

## **EXPLANATORY MEMORANDUM TO**

### **The Bus and Coach Passengers Rights and Obligations (Designation and Enforcement) (Amendment) Regulations (Northern Ireland) 2017**

**S.R. No. 127**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department for Infrastructure 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. The purpose of the Regulations is to amend the Bus and Coach Passengers Rights and Obligations (Designation and Enforcement) Regulations (Northern Ireland) 2014 ("the 2014 Regulations") to extend exemptions under Article 2(4) of Regulation (EU) No. 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning rights of passengers in bus and coach transport and amending Regulations (EC) No. 2006/2004 ("Regulation 181/2011").

#### **3. Background**

- 3.1. Regulation 181/2011 which came into force on 1 March 2013 is directly applicable to Member States. The Regulation which mainly applies to journeys over 155 miles sets out the responsibilities of industry participants in the case of delays, cancellations, accidents and other issues affecting passengers, including disabled passengers and passengers with reduced mobility.
- 3.2. Article 2(4) of Regulation 181/2011 permits Member States, on a transparent and non discriminatory basis, to exempt domestic regular services from the application of that Regulation for a period of 4 years, which may be renewed once.
- 3.3. The exemptions were given effect by regulation 4 of the 2014 Regulations for an initial 4 year period which expired on 28 February 2017. These Regulations amend regulation 4 to extend the exemption of domestic regular services until 28 February 2021.

#### **4. Consultation**

- 4.1. A consultation was carried out between 21 February 2014 and 21 March 2014 and no issues were raised. The intention to avail of all exemptions permitted by Regulation 181/2011 was indicated at that time. The Department does not therefore consider it necessary to consult on the renewal of the relevant exemptions.

## **5. Equality Impact**

- 5.1. The 2014 Regulations were subject to an Equality Screening Exercise. As no equality implications were identified for any section 75 groups, it was considered that a full Equality Impact Assessment was not required. The Department considers that the position remains unchanged.

## **6. Regulatory Impact**

- 6.1. A Regulatory Impact Assessment (RIA) was carried out in relation to the 2014 Regulations. As the purpose of these Regulations is to extend exemptions already applied by the 2014 Regulations a further RIA was not considered necessary.

## **7. Financial Implications**

- 7.1. None

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

- 8.1. There are no matters of concern relating to compatibility with section 24.

## **9. EU Implications**

- 9.1. Not applicable

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

- 10.1. The equivalent GB legislation is contained in the Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) (Amendment) Regulations 2017 (S.I. 2017/99).

## **11. Additional Information**

- 11.1. Not applicable