



Comments from Imtac on the consultation on new regulations concerning the conduct of passengers and drivers on public service vehicles

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About us

The Inclusive Mobility and Transport Advisory Committee (Imtac) is a committee of disabled people and older people as well as others including key transport professionals. Our role is to advise Government and others in Northern Ireland on issues that affect the mobility of older people and disabled people.

Our aim is to ensure that older people and disabled people have the same opportunities as everyone else to travel when and where they want.

Imtac receives support from the Department for Regional Development.

General Comments

Imtac welcomes the opportunity to comment on proposals to introduce regulations that place additional duties on the drivers of public service vehicles with respect to disabled people. While broadly welcoming the proposed changes Imtac is critical of the time taken to make them. Similar regulations were introduced in Great Britain in 2002. It has been a source of great frustration to Imtac members that change in Northern Ireland has been so slow, despite frequent requests from the Committee for the deficit in rights here to be rectified.

Since the changes in Great Britain the law in Northern Ireland has changed. Under the Disability Discrimination (Transport Vehicles) Regulations (Northern Ireland) 2009¹ disabled people have more rights in relation to using transport services. These rights place a duty on transport providers to make their services accessible to disabled people. Despite these developments Imtac believes there is still merit in introducing the specific duties for drivers in relation to disabled people, given their key role in delivering improved accessibility for disabled people to vehicles resulting from the

¹ [The Disability Discrimination \(Transport Vehicles\) Regulations \(Northern Ireland\) 2009](#)

Public Service Vehicle Accessibility Regulations (PSVAR) (NI) 2003² work.

In responding to the consultation Imtac has drawn on guidance produced by the Department for Transport in relation to the regulations in Great Britain³. The Committee has also drawn on the experiences of disabled people and older people who use bus and coach services in Northern Ireland.

Based on the information provided in the consultation Imtac believes there are gaps in the extent of proposed regulations compared to Great Britain. As the draft regulations have not been published, the Committee seeks confirmation from the Department that their wording will address these gaps. Imtac also believes difficulties may be created for disabled people as a consequence of current vehicle procurement policies particularly those of Translink. Whilst these issues cannot be addressed by the measures proposed in the current consultation, they should be subject to scrutiny under other equality legislation. Finally Imtac recommends in advance of the commencement of the regulations the Department develop more detailed guidance on the implications of the new duties for both passengers and transport staff.

Specific comments on the proposals

Broadly the proposed regulations mirror the GB equivalent. The detail included in pages 4 and 5 of the consultation is not, however, as comprehensive as the guidance issued by the Department for Transport. For example the following are specified as duties in the DfT guidance but not mentioned in the consultation:

- That ramps and boarding devices are checked before leaving the depot

² [Public Service Vehicles Accessibility Regulations \(Northern Ireland\) 2003](#)

³ [The Public Service Vehicles \(Conduct of Drivers, Inspectors, Conductors and Passengers\) \(Amendment\) Regulations 2002 Guidance](#)

- The driver should ensure that a wheelchair user can access the wheelchair users space removing any obstacles in the way
- The driver, subject to certain circumstances, should ask passengers to move from the wheelchair users space
- The driver should allow wheelchair users to use the most appropriate entrance – on some vehicles in Northern Ireland this is not the entrance at the front.
- With regard to spaces where the wheelchair user faces forward the driver should fit restraints
- The driver should know how to operate all lifts and ramps including in the use of manual tools in the event of mechanical failure
- Drivers should undertake disability awareness training

The Committee understands that the consultation seeks to give a flavour of the requirements of the regulations rather than full detail of every implication of the new duties. However both drivers and passengers will require more information about the full extent of duties under the regulations once they are introduced. Imtac recommends that the Department work with Imtac to develop detailed guidance for passengers and drivers in advance of the introduction of the new duties.

One issue that is not addressed in the consultation is the issue of seating in the wheelchair users space. Schedule 1 of Public Service Vehicle Accessibility Regulations (NI) 2003 does allow seating in the space but only if the seating can be removed quickly and stored safely when required. Complementing PSVAR, the regulations in Great Britain place a duty on drivers to remove these seats when a wheelchair user requires the space. The current consultation makes no mention about these specific duties.

