



Department
for Transport

Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR

Tel: 0300 330 3000
E-Mail: HomeToSchoolExemptions@dft.gov.uk

Website: www.gov.uk/dft

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To whom it may concern,

Temporarily exempting certain vehicles involved in home-to-school transport from the Public Service Vehicles Accessibility Regulations 2000 (PSVAR)

This note concerns any home-to-school bus or coach services you may commission, in your capacity, for instance, as a local education authority, maintained school, academy, independent school, private school or Sixth Form college. If you are a local education authority, we would be grateful if you could ensure that this letter is disseminated urgently to any schools or colleges in your area that may arrange home-to-school transport for their pupils.

As you may be aware, the Public Service Vehicles Accessibility Regulations 2000 (PSVAR) require buses and coaches designed to carry over twenty-two passengers on local and scheduled routes to incorporate features to enable disabled people to travel on them comfortably and safely, including a wheelchair space and a ramp or lift. The Regulations have applied to vehicles progressively over the past nineteen years, including coaches manufactured from 2005 onwards. From 1st January 2020, the Regulations will apply to any remaining coaches subject to them, which were manufactured before 2005.

Confusion has arisen as to whether these provisions apply, inter alia, to any home-to-school service on which some or all of the seats are sold (rather than provided free of charge). Where a proportion of seats are sold, Such services are sometimes called “mixed services”.

These services are covered by the provisions of PSVAR and, must either already comply with the Regulations, or comply by 1st January 2020, depending on the age of the vehicle concerned. It is the responsibility of an operator, or organisations commissioning services, to ensure they are complying with the law, and this letter in no way represents legal advice.

We have recently become aware many providers of fully paid-for and mixed home-to-school services are not in a position to provide compliant services currently, or from January 2020 onwards and that many providers will cease to provide mixed services, rather than secure appropriate vehicles.

DfT Ministers concluded that in these circumstances, the right solution was to offer operators of home-to-school services a temporary exemption from PSVAR to allow them

to become compliant. In making this decision, Ministers took account of the implications of these services ceasing for both pupils and local authorities, as well as the importance Ministers place on ensuring that transport services are accessible to both disabled and non-disabled people. Given the short timescale before the 1st January 2020 deadline, we have decided to communicate this decision at this stage, despite the pre-election period. We would remind local authorities that they are also bound by pre-election rules in making statements on this topic.

Eligibility

Exemptions will be available on services providing home-to-school transport using vehicles covered by the regulations, which are either non-compliant now or will not be compliant after 1st January 2020. In addition, exemptions will only be available where no more than 20% of the seats on the vehicle are sold, rather than being used by children entitled to free services, or left vacant. Full details of the requirements to qualify for exemptions can be found at Annex A below.

Length of exemption

The initial temporary exemption will run until 31st December 2021 (irrespective of the date on which it is awarded).

We hope that this two-year exemption will provide enough time for local authorities and other providers to arrange for fully integrated services. However, in the event that this is insufficient, we will consider extending the exemption for up to a further two years, to 31st December 2023, for up to half of the services of any given provider. Applications for such exemptions will be invited closer to the time.

How to apply

Please complete the spreadsheet supplied alongside this letter and email it to HomeToSchoolExemptions@dft.gov.uk by 23:59 on 13th December 2019. Applications received by 13th December 2019 will be processed with the aim of issuing certificates of exemption by 31st December. Any applications received after this date, including corrections or requests for additional exemptions, will be processed as quickly as possible following those received by the 13th December deadline.

When an exemption is issued, it will direct you to the terms and conditions under which it is issued, and we would encourage you to read them thoroughly as they may in any respect supplant the terms set down in this letter.

If you have any questions which are not answered in this letter or the application spreadsheet please email HomeToSchoolExemptions@dft.gov.uk and we will endeavour to respond as swiftly as possible.

Annex A: Application and Exemption Requirements

A. Application requirements

1. Local authorities, schools and colleges which commission or provide home to school transport (“Applicants”) may apply for full exemptions from Schedules 1 to 3 of the Public Service Vehicles Accessibility Regulations 2000 (“PSVAR”) for any vehicle which:
 - a. Is used to provide transport for pupils to travel from home to their school or Further Education institution (“Home to School Transport”);
 - b. Is designed to carry more than twenty-two passengers; and
 - c. In providing Home to School Transport services relevant to the application, has no more than twenty percent of all its passenger seats made available for passengers who have paid a fare.
2. In this context a fare has been paid regardless of whether it is paid per journey or for multiple journeys, and regardless of whether it is paid directly to the vehicle Operator, the Applicant or another organisation or person.
3. For any chance of exemption certificates to be issued by the 31st December 2019 valid applications must be received by the deadline of 23:59 on 13 December 2019. Valid applications received after this deadline will still be processed, but only after those applications received by the deadline.
4. A maximum of one initial application will be accepted per Applicant, for consideration in line with the aim of issuing exemption certificates by 31 December 2019. Further applications will be dealt with consistent with applications received after the deadline.
5. To be valid, applications must be made on the attached spreadsheet in accordance with the application guidelines in the Guidance sheet, and must be emailed to HomeToSchoolExemptions@dft.gov.uk with the subject line “HTSx Application: [Name of Applicant]” – where “Name of Applicant” is the official name of the Applicant.
6. Application spreadsheets which are locked for editing, where the format has been changed substantially, saved in a format other than .xls, .xlsx, or .csv, or which otherwise cannot be read readily by the Department, will be rejected.
7. By including the details of vehicles and operators in the application spreadsheet Applicants certify that they have the explicit permission of the respective operators to apply for an exemption on their behalf.
8. By submitting an application, Applicants also confirm that they understand and agree that any information submitted will be used for the purposes of:
 - a. Processing exemption requests and providing exemption certificates;
 - b. Communicating with the Applicant or operator regarding the application, future applications, and other matters concerned with the application of accessibility Regulations to buses and coaches;

- c. Providing details of exempt vehicles to the Driver and Vehicle Standards Agency (DVSA), and for vehicles operating in London, to Transport for London; and
- d. Collating statistics regarding the application of accessibility Regulations to buses and coaches, and exemptions applied for and granted.

B. Example Exemption Requirements

1. Upon receipt of a valid application, received by 23:59 on 13th December 2019 (“the deadline”) the Department will issue an exemption certificate, known as a “Special Authorisation”, valid until the expiry date and in accordance with the conditions specified.
2. The exemption will expire no later than 23:59 on 31st December 2021, after which point the respective vehicle must either be covered by a further exemption, conform with PSVAR or cease providing services within the scope of PSVAR.
3. Applicants must ensure that the exemption certificate is made available to respective vehicle operators before the 1st January 2020, or for exemptions issued after this date, immediately upon receipt.
4. Vehicle operators should be advised to carry copies of relevant exemption certificates onboard any vehicle granted an exemption under this scheme, and to make such certificates readily available to any vehicle inspector or other official enquiring as to the vehicle’s conformity with PSVAR.
5. To be clear, exemptions will be valid only when the named vehicle is operating the service indicated on the certificate, and when 20% or less of all passenger seats are occupied by passengers for whom a fare has been paid.