



Llywodraeth Cymru  
Welsh Government

# Justice System Impact Identification

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Form

## Overview

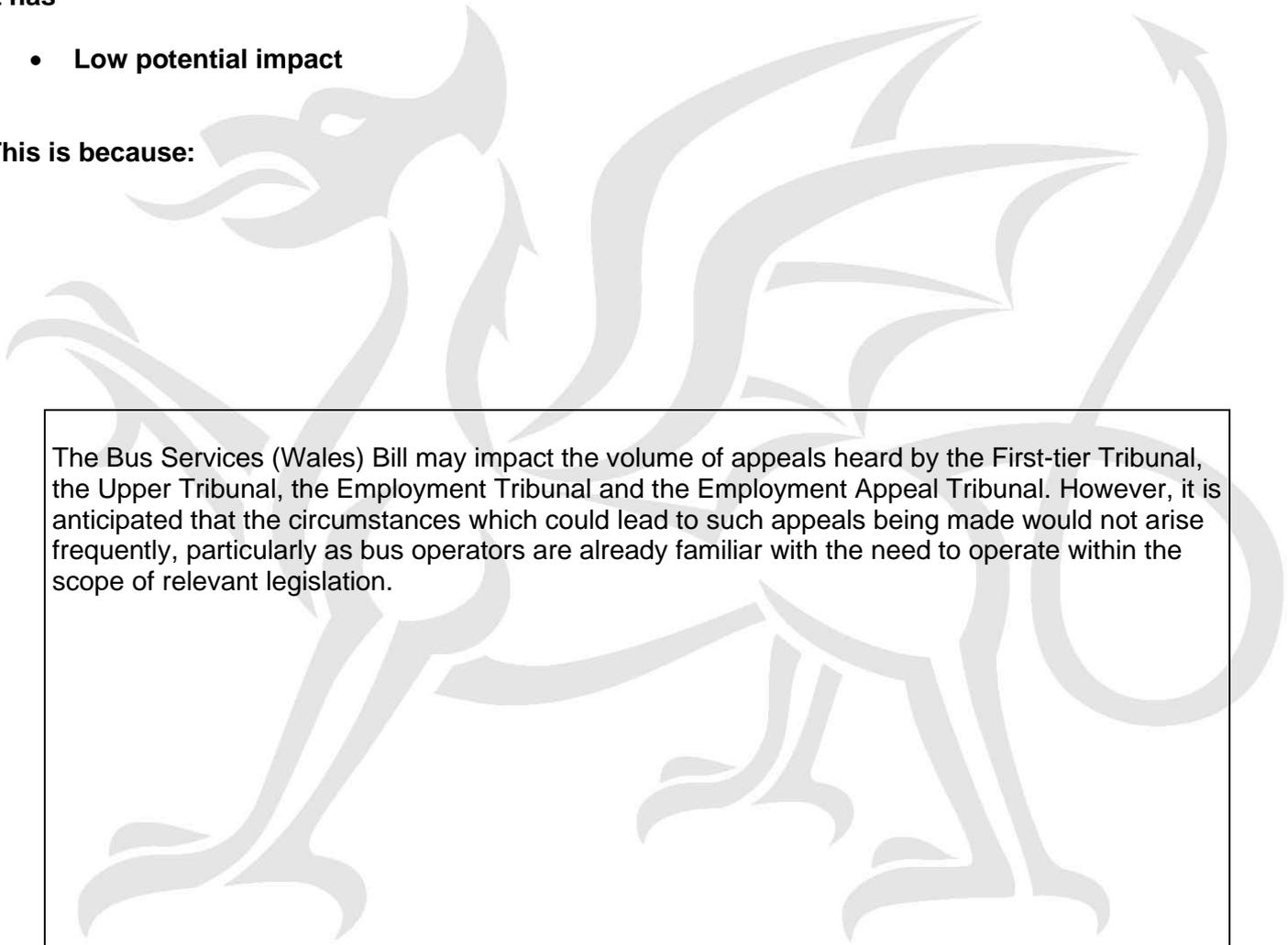
Welsh Government officials are submitting this form

- For information and discussion about the implications

The Welsh Government's assessment of the impacts of this legislation on the justice system is that it has

- Low potential impact

This is because:



The Bus Services (Wales) Bill may impact the volume of appeals heard by the First-tier Tribunal, the Upper Tribunal, the Employment Tribunal and the Employment Appeal Tribunal. However, it is anticipated that the circumstances which could lead to such appeals being made would not arise frequently, particularly as bus operators are already familiar with the need to operate within the scope of relevant legislation.