Currently over 300 coaches operated by Translink have seating in the wheelchair user space. Current policy requires wheelchair users to give 24 hours notice for these seats to be removed. Imtac believes that this policy is incompatible with existing equality legislation including PSVAR itself. As the Regulations are

designed to support PSVAR and as the duties in GB extend to removing seats Imtac seeks an urgent confirmation from the Department that these duties are included in the provisions of the proposed regulations and will be included in future guidance.

The regulations make reference to providing appropriate assistance to disabled people other than wheelchair users. There is little detail in the consultation on what this assistance may entail other than lowering the vehicle. Would appropriate assistance mean, for example, guiding a blind person to the nearest available empty seat or informing someone with a learning disability that they have reached their stop if requested to do so? The Committee is aware that such assistance is seen as a reasonable adjustment under the 2009 disability discrimination legislation. There is an opportunity to include information about other duties relating to disabled people as part of any guidance.

Imtac notes the duties in the regulations relating to assistance dogs. The Committee particularly notes the duty on the owners of assistance dogs to remove the animal from the gangway if requested to do so by the driver. We understand the rationale for this duty on passengers with regard to wider passenger safety. However in order for the passenger to comply there must be space on the vehicle for the dog to sit away from the gangway. This is not usually a problem on vehicles that currently meet the requirements of Schedule 2 of PSVAR (double and single deck buses), which specifies amongst other requirements the need for priority seating. However significant numbers of vehicles in Northern Ireland meet the lesser accessibility requirements of Schedule 3 of PSVAR (double and single deck coaches). Owners of assistance animals tell us that it is extremely difficult on these vehicles to find a suitable place for their dog to sit in safety and comfort.

Although outside the scope of the current consultation issues relating to assistance animals and seating in the wheelchair user space do raise questions about current policies around bus procurement. Imtac is not disputing that all vehicles involved meet the requirements of PSVAR. However both Translink and the Department for Regional Development have wider equality duties relating to promoting equality of opportunity for disabled people and other groups in society. Imtac is not aware if bus procurement has been subject to a proper equality impact assessment. Increasingly vehicles are being purchased which meet the lesser

accessibility requirements of PSVAR, making journeys more difficult for disabled people, older people and people with dependents. Imtac believes a full Equality Impact Assessment on bus procurement policy is long overdue.

Imtac supports the duties in relation to the correct display of route numbers and destinations.

The Committee understands the need for provision to excuse the driver from the duties in the event of faulty or malfunctioning equipment or where there is a danger to the disabled person, other passengers, the driver or the vehicle. Imtac does have concerns that driver discretion could be misused and result in disabled people being unnecessarily refused access to services. We would ask that where the driver does decide it is unsafe for a disabled person to travel that there is a duty to report all such incidents and for operators to record this information.

Imtac notes that both drivers and operators are subject to penalties. No mention is made of financial penalties for operators. The Committee would like clarification as to whether the Department has the powers to impose such financial penalties. As previously stated Imtac believes that operators should be required to record all incidents where the duties are not fulfilled, not merely when breaches have already taken place.

One further issue does require clarification. In Great Britain the regulations apply to drivers, conductors and inspectors. Whilst conductors are not currently used in Northern Ireland Imtac understands that there will be a role for conductors on the proposed Belfast Rapid Transit services. Inspectors do currently have a role here and are very visible in areas such as Donegall Square. Often inspectors are called on to resolve passenger issues in these locations. Given the customer facing role of inspectors / conductors and the fact that inspectors / conductors may have some role in decisions relating to the proposed duties, Imtac recommends that they be included under the provisions of the regulations.

Conclusion

Imtac thanks the Department for the opportunity to respond to the current consultation. The Committee broadly welcomes and

supports the proposed new regulations. We do however recommend that the Department develop detailed guidance for passengers and drivers about the implication of the new duties prior to their introduction. Imtac would welcome the opportunity to work with the Department in developing guidance.