

Citizen Participation and Public Petitions Committee

3rd Meeting, 2021 (Session 6), Wednesday, 8
September 2021

PE1866: Introduce legislation to improve bus
travel for wheelchair users

Note by the Clerk

Petitioner	Daryl Cooper
Petition summary	Calling on the Scottish Parliament to urge the Scottish Government to introduce legislation so that wheelchair users are able to face frontwards when travelling on a bus.
Webpage	https://petitions.parliament.scot/petitions/PE1866

Introduction

1. This is a new petition that was published on 20 May 2021.
2. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe A**.
3. While not a formal requirement, petitioners have the option to collect signatures and comments on their petition. On this occasion, the petitioner chose not to collect signatures.
4. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered. This response is included at **Annexe B** of this paper.
5. A submission has been provided by the petitioner. This is included at **Annexe C**.

Scottish Government submission

6. In its written submission, the Scottish Government states that legislation governing bus travel for wheelchair users is reserved to Westminster, specifically the [Public Sector Vehicles Accessibility Regulations \(PSVAR\) 2000](#).
7. The regulations require buses and coaches carrying over twenty-two passengers on local or scheduled routes to incorporate features such as a ramp, wheelchair space and lift to enable disabled people to travel safely and in comfort.
8. The regulations provide for both forward and rearward facing wheelchair spaces, and operators may select the option which best fits the circumstances of the service being provided.
9. The submission highlights that as part of its recently published [National Bus Strategy, "Bus Back Better"](#), the UK Government committed to complete a review of the PSVAR by the end of 2023.
10. The review is expected to be wide-ranging, and consider—
 - the extent to which the Regulations are currently effective in supporting access to respective services;
 - whether they cover the types of journeys that disabled people need to access; and
 - how they could be improved in the future.
11. The Scottish Government states that it will continue to work closely with the UK Government on these matters.
12. In its submission, the Scottish Government also highlights its publication of [Going Further](#), the first national Accessible Travel Framework for Scotland.
13. The Scottish Government states that this framework provides a national vision and outcomes for accessible travel and a high-level action plan to tackle the key issues facing disabled people.

SPICe briefing

14. The SPICe briefing highlights that, under the PSVAR regulations, there is no statutory requirement for a wheelchair space in a bus or coach to face rearwards. However, there are significant differences in the requirements for the design and use of rearward and forward-facing wheelchair spaces.
15. For instance, a wheelchair user travelling in a rearward facing space can travel unrestrained if their wheelchair is parked against a backrest or bulkhead. However, a wheelchair user travelling in a forward-facing space must use the fitted wheelchair restraint system and wheelchair user restraint system – usually a seatbelt.

16. The briefing further highlights [UK Government guidance for bus and coach manufacturers and operators](#) which states—

“If a wheelchair user needs to travel seated in their wheelchair they must only be carried in a wheelchair space and facing either forwards or rearwards according to the instructions or diagram for the use of the space. Buses will usually be constructed with a backrest to enable a wheelchair to travel rearward facing. Coaches are likely to be designed for a forward facing wheelchair.”

Petitioner submission

17. In his written submission, the petitioner highlights that the regulations are in place “to enable disabled people to travel safely and in comfort.”
18. He explains being forced to travel in a rear-facing space may not be comfortable for disabled people. Some may feel travel sick when travelling backwards, others may feel uncomfortable facing all the other passengers.
19. The petitioner explains that, as such, he believes that it should not be for bus operators to choose whether wheelchair spaces should be rear-facing.

Action

20. The Committee is invited to consider what action it wishes to take on this petition.

Clerk to the Committee

PE1866: INTRODUCE LEGISLATION TO IMPROVE BUS TRAVEL FOR WHEELCHAIR USERS

Petitioner

Daryl Cooper

Date Lodged

20 May 2021

Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to introduce legislation so that wheelchair users are able to face frontwards when travelling on a bus.

Previous action

I have taken the issue to my local MSP, who just advised me to take it up with disability charities. I didn't feel this response was adequate, or that the issue was really treated that seriously. Also, as this is a travel issue, I tried to go through the transport minister's office but as I do not live within the local constituency, to my shock I got told they couldn't take it up.

Background information

Currently wheelchair users are required to face backwards on buses. This is unfair as other passengers have the option. It is not very dignifying facing everyone else on a bus and also for people who suffer from travel sickness, travelling backwards can make this worse. People like me are missing out as they can't travel on buses. Let's make it equal, give wheelchair users the same choice as other passengers.

Briefing for the Citizen Participation and Public Petitions Committee

Petition Number: [PE1866](#)

Main Petitioner: Daryl Cooper

Subject: Introduce legislation to improve bus travel for wheelchair users

Calling on the Scottish Parliament to urge the Scottish Government to introduce legislation so that wheelchair users are able to face frontwards when travelling on a bus.

Background

Requirements set out in the Public Service Vehicle Accessibility Regulations 2000 mean that all full sized (that is, able to carry 22 or more passengers) single deck buses, double deck buses and coaches currently providing scheduled passenger services in Scotland should be fully wheelchair accessible. All such vehicles must be fitted with a boarding device to enable wheelchair users to get on and off, such as a ramp, and a dedicated space for a standard wheelchair.

There is no statutory requirement for a wheelchair space in a bus or coach to face rearwards. However, there are significant differences in the requirements for the design and use of rearward and forward-facing wheelchair spaces. A wheelchair user travelling in a rearward facing space can travel unrestrained if their wheelchair is parked against a backrest or bulkhead. However, a wheelchair user travelling in a forward-facing space must use the fitted wheelchair restraint system and wheelchair user restraint system – usually a seatbelt.

