

## **Explanatory Memorandum To**

### **The Public Passenger Transport (Service Agreements and Service Permits) Regulations (Northern Ireland) 2015**

**S.R. No. 285**

#### **1. Introduction**

- 1.1 This Explanatory Memorandum has been prepared by the Department for Regional Development to accompany The Public Passenger Transport (Service Agreements and Service Permits) Regulations (Northern Ireland) 2015 which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under powers conferred by sections 1(9), 2(1), 2(3), 4(2), 4(3), 5(1), 8(2), 13(1) and (6), 14(2), 14(3), 14(4), 15, 45(1), (2) and (7) of the Transport Act (Northern Ireland) 2011 and is subject to negative resolution procedure before the Assembly.

#### **2. Purpose**

- 2.1 The purpose of these Regulations is to lay down the rules for Part 1 of the Transport Act (Northern Ireland) 2011 in relation to the provision of public passenger transport services and do so in accordance with the requirements of Commission Regulation (EC) No. 1370/2007 on public passenger transport services by rail and road.

#### **3. Background**

- 3.1 These Regulations provide arrangements for the introduction of service agreements and a service permit system which has been designed to complement public passenger transport services provided under service agreements.

#### **4. Consultation**

- 4.1 The Department has completed an extensive consultation exercise in relation to the Statutory Rule. A range of stakeholders responded to the consultation. The Department has formally responded to all of the consultees.

## **5. Equality Impact**

- 5.1 As part of the consultation on these legislative proposals the Department has written to all those parties in accordance with the Departments Equality Scheme. The Consultees attention was drawn to the Section 75 criteria and their views sought on any potential impacts that may arise from the implementation of these legislative proposals. The Department has considered the proposed legislative provisions against the Section 75 criteria and the responses to the consultation process and in conjunction with the Equality Unit and the Human Rights Unit has screened out the requirement for an Equality Impact Assessment in relation to these legislative proposals.

## **6. Regulatory Impact**

- 6.1 The Department has considered the proposed legislative provisions against the criteria for regulatory impact and concluded that this is not required for these legislative proposals.

## **7. Financial Implications**

- 7.1 There are no significant financial implications arising from the proposals and a regulatory impact assessment is not required.

## **8. Section 24 of the Northern Ireland Act 1998**

- 8.1 There are no implications arising in relation to Section 24 of the Northern Ireland Act 1998.

## **9. EU Implications**

- 9.1 These Regulations were notified in draft to the European Commission in accordance with Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services.

## **10. Parity or Replicatory Measure**

- 10.1 Not applicable to this Statutory Rule.

## **11. Additional Information**

11.1 The Provisions of the Order are as follows –

**Regulation 3 and Schedule 1** set out what may be dealt with in a service agreement.

**Regulation 4(1) and Schedule 2** put in place the review provisions for service agreements which are directly awarded.

**Regulation 4(2) and Schedule 3** put in place the review provisions for competitively tendered contracts.

**Regulation 5 to 11 and Schedule 4** set out the necessary requirements for the implementation of the service permit system, put in place by the Act, which is designed to allow for public passenger transport services to be provided alongside those provided under a service agreement, as described in regulation 3.

**Regulation 12** sets out the category of service which is to be treated as exempt from the service permit system.

**Department for Regional Development**