

2018 No. 1165

EXITING THE EUROPEAN UNION

TRANSPORT

The Rail Passengers' Rights and Obligations (Amendment) (EU Exit) Regulations 2018

<i>Sift requirements satisfied</i>	<i>23rd October 2018</i>
<i>Made - - - -</i>	<i>5th November 2018</i>
<i>Laid before Parliament</i>	<i>12th November 2018</i>
<i>Coming into force in accordance with regulation 1</i>	

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 8(1) and 23(1) and (2) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(a).

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 and commencement

1.—(1) These Regulations may be cited as the Rail Passengers' Rights and Obligations (Amendment) (EU Exit) Regulations 2018.

(2) These Regulations come into force on exit day.

PART 2

Amendment of subordinate legislation

Amendment of the Rail Passengers' Rights and Obligations Regulations 2010

2. The Rail Passengers' Rights and Obligations Regulations 2010(b) are amended as follows—

(a) 2018 c.16.

(b) S.I. 2010/1504 which has been amended by S.I. 2010/2317 and S.I. 2015/1682.

- (a) in regulation 3(1), at the end of the definition of “the European Regulation” insert “as amended by the Rail Passengers’ Rights and Obligations (Amendment) (EU Exit) Regulations 2018”;
- (b) in regulation 13(1), omit “the purposes of Article 30(1) of”;
- (c) in regulation 18(1), (2), (3) and (4), for “under Article 30(2) of the European Regulation”, substitute “about an alleged infringement of the European Regulation”.

Amendment of the Rail Passengers’ Rights and Obligations (Exemptions) Regulations 2014

3. The Rail Passengers’ Rights and Obligations (Exemptions) Regulations 2014(a) are amended as follows—

- (a) in regulation 3, at the end of the definition of “the European Regulation” insert “as amended by the Rail Passengers’ Rights and Obligations (Amendment) (EU Exit) Regulations 2018”;
- (b) for regulation 4(1) substitute—

“(1) Subject to paragraph (2), domestic rail passenger services are exempt from the provisions of the European Regulation.”.

Amendment of the Rail Passengers Rights and Obligations (Designation and Enforcement) Regulations (Northern Ireland) 2017

4. The Rail Passengers Rights and Obligations (Designation and Enforcement) Regulations (Northern Ireland) 2017(b) are amended as follows—

- (a) in regulation 2, at the end of the definition of “Regulation 1371/2007” insert “as amended by the Rail Passengers’ Rights and Obligations (Amendment) (EU Exit) Regulations 2018”;
- (b) for regulation 4(1), substitute—

“(1) The Department for Infrastructure(c) is the body responsible for the enforcement of Regulation 1371/2007.”;
- (c) for regulation 5(1), substitute—

“(1) The Consumer Council(d) is the designated body to which any passenger may submit a complaint about an alleged contravention of Regulation 1371/2007.”;
- (d) in regulation 7, omit “For the purposes of Article 32 of Regulation 1371/2007”.

PART 3

Amendment of retained direct EU legislation

Amendment of Regulation (EC) No 1371/2007

5. Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers’ rights and obligations(e) is amended as follows.

6. In Article 2—

- (a) for paragraph (1), substitute—

(a) S.I. 2014/2793.
 (b) S.R. 2017 No. 84.
 (c) The Department for Regional Development was renamed the Department for Infrastructure by virtue of section 1(6) of the Departments Act (Northern Ireland) 2016 (c.5 (NI)).
 (d) The Consumer Council was established by the General Consumer Council (Northern Ireland) Order 1984, S.I. 1984 No. 1822 (N.I. 12).
 (e) OJ No L 315, 3.12.2007, p.14.

“(1) This Regulation shall apply to all rail journeys and services throughout the United Kingdom provided by railway undertakings to which regulation 5 of the Railway (Licensing of Railway Undertakings) Regulations 2005^(a), or regulation 43 of the Railways Infrastructure (Access, Management and Licensing of Railway Undertakings) Regulations (Northern Ireland) 2016^(b) apply.”;

- (b) omit paragraph 2;
- (c) in paragraph 3—
 - (i) omit the words “On the entry into force of this Regulation,”,
 - (ii) for “throughout the Community” substitute “within the United Kingdom”;
- (d) for paragraphs 4, 5, and 6 substitute “4. Exemptions from the provisions of this Regulation are provided for, in relation to Great Britain, under the Rail Passengers’ Rights and Obligations (Exemption) Regulations 2014^(c)”;
- (e) omit paragraph 7.

7. In Article 3—

- (a) in paragraph 1, for “a railway undertaking as defined in Article 2 of Directive 2001/14/EC and any other” substitute “any”;
- (b) in paragraph 4, for “Directive 2001/14/EC” substitute “Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area”;
- (c) in paragraph 5, for “a Member State” substitute “the United Kingdom”;
- (d) in paragraph 6, for “Article 2, points (2) and (3) of Directive 90/314/EEC”, substitute “Article 3, points (8) and (9) of Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2011/84/EU of the European Parliament and of the Council and repealing Council Directive 90/314/EEC”;
- (e) in paragraph 11, for “a Member State” substitute “the United Kingdom”; and
- (f) in paragraph 16, for “each Member State” substitute “the United Kingdom”.

8. In Article 10—

- (a) omit paragraphs 2 and 3;
- (b) in paragraph 4, for “the TSI” substitute “Commission Regulation (EU) No 454/2011 of 5 May 2011 on the technical specification for interoperability relating to the subsystem ‘telematics applications for passenger services’ of the trans-European rail system”; and
- (c) in paragraph 5, for “Directive 95/46/EC” substitute “Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation) and the Data Protection Act 2018^(d)”.

