

TravelWatch NORTHWEST

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Winner of CILT award for best practice in passenger transport

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Ben Jones
 Department for Transport
 Zone 2/17, Great Minster House
 33 Horseferry Road
 London
 SW1P 4DR

19th December 2014

Dear Ben,

PSV (Conduct of Drivers, Inspectors, Conductors and Passengers Regulations 1990 [the Conduct Regulations]

TravelWatch NorthWest (TWNW) is an independent Community Interest Company representing all public transport users in North West England. We welcome this opportunity, provided by the Government's "Red Tape" initiative, to comment on these "Conduct Regulations", which date from the 1930's and have been amended and updated at intervals since, most recently in amendments of 2002 to the SI. Whilst generally still overall fit for purpose there are inevitably some sections which could benefit from amendment, clarification or updating to make them understandable to the passengers we represent.

Regulation 3 – Interpretation

Q1 - We support the DfT's proposed removal of the definitions of "assistance dog" and "smoking" and instead relying, respectively, on parallel existing legal definitions in the Equality Act 2010 and Health Act 2006. We assume that the Consultation Regulations would contain the necessary cross references?

Q2 – The only further amendment to Regulation 3 we can suggest would be an explanation as what constitutes a "scooter"

Regulations 4 and 5 Conduct of drivers inspectors and conductors

Q3 – We agree with the proposed amendments to these regulations.

The requirement for drivers to be requested to produce a PSV driver's licence need no longer be stated in Regulation 4 as it is contained for all drivers in the Road Traffic Act 1988. However it should be noted that currently an additional Passenger Carrying Vehicle driving entitlement is what would need in reality to be produced.

We agree that the prohibition on a PCV driver smoking on his vehicle can be removed as it has been possible since the enactment of the Health Act 2006 (smoke free vehicles) to enforce this.

Q4 – We can suggest no further amendments to Regulations 4 and 5

Regulations 6 and 7 *Conduct of passengers*

Q5 - The means by which passengers pay the fare for their journey are almost unrecognisable compared to the situation in 2002 when the SI was last revised. Pre-payment, payment by credit and “stored value” card and mobile phone are now widespread. We agree with the proposal to update and simplify Regulation 7 to both reflect this and to set out clear rules for the passengers we represent.

Q6 The amendment to regulations 6 and 7 go as far as can reasonably be expected but will need to be frequently revisited. Innovative means of cashless payments are emerging ever more frequently and the SI will need to embrace these, The conversion of concessionary passes so as to interface with alternative means of cashless payment (such as Oystercard) is proceeding apace and should be reviewed.

Regulations 11-17 *Conduct of Drivers and Conductors when conveying wheelchair users and other disabled persons,*

Q7 - We agree with the proposal to make no changes in this area as the parallel provisions of the Equality Act 2010 now apply.

Q8 – See also Q2. The “do nothing” option is insufficient as it ignores the rapidly growing problem of passengers on “scooters” wishing to travel by not only bus but also all forms of public transport. There are related problems with respect to “buggies” and bikes. These should not just be ignored. TWNW has concurrently commented on the EU directive on Rail Passenger Rights and Obligations (PRO), which does at least mention this concern.

Can we query the definition of “Regulated PSVs” and whether it is sufficient to cover not only registered local services but also Express, Community Bus and Community Transport.

Thank you for the opportunity to contribute to this consultation.

Yours faithfully

John A Moorhouse

John Moorhouse
Company Secretary (***Paper prepared by Paul Fawcett MPhil FCILT***)