

2018 No. 0000

EXITING THE EUROPEAN UNION

ROAD TRAFFIC

**The Rights of Passengers in Bus and Coach Transport
(Amendment etc.) (EU Exit) Regulations 2018**

<i>Sift requirements satisfied</i>	2018
<i>Made</i> - - - -	2018
<i>Laid before Parliament</i>	2018
<i>Coming into force in accordance with regulation 1(1)</i>	

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018^(a) and paragraph 21 of Schedule 7 to that Act.

The requirements of paragraph 3(2) of Schedule 7 to that Act (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

PART 1

Introduction

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Rights of Passengers in Bus and Coach Transport (Amendment etc.) (EU Exit) Regulations 2018 and come into force on exit day.

(2) Regulation 2 extends to England and Wales and Scotland only and regulation 3 extends to Northern Ireland only.

PART 2

Amendment of subordinate legislation

Amendment of the Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) Regulations 2013

2.—(1) The Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) Regulations 2013^(a) are amended as follows.

(2) In regulation 5 (particular regular services operated outside the European Union)—

(a) in paragraph (2)(a), after “outside”, insert “the United Kingdom and”;

(b) in paragraph (3)(b)(iii), after “outside”, insert “the United Kingdom and”.

(3) In regulation 8 (designation of national enforcement authorities), in paragraph (1), for “third country”, substitute “country other than the United Kingdom or a member State”.

Amendment of the Bus and Coach Passengers Rights and Obligations (Designation and Enforcement) Regulations (Northern Ireland) 2014

3.—(1) The Bus and Coach Passengers Rights and Obligations (Designation and Enforcement) Regulations (Northern Ireland) 2014^(b) are amended as follows.

(2) In regulation 2 (compliance and designation of enforcement body), for “third country”, substitute “country other than the United Kingdom or a member State”.

PART 3

Amendment of retained direct EU legislation

Amendment of Regulation (EU) No 181/2011

4.—(1) Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 is amended as follows.

(2) In Article 2 (scope)—

(a) in paragraph 1, after “situated”, insert “in the United Kingdom or”;

(b) in paragraph 3, after “situated”, insert “in the United Kingdom or”;

(c) omit paragraphs 4 to 6;

(d) for paragraph 8, substitute—

“8. This Regulation shall not affect the rights of passengers under the Package Travel and Linked Travel Arrangements Regulations 2018^(c) and shall not apply in a case where a package travel contract referred to in those Regulations is terminated for reasons other than cancellation of a regular service.”.

(3) In Article 3 (definitions)—

(a) in point (i), for “within the meaning of Article 2(2) and (3) of Directive 90/314/EEC”, substitute “as defined in regulation 2(1) (interpretation) of the Package Travel and Linked Travel Arrangements Regulations 2018”;

(b) in point (o), for “a Member State”, substitute “the United Kingdom”;

(c) after point (q), insert—

^(a) S.I. 2013/1865; regulation 5 was amended by S.I. 2017/99, regulation 1(1).

^(b) S.R. 2014/180, to which there are amendments not relevant to these regulations.

^(c) S.I. 2018/634.

- “(r) ‘relevant authority’ means, as regards Northern Ireland, the Northern Ireland devolved authority and, as regards any other part of the United Kingdom, a Minister of the Crown;
- (s) ‘designated terminal’ means:
- as regards Northern Ireland, a terminal specified in regulation 4 of the 2014/186 Regulations;
 - as regards any other part of the United Kingdom, a terminal specified in regulation 6 of the 2013 Regulations;
- (t) ‘designated complaints body’ means:
- as regards Northern Ireland, the relevant body specified in regulation 3 of the 2014/180 Regulations or regulation 6 of the 2014/186 Regulations;
 - as regards any other part of the United Kingdom, the relevant body specified in regulation 9(2) of the 2013 Regulations;
- (u) ‘designated enforcement body’ means:
- as regards Northern Ireland, the relevant body specified in regulation 2 of the 2014/180 Regulations or regulation 5(1) or (2) of the 2014/186 Regulations;
 - as regards any other part of the United Kingdom, the relevant body specified in regulation 8(1) of the 2013 Regulations;
- (v) ‘2013 Regulations’ means the Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) Regulations 2013;
- (w) ‘2014/180 Regulations’ means the Bus and Coach Passengers Rights and Obligations (Designation and Enforcement) Regulations (Northern Ireland) 2014;
- (x) ‘2014/186 Regulations’ means the Bus and Coach Passengers Rights and Obligations (Designation of Terminals, Tour Operators and Enforcement) Regulations (Northern Ireland) 2014(a).”.
- (4) In Article 4 (tickets and non-discriminatory contract conditions), in paragraph 2, after “within”, insert “the United Kingdom or”.
- (5) In Article 7 (death or personal injury to passengers and loss of or damage to luggage)—
- (a) in paragraph 1, for “applicable national law”, substitute “any applicable law (other than this Regulation)”;
 - (b) in paragraph 2—
 - (i) for “applicable national law”, substitute “any applicable law (other than this Regulation)”;
 - (ii) for “national”, substitute “any such applicable”;
 - (iii) in point (a), for “EUR 220 000”, substitute “£190,000”;
 - (iv) in point (b), for “EUR 1 200”, substitute “£1,000”.
- (6) In Article 8 (immediate practical needs of passengers), for “EUR 80”, substitute “£70”.
- (7) In Article 10 (exceptions and special conditions), in paragraph 1, in point (a), for “international, Union or national”, substitute “any applicable”.
- (8) In Article 11 (accessibility and information), in paragraph 2, for “international, Union or national laws establishing the safety requirements”, substitute “the safety requirements established by any applicable law”.
- (9) For Article 12 (designation of terminals), substitute—
- “Assistance for disabled persons and persons with reduced mobility shall be provided at the designated terminals. The relevant authority shall publish a list of designated terminals on its website and provide a hard copy of the list on request.”.

