

EXPLANATORY MEMORANDUM TO

S.R. 2019 No. 15

The Railways Infrastructure (Access, Management and Licensing of Railway Undertakings) (Amendment) Regulations (Northern Ireland) 2019.

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 (Northern Ireland) 1972 and is subject to negative resolution procedure.

2. Purpose

These Regulations are required to amend the Railways Infrastructure (Access, Management and Licensing of Railway Undertakings) Regulations (Northern Ireland) 2016 (S.R. 2016 No. 420), in order to take account of the EU Directive 2016/2370. These amendments relate to the field of railway infrastructure.

3. Background

The Regulations make amendments to the 2016 Regulations (S.R. 2016 No. 420), in relation to railway infrastructure and takes account of the requirements of the EU Directive 2016/2370. The provisions include changes to the infrastructure manager's functions, financial transparency, coordination mechanisms and capacity rights. Other minor amendments are made relating to appeals, regulatory decisions concerning passenger services and monitoring rail service markets.

4. Consultation

As the amendments proposed by this Instrument are being made to transpose amendments arising from the UK's current responsibilities within the EU, and do not provide for material change to day to day operations, It was considered that there was no requirement for formal consultation on the proposed amendments

5. Equality Impact

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, has screened out the requirement for an Equality Impact Assessment in relation to these legislative proposals.

6. Regulatory Impact

The Department has considered the proposed legislative provisions and has identified no costs associated with the introduction of the legislation and has screened out the requirement for a Regulatory Impact Assessment.

7. Financial Implications

None.

8. Section 24 of the Northern Ireland Act 1998

The proposed Rule has been subject to checks in relation to section 24 and no effects on Community Law or Convention Rights have been identified.

9. EU Implications

The aim of these Regulations is to transpose into Northern Ireland legislation the requirements of EU Directive 2016/2370.

10. Parity or Replicatory Measure

Similar regulations have been introduced in Westminster to meet the requirements of EU Directive 2016/2370 in Great Britain. .

11. Additional Information

Not applicable.