in force, will be set out in regulations. This will enable Welsh Ministers to make detailed provision about technical matters in respect of WPS without encumbering the face of the Bill.

The use of regulations will also permit a timely and flexible response by Welsh Ministers should there be a need to review the requirements of the appeals process or the level of fees payable for registering a WPS.

#### **Other relevant information**

The Welsh Government consulted on proposals for collaborative partnership working between local authorities and the bus industry in the Improving Public

Transport White Paper in December 2018, with a series of follow-up meetings with key stakeholders during 2019.

Any regulations proposed under these powers would be subject to consultation and engagement with stakeholders.

<b>BILL PART</b>	PART 2: SCHEMES FOR THE PROVISION OF LOCAL BUS SERVICES
<b>REGULATIONS RELATING TO</b>	Chapter 2: Welsh franchising schemes
<b>SECTION(s) WHERE POWERS ARE PROPOSED</b>	15,16, 19 and 26 (together with paragraph 3(5)(c) of the Schedule)
<b>DESCRIPTION OF THE REGULATIONS</b>	
<p>In order to provide a more workable system of franchising in Wales, the Bill includes a series of legislative amendments to address limitations within the existing Quality Contracts Scheme provisions currently found within sections 124 to 134B of the 2000 Act.</p> <p>The Bill makes provision for Welsh Ministers to specify, by regulations, a number of details relating to the process of establishing a Welsh franchising scheme, or varying or revoking such schemes.</p> <p>Welsh Ministers will be provided with the power to make regulations to:</p> <ol style="list-style-type: none"> <li>1. amend the minimum time period between which local franchise contracts can be entered into, and services can be delivered under those contracts;</li> <li>2. amend the maximum period of time for which it is possible to postpone the coming into effect of a Welsh franchising scheme;</li> <li>3. make supplementary provision for the purpose of giving effect to the substantive provisions relating to the cancellation or variation of services registered in accordance with section 6B of the 1985 Act;</li> <li>4. make further provision relating to Welsh franchising schemes, to include provision about the procedure to be followed on making, varying or revoking schemes; excluded services; and other incidental matters relating to Welsh franchising schemes;</li> <li>5. make transitional provision relating to the coming into operation, continuation and ending of Welsh franchising schemes; and</li> <li>6. supplement the provisions made in section 134B of the 2000 Act, regarding the application of TUPE to relevant transfers which take place where a Welsh franchising scheme is in place.</li> </ol>	
<b>WHAT CAN THE REGULATIONS ACHIEVE?</b>	
<p>The policy intent is that these regulations will enable the Welsh Ministers to facilitate the practical operation of Welsh franchising schemes by specifying further technical details relating to the procedures for making, operating, varying or revoking franchising schemes that are set out on the face of the Bill.</p>	



**Point 1** – the Bill provides that a minimum period of 6 months must elapse between the making of a local franchise contract and services being provided under the contract. The purpose of such a provision is to allow for operators who have not been successful in the franchise contract tender process to make necessary practical arrangements for the termination of the services they are delivering. It will also allow time for those operators who have won franchise contracts to prepare to deliver the services under those contracts. The Welsh Ministers are enabled to, by regulations, vary the minimum 6 month time period should this be considered necessary.

**Point 2** – similarly, the regulation making power detailed within point 2 would allow the Welsh Ministers to vary the 6 month maximum period by which a franchise scheme can be postponed. The current timeframe set out on the face of the Bill is considered appropriate to take account of reasonable procurement delays. However, adjustments to this time period through regulation may prove necessary in practice – to, for example, accommodate longer procurement processes.

**Point 3** – the regulation-making power referred to at point 3 above relates to instances where an operator has registered a local service in accordance with section 6B of the 1985 Act when a franchising scheme is in place, and a local authority considers that that service should be cancelled or varied because it has an adverse effect on the operation of the franchise scheme. In such circumstances the traffic commissioner will be required to cancel or vary a service at the request of the local authority, but the Bill provides the operator with a right of appeal to the Upper Tribunal against the decision to cancel or vary. The Bill enables the Welsh Ministers to make regulations setting out further provision as to the procedure for notifying the operator of a decision to cancel or vary a service, and when the cancellation or variation is to take effect.