**1. Bill Title**

1.1. Working title of Bill

Bus Services (Wales) Bill

**2. Policy lead contact details**

2.1. Name / Job Title

[Redacted]

2.2. Department / office / business area

Public and Integrated Transport, Transport and Digital Connectivity Directorate

2.3. Telephone number

[Redacted]

2.4. Email address

[Redacted]

2.5. a) Date of submission of this form

Date of Submission:  
27 January 2025

2.6. b) When is a response required?

Response Requested by:  
ASAP

**3. Additional contact details**

3.1. Legal Contact

[Redacted]

3.2. Telephone number

[Redacted]

3.3. Email address

[Redacted]

**4. General information**

4.1. Please provide a) contact details of your lead official for the appraisal of costs or savings and;  
b) the Justice Policy lead if known.

[Redacted]

4.2. Have you notified the judicial office of your proposals by completing Desk Instruction 7? (please seek advice from your legal advisors)

Yes (in progress)

No (please explain why)

4.3. In brief, what is your proposal? (no more than half a page) (*This information is provided to help MoJ officials to understand the intent of the proposed change in order to be able to comment as fully as possible on its potential impacts*).

The Bus Services (Wales) Bill will place a duty on Welsh Ministers to determine services that are required for the purpose of safe, integrated, sustainable, efficient and economic transport in Wales. The Welsh Ministers will be under a duty to secure these local bus services, so far as reasonably practicable. The local bus services may be secured in the three ways listed below, or by reliance on certain existing types of services.

- a. **Franchising** - entering into local bus service contracts with operators to provide services in line with wider procurement law.
- b. **Direct provision** of local bus services by the Welsh Ministers.
- c. **Permitting** - operators may apply to the Welsh Ministers for local bus service permits to provide local bus services.

The Welsh Ministers must also prepare and publish the Welsh Bus Network Plan (“the Plan”), setting out the routes, and principal embarkation and disembarkation points that they consider are required for the purpose of the provision of those local bus services.

Insofar as relevant for the purpose of this form, specific provision will be included to:

- a. Enable the Welsh Ministers to grant local bus service permits, attach conditions to the permits, and revoke or suspend permits on certain grounds. There will be a right to appeal to the First-tier Tribunal against: the Welsh Ministers’ refusal to grant a permit, conditions attached to a permit, the revocation of a permit, the suspension of a permit, the length of the suspension, or the conditions that are required to be met before the expiry of the suspension. The First-tier Tribunal may then uphold the decision which is the subject of the appeal, quash it, or substitute it for another decision.
- b. Prohibit local bus services except those provided directly, or under a contract, permit, or other specified exception. This is referred to as “the restriction”. The Bill will enable sanctions to be imposed where services are operated in breach of the restriction. There will be a right to appeal to the Upper Tribunal against such sanctions. The Upper Tribunal may then uphold, quash or substitute the order providing for the sanction.
- c. Enable the Welsh Ministers to issue notices to certain persons, and make regulations, which require specified information in relation to local bus services to be provided to the Welsh Ministers. The Bill will enable sanctions to be imposed for failure to comply with a notice or the regulations. There will be a right to appeal to the Upper Tribunal against the sanctions. The Upper Tribunal may then uphold, quash or substitute the order providing for the sanction.
- d. Require regulations to specify circumstances arising as a result of the Bill which should be treated as “relevant transfers” so that the Transfer of Undertakings (Protection of Employment) Regulations 2006 (“TUPE”) will apply in those cases. TUPE itself provides for complaints to be made to the Employment Tribunal and Employment Appeal Tribunal in certain circumstances. Although the Bill itself does not affect appeal rights under TUPE, it does confirm circumstances in which TUPE (and therefore those appeal rights) will apply.

4.4. Please indicate when you will be undertaking a post-implementation review of this legislation and the enforcement actions arising from it.

An evaluability assessment will be undertaken before implementing the scheme to develop recommendations on an appropriate programme to evaluate the Bill's implementation and impact. This includes developing a robust theory of change and detailed logic model, setting out what outputs, outcomes and impacts are expected to occur, and then testing and refining the assumed connections between the 'franchising' model and the anticipated impacts. The evaluability assessment will set out the detail of how these criteria will be monitored and evaluated.

