

**EXPLANATORY MEMORANDUM TO**  
**THE PUBLIC SERVICE VEHICLES (OPEN DATA) (ENGLAND) REGULATIONS**  
**2020**

**2020 No. XXXX**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

- 2.1 This instrument will enable the improvement of information available to bus passengers for the purposes of journey planning, by ensuring more information is available digitally through applications, products and services and so helping bus passengers to easily make better informed travel decisions. The Bus Services Act 2017 amended the Transport Act 2000 to provide for the Secretary of State to make regulations that require bus operators and local transport authorities to make data available regarding timetables, fares, stopping places and vehicle location.

**3. Matters of special interest to Parliament**

*Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 None.

*Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)*

- 3.2 This entire instrument applies to England only because it applies only to bus services and local transport authorities in England. This is due to the definition of “relevant area” in section 141A(12)(d) of the Transport Act 2000 as meaning England outside Greater London.
- 3.3 The instrument does not have any minor or consequential effects outside England.
- 3.4 In the view of the Department, for the purposes of Standing Order No. 83P of the Standing Orders of the House of Commons relating to Public Business, the subject-matter of this entire instrument would be within the devolved legislative competence of the Northern Ireland Assembly if equivalent provision in relation to Northern Ireland were included in an Act of the Northern Ireland Assembly as a transferred matter and of the Scottish Parliament if equivalent provision in relation to Scotland were included in an Act of the Scottish Parliament and of the National Assembly for Wales if equivalent provision in relation to Wales were included in an Act of the National Assembly for Wales.
- 3.5 The Department has reached this view because it considers that the subject matter of the instrument relates entirely to local bus travel which is within the devolved legislative competences of the Scottish Parliament and the National Assembly for Wales. The subject matter of the instrument does not relate to a reserved matter specified in Schedule 5 to the Scotland Act 1998 and is not otherwise outside the legislative competence of the Scottish Parliament (see section 29 of the 1998 Act).

Also the subject matter of the instrument does not relate to a reserved matter specified in Schedule 7A to the Government of Wales Act 2006 and is not otherwise outside the legislative competence of the National Assembly for Wales (see section 108A of the 2006 Act). Finally, the subject matter of the instrument does not relate to an excepted matter in Schedule 2 to the Northern Ireland Act 1998 and is not otherwise outside the legislative competence of the Northern Ireland Assembly (see section 6 of that Act).

#### **4. Extent and Territorial Application**

- 4.1 The territorial extent of this instrument is England and Wales.
- 4.2 The territorial application of this instrument is set out in Section 3 under “Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)”.

#### **5. European Convention on Human Rights**

- 5.1 The Parliamentary Under Secretary of State for Transport, Baroness Vere has made the following statement regarding Human Rights:

“In my view the provisions of the Public Service Vehicles (Open Data) (England) Regulations 2020 are compatible with the Convention rights.”

#### **6. Legislative Context**

- 6.1 The Bus Services Act 2017 inserted new regulation-making provisions into the Transport Act 2000 to require bus operators and local transport authorities to provide prescribed information about local bus services.
- 6.2 This requirement will apply to all areas in England (outside London) regardless of the operating model of the bus market. These Regulations are being made to implement this requirement. This is the first use of these powers under the Transport Act 2000.
- 6.3 Section 141A of the Transport Act 2000 enables the Secretary of State to make regulations that require the provision of information about English bus services. Section 141A(3) sets out that this means information about timetables, stopping places, fares and information about the operation of the services.
- 6.4 Section 141A(4)(a) provides that information about the operation of services includes live information, provided immediately it becomes available about the location of vehicles operating the services and the time at which they stop, or are expected to stop, at stopping places. It also includes information on historic punctuality data.

#### **7. Policy background**

##### *What is being done and why?*

- 7.1 Local bus services in England (outside London) were deregulated by the Transport Act 1985. Since 1986, most bus services have been provided on a commercial basis by private operators. Under this model, decisions such as where to run services, the frequency of those services, the type of vehicle used and the level of fares charged are a matter for the commercial judgement of the operator concerned.
- 7.2 Annual bus statistics for England 2018/19 published in January 2020 cited the number of local bus passenger journeys in England as falling by 0.7% in the year ending March 2019. The fall in the number of local bus passenger journeys across England

totalled 29 million journeys, continuing the steady decline in bus patronage although the decline does appear to be tailing off somewhat. Local bus passenger journeys in England, excluding London, are now 11.9% lower than in the year ending March 2009. It is noticeable however that 51% of all bus passenger journeys completed in England, are in London, where data has been openly available for passengers to consume in applications, products and services since 2007.

- 7.3 Results from the latest Bus Passenger Survey indicate that the lack of available journey planning information across the rest of England is a barrier to passengers choosing to travel by bus.
- 7.4 No consistent approach currently exists in England in terms of the provision of bus data. Most operators and local authorities publish their timetable information, and a national open dataset on routes and timetables is available through Traveline Information Ltd. Traveline also provides the NextBus real-time data system and currently approximately 40 out of the 87 local authorities across England provide real time information to the NextBus system. There is currently no national dataset for fares information, as there is a lack of an agreed publishing standard for the provision of fares data. Some operators, however, do publish details of their most common tickets on their websites and applications e.g. day or weekly tickets.
- 7.5 Research commissioned by the Department for Transport considered a range of models for providing open data. Following extensive informal consultation and a research study across the bus industry, proposals were made in the formal consultation, which were broadly supported by responses from the industry and interested parties. Given the inconsistent participation in the existing voluntary arrangements (described at para 7.4), the Government always considered that only a legislative approach would bring about the expected benefits of open data.
- 7.6 These Regulations set out the requirements for bus data provision, the data standards to be met by operators and local transport authorities, method of provision and the dates by which data must be provided. Operators and, where relevant, local transport authorities, will be required to provide timetable, fares, stopping places, location data and historic punctuality data. In addition, local transport authorities will be required to maintain and update information about the location of stopping places.
- 7.7 As a result of the Regulations coming into force, the Secretary of State will be the custodian of a digital service granting access to consistent, accurate and up to date data which will be publicly available free of charge. It is envisaged that a market will develop in which application developers will access the data and develop applications, products and services for passengers' mobile devices in much the same way as currently occurs in Greater London for buses and across the rail industry.
- 7.8 A 2017 Deloitte case study: 'Assessing the value of TfL's open data and digital partnerships' estimated that the release of open data by Transport for London supported the growth of London's tech economy to the value of £14 million per annum in gross value added and over 700 jobs.