**Point 4** – while the detailed provisions relating to the making, varying and coming into force of Welsh franchising schemes is addressed on the face of the Bill, it is also proposed that Welsh Ministers have the power to make further supplementary provision regarding these matters by way of regulations. As described at point 4, the regulation could include further provision about the making, varying or revoking schemes; excluded services (for example, long distance services travelling through a franchised area) and other incidental matters. This regulation-making power will be used to ensure that the procedure for making and operating a franchising scheme is, and remains, workable in practice.

**Point 5** – describes the power for Welsh Ministers to make regulations dealing with the transitional arrangements which may need to be put in place to support the coming into operation, continuation or ending of a Welsh franchising scheme.

The intent with this power would be to help ensure continuity of service for bus users in a local area.

**Point 6** – a further operational consideration in making a franchising scheme is what will happen to staff when local franchise contracts are entered into. The Bill provides that in prescribed circumstances, staff working for an operator who is no longer eligible to provide a service when a franchise scheme comes into operation will transfer to the operator who is to provide those services under the franchise contracts that have been let (as though the Transfer of Undertakings (Protection of Employment) Regulations 2006 (“TUPE”) apply). As set out at point 6, it is proposed that Welsh Ministers are able to supplement the provision made in the 2000 Act regarding the application of TUPE so that additional protections can be afforded to transferring staff, for example, in relation to their pension rights.

#### **WHY ARE THE REGULATIONS REQUIRED?**

The decision to move to a franchising approach to the delivery of local bus services would represent a major change to the bus market in an area. The legislative provisions in the Bill have been drafted to establish a statutory process to ensure that due consideration is given to the potential impact of introducing a franchising scheme. The accompanying regulations on Welsh franchising schemes will provide further procedural detail and allow for a degree of flexibility to ensure that this procedure remains both workable and robust in practice.

The powers to make regulations in relation to franchising schemes in Wales are focussed on the technical, practical elements of the scheme and are limited in scope by the provisions on the face of the Bill. Both the flexibility granted by regulations, and the requirement to review the effectiveness schemes at least every three years, will be important in refining how franchising schemes are established in Wales, and in ensuring that franchising is a viable tool for local authorities and a feasible option for bus operators.

As described above, these secondary legislative powers are essential to prescribe matters of technical detail and to provide flexibility for matters that may require adjustment, to facilitate the effective implementation and operation of franchising schemes by local authorities in Wales. It is considered more appropriate to include such procedural detail in regulations as opposed to this detail being set out in full on the face of the Bill.

### **Other relevant information**

The Welsh Government consulted on proposals for franchising arrangements in the Improving Public Transport White Paper in December 2018, with a series of stakeholder meetings during 2019. Whilst there was broad support for improving bus services through the franchising proposals, many respondents highlighted practical challenges and some complex issues in implementation. It is the Welsh Government's intention that the proposed regulations and accompanying guidance would provide a practical way through these operational matters, and would offer the flexibility to amend the legislation if necessary to ensure that the arrangements for franchising remain as workable as possible. Regulations under these powers would be subject to consultation and engagement with stakeholders.

<b>BILL PART</b>	PART 2: SCHEMES FOR THE PROVISION OF LOCAL BUS SERVICES
<b>REGULATIONS RELATING TO</b>	Chapter 3: Provision of information in connection with Welsh partnership schemes and franchising schemes
<b>SECTION(S) WHERE POWERS ARE PROPOSED</b>	21
<b>DESCRIPTION OF THE REGULATIONS</b>	
<p>Section 21 of the Bill sets out several types of relevant information which a local authority may require an operator to provide in connection with making a partnership or franchising scheme.</p> <p>For the purposes of both partnership and franchising schemes “relevant information” is defined as including information about:</p> <ul style="list-style-type: none"> <li>• the total number of journeys undertaken by passengers;</li> <li>• the structure of fares for those journeys;</li> <li>• revenue received from those local services;</li> <li>• total distance covered by vehicles; and</li> <li>• journeys that the operator has forecast will be undertaken and revenue the operator has forecast will be received.</li> </ul> <p>In terms of franchising schemes only “relevant information” also includes information about persons employed by an operator providing local services in an area.</p> <p>This section proposes that the Welsh Minister have the power, by regulations, to specify further types of relevant information that may be obtained by local authorities from operators of local services.</p>	
<b>WHAT CAN THE REGULATIONS ACHIEVE?</b>	
<p>The availability of accurate service information will assist local authorities in assessing whether a Welsh partnership scheme or Welsh franchising scheme is the best approach for their area, and in reviewing the operational effectiveness of WPSs and Welsh franchising schemes.</p> <p>The legislative changes proposed in the Bill set out requirements that must be taken into account when any new partnership or franchising scheme is proposed, in order to ensure that any resulting scheme is robust. Being able to draw on reliable information on local bus services is essential in producing a thorough</p>	