As part of this an independent process of evaluation will be undertaken during the first two to five years of the Bill becoming law. This will assist with reporting the progress made in implementing the rollout of the 'franchising' of bus services. The process evaluation should focus on how the franchising model has been implemented in each area, the role of key partners in delivering its objectives, looking particularly at the role that the 'transition' phase has had on those that are impacted by the legislation e.g. bus users, bus operators and local authorities

Additionally, an independent impact evaluation will be conducted between the three-year and seven-year anniversary of the legislation receiving Royal Assent to determine whether the legislation has had the desired impact on objectives. For instance, short term objectives include the improved planning of bus services, and co-ordinated timetables.

Building on from the impact element of the evaluation, a value for money (VfM) assessment of the new legislation will be estimated. This will look to include potential users' benefit in terms of time savings, costs and quality of the journeys from the network redesign, integrated fare, services and other factors. Further social impacts related to congestion, health, accidents, carbon emission, air pollution and noise impacts are also expected to be included. The revenue and capital costs of the system for securing bus services will be assessed against the current provision as a baseline or business as usual comparator. The VfM assessment is anticipated to be carried out between years three and ten following Royal Assent.

The Post Implementation Review does not explicitly mention specific enforcement actions; however, this will be considered as part of the evaluability assessment.

4.5. Is this legislative proposal similar in any way to legislation being brought forward in England? If so, please name that legislation and identify below any ways in which the legislation brought forward in Wales will differ.

If the legislation has no substantive difference from that in England, there may be no need to complete all parts of the JSII form.

Bus franchising powers for mayoral combined authorities in England, outside of London, were created in the Bus Services Act 2017. The UK Government has also recently introduced secondary legislation which gives other authorities across England new powers to run their own bus services. This means that local leaders across the country can deliver services in a way that suits the needs of their communities.

In addition to this, the UK Government's Bus Services (No. 2) Bill is intended to simplify the process of franchising and facilitate greater uptake across England, as well as lifting existing restrictions on certain bodies establishing municipal bus companies. It is also intended to support those councils who don't want to franchise services in their areas but do want more flexibility to manage them.

In Wales we are taking a different approach to implementing improvements to our bus service network by legislating for an integrated planning and delivery model at a national level.

Welsh Government officials are in contact with colleagues in DfT to share good practice and to understand how the two models will work in relation to cross-border services.

Though the approach in Wales differs from that in England, our objectives are similar, including the desire to provide a more local contribution to planning bus networks and legislating to lift existing restrictions on local authorities from establishing bus companies.

4.6. Please specify the name of any other related legislation. How do you expect the relevant provisions of this (new) legislation to be enacted?

Where commencement on a specific date is not provided for in the Bill, it is proposed that the provisions in the Bus Services (Wales) Bill will be rolled out across Wales on a phased basis geographically using commencement orders.

While most of the provisions in the Bill are standalone, it does make some amendments to the Transport Act 1985, in relation to registration, and local authorities' duties and powers in relation to local services.

4.7. Please indicate the anticipated date when a) the legislative changes are expected to come into force and b) the date when the first anticipated impact on the justice system will arise.

- a) The Bill is expected to receive Royal Assent in January 2026. Whilst some of the key duties around developing the Plan are expected to come into force two months later, officials anticipate that key provisions which could have an effect on the justice system will be commenced by order in time for the first contracts to be implemented, anticipated to be in 2027 in some areas of Wales.
- b) It is difficult to explicitly state a date when the first anticipated impact on the justice system will arise, especially given that the main impact on the justice system will be on an appeals basis. Officials anticipate low levels of appeals based on numbers under legislation relating to the provision of bus services in London. There is potential for the impact of the justice system to arise during rollout of franchising, meaning that limited impact on the justice system could arise from 2027 onwards.

4.8. If altering or introducing an offence, sanction or penalty, which of the following groups will the proposal affect and in what circumstances? (Tick all that apply)

- Individuals
- Private Institutions (e.g. Businesses)
- Public Institutions (e.g. Government Departments)

Any individuals, or private or municipal businesses, who fail to comply with specified requirements in the Bill could face enforcement measures.

4.9. Does your legislation only have impact in Wales or are you working jointly with other administrations? Tick all that apply and provide brief details as appropriate, including whether your proposal will create different laws in Wales compared to England, Scotland and / or Northern Ireland.

Please note that, with the exception of the devolved tribunals, the MoJ administers the justice system in England and Wales only. Please talk directly to the MoJ devolution unit if you anticipate your proposal could have an impact on courts or prisons in Scotland or Northern Ireland.

- Wales only
- England
- Scotland
- Northern Ireland
- Other (Please Specify)

The legislation will only apply in Wales, although cross-border bus services will be impacted.

