

2017 No. 84

TRANSPORT

The Rail Passengers Rights and Obligations (Designation and Enforcement) Regulations (Northern Ireland) 2017

Made - - - - *11th May 2017*

Coming into operation - *26th June 2017*

The Department for Infrastructure^(a), being a Department designated^(b) for the purposes of section 2(2) of the European Communities Act 1972^(c) in relation to measures relating to railways and railway transport, in exercise of the powers conferred by that section, and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Rail Passengers Rights and Obligations (Designation and Enforcement) Regulations (Northern Ireland) 2017 and come into operation on 26th June 2017.

2. In these Regulations—

“Carrier, railway undertaking, station manager, ticket vendor and tour operator” have the same meanings as those contained in Article 3 of Regulation 1371/2007;

“Relevant person” means a railway undertaking, a station manager, a ticket vendor or a tour operator;

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

“Consumer Council” means the General Consumer Council (Northern Ireland).

3. The Interpretation Act (Northern Ireland) 1954^(e) shall apply to these Regulations as it applies to an Act of the Assembly.

Establishment/designation of enforcement bodies

4.—(1) For the purpose of Article 30(1) of Regulation 1371/2007 the body responsible for the enforcement of that Regulation is the Department of Infrastructure.

(2) The railway undertaking must supply to the Department for Infrastructure such information and documents as that Department may reasonably require for the purpose of, or in connection with, the exercise of any of its functions under Regulation 1371/2007 or these Regulations.

(a) The Department for Regional Development was renamed the Department for Infrastructure by virtue of section 1(6) of 2016 c.5 (N.I.)
(b) S.I. 1999/266
(c) 1972 c.68
(d) OJ No. L315, 28.10.2007, p22
(e) 1954 c.33 (N.I.)

Establishment/designation of passenger complaints handling system

5.—(1) The designated body for the purpose of Article 30(2) of Regulation 1371/2007 to which any passenger may submit a complaint about an alleged contravention of Regulation 1371/2007 is the Consumer Council; and

(2) A complaint shall be in writing.

Enforcement measures

6.—(1) If the Department of Infrastructure is satisfied that a relevant person, has without reasonable excuse contravened Regulation 1371/2007, the Department may issue a notice.

(2) A notice issued under paragraph (1) shall –

- (a) identify in reasonable detail the alleged contravention to which the notice relates; and
- (b) invite the person to whom the notice has been issued to demonstrate to the reasonable satisfaction of the Department–
 - (i) that the alleged contravention has not occurred; or
 - (ii) the measures which that person has implemented or proposes to implement in order to remedy or avoid any recurrence of the contravention.

(3) Where the Department is not satisfied that the matters specified in paragraph 2(b) have been demonstrated it may issue a further notice requiring the person to take such measures as are specified in the notice, within such period as may be specified.

(4) It shall be the duty of a person to whom a notice has been issued under paragraph (2) or (3) to comply with that notice.

Offence and level of fine

7. For the purposes of Article 32 of Regulation 1371/2007, a relevant person, who contravenes Regulation 1371/2007 or fails to comply with a notice issued under regulation 6, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Reimbursement and compensation of the ticket price

8. A railway undertaking shall develop and maintain a system of reimbursement and compensation in accordance with the requirements of Articles 16, 17 and 18, but subject to Article 6(2) of Regulation 1371/2007.

Compensation claims

9. A claim by a person for a contravention of any of that person's rights under Regulation 1371/2007 may be subject to civil proceedings in the same way as an any other claim in tort.

Sealed with the Official Seal of the Department for Infrastructure on 11th May 2017



Tom Reid
A senior officer of the Department for Infrastructure

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect to Articles 30 and 32 of Regulation 1371/2007 of the European Parliament and of the Council of 23rd October 2007 concerning the rights of rail passengers. This is directly applicable in member states. These Regulations also provide for the operational implementation of Regulation 1371/2007 in relation to the complaints handling and enforcement of these aspects of the rights of passengers in rail transport.

Regulation 4 implements Article 30(1) of Regulation 1371/2007 by designating the Department for Infrastructure as being responsible for the enforcement of Regulation 1371/2007 and gives that Department the right to ask for information to assist it in carrying out their functions.

Regulation 5 implements Article 30(2) of Regulation 1371/2007 by designating the Consumer Council as the body to which complaints may be made by passengers about alleged infringements of Regulation 1371/2007.

Regulation 6 implements the enforcement measures which would apply where the EC regulation No. 1371/2007 has been contravened.

Regulation 7 implements Article 32 of Regulation 1371/2007 by setting penalties applicable to those found guilty of infringements of Regulation 1371/2007 or failing to comply with a notice issued under regulation 6.

Regulation 8 requires the railway undertaking to develop and maintain a system of reimbursement and compensation in line with Regulation 1371/2007.

Regulation 9 enables persons who have suffered an infringement of their rights under Regulation 1371/2007 to seek compensation separately from any criminal penalty that may be imposed.

© Crown copyright 2017

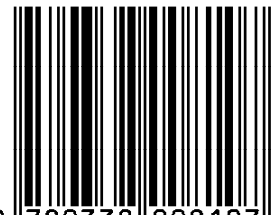
Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print Acts of the Northern Ireland Assembly.

£4.25

NI201705121 05/2017 19585

<http://www.legislation.gov.uk/id/nisr/2017/84>

ISBN 978-0-33-800810-7



9 780338 008107