

Ieuan Wyn Jones AC/AM  
Dirprwy Brif Weinidog /Deputy First Minister



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

Eich cyf/Your ref  
Ein cyf/Our ref

Angela Burns AM  
Chair, Finance Committee  
Cardiff Bay  
Cardiff  
CF99 1NA

02 December 2010

*Dea Angela*

**Re: Clarification of Issues Raised in Finance Committee on 4 November 2010**

I am pleased to be able to provide clarification on the points raised during the evidence session on 4 November 2010 to discuss the financial aspects of the proposed Safety on Learner Transport (Wales) Measure, as outlined below.

I can confirm that there has not been any discussion with trade unions on the issues of driver training and the use of escorts prior to the proposed Measure being introduced. A wide variety of stakeholders including the Welsh Local Government Association (WLGA), bus operators and Confederation of Passenger Transport (CPT) have been kept informed of developments during the drafting of the proposed Measure and it is intended that any regulation made as a result of the Measure is subject to full consultation with all relevant stakeholders.

In relation to the query on insurance, every local authority needs to insure against a large number of diverse risks and it is not possible to generalise. Insurance arrangements are a matter for each local authority, not the Welsh Assembly Government. In the context of the proposed Safety on Learner Transport (Wales) Measure, it is the operators who insure their own operations.

In addition, an e-mail from Newport Transport to the Clerk to the Committee dated 22 November has been forwarded to me to comment on.

The vast majority of the Disability Discrimination Act 2005 was repealed by the Equality Act 2010, which came into force on 1 October 2010. However, the Public Service Accessibility Regulations 2000 (as amended) remain in force and these do make certain requirements as to changes that must be made to public service vehicles to make them more accessible for disabled people. The Regulations apply to public service vehicles used for regulated services which are local and scheduled services, as defined in various legislation. It is my understanding that dedicated school transport would not come within those definitions, and

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so the Regulations would not apply. The proposed Measure will have no effect on that legislation.

As I have previously outlined, it is intended that all future Regulations made under the proposed Measure will be subject to consultation including a Regulatory Impact Assessment on the detailed costs. The proposed phased approach to bringing forward Regulations, which would introduce new requirements as current school transport contracts are renewed, will also help to mitigate costs. We are committed to working with industry and local government to ensure that legislation does not place an unnecessary burden on local authorities or operators.

In relation to seatbelts, the Assembly does not have the competence to set the technical standards of seat belts to be used. UK legislation provides the detail on which seatbelts must be fitted to which vehicles, and the type of seatbelt varies according to the size and age of the vehicle.

My officials have contacted Newport City Council who have confirmed that they do not allow double deck buses on any of their contracted school services and require seatbelts as a condition of contract. The School Transport Survey showed that on 1 September 2009 out of a total fleet of 3,295 vehicles, just 132 were double deck. We are currently undertaking a detailed survey of bus operators, and as noted above, we will work with them and other key stakeholders to ensure that all issues are properly considered when making future Regulations.



**Ieuan Wyn Jones**

Gweinidog dros yr Economi a Thrafnidiaeth  
Minister for the Economy and Transport