
STATUTORY INSTRUMENTS

2014 No. 2793

TRANSPORT

**The Rail Passengers' Rights and
Obligations (Exemptions) Regulations 2014**

<i>Made</i>	- - - -	<i>17th October 2014</i>
<i>Laid before Parliament</i>		<i>22nd October 2014</i>
<i>Coming into force</i>	- -	<i>4th December 2014</i>

The Secretary of State for Transport makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(1).

The Secretary of State is a Minister designated for the purposes of that section in relation to measures relating to railways and railway transport(2).

Citation, commencement and expiry

1.—(1) These Regulations may be cited as the Rail Passengers' Rights and Obligations (Exemptions) Regulations 2014 and come into force on 4th December 2014.

(2) They cease to have effect on 4th December 2019.

Extent

2. These Regulations do not extend to Northern Ireland.

Interpretation

3. In these Regulations –

“the European Regulation” means Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23rd October 2007 on rail passengers' rights and obligations(3); and

“domestic rail passenger service” has the meaning given by Article 3(11) of the European Regulation.

(1) 1972 c. 68. Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c. 51), section 27(1)(a) and the European Union (Amendment) Act 2008 (c. 7), Part 1 of the Schedule.
(2) S.I. 1996/266, to which there are amendments not relevant to these Regulations.
(3) OJ No. L315, 3.12.2007, p.14.

Exemption of domestic rail passenger services from the provisions of the European Regulation

4.—(1) Subject to paragraph (2), pursuant to Article 2(4) of the European Regulation, domestic rail passenger services are exempt from the provisions of that Regulation.

(2) The exemption in paragraph (1) does not apply in relation to the provisions specified in Article 2(3) of the European Regulation.

Liability in respect of exempt services

5.—(1) This paragraph applies when –

- (a) A person (“A”) is liable to another person (“B”) under the European Regulation; and
- (b) A third person (“C”) would, but for the exemption granted in regulation 4(1), be liable to A in respect of some or all of A’s liability to B.

(2) Where paragraph (1) applies, C shall be liable to A in respect of A’s liability to B to the same extent and under the same conditions as if the exemption in regulation 4(1) had not been granted.

Revocation of the Rail Passengers’ Rights and Obligations (Exemptions) Regulations 2009

6. The Rail Passengers’ Rights and Obligations (Exemptions) Regulations 2009(4) are revoked.

Signed by authority of the Secretary of State for Transport

17th October 2014

Claire Perry
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations exempt domestic rail passenger services in Great Britain from provisions of Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23rd October 2007 on rail passengers' rights and obligations ("the European Regulation") (OJNo. L315, 3.12.2007, p.14).

The European Regulation establishes minimum standards across the European Union in the areas of information and ticketing provision, liability in respect of passengers and their luggage, compensation and assistance in the event of delays, rights of disabled persons and persons with reduced mobility, passengers' security, the handling of complaints, the definition and monitoring of service standards and enforcement of those rights. It came into force on 4th December 2009 and Article 2(4) gives Member States the power to grant exemptions to domestic rail passenger services from all the provisions of the European Regulation except those listed in Article 2(3). Those provisions concern the availability of tickets, liability of train companies and their insurance obligations for passengers and their luggage, accessibility and information for disabled persons and persons of reduced mobility and the personal security of passengers. An exemption can be granted for an initial period of up to five years, which can be renewed twice, culminating in a total period of fifteen years.

The Rail Passengers' Rights and Obligations (Exemptions) Regulations 2009 (SI 2009/2970) which granted a full exemption to domestic rail passenger services in Great Britain from all the provisions of the European Regulation except those listed in Article 2(3) ceases to have effect on 4th December 2014.

Regulation 1(2) provides that these Regulations will cease to have effect at the end of the second five year exemption period, that is to say on 4th December 2019.

Regulation 4 grants a further exemption to domestic rail passenger services in Great Britain on the same terms as in 2009.

Regulation 5 makes ancillary provision to regulate the relationship between those operating exempt services and those operating services that are not exempt. Under the European Regulation, an operator may be liable to passengers for acts and omissions of others, but those others may in turn be liable to that operator. However, where those others are exempt under these Regulations they may no longer be so liable to that operator. Regulation 5 preserves the original position.

Regulation 6 revokes the Rail Passengers' Rights and Obligations (Exemptions) Regulation 2009.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available alongside this instrument on the website www.legislation.gov.uk.