The Rights of Passengers in Bus and Coach Transport Regulations: A guide for Terminal Managers of designated bus and coach stations

The Rights of Passengers in Bus and Coach Transport Regulations 2013 (Amended 2017) and Bus and Coach Passengers Rights and Obligations Designation and Enforcement) Regulations (Northern Ireland) 2014

Currently, there are three designated Terminals in the UK:

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

Other bus and coach station managers should be aware that there is a proposal under consideration to extend these requirements to other bus and coach stations around the UK in future.

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

| Disability Awareness and Assistance training

The exemption from the requirement to ensure customer-facing staff 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 relevant staff have received disability awareness and assistance 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

| 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 does mean that a Terminal cannot offer a service to tourists from another country without that service being available to UK nationals also.

| Assistance to a disabled person to travel

Disabled persons or people with restricted mobility should be able to receive assistance at Terminals to enable them to travel, at no charge. However, the regulations recognise that there are circumstances in which it is physically impossible to comply with the requirement to enable all travellers to access vehicles, 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.

There is no requirement for bus or coach 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. Terminals would be expected to have accessible boarding points for disabled passengers.

Terminals are public spaces and are expected to be able to be accessed by disabled people. In terms of design of new Terminals, the needs of disabled passengers should be factored into that design.

All designated terminals are required to have freely available copies of the access conditions for the transport of disabled people, developed in conjunction with organisations representing people with disabilities. These should be available upon request. Terminals should also have designated access points where disabled persons can notify their arrival and their need for assistance.

Passengers should inform the terminal (if appropriate) of their need for assistance at least 36 hours before the assistance is needed and turn up in advance at a time specified by the carrier, which should be no more than 60 minutes before departure. If no time is set down by the carrier, the passenger should turn up at least 30 minutes before departure. This pre-supposes that the need for assistance is known to the passenger at that time.

Even if no notice is given by the passenger, the carriers and terminal managers need to make every reasonable effort to ensure that the assistance is provided in such a way that the disabled person or person with reduced mobility is able to board the departing service, to change to the corresponding service or to alight from the arriving service for which he has purchased a ticket.

| Compensation if Mobility equipment is damaged

There are explicit provisions where mobility equipment is damaged:

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 Terminal managers to reimburse the full cost of replacing or repairing a wheelchair or other mobility aid damaged or lost 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 damage or loss, so clarification from the Department for Transport would be helpful.

| 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”. However, it is clear that accessible format information should be able to be provided unless there is a good reason why not.

| 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"

Terminal Managers may use the EU website's summary of those rights to fulfil this requirement:

- **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,
- **Complaint handling mechanism** available to all passengers,
- **Independent national bodies in each Member State** with the mandate to enforce the Regulation and where appropriate to impose penalties.

| 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 Terminal Manager's response is not deemed satisfactory. In Northern Ireland, that would be the Dept for the Environment and for Birmingham Digbeth it would be Bus Users. Complaints about the station and staff at London Victoria should be directed to London TravelWatch, while complaints about services leaving Vitoria Coach Station will be handled by Bus Users.

Passengers may complain up to three months after the incident takes place. Terminal Managers are required to respond within 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.

Terminal bodies are expected to provide the Enforcement body's contact details as part of the information on Passenger Rights they are required to bring to the attention of passengers. They must make this information available 'at the latest on departure' which can be by means of a leaflet, poster or electronic sign at each departure gate. Where feasible, this should also be available in accessible formats.

More information:

- A summary of the original legislation which became law in 2013 and 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
- Summary of the exemptions made in Northern Ireland

| About Bus Users UK

Bus Users UK is a charity that campaigns for inclusive, accessible transport. We are the only approved Alternative Dispute Resolution Body for the bus and coach industry and the designated body for handling complaints under the Passenger Rights in Bus and Coach Legislation. We are also part of the Sustainable Transport Alliance, a group working to promote the benefits of public, shared and active travel.

Alongside our complaints work we investigate and monitor services and work with operators and transport providers to improve services for everyone. We run events, carry out research, respond to consultations, speak at government select committees and take part in industry events to make sure the voice of the passenger is heard.

Bus Users UK Charitable Trust Ltd is a registered charity (1178677 and SC049144) and a Company Limited by Guarantee (04635458).

Bus Users UK
22 Greencoat Place
London SW1P 1PR

Tel: 0300 111 0001
enquiries@bususers.org
www.bususers.org