assessment. The intent is that the 'relevant information' specified in section 21 would support this assessment and could only be used by the local authority, or other persons specified in the section, solely for use in connection with the local authority exercising the WPS or franchising scheme functions contained in the Bill.

The power in this section to specify further types of relevant information by regulations allows for a degree of future flexibility around the types of information which may be considered necessary in assessing the viability of a partnership or franchising scheme.

#### **WHY ARE THE REGULATIONS REQUIRED?**

These secondary legislative powers are essential to prescribe matters of detail, and to provide flexibility for matters that may require adjustment, to facilitate a robust assessment of whether a partnership or franchise is a suitable approach for a local area.

The secondary legislative powers are limited in scope by the provisions on the face of the Bill, in terms of the purposes for which this information can be used and the period for which information can be requested.

<b>BILL PART</b>	PART 4: INFORMATION ABOUT LOCAL BUS SERVICES
<b>REGULATIONS RELATING TO</b>	Chapter 1: Provision of service information by operators of local services (where services are being varied or cancelled)
<b>SECTION(s) WHERE POWERS ARE PROPOSED</b>	23
<b>DESCRIPTION OF THE REGULATIONS</b>	
<p>This section of the Bill enables local authorities to obtain information about a service where a bus operator has indicated that they intend to vary or cancel that local service. The information that may be obtained will relate to:</p> <ul style="list-style-type: none"> <li>• the number of passengers using the service;</li> <li>• the journeys made;</li> <li>• the fares paid; and</li> <li>• the revenue obtained from operating the particular service.</li> </ul> <p>Welsh Ministers will have the power to, by regulations:</p> <ol style="list-style-type: none"> <li>1. prescribe the detail and format of the information that can be requested, and the period within which the information must be provided;</li> <li>2. prescribe the persons that can receive this information from a local authority that receives it and the purposes for which it may be used;</li> <li>3. prescribe the persons that can receive information through onward sharing by another local authority and the purposes for which that information may be used;</li> <li>4. make supplemental provision in relation to the disclosure of information by operators of local bus services, for example, regarding the procedures to be followed by local authorities when exercising functions in relation to the disclosure of information;</li> <li>5. vary the period beyond which information may not be required from an operator (currently 3 years); and</li> <li>6. provide for a traffic commissioner not to accept an application to vary or cancel a local service where an operator has failed to comply with a request from a local authority to provide information.</li> </ol>	
<b>WHAT CAN THE REGULATIONS ACHIEVE?</b>	
<p>Where a local service is cancelled or varied, accurate information on the demand and usage of the service is essential in order for a local authority to assess and plan replacement services which meet passenger needs in terms of coverage and</p>	

frequency. Currently, with no means of requiring bus operators to disclose service information when they are cancelling or varying an existing service, local authorities can only make assumptions about the level of demand for a local bus route and any subsequent replacement provision.

The purpose of enabling local authorities to request this information is to assist them in discharging their duty under section 63 of the 1985 Act to secure the provision of such public transport in their area as they consider necessary to meet any public transport needs in their area. Allowing them access to such information will enable them to assess what level or model of replacement service, if any, is appropriate for the route. Information on the number of journeys made on a route, and the fares paid by passengers, will facilitate smarter planning of any services the local authority determines are necessary to replace or supplement the service being cancelled or varied.