The legislation will lead to franchised bus services similar to those in place in London. However, the provisions are very different to those in place in parts of England. For example, the franchising regime in London operates under the Greater London Authority Act 1999 (“the GLA 1999”) and section 180 of the GLA 1999 includes a criminal offence of breaching the provision which is equivalent to the restriction in the Bus Services (Wales) Bill. The proposed legislation does not contain an equivalent underpinning criminal offence.

Officials consider that civil sanctions will have sufficient deterrent value and would protect those who are operating legitimately under the new regulated bus regime.

4.10. If your legislation could directly impact visitors to Wales or other people not normally resident in Wales, or if your legislation is significantly different from elsewhere in England, Scotland or Northern Ireland;-

- a) what arrangements have you made to ensure ongoing awareness raising of the different legislative approach on this issue in Wales?
- b) what will be the implications on the enforcement agencies of taking forward action against individuals not usually resident in Wales?

The proposed legislation may impact those regular visitors to Wales who utilise cross-border services if the Plan amends the routes on the Welsh side of the border. The purpose of the proposed legislation is to improve efficiency and connectivity of services so the likelihood is that the impact will be positive.

The proposed legislation, in terms of sanctions, would not directly impact visitors to Wales. The sanctions would impact operators who could be based across the UK but to be affected they would need to be providing bus services in Wales.

Operators and potential operators within Wales have been given the opportunity to engage with the Welsh Government and Transport for Wales to be informed of the intended legislative approach and of its implementation. As part of this engagement operators and potential operators will be made aware of the restriction and related enforcement provision. As mentioned above, operators are already familiar with the need to provide bus services within the scope of relevant legislation and the risk of sanctions for failure to do so.

#### 4.11. What are the options under consideration and how does this change the existing situation?

The legislation will create a new system for running local bus services in Wales, so the existing situation will change quite substantially.

The options in terms of enforcement that have been considered are:

- 1) Do nothing – if no enforcement action was taken against those who breached the restriction and data provisions, then this would undermine the aim and objectives of the bill.
- 2) Impose criminal sanctions - Officials considered applying a criminal sanction on those who breached the restriction, or breached the data requirements, but this was considered disproportionate to the offence. This resulted in the conclusion that civil sanctions would be more appropriate in terms of being more proportional to the offence and less burdensome to apply.
- 3) Imposing financial penalties – This is the proposed approach as it is the most proportionate. Financial penalties are a common form of penalty that are widely used in the industry.

#### 4.12. If you are creating a new civil sanction or penalty which court or tribunal, in your opinion, should deal with it?

A traffic commissioner may make orders imposing sanctions on those operating a service in breach of the restriction or failing to comply with requirements to provide information. Appeals against the making of such orders by a traffic commissioner would be directed to the Upper Tribunal.

Officials consider the Upper Tribunal the most appropriate appellate body in the circumstances of appealing a decision made by a traffic commissioner. This reflects the position of section 155(6) of the Transport Act 2000 and also other legislation where the right to appeal a decision of a traffic commissioner is similarly directed to the Upper Tribunal.

### **Criminal Offences and Civil Penalties and Sanctions**

#### 4.13. Which of the following are you creating / amending? (Tick all that apply)

Civil Sanctions

- Fixed Penalties
- Civil Orders
- Criminal Sanctions
- Criminal Offences
- Other (Please Specify)

4.14. If you are creating a criminal offence, is it:

- Summary Only (heard before a bench of lay magistrates / judge only)
- Triable Either Way
- Indictable Only (heard before a judge and jury)

In cases where the maximum penalty is to be an unlimited fine, and a triable either way offence is warranted, please explain why a summary only offence is not considered appropriate. This is especially relevant if few, if any, cases are anticipated.

N/A. No criminal offence is being created.

4.15. If you are creating provisions which provide for civil sanctions, have the Welsh Ministers consulted the relevant Secretary of State?

Discussions are ongoing with colleagues in DfT.

4.16. Enforcement

This section requires you to demonstrate how your legislation will be enforced and what specific discussions you have held with enforcement agencies. You must show that you have identified whether there will be an increased or reduced need for enforcement action as a result of your legislation, what any cost implications of enforcement will be and how any new or additional costs will be funded.

**Have you advised the Welsh Government Police Liaison Unit of your proposals?**  
[PLU@gov.wales](mailto:PLU@gov.wales)

- Yes
- No (please explain why in the box below)

**If you consider prosecution will be needed in a criminal court, have you consulted with the Crown Prosecution Service?** [Cymru-Wales.ABC@cps.gov.uk](mailto:Cymru-Wales.ABC@cps.gov.uk)

- Yes
- No (please explain why in the box below)

A criminal offence is not being created here; therefore, it is not relevant to consult with the Welsh Government Police Liaison Unit or the CPS.