9. In Article 11 for “applicable national law”, substitute “any enactment or rule of law”.

10. In Article 12—

- (a) in paragraph 1, for “in Article 9 of Directive 95/18/EC” substitute—
 - “as regards—
 - (a) Great Britain, in regulation 6 of, and paragraph 11 of Schedule 2 to, the Railway (Licensing of Railway Undertakings) Regulations 2005, and

(a) S.I.2005/3050 to which relevant amendments have been made by S.I. 2015/1682 and 2016/645.

(b) S.R. 2016 No. 420.

(c) S.I. 2014/2793.

(d) 2018 c.12.

(b) Northern Ireland, in regulation 44 of, and paragraph 11 of Schedule 2 to, the Railways Infrastructure (Access, Management and Licensing of Railway Undertakings) Regulations (Northern Ireland) 2016,”;

(b) omit paragraph 2.

11. In paragraph 2 of Article 13, for “EUR 21 000” substitute “£18,000”.

12. In Article 17—

(a) in paragraph 1, in the final sentence for “the territories in which the Treaty establishing the European Community is applied” substitute “the United Kingdom”,

(b) in paragraph 3, for “EUR 4” substitute “£3.50”.

13. In Article 21, after paragraph 2, insert—

“3. In this Article the “TSI for persons with reduced mobility” means—

(a) Commission Regulation (EU) No 1300/2014 of 18 November 2014 on the technical specifications for interoperability relating to the accessibility of the Union’s rail system for persons with reduced mobility, or

(b) in the cases referred to in Article 11 of that Regulation, Decision 2008/164/EC.”

14. In Article 22, omit paragraph 2.

15. In paragraph 2 of Article 28, omit the final sentence.

16. In Article 29—

(a) in paragraph 1, for “Commission in all official languages of European Union Institutions” substitute, “Secretary of State”; and

(b) in paragraph 2, for “by Member States pursuant to Article 30”, substitute—

“as regards—

(a) Great Britain, under regulations 13(1) and 18(1) and (3) of the Rail Passengers’ Rights and Obligations Regulations 2010(a), and

(b) Northern Ireland, under regulations 4(1) and 5(1) of the Rail Passengers Rights and Obligations (Designation and Enforcement) Regulations (Northern Ireland) 2017(b).”.

17. In Article 30—

(a) for Article 30(1), substitute—

“(1) Regulation 13 of the Rail Passengers’ Rights and Obligations Regulations 2010 designates the body responsible for enforcement of this Regulation in Great Britain and regulation 4 of the Rail Passengers Rights and Obligations (Designation and Enforcement) Regulations (Northern Ireland) 2017 designates the body responsible for enforcement of this Regulation in Northern Ireland.”;

(b) for Article 30(2), substitute—

“(2) Each passenger may complain about an alleged infringement of this Regulation in Great Britain—

(a) to the body designated under regulation 13 of the Rail Passengers’ Rights and Obligations Regulations 2010, or

(b) to a body designated under regulation 18 of those Regulations in relation to matters falling within that body’s functions under any enactment (other than regulation 18).

(3) Each passenger may complain about an alleged infringement of this Regulation in Northern Ireland—

(a) S.I. 2010/1504. Those Regulations have been amended by S.I. 2010/2317 and S.I. 2015/1682.

(b) S.R. 2017 No. 84.

- (a) to the body designated under regulation 4 of the Rail Passengers Rights and Obligations (Designation and Enforcement) Regulations (Northern Ireland) 2017, or
- (b) to the body designated under regulation 5 of those Regulations.”.

18. Omit Article 31.

19. For Article 32 substitute—

“The Rail Passengers’ Rights and Obligations Regulations 2010 lay down rules on penalties applicable to the infringement of the provisions of this Regulation in Great Britain and the Rail Passengers Rights and Obligations (Designation and Enforcement) Regulations (Northern Ireland) 2017 lay down rules on penalties applicable to the infringement of the provisions of this Regulation in Northern Ireland.”.

20. Omit Articles 33 to 37.

Signed by authority of the Secretary of State for Transport

Jo Johnson
Minister of State and Minister for London
Department for Transport

5th November 2018

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) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union (in particular under paragraphs (b), (c), (d) and (g) of section 8(2)), and in exercise of the powers conferred by section 23(1) and (2) of, and paragraph 21 of Schedule 7 to, that Act, to make consequential and incidental amendments.

These Regulations amend Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers’ rights and obligations (OJ No L 315, 3.12.2007, p.14) to ensure that that Regulation will operate effectively after the United Kingdom leaves the European Union. Amendments made include deletion of references to Member States, obligations on the European Commission and amounts of money in Euros, none of which will operate effectively after exit day. These Regulations also make consequential amendments to the Rail Passengers’ Rights and Obligations Regulations 2010, the Rail Passengers’ Rights and Obligations (Exemption) Regulations 2014 and the Rail Passengers Rights and Obligations (Designation and Enforcement) Regulations (Northern Ireland) 2017. These Regulations provide for the enforcement of Regulation 1371/2007 and (in the case of the 2014 Regulations) make provision for certain exemptions in Great Britain.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen. An Explanatory Memorandum has been produced for this instrument and is published alongside this instrument at www.legislation.gov.uk.

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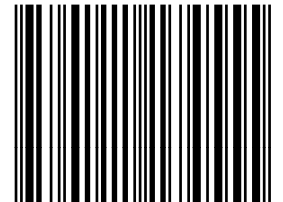
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