

EXPLANATORY MEMORANDUM TO
THE RAILWAYS (INTEROPERABILITY) (MISCELLANEOUS AMENDMENTS
AND REVOCATIONS) (EU EXIT) REGULATIONS 2020

2020 No. 318

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments and the Sifting Committees.

2. Purpose of the instrument

- 2.1 This instrument is required to ensure that the UK has a functioning statute book and will come into force at the end of the transition period. It amends the Railways (Interoperability) Regulations 2011 (S.I. 2011/3066) (the “Principal Regulations”) and the Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019 (the “2019 Regulations”) to ensure that the United Kingdom’s interoperability regime functions correctly after the transition period and corrects certain errors in that instrument. The Rail Passengers’ Rights and Obligations (Amendment) (EU Exit) Regulations 2018, the Rail Safety (Amendment etc.) (EU Exit) Regulations 2019 and the Train Driving Licences and Certificates (Amendment) (EU Exit) Regulations 2019 are also amended to reflect accurately amendments made to various EU references and this instrument also corrects errors in the latter instrument. Amendments are made by this instrument to Commission Decisions 2007/756/EC and 2018/1614 which specify the format of registers held within Member States containing information about railway vehicles and Commission Implementing Regulation (EU) 2019/777 which deals with the common specifications for the register of railway infrastructure. It also revokes EU tertiary legislation relating to the new Interoperability Directive (EU) 2016/797 (“the 2016 Directive”) as this will no longer be relevant in the UK after the end of the transition period.

Explanations

What did any relevant EU law do before exit day?

- 2.2 The Principal Regulations implemented Directive 2008/57/EC of the European Parliament and of the Council on the interoperability of the rail system within the Community (Recast) (O.J. L 191, 18.7.2008, p. 1) (“the 2008 Directive”) for the UK. The 2008 Directive is a recast of two earlier rail interoperability Directives: Directive 96/48/EC on the interoperability of the trans-European high-speed rail system (OJ L 235, 17.9.1996, p. 6) and Directive 2001/16 on the interoperability of the conventional rail system (OJ L 110, 20.4.2001, p. 1). The Principal Regulations have subsequently been amended by SI 2013/3023, SI 2014/3217, SI 2015/2022 and prospectively by the 2019 Regulations. The Principal Regulations apply to the UK’s Safety Authorities, they are: the Office of Rail and Road (Great Britain); the Department for Infrastructure (DfI) (Northern Ireland); and the Intergovernmental Commission (in relation to the UK section of the Channel Tunnel).

- 2.3 The 2008 Directive provided for a common assessment and authorisation process for rail projects based on conformity with harmonised standards and supplemented by national rules. The Directive's over-arching objective was to create a harmonised European railway system that allowed for the uninterrupted movement of trains and to promote the single market in the rail sector. It has led to the harmonisation of the rail technical standards framework of Member States including the technical standards for building and operating equipment and the process by which rail vehicles, infrastructure, and equipment designs are verified against these standards and authorised to be placed into service by the National Safety Authorities in each Member State. The verification process is carried out by independent assessment bodies that are notified to the Commission under the interoperability Directives ("notified bodies").
- 2.4 In addition, there is EU tertiary legislation (which is directly applicable without any need for specific implementing legislation) that applies to the Principal Regulations which deals with detailed aspects of the interoperability regime. This includes eleven pieces of tertiary legislation that set out the Technical Specifications for Interoperability ("TSIs") that form the harmonised technical standards. The 2008 Directive will be repealed in June 2020 by the 2016 Directive. The 2016 Directive has not yet been implemented in the UK because the final implementation date is June 2020. Although the UK has not implemented the 2016 Directive yet, some new tertiary legislation related to that Directive is already directly applicable in the UK.
- 2.5 Commission Decisions 2007/756/EC and 2018/1614 adopt a common specification for the national vehicle registers of Member States and Commission Implementing Regulation (EU) 2019/777 sets out a common specification for the register of infrastructure (together referred to as "the main tertiary legislation"). These are two registers recording technical information, the first is about the vehicles operating in each Member State and the second is a register held by the owners of infrastructure providing details about their assets (e.g. tracks, energy systems and signalling) and their compliance with the requirements in the TSIs. The main tertiary legislation also provides for the European Union Agency for Railways ("EURA") to maintain a web based application that allows entry to the national registers, and sets deadlines for the collection of information for the registers within Member States and the provision of that information to EURA.
- Why is it being changed?*
- 2.6 This instrument makes technical changes to the railway interoperability regime under the Principal Regulations to reflect our withdrawal from the EU.
- 2.7 At the end of the transition period the relevant content of the TSIs is being retained within a series of National Technical Specification Notices ("NTSNs") to be published by the Secretary of State. This instrument revokes TSIs at the end of the transition period to make it clear that there is only one set of interoperability standards applicable to rail projects in the UK.
- 2.8 In addition, the main tertiary legislation, relating to the registers for infrastructure and railway vehicles, will be converted into domestic law (as "retained direct EU law") under the European Union (Withdrawal) Act 2018 ("the EU Withdrawal Act") and therefore continue to be applicable in the UK. This instrument addresses deficiencies which need to be corrected in the main tertiary legislation to ensure that those registers continue to operate effectively in the UK, taking into account the UK will

not have access to EU registers which will no longer capture data from the UK after the transition period.