The Welsh Ministers and traffic commissioners will be responsible for enforcement of the Bill.

4.17. What is the anticipated number of cases per year? Please provide details of any evidence of assumptions on which estimates are based.

The anticipated number of cases per year is low.

This assumption has been made based on section 155 of the Transport Act 2000, which we have used for comparative purposes as the provisions are comparable to the provisions in our legislation. Section 155 of the Transport Act 2000 details the sanctions that the Traffic Commissioner can impose on operators in circumstances similar to our legislation.

We estimate that the annual number of cases which will arise under our legislation will be between 0-8. This assumption is based on statistics taken from the 2022-2023 and 2023-2024 annual traffic commissioners' report statistics. (Traffic Commissioners: annual report 2022 to 2023 - GOV.UK ([www.gov.uk](http://www.gov.uk)) and (Traffic Commissioners: annual report 2023 to 2024 - GOV.UK ([www.gov.uk](http://www.gov.uk))).

Between 2022-2023, there were only two penalties imposed under section 155 of the Transport Act 2000, with one case being in Wales and the other in the Western Traffic Area. . Also in 2023 -2024 there were three penalties imposed under s155 of the Transport Act 2000, with one case being in Scotland and the others being in the Western Traffic Area, and West Midland Traffic Area. Between 2021-2022, there were no penalties imposed under section 155. However, when considering these statistics, it is important to note that the statistics from 2021/2023 may be lower as they would have been impacted by Covid-19, which affected the bus/transport industry.

Therefore, we may see a higher number of penalties under our legislation as the bus industry returns to pre-pandemic levels. Between 2018-2019, there were 11 cases under section 155 of the Act. Given that the transport/bus industry has changed in response to the pandemic, it is difficult to predict the exact trends that we will see.

4.18. Do you expect proceedings to be heard in the Magistrates' Court, the Crown Court, or a Civil Court? What will the proportions be?

N/A

4.19. Please state the maximum associated fine and/or custodial penalties. In the case of offences involving penalties of a fine or custody, please indicate and explain the circumstances which would result in a custodial sentence upon conviction and the proportion of custodial penalties which will be at the maximum level.

The maximum penalty that a traffic commissioner will be able to impose on an operator for breach of the restriction or information requirements will not be able to exceed the upper limit.

The upper limit is the sum that is calculated by multiplying the total number of vehicles that the person is licensed to use under all the PSV operator's licences held by the person at the relevant time by either—

- (i) an amount specified in regulations, or
- (ii) in the absence of any amount being so specified, £550;

If the operator is not licenced to use vehicles under a PSV operator's licence at the relevant time, then the upper limit is an amount specified in regulations or, in the absence of any amount being so specified, £550.

The relevant time is: in the context of the restriction, the time when the order imposing the sanction is imposed; in the context of a notice requiring information, the time at which the notice was given; and in the context of regulations requiring information, the time at which the person failed to comply with the regulations.

If the person fails to comply with the penalty (or any other order that the traffic commissioner has imposed), the traffic commissioner may impose an additional penalty of any amount that the traffic commissioner thinks appropriate, but it must not exceed 110% of the upper limit.

4.20. Please itemise details of any proxy or current offences and / or penalties on which the proposed penalties are based. If mirroring / comparing existing legislation, ensure that reference is made to the most recent versions of the legislation (via Westlaw, the online legal research service) as this is not always available online. Please refer to page 8 of the JSII guidance on how to obtain data relating to the number of cases brought forward under the legislation you have identified.