## **8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union**

- 8.1 This instrument does not relate to withdrawal from the European Union.

## **9. Consolidation**

9.1 These Regulations do not amend any existing regulations.

## **10. Consultation outcome**

10.1 From 5th July to 16th September 2018, the Department ran a consultation on these Regulations.

10.2 The consultation document was published on the Department's website and can be found, together with the Government's response, at <https://www.gov.uk/government/consultations/bus-services-act-2017-bus-open-data> Hard copies of the consultation together with the Government's response are available from the Buses and Taxis Division, Department for Transport, Great Minster House, 33 Horseferry Road, London, SW1P 4DR.

10.3 In total, 130 responses were received to the consultation from bus operators, local transport authorities and their representative groups, passenger and industry representative groups, central government, data aggregators, e.g. Traveline Information Ltd., technology providers, application developers, academia, think tanks and passengers.

10.4 Respondents were largely in agreement with the policy proposals set out in the consultation paper. The one area where a policy change was made relates to the provision of real time information. In the consultation paper it was proposed that operators make available Automatic Vehicle Location (AVL) data using the existing functionality from their on-board ticket machines and that local transport authorities make available Real Time Passenger Information (RTPI i.e. countdown information on what time the next bus will arrive) by converting AVL data as supplied by operators. This would require local transport authorities to use back-office systems.

10.5 Although some consultation respondents supported this proposal, local transport authorities noted that a statutory obligation upon them to make RTPI available would attract a heavy financial burden. To mitigate this, the Regulations will instead require that only AVL data be made available by operators to the Secretary of State. Instead the Department for Transport will fund the provision of a unified application programming interface to support data consumption. This will enable application developers to easily consume location data and create applications, products and services generating RTPI for existing and prospective passengers.

10.6 The other main concern raised was in relation to support for small operators. In response to these concerns the Department has prioritised the needs of small operators in the development of the digital service. The research has demonstrated that small operators require data hosting services to enable them to meet their statutory responsibilities. Therefore, in response the Department will include a data hosting service for the smallest operators operating 40 services or fewer, as part of the digital service. Furthermore, the Department will offer free to access data creation tools to overcome data publishing barriers and will also specify in the Regulations a phased implementation of requirements to enable the Regulations to bed in and support operators to adapt to meeting their new statutory obligations.

## **11. Guidance**

11.1 The Secretary of State has issued non-statutory guidance to support these Regulations which sets out how bus operators and local authorities should make their data

available. The guidance will be available at the same time as these Regulations are laid before Parliament.

## **12. Impact**

- 12.1 The impact on business, charities or voluntary bodies is deemed positive. Whilst there will be initial costs for bus operators, better information for passengers is assumed to lead to increased bus patronage. This will lead to greater profits for bus operators in the region of £0.8m-£5m per year across the industry.
- 12.2 The impact on the public sector is not significant as local authorities already maintain the National Public Transport Access Nodes (bus stopping place locations) dataset on a voluntary basis.
- 12.3 The Impact Assessment produced for the passage of the Bus Services Bill, which has since been updated, is submitted with this memorandum and published alongside the Explanatory Memorandum at:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/558392/the-bus-services-bill-impact-assessments.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/558392/the-bus-services-bill-impact-assessments.pdf).

## **13. Regulating small business**

- 13.1 The legislation applies to activities that are undertaken by small businesses (small bus companies operating local bus services).
- 13.2 To minimise the impact of the requirements on small businesses (those employing up to 50 people), the approach taken will be to offer data hosting and data creation tools.
- 13.3 User research on how best to assist small businesses will conclude during spring 2020. We will use this to assess whether further steps need to be taken to support these groups and if so, what they are.

## **14. Monitoring & review**

- 14.1 The approach to monitoring of this legislation involves ongoing stakeholder engagement; benefits mapping and tracking; and continuous attitude survey tracking through the Bus Passenger Survey. The agile nature of development for technological solutions means that the regulations may be subject to future amendments.
- 14.2 A statutory review clause is included in the Regulations. The instrument contains a requirement for the Secretary of State for Transport to review the legislation at least every five years, and to set out the conclusion of each review in a published report. The first report will set out the objectives intended to be achieved by the regulatory provision and consider whether they have been achieved.

## **15. Contact**

- 15.1 Meera Nayyar at the Department for Transport, telephone: 07976 434811 or email: [meera.nayyar@dft.gov.uk](mailto:meera.nayyar@dft.gov.uk) can be contacted with any queries regarding the instrument.
- 15.2 Catriona Henderson, Deputy Director, Buses and Taxis Division at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Baroness Vere, Parliamentary Under Secretary of State at the Department for Transport, can confirm that this Explanatory Memorandum meets the required standard.