- 2.9 This instrument also amends previous EU Exit legislation relating to rail passengers' rights, rail safety and train driver licensing, to update those instruments so that they all reflect accurately the amendments made by the 2019 Regulations. The references in those instruments to TSIs are amended to NTSNs. The amendments ensure that all the relevant regulations will refer to the correct domestic versions of the standards after the transition period.

What will it now do?

- 2.10 This instrument ensures the continuation of an effective standards regime for the authorisation of railway rolling stock and infrastructure in the UK, while making adjustments for the UK's withdrawal from the EU.
- 2.11 The 2019 Regulations provide for a new system of NTSNs to be published by the Secretary of State at the end of the transition period which will replace the TSIs by setting technical standards for rail projects in the UK, enabling the UK to establish standards which meet the requirements of UK passengers and freight users. Appropriate fixes to address deficiencies within the TSIs resulting from the UK's withdrawal from the EU will be made within the NTSNs. This ensures the continuation of a functioning regime in the UK for the application of rail technical standards which can be updated via the publication of further NTSNs, thereby providing certainty for business. The TSIs can therefore be revoked after the end of the transition period.
- 2.12 This instrument ensures that all the relevant legislation contains references to the correct standards so that the regime for authorisation functions smoothly after the end of the transition period. It corrects retained direct EU law dealing with specifications for registers for infrastructure assets and the national vehicle register. It also revokes redundant EU interoperability tertiary legislation that will no longer be relevant in the UK after the end of the transition period.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments and the Sifting Committees

- 3.1 This instrument was presented to the Sifting Committees for consideration on 29th February 2020. The Sifting Committees reviewed this instrument and agreed that it should remain subject to negative resolution procedure.
- 3.2 On 13 March 2019 the Joint Committee on Statutory Instruments ("the Committee") requested a memorandum in relation to certain errors in the 2019 Regulations which were laid on 26 February 2019. The Department submitted a memorandum on 19 March 2019 stating that we would rectify a number of the errors found in that instrument.
- 3.3 On 19 June 2019 a correction slip for the 2019 Regulations was published which corrected the minor errors which the Committee had identified in paragraph 3.9 of the Committee's Fifty-Fourth Report of Session 2017-19 dated 27 March 2019 ("the Report").

- 3.4 For the more significant errors, the Department intended to make a second instrument on interoperability to make changes to EU tertiary legislation (among other matters). Corrections to the 2019 Regulations are therefore made in this instrument, with one exception.
- 3.5 Regulation 5(12) amends the error identified by the Committee at paragraph 3.4 of the Report.
- 3.6 Regulations 5(13), (14) and (15) make the amendments outlined by the Committee in paragraph 3.6 of the Report.
- 3.7 Regulation 5(13) (c) amends an error identified by the Committee in paragraph 3.8 of the Report.
- 3.8 As this instrument includes provisions correcting these errors in the 2019 Regulations and also corrects errors in the Train Driving Licences and Certificates (Amendment) (EU Exit) Regulations 2019, this instrument is being issued free of charge to all known recipients of those statutory instruments.
- 3.9 The Department notes paragraph 3.7 of the Report in relation to the numbering of the paragraphs in a number of the Schedules. The Department stands by the reasoning given in the memorandum. The Department considers using the EU numbering facilitates a like for like comparison between the UK processes with those of the EU. This type of comparison can be expected as the rail industry in the UK and beyond will have an interest in comparing UK processes with the EU's for recognition purposes. We therefore continue to see merit in keeping as far as possible the same numbering in the NTSNs and in the Schedules to the Principal Regulations to provide a level of transparency about their equivalence with the EU processes. It will be far easier for a stakeholder cross checking the UK processes with the EU's to be presented with the same structure and numbering as far as possible. Manufacturers and the rail industry are familiar with navigating through the EU measures and having UK processes follow the same numbering makes it easier for these stakeholders to navigate the UK processes.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

- 3.10 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is England and Wales, Scotland and Northern Ireland.
- 4.2 The territorial application of this Instrument varies between provisions.
- 4.3 Parts 1, 3 and 4, Schedules 1 and 2 and regulations 2 and 5 apply to England, Wales, Scotland and Northern Ireland.
- 4.4 Regulations 3, 4 and 6 apply to England, Wales, and Scotland.

5. European Convention on Human Rights

- 5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation no statement is required.

6. Legislative Context

- 6.1 This Instrument is made in exercise of powers in section 247 of the Transport Act 2000 and sections 8 of, and paragraph 21 of Schedule 7 to, the EU Withdrawal Act.
- 6.2 The EU Withdrawal Act makes provision for repealing the European Communities Act 1972 and will, as amended by the European Union (Withdrawal Agreement) Act 2020, preserve EU law, as it stands at the end of the transition period, in UK law. It enables the creation of a new body of domestic legislation by bringing the texts of directly applicable EU legislation into domestic legislation, as well as saving EU-derived domestic legislation which was made to implement the UK's obligations as a member of the EU. The EU Withdrawal Act also contains temporary power to make secondary legislation to enable Ministers and the devolved administrations to deal with deficiencies in retained EU law, to ensure that the UK's legal system continues to function properly outