

# Consultation response form – EU Regulation on Passenger Rights

## Part 1 - Information about you

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Company Name or Organisation (if applicable)	MOBILITY AND ACCESS COMMITTEE FOR SCOTLAND
Please tick one box from the list below that best describes you /your company or organisation.	
<input type="checkbox"/>	Small to Medium Enterprise (up to 50 employees)
<input type="checkbox"/>	Large Company
X <input checked="" type="checkbox"/>	Representative Organisation
<input type="checkbox"/>	Trade Union
<input type="checkbox"/>	Interest Group
<input type="checkbox"/>	Local Government
<input type="checkbox"/>	Central Government
<input type="checkbox"/>	Police
<input type="checkbox"/>	Member of the public
<input type="checkbox"/>	Other (please describe):
<p>If you are responding on behalf of an organisation or interest group how many members do you have and how did you obtain the views of your members: These comments (which have been approved by Anne Maclean, the Convenor of MACS) are being submitted to my DPTAC Colleagues in the hope of influencing the DPTAC Response. The MACS comments are being submitted through DPTAC. MACS is not submitting its own Response to the Consultation. I should be very pleased to discuss these comments with my DPTAC colleagues</p>	

If you would like your response or personal details to be treated **confidentially** please explain why:

Confidentiality is not Sought

## PART 2 - Your comments

1.	Yes <input type="checkbox"/>	No X <input type="checkbox"/>
<p>Please explain your reasons and add any additional topics on which you would wish to see further guidance :</p> <p>The Question is peculiarly expressed and does not relate to the Question number 1 in the Consultation. In any event I do not have access to any statistical information relating to the matters raised.</p>		

2.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
<p>Please explain your reasons and add any additional comments you wish to make:</p> <p>Not Relevant</p>		

3. (Exemption A)	YES <input type="checkbox"/>	NO X <input type="checkbox"/>
<p>Please explain your reasons and add any additional comments you wish to make:</p> <p>The Government claims to be committed to achieving equality for disabled people (see for example the first sentence to the Foreword to the recent DPTAC Consultation where it says that “The Government wishes to achieve equality for disabled people”, yet it would be possible to read the entire paperwork in this Consultation without becoming aware of any such commitment. The impression given is that the commitment by the Government to disability equality is so weak that it cannot compete against the temptation to save the bus and coach industry the sum of about £900,000 a year. This is an extremely small amount of money set against the number of disabled bus and coach passenger journeys (estimated to be about 1,600,000 a year. The whole approach in the document where the rights of disabled passengers are treated as a cost to be set against benefits to bus and coach companies and others is wrong.</p>		

4.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
<p>Please explain your reasons and add any additional comments you wish to make: Not Relevant</p>		

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5. (Exemption B)	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/> X
<p>Please explain your reasons and add any additional comments you wish to make:</p> <p>See the answer to Question 3 above.</p>		

6. (Exemption C)	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/> X
<p>Please explain your reasons and add any additional comments you wish to make:</p> <p>It is estimated that about 75 per cent of bus and coach drivers have already completed disability awareness training so the case for exempting the remaining twenty per cent of drivers is not strong. The need for disability awareness training is demonstrated by the number of complaints from disabled people regarding to poor attitudes displayed towards them by bus and coach drivers.</p>		

7. (EXEMPTION D)	YES <input checked="" type="checkbox"/> X	NO <input type="checkbox"/>
<p>Please explain your reasons and add any additional comments you wish to make:</p> <p>The Government admits that existing legislation does not provide a similar level of protection as the EU legislation under consideration.</p>		

8. (EQUALITY IMPACT ASSESSMENT)	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/> X
<p>Please explain your reasons and add any additional comments you wish to make:</p> <p>The whole basis on which the Impact Assessment has been prepared is flawed. The rights of disabled people are treated simply as a cost to be set against the benefits to bus and coach operators of the rights not existing. In effect disabled people are being asked to put a monetary value on their</p>		

rights (for example the right to passenger assistance.) If the right to passenger assistance means that a disabled person can for example visit a loved one or go on holiday such a right may be very valuable indeed. The rights the Government wishes to exempt make up quite a long list (see page 7 of the Impact Assessment) yet on Page 8 the Government admits that the costs of the EU Regulation are likely to be very small relative to the revenues and costs of the bus and coach industry. The Government admits on page 8 that disabled people will be more affected than other passengers and page 9 of the Impact Assessment admits a medium negative impact on disabled people. In view of such an impact one must conclude that the commitment by the Government to disability equality is very weak indeed.

9. (Enforcement)

YES ☒X

NO ☐

Please explain your reasons and add any additional comments you wish to make:

There does not seem to be a need for someone concerned with disability equality to answer Questions 9 to 17 in any detail. In general the approach suggested appears reasonable with the emphasis being placed on civil enforcement through the Traffic Commissioners (instead of criminal prosecution,) the use of weights and measure authorities, and having complained handled by the Bus Appeals Body, London Travelwatch, and Bus Passengers Platform in Scotland.

10.

YES ☐

NO ☐

Please explain your reasons and add any additional comments you wish to make:

See Answer to Question 9 above.

11.

YES ☐

NO ☐

Please explain your reasons and add any additional comments you wish to make:

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12.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Please explain your reasons and add any additional comments you wish to make:  See Answer to Question 9 above.		

13.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Please explain your reasons and add any additional comments you wish to make:  See Answer to Question 9 above.		

14.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Please explain your reasons and add any additional comments you wish to make:  See Answer to Question 9 above.		

15.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Please explain your reasons and add any additional comments you wish to make:  See Answer to Question 9 above.		

16.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Please explain your reasons and add any additional comments you wish to make:		

See Answer to Question 9 above.

See Answer to Question 9 above

17.

YES ☐

NO ☐

Please explain your reasons and add any additional comments you wish to make:

See Answer to Question 9 above.

18. (Designated Terminals.)

YES ☐

NO ☐X

Please explain your reasons and add any additional comments you wish to make:

The whole purpose of having designated terminals is to have places where there are staff and facilities to assist disabled travellers and others. The requirement on a disabled traveller to give 36 hours notice of needing assistance and to arrive at least 30 minutes before the service leaves is discriminatory against disabled people and deprives them of the opportunity to travel on demand. But we cannot do anything about these matters because they are included in the Regulation. But the approach suggested by the Government of only designating terminals where they are served by at least 50,000 long-distance services a year will make matters much worse. This will result in only two designated terminals (one in Birmingham and one in London.) It is totally ridiculous that there will be no designated terminals in the whole of Scotland and Wales. The principled approach is surely to designate each of the ten or twenty terminals in the whole of Great Britain. It should be mentioned that many passenger journeys within Scotland involve travelling more than 155 miles (for example almost all journeys from the Scottish Central Belt to anywhere north of Inverness.) Because of the sparse population in some area the number of passenger journeys is not a reliable indicator of the importance of a Passenger Terminal.)