Furthermore, by allowing the local authority to transparently share this service information in any tender process for a replacement service, tender bids submitted are more likely to be more cost effective and realistic in reflecting actual operating costs, rather than an inflated assessment to cover for unknown demand on the route.

The regulation-making powers in section 23 of the Bill will allow the Welsh Ministers to specify what information must be disclosed; who can receive that information, and how it can be used.

**Point 1**, above, will allow the Welsh Ministers to set out in regulations the kind of information (which can be both service and revenue information) that a local authority can request from an operator, and set the timeframe within which this information must be supplied to the local authority. The intent here would be to have the information in advance of the service being cancelled or varied, giving the local authority adequate time to plan if a replacement is needed.

**Points 2 and 3** enable the Welsh Ministers to specify with whom this information may be shared. The intent is that information could be shared with other operators as part of the process of securing a replacement service, or with a neighbouring local authority, opening up the possibility of more effective joint planning of services. Where information is shared with a neighbouring local authority, it may be onward shared by that authority with operators as part of the procurement process for any replacement service.

**Point 4** – the flexibility allowed for under point 4 would ensure that the Welsh Ministers could modify the process of disclosure of information if this proved necessary for practical reasons, as well as setting out the procedures that must be

followed by bus companies in providing information and the process that must be followed by local authorities on receipt of this information.

**Point 5** – currently the Bill provides that the maximum period for which information can be requested is the period of 3 years prior to the date of the request. The Bill will however, enable the Welsh Ministers to vary this period by regulations.

**Point 6** describes the potential sanction for failure to provide the information requested: regulations may specify that the traffic commissioner should refuse to grant an application to cancel or vary a service where the requested information has not been disclosed. This power reinforces the opportunity for the local authority to gain the necessary information to make an informed decision on a replacement service.

#### **WHY ARE THE REGULATIONS REQUIRED?**

Taken together, the secondary legislation-making powers in this section would enable the Welsh Ministers to respond quickly should any changes be required as a result of the way relevant information is provided to, or used by, local authorities. It is considered more appropriate to include such procedural detail in regulations rather than such provision being set out in full on the face of the Bill.

These regulations will be developed through a process of consultation with stakeholders. This process will allow for regulations to be amended as necessary to reflect appropriate handling of service information by local authorities.



<b>BILL PART</b>	PART 4: INFORMATION ABOUT LOCAL BUS SERVICES
<b>REGULATIONS RELATING TO</b>	Chapter 2: Power to require information about bus services (open data)
<b>SECTION(s) WHERE POWERS ARE PROPOSED</b>	24
<b>DESCRIPTION OF THE REGULATIONS</b>	
<p>Section 24 of the Bill proposes that Welsh Ministers have the power to require bus operators (both those currently operating a service and those applying to register, cancel or vary a service), local authorities and the traffic commissioner to provide prescribed information about bus services operating in Wales.</p> <p>This prescribed information would be set out in regulations and would include:</p> <ol style="list-style-type: none"> <li>1. information about bus routes, stopping places, timetables, bus fares and tickets available;</li> <li>2. information about any changes or proposed changes to these matters; and</li> <li>3. information about the operation of the services. This would include “real-time” or “live” information about the numbers of passengers using services, the location of buses on a particular bus route and the times at which they are expected to stop at stopping places, as well as information about the operation of the services in the past.</li> </ol> <p>The Bill specifies that this information is to be obtained for the purpose of being made available to the public, in order to improve passenger access to accurate and up-to-date information about local bus services.</p> <p>In addition to establishing who is required to provide information; the kind of information which can be requested; and the purposes for which this information can be used, section 24 also proposes that Welsh Ministers have the power to specify in regulations the procedure for how this information may be received; who this information is to be provided to; and the timeframe within which the information is to be provided.</p>	
<b>WHAT CAN THE REGULATIONS ACHIEVE?</b>	
<p>Currently, information available to passengers in relation to local bus services operating in Wales is inconsistent, variable in quality, fragmented and often out of date. The information gathered using this power will allow for the creation of a comprehensive and consistent open data set for the bus services that are available across Wales, which could be made easily accessible to the public.</p>	

The type of information to which the regulations would apply includes: routes and stopping places; timetables; fares and ticketing; and live information, for example, how busy a bus is and whether it is running on-time. It is envisaged that this information will enable bus users to make informed choices based on easily available, consistent data.