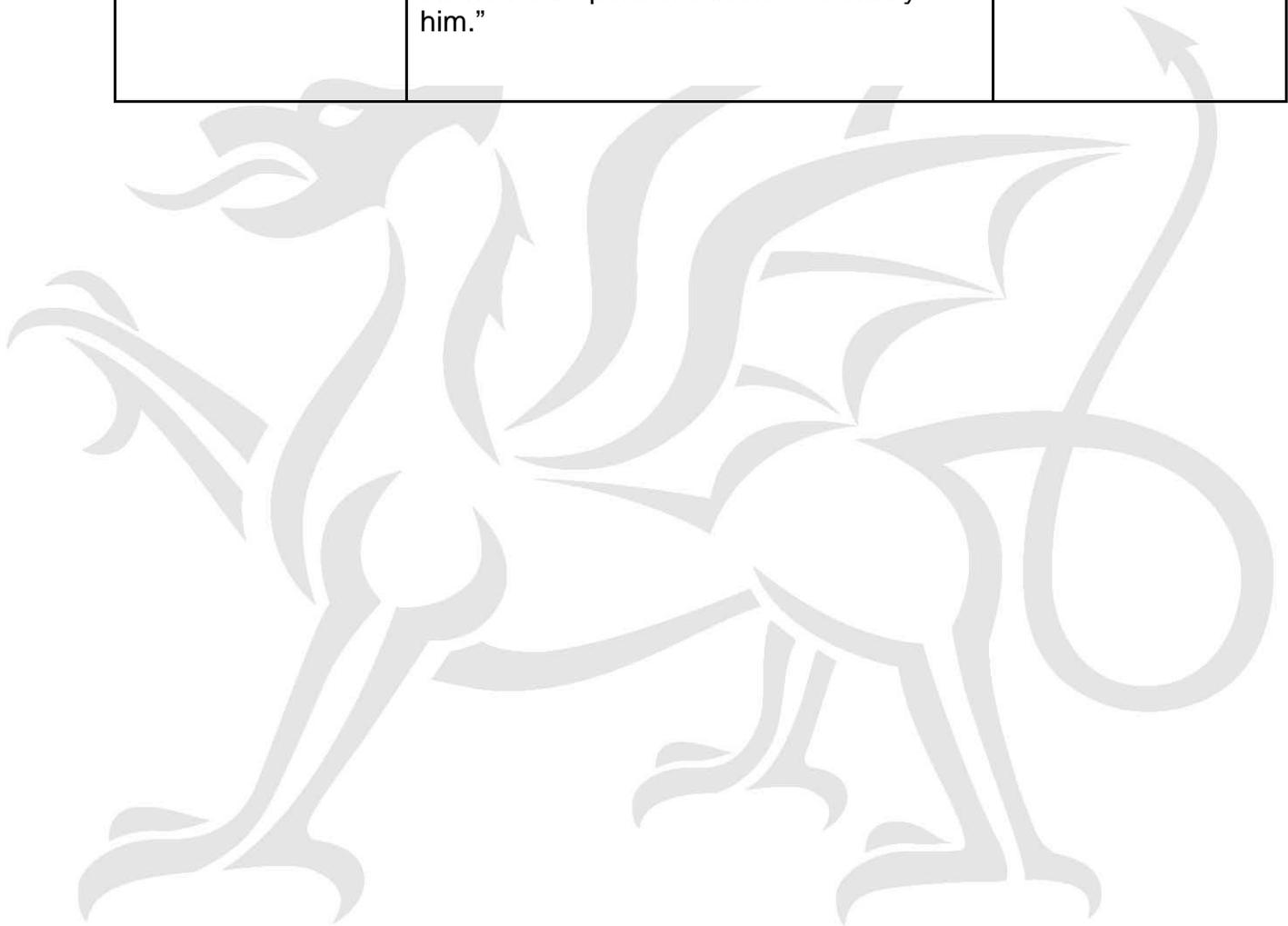
Legislation / Section	Offence	Number of cases
Section 155 of the Transport Act 2000 – Sanctions	<p>Where a traffic commissioner is satisfied that the operator of a local service has, without reasonable excuse failed to comply with a range of specified provisions, the traffic commissioner may make one or more orders under subsection (1A).</p> <p>Subsection (1A) provides for a number of orders including “an order that the operator pay a penalty of such amount as is determined in accordance with subsection (3)”.</p> <p>Subsection (3) provides “The amount mentioned in subsections (1A)(a) and (b) and (1C) is such amount as the traffic commissioner thinks fit in all the</p>	<p>2022-2023 = 2 (one in Wales)</p> <p>2021-2022 = 0</p> <p>2020-2021 = 0</p> <p>2019-2020 = 0</p> <p>2018-2019 = 11 (Three in Wales)</p>

circumstances of the case, but must not exceed —

(a) £550, or

(b) such other amount as the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may by order specify,

multiplied by the total number of vehicles which the operator is licensed to use under all the PSV operator's licences held by him.”



4.21. If you are considering creating a new criminal offence, or amending an existing offence, please confirm that the proposals for the offences and penalties are in line with the available from the [Ministry of Justice guidance](#)  
In the case of an amendment to existing legislation, please confirm its details.

N/A

4.22. What will be the short, medium and lifelong implications for an individual found guilty of this offence, and how is this proportionate to the offence created?

The implications for an individual found guilty of these offences (operating outside of the restriction and not complying with data sharing provisions) are likely to be short term.

As these offences will all be civil sanctions, the type of penalties is likely to be fines.

