

EXPLANATORY MEMORANDUM TO

The Bus and Coach Passengers Rights and Obligations (Designation and Enforcement) Regulations (Northern Ireland) 2014

SR No. 180

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. Regulations to give effect to exemptions available to EU Member States under Articles 2(4) and (5) and 16(2) of Regulation (EU) No. 181/2011 of the European Parliament and of the Council of 16 February 2011 ("Regulation 181/2011") concerning the rights of passengers in bus and coach transport and amending Regulations (EC) No. 2006/2004 . This is directly applicable in Member States.

3. Background

- 3.1. Regulation 181/2011 came into force on 1 March 2013 and is directly applicable to Member States. The Regulation which mainly applies to journeys over 155 miles sets out the responsibilities of operators and terminal owners in the case of delay, cancellation, accidents and other issues affecting passengers, including disabled passengers and passengers with reduced mobility.
- 3.2. These Regulations put in place the enforcement measures needed to ensure compliance with Regulation 181/2011 and give effect to exemptions available to EU Member States under Articles 2(4) and (5) and 16(2) of the Regulation.
- 3.3. Regulation 2 designates the Department of the Environment as the body responsible for the enforcement of Article 28(1) of Regulation 181/2011.
- 3.4. Regulation 3 sets out how complaints concerning an alleged contravention of Article 28(3) of Regulation 181/2011 will be dealt with.
- 3.5. Regulation 4 implements Article 2(4) of Regulation 181/2011, which permits Member States, on a transparent and non-discrimatory basis, to exempt domestic regular services from the application of specified aspects of the Regulation for a maximum of four years (which may be renewed once).
- 3.6. Regulation 5 implements Article 16(1)(b) of Regulation 181/2011, which permits Member States to exempt drivers from certain disability related requirements for a maximum of five years.

4. Consultation

4.1. A consultation was carried out between 21 February 2014 and 21 March 2014. No issues were raised.

5. Equality Impact

5.1. The proposals were subject to an Equality Impact Assessment (EQIA) screening. As a result of the screening it was considered that a full EQIA was not required as the proposal did not impact negatively on any of the groupings identified by section 75 of the Northern Ireland Act 1998.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment was carried out and signed on 15 May 2014.

7. Financial Implications

7.1. No significant financial implications have been identified.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department has considered the matter of Convention rights and Community law and is satisfied that the proposed statutory rule is not incompatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable

10. Parity or Replicatory Measure

10.1. The introduction of the Bus and Coach Passengers Rights and Obligations (Designation and Enforcement) Regulations (Northern Ireland) 2014 will bring the position with carriers in Northern Ireland broadly into line with GB.

11. Additional Information

11.1. Not applicable