#### **WHY ARE THE REGULATIONS REQUIRED?**

Regulation-making powers under this section are designed to ensure that the information requested from bus operators, and the format in which it is requested, is appropriate and proportionate, and that there is a robust process around how the information is handled and to whom it may be disclosed. The parameters in terms of what types of information can be requested and the purposes of which that information can be used are set out on the face of the Bill. Specifying additional procedural matters in regulations rather than on the face of the Bill will allow for some flexibility to ensure the procedure for gathering the information and using the information is workable in practice. It will also allow for the procedure to be adapted to meet changes in capability to provide certain information over time as technology develops. For example, while it would be more efficient to require information about bus services to be provided electronically, at present this may be too burdensome for smaller bus operators. The use of regulation-making powers would allow this process to be periodically reviewed and adapted.

Furthermore, the provision of “real-time” travel information is a developing area of technology. While it is anticipated that this information will be disclosed to the public through websites and mobile apps, it is likely that these platforms will adapt over time. Being able to adapt the process for disclosure by regulations rather than primary legislation will allow the Welsh Ministers to remain responsive to changing technological developments.

The Bill also proposes that information requirements may differ across Wales (between rural and urban areas, for example), and allows Welsh Ministers the power to specify in regulations different provision for different areas.

### **Other relevant information**

In 2011 the Competition Commission's Local Bus Services Market investigation recommended that local authorities should be able to obtain, and where appropriate disclose, information about the revenue and patronage of registered bus services that are being cancelled or varied. The Bill is an opportunity to implement this recommendation.

Issues relating to the existing standard of bus service information were initially captured through eight stakeholder workshops that took place across Wales following the first Bus Summit in 2017. This fed into proposals around public transport information and monitoring in the Welsh Government's Improving Public Transport White Paper, published for consultation in December 2018.

There were 130 responses to the question, 'Do you agree with our proposal to require the release of open data on routes, timetables, fares and tickets?', of which only 2 responses were negative. There was a clear theme that high quality, accurate data about bus services should be freely available to the general public. Respondents representing older people and people with disabilities clearly stated that accurate and fully accessible information was essential. In response to the question, 'Do you agree with our proposal to enable local authorities to have the power to obtain information on services which are to be cancelled or varied, and where appropriate, disclose this information as part of tendering process?', 98% of respondents indicated agreement.

Any regulations proposed under these powers would be subject to consultation and engagement with stakeholders.

<b>BILL PART</b>	PART 5: GENERAL
<b>SECTION(s) WHERE POWERS ARE PROPOSED</b>	27
<b>DESCRIPTION OF THE REGULATIONS</b>	
Section 27 of the Bill allows Welsh Ministers to make supplementary, incidental or consequential provision; and transitory, transitional or saving provision.	
<b>WHAT CAN THE REGULATIONS ACHIEVE?</b>	
Changes made by these regulations would be confined to what is necessary or expedient, and would be linked to the purposes of the Bill when enacted.	
<b>WHY ARE THE REGULATIONS REQUIRED?</b>	
This provision is needed to ensure the Bill works alongside existing legislation and to ensure it comes into force as smoothly as possible.	

<b>BILL PART</b>	PART 5: GENERAL
<b>SECTION(s) WHERE POWERS ARE PROPOSED</b>	28
<b>DESCRIPTION OF ORDER</b>	
This order enables the Welsh Ministers to provide for commencement of the Bill.	
<b>WHAT CAN THE ORDER ACHIEVE?</b>	
The Welsh Ministers will wish to consider when to bring different provisions in the Bill into effect. A phased approach to implementation is anticipated. Where regulations are essential for the practical operation of the enabling provisions, the intention is to bring these forward by statutory instrument at the same time as the substantive provisions are commenced.	
<b>WHY IS THE ORDER REQUIRED?</b>	
This power is needed to commence the provisions of the Bill (other than the provisions in Part 5) on a day appointed by the Welsh Ministers.	