(a) S.R. 2014/186.

(10) In Article 13 (right to assistance at designated terminals and on board buses and coaches), in paragraph 1, for “terminals designated by Member States”, substitute “the designated terminals”.

(11) In Article 16 (training), omit paragraph 2.

(12) Omit Article 18 (exemptions).

(13) In Article 21 (assistance in case of cancelled or delayed departures), in point (b), for “EUR 80”, substitute “£70”.

(14) In Article 22 (further claims), for “national law before national courts”, substitute “any applicable law (other than this Regulation) before any relevant court”.

(15) In Article 25 (information on passenger rights)—

(a) in paragraph 1, in the last sentence—

(i) after “the”, insert “designated”;

(ii) omit “designated by the Member State pursuant to Article 28(1)”;

(b) in paragraph 2, for the words “the Commission in all the official languages of the institutions of the European Union”, substitute “the relevant authority”.

(16) In Article 28 (national enforcement bodies)—

(a) in paragraph 1—

(i) omit the first sentence;

(ii) for the second sentence, substitute—

“A designated enforcement body shall take the measures necessary to ensure compliance with this Regulation.”;

(b) omit paragraph 2;

(c) for paragraph 3, substitute—

“3. Any passenger may submit a complaint, in accordance with any applicable law (other than this Regulation) to the appropriate designated enforcement body or designated complaints body, about an alleged infringement of this Regulation.”.

(17) In Article 29 (report on enforcement)—

(a) after “the”, the first time it occurs, insert “designated”;

(b) omit “designated pursuant to Article 28(1)”.

(18) for Article 30 (cooperation between enforcement bodies), substitute—

“The designated enforcement bodies shall, whenever appropriate, exchange information on their work and decision making principles and practices.”.

(19) Omit Article 31 (penalties).

(20) Omit Article 32 (report).

(21) Omit Article 34 (entry into force).

(22) Omit “This Regulation shall be binding in its entirety and directly applicable to all Member States.”.

Signed by authority of the Secretary of State for Transport

Date

Name
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) and paragraph 21 of Schedule 7 to that Act in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under sections 8(2)(a) and (g)) arising from the withdrawal of the UK from the European Union.

These Regulations make amendments to legislation in the field of road traffic and, in particular, amend legislation relating to the rights of passengers in bus and coach transport. Part 2 amends subordinate legislation and Part 3 amends retained direct EU legislation.

The subordinate legislation gave effect to exemptions available to EU Member States under Articles 2(4) (exemption of domestic regular services), 2(5) (exemption of particular regular services operated outside the European Union) and 16(2) (exemption of drivers from training) and to the provisions of Article 12 (designation of terminals) and Chapter VI (enforcement and national enforcement bodies) of Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 (“Regulation 181/2011”). Regulation 181/2011 is directly applicable in Member States.

Regulation 2 amends deficiencies in regulations 5 (particular regular services operated outside the European Union) and 8 (designation of national enforcement authorities) of the Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) Regulations 2013, which gave effect within Great Britain to the exemption in Article 2(5) (exemption of particular regular services operated outside the European Union) and to Article 28(1) (national enforcement bodies) of Regulation 181/2011. Those Regulations also gave effect to the exemption in Article 2(4) (exemption of domestic regular services).

Regulation 3 amends deficiencies in regulation 2 (compliance and designation of enforcement body) of the Bus and Coach Passengers Rights and Obligations (Designation and Enforcement) Regulations (Northern Ireland) 2014, which gave effect within Northern Ireland to Article 28(1) (national enforcement bodies) of Regulation 181/2011. Those Regulations also gave effect to the exemptions in Articles 2(4) (exemption of domestic regular services) and 16(2) (exemption of drivers from training).

Regulation 4 amends deficiencies in Regulation 181/2011, in particular Chapters I (general provision), III (rights of disabled persons and persons with reduced mobility), V (general rules on information and complaints) and VI (enforcement and national enforcement bodies).

These amendments are of a technical nature and no more than necessary to ensure that the legislation will continue to apply in substantially the same way after exit day.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.