[UK Government guidance](#) for bus and coach manufacturers and operators states:

“If a wheelchair user needs to travel seated in their wheelchair they must only be carried in a wheelchair space and facing either forwards or rearwards according to the instructions or diagram for the use of the space. Buses will usually be constructed with a backrest to enable a wheelchair to travel rearward facing. Coaches are likely to be designed for a forward facing wheelchair.”

Scottish Government Action

Equal opportunities legislation is largely reserved to the UK Parliament, including legislation governing public service vehicle accessibility and design. Given this, the Scottish Government has not considered issues around the accessibility or internal layout of buses and coaches for wheelchair users.

Scottish Parliament Action

The Scottish Parliament has not considered issues around the accessibility or internal layout of buses and coaches for wheelchair users.

Key Organisations and relevant links

- **Department for Transport:** UK Government department responsible for legislation and guidance on vehicle design and use.
- **Transport Scotland:** Responsible for Scottish transport policy and national support bus services, including the national concessionary fares scheme for older and disabled people.
- **Mobility and Access Committee for Scotland:** Considers issues around disabled people’s travel needs and advises Scottish Ministers on these matters.
- **Confederation of Passenger Transport:** UK-wide bus industry representative body.
- **Bus Users Scotland:** Bus passenger representative group.

Alan Rehfisch
Senior Researcher
June 2021

SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However if you have any comments on any petition briefing you can email us at spice@parliament.scot

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

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Annexe B

Scottish Government submission of 17 June 2021

PE1866/A

Thank you for your request seeking Scottish Government consideration on legislation to improve bus travel for wheelchair users, particularly to enable wheelchair users being able to face forwards when travelling on a bus relating to petition PE1866.

This issue remains a reserved matter to the UK Government under the Devolution Settlement, The Scotland Act 1998 (as amended by the Scotland Act 2012). [Schedule 5 to the act](#) sets out those matters which are reserved to the UK Parliament.

It is however the policy of the Scottish Ministers to have all transport matters, including accessibility, fully devolved to the Scottish Government to enable us to better deliver for Scotland's disabled travellers.

This particular matter falls under the Public Sector Vehicles Accessibility Regulations (PSVAR), introduced in 2000, which requires buses and coaches carrying over twenty-two passengers on local or scheduled routes to incorporate features such as a ramp, wheelchair space and lift to enable disabled people to travel safely and in comfort.

Both forward and rearward facing wheelchair spaces are provided for in PSVAR, and operators may select the option which best fits the circumstances of the service being provided.

In the recently published Department for Transport [National Bus Strategy](#) "Bus Back Better" the UK Government committed to complete a review of the PSVAR by the end of 2023. We expect the review to be wide-ranging in its scope, considering the extent to which the Regulations are currently effective in supporting access to respective services, whether they cover the types of journey's that disabled people need to access, and how they could be improved in the future. We, in the Scottish Government will continue to work closely with the UK Government on these matters.

The Scottish Government's [National Transport Strategy 2](#) sets out an ambitious and compelling vision for our transport system for the next 20

years, one that protects our climate and improves our lives. The Strategy advocates a vision for Scotland's transport system, that will help create great places – a sustainable, inclusive, safe and accessible transport system helping deliver a healthier, fairer and more prosperous Scotland for communities, businesses and visitors. It also sets out our priorities to support that vision including reducing inequalities to ensure we address the key challenges.

[Going Further](#) was the first national Accessible Travel Framework for Scotland. The framework provides a national vision and outcomes for accessible travel and a high-level action plan to tackle the key issues facing disabled people. Its vision is that “**All disabled people can travel with the same freedom, choice, dignity and opportunity as other citizens.**”

The vision is underpinned by four outcomes;

- more disabled people make successful door-to-door journeys, more often.
- disabled people are more involved in the design, development and improvement of transport policies, services and infrastructure.
- everyone involved in delivering transport information, services and infrastructure will help to enable disabled people to travel.
- disabled people feel comfortable and safe using public transport – this includes being free from hate crime, bullying and harassment when travelling.

I hope this response is of assistance.

Annexe C

Petitioner submission of 24 June 2021

PE1866/B

It would appear the issue currently making it a problem for some wheelchair users lies in paragraph five of the Scottish Government's submission. Given that, it would appear that currently the choice is with the bus operators, which is in line with the service being provided.

The Scottish Government says that both forward and rear facing spaces are provided in the Public Service Vehicle Accessibility Regulations (PSVAR). The only time I've really known a bus to have forward facing to be provided is an occasion where the operator has a coach on a route.

On the majority of local and regional bus routes, it seems to be the only option is rear-facing space for wheelchair users. It wouldn't surprise me if this was looked into in more detail if the number for rear facing wheelchair spaces on buses was as high as 90% or even higher. It seems to be the norm, the default if you like, for bus companies to choose buses where a wheelchair user is required to face backwards.

Personally, I don't think that the choice should be with the bus operators and this would resolve this issue.

In paragraph four the Scottish Government states that the regulations require "buses and coaches carrying over twenty-two passengers on local or scheduled routes to incorporate features such as a ramp, wheelchair space and lift to enable disabled people to travel safely and in comfort."

I dispute that these are being enforced as, from experience for myself and I'm sure many others, the journey simply isn't in comfort if you are feeling—

- 1) travel sick from facing backwards and
- 2) uncomfortable from a dignity point of you facing all other passengers on board.

I hope that the Going Further national framework that the Scottish Government mentions will make a difference someday

Is there any time frame for this?

I'd hope this would seek to resolve this issue and more even with train access as with trains currently you need to book assistants anywhere between 2hrs and 24hrs prior to journey. Again, challenging at times.

Is there currently anything that the Scottish government can do as these types of issues are affecting disabled people NOW.