

LEGISLATIVE CONSENT MEMORANDUM

BUS SERVICES (No. 2) BILL

1. This legislative consent memorandum is laid under Standing Order (“SO”) 29 which 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 that has regard to devolved matters.
2. The Bus Services (No. 2) Bill (“the UK Bill”) was introduced in the House of Lords on 17 December 2024. The UK Bill can be found at: [Bus Services \(No. 2\) Bill \[HL\]](#)

Policy Objective

3. 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.
4. The intention is to provide local leaders 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 UK Bill

5. The UK Bill is sponsored by the Department for Transport (DfT).
6. The UK Bill makes provision for:
 - i. Franchising – the UK Bill enables all LTAs to franchise their bus services without requiring the consent of the Secretary of State.
 - ii. Socially necessary local service – this measure aims to promote the wider thinking around local network management, including how bus services are maintained.
 - iii. Enhanced Partnerships – the UK Bill will strengthen the partnership approach between LTAs and bus operators.

- iv. Local authority owned bus companies – the UK Bill will repeal the ban on establishing new local authority bus companies.
 - v. Grants – the UK Bill will provide LTAs with a power to make grants to operators of bus services in their areas.
 - vi. 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.
 - vii. 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.
 - viii. 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.
 - ix. 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.
 - x. 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.
 - xi. 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.
7. My officials had several meetings and email exchanges with DfT colleagues during November and December 2024 to discuss the proposals for the UK Bill. DfT officials also held two workshops for England's bus industry stakeholders, which were attended by my officials. No formal consultation was held in relation to the provisions in this Bill.
8. The UK Bill makes a number of changes to existing statute, including to the Transport Act 1985 and the Public Passenger Vehicles Act 1981.

These have already been amended many times by the UK Government and the devolved governments. This adds to their complexity and the time it has taken to unpick the details and how they apply to Wales.

9. In addition to this, the UK Bill was introduced on 17 December 2024, immediately prior to recess.

Provisions in the Bill for which consent is required

10. In my view, an LCM is required in relation to clause 23.

Clause 23 - Powers of inspectors. This clause amends section 24 of the Public Passenger Vehicles Act 1981 (the 1981 Act) to enable the Secretary of State to make regulations about the conduct of inspectors authorised by a local transport authority in England, in relation to a local service which has a stopping place in England, whether the vehicle used to provide that service is in England or not. This means that the Secretary of State may, by regulations, enable an inspector authorised by an English local authority to carry out an inspection of a cross-border service, while the vehicle is in Wales.

UK Government view on the need for consent

11. To note, the UK Government is of the view that this provision relate to reserved matters and therefore do not engage the Legislative Consent Motion process in the Senedd.

Reasons for making these provisions for Wales in the Bus Services (No 2) Bill

12. The provision does not affect an operator's ability to appoint inspectors on their local bus services (i.e. that has one or more stopping places in Wales). However, the conduct of inspectors of cross-border services, while in England or in Wales, may in some circumstances be regulated by the Secretary of State under section 24 of the Public Passenger Vehicles Act 1981, as amended by clause 23 (provided that the inspector was authorised to act as such by an English transport authority).
13. It will continue to be the case that local authorities in Wales cannot appoint "inspectors" for the purposes of section 24 of PPVA unless they do so in their capacity as PSV operator in relation to particular services.
14. I am not concerned about the impact of this provision on bus services in Wales because they will not change operators' ability to appoint inspectors in Wales.
15. The interconnected nature of the transport system in Wales and England means there will inevitably be a cross over in interests. However, in the case of clause 23 it does not seek to make provision for Wales, but it will impact a devolved matter, i.e. local bus services.

Financial implications

16. The amendment is unlikely to have financial implications for bus service operators or the public sector in Wales.

Conclusion

17. In my view it is appropriate to deal with these provisions in this UK Bill for the reasons set out in paragraphs 12 to 15 above.
18. Therefore, I recommend that the Senedd supports the proposal and gives its consent.

Ken Skates MS
Cabinet Secretary for Transport and North Wales
11th March 2025