The sanctions proposed are considered a proportionate response to the provision of a bus service in Wales in contravention of these requirements. While officials do not envisage there being many breaches of the restriction or data provision requirements following roll-out of the new regime, the existence of relevant sanctions should operate as a deterrent, necessary to protect the value of franchised contracts and the wider aims of the Bill.

Furthermore, the creation of civil sanctions, capable of being imposed by traffic commissioners, ensures that the traffic commissioners have a robust set of tools at their disposal to ensure effective administration of their other licensing, regulation and registration powers in relation to buses and bus services in Wales.

4.23. Does this legislation impose any duty on the public sector? If so, please provide your assessment of the likelihood of individuals or businesses taking action against the public sector for non-compliance with this legislation.

This legislation does impose duties on the public sector, particularly the Welsh Ministers' duty to inform a traffic commissioner if there has been a breach of the restriction and the constraints on the ability of the traffic commissioners to impose sanctions.

There is a risk that individuals or businesses could instigate judicial review proceedings against the Welsh Ministers or traffic commissioners for failure to discharge their duties or failure to comply with relevant procedures, as seen in Greater Manchester.

In 2022, Stagecoach and Rotala sought a judicial review in relation to Greater Manchester Combined Authority's introduction of franchising, arguing that the correct processes had not been followed regarding consultations. However, the High Court ruled that the combined authority had followed the correct processes, a decision which was then upheld by the Court of Appeal.

However, the risk of challenge is deemed low. We would seek to mitigate risk of judicial review through transparent market engagement.

## 5. HM Courts & Tribunals Service and the Welsh Tribunals Service

## Estimating the change to caseload of the Courts and Tribunals Service (including devolved tribunals)

- 5.1. Do you expect there to be a change in Court or Tribunals process or an increase / decrease in applications / cases to HM Courts and Tribunals Service and / or the Welsh Tribunals through the creation or amendment of this law? Please provide an estimate of the change to volumes of cases going through the court system as a whole, explain any changes in process and outline the evidence and sources that support these estimates.

Officials do not expect there to be a change in Court or Tribunals process or a significant increase in applications to HM Courts and Tribunals Service under these proposals.

- 5.2. Please confirm if the courts / tribunals would be under any duty to inform any regulatory authorities of any convictions made under this offence.

- No  
 Yes (please provide details)

N/A

### Appeal Rights

- 5.3. Does your proposal create a new right of appeal, onward appeal, or route to judicial review? If so, how do you expect these to be handled (i.e. administered by HM Courts & Tribunals Service or the Welsh Tribunals, and will the appeals be suitable for a virtual hearing)?

- No  
 Yes (please provide details)

Yes, the proposals include provisions to -

- a. Allow operators to appeal to the Upper Tribunal against a decision by a traffic commissioner to make an order enforcing the restriction.
- b. Allow operators to appeal to the Upper Tribunal against an order relating to the withholding of information.
- c. Allow applicants to appeal to the First-tier Tribunal against: the Welsh Ministers' refusal to grant a permit, conditions attached to a permit, the revocation of a permit, the suspension of a permit, the length of the suspension, or the conditions that are required to be met before the expiry of the suspension.
- d. The Bill also requires regulations to specify circumstances arising as a result of the Bill which should be treated as "relevant transfers" so that the Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE") will apply in those cases. TUPE itself provides for complaints to be made to the Employment Tribunal and Employment Appeal Tribunal in certain circumstances. Although the Bill itself does not affect appeal rights under TUPE, it does confirm circumstances in which TUPE (and therefore those appeal rights) will apply.

- 5.4. Who will hear appeals arising from any enforcement action undertaken under the proposed legislation?

- UK First-Tier Tribunal
- UK Upper Tribunal
- Welsh Appeal Tribunal
- Magistrates Court
- Crown Court
- Other (please provide details)

5.5. Do you expect to expand an existing jurisdiction or establish a new tribunal jurisdiction? If so, has this been discussed with the Welsh Tribunals Unit / Ministry of Justice?

The information provided earlier in this form indicates the new types of cases that would be heard by the First-tier Tribunal, Upper Tribunal, Employment Tribunal and Employment Appeal Tribunal. There is no expectation that a new tribunal jurisdiction would be established.

5.6. What costs do you anticipate will be incurred and does your policy division have the necessary funding in place to set up the proposed enforcement regime and appeal mechanisms within the Welsh Tribunal structure?

N/A because we aren't setting up a new regime or appeal mechanism within the Welsh Tribunal structure.

5.7. When do you anticipate your proposed legislation will be implemented and the first appeal hearings will be heard?

It is anticipated that the Bill will receive Royal Assent in January 2026. The key provisions which could have an effect on the justice system will be commenced in time for the first contracts to be implemented, which is anticipated to be in some areas of Wales from 2027.

**Alternative Dispute Resolution**

5.8. To what extent could the use of alternative dispute resolution (ADR) procedures (including mediation) be appropriate? How will success in ADR be measured?

ADR is inappropriate in the context of our legislation.

Our proposed sanctions are to deal with breaches of the restriction or failure to comply with data provisions, so those who breach these should be penalised accordingly. ADR would not be a viable or practical way to deal with this.

Any disputes that arise regarding contractual matters etc can be dealt with by contract law.

## Prosecution and Enforcement

5.9. If the proposal is to add a new offence, will the Crown Prosecution Service act to prosecute defendants? If not, please identify who will prosecute.

The Bill does not create any new offences which require prosecution.

5.10. Will the proposal require enforcement mechanisms for civil debts, civil sanctions or criminal penalties? If yes, who do you expect to enforce these?

Where a traffic commissioner imposes a financial penalty for failure to comply with the restriction or requirements to provide information, the Bill provides that an amount ordered to be paid is recoverable on the order of a court as if payable under a court order.

## HMCTS Procedural Rules, Sentencing and Penalty Guidelines

5.11. Do you anticipate that Court and/or Tribunal procedural rules will have to be amended? If so, when is the likely date for the changes?

N/A

5.12. Will the proposals require sentencing and / or penalty guidelines to be amended?

N/A

## 6. Legal Aid and Court Fees

6.1. What evidence is there that individuals affected by your proposal will be able to secure and afford:

- a) legal representation and legal advice in order to secure a fair hearing of their case
- b) associated court fees

What legal costs for a typical case could each party bear and what provisions exist for a party found innocent to recover all or any of their legal costs?

- a) Individuals and organisations affected by these proposals (operators) are likely to be able to secure and afford their own independent legal representation and legal advice in order to secure a fair hearing for their case.
- b) It is likely that they will also be able to afford the associated court fees.

It is not anticipated that these cases would be lengthy or complex in nature.

6.2. Once implemented, is your proposal likely to require individuals to seek legal advice and to apply for legal aid in any of the following areas? In each case please provide supporting evidence.

- Criminal
- Civil (including Family)
- Asylum
- Legal aid not available (please provide supporting evidence)

Individuals are not able to seek civil legal aid under these proposals as the offences do not fall in to any of the categories under the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

6.3. If legal aid may be affected, would legal aid costs increase or be reduced (and by what margin)?

N/A

## 7. Prisons and Offender Management Services

### Impact on HM Prison Services

7.1. Will the proposals result in a change in the number of offenders being committed to custody (including on remand) or probation (including community sentences)? If so, please provide an estimate and reasoning behind it, an estimated timeframe to reach this number of sentences, what evidence this is based on, and the source for your information.

No. This proposal does not create a criminal offence, only civil sanctions.

7.2. Does the proposal create, remove or change an existing offence with a custodial or probationary sentence, or change the way offenders go through the prison / probation service? If so, please provide details, including the expected impact on probationary services.

N/A

## 8. Main Justice System Impacts Identified

### 8.1. Volumes (please lengthen if necessary):-

NB in all cases, assume an average annual figure or make clear if a different timespan is being considered. Where there may be significance variance from average in the first years of implementation, please add additional information in the notes below.

Identify the court or tribunal or MoJ service that will be affected by this proposal?	Volumes (please provide both numeric estimates and min-max ranges)	Type (e.g. prison place, tribunal hearing, fixed penalty, etc.)	Additional Information
Criminal Offences and Sanctions	N/A	N/A	
Civil Penalties	0-8	Fixed penalty Tribunal hearing if appealed	
HM Courts & Tribunals Services	0-3 0-2	Permitting (application refusal) - Tribunal hearing if appealed TUPE - Tribunal hearing	It is estimated that circa 0.5% of 100-300 TUPE cases per year will result in tribunal claims.
Welsh Tribunals	N/A	N/A	
Legal Aid	N/A	N/A	

### 8.2. Prisons and Offender Management Services (lengthen if necessary, only complete if maximum penalty is something other than a fine):

Offence	Maximum Penalty	No. of prosecutions brought per annum (numeric estimate and min-max range)	Likely proportion sentenced to immediate custody	Likely average custodial sentence length given
N/A				
Notes:				

**Please be aware that any costs or savings identified as a result of any changes to the justice system /additional work must be factored into the financial assessment of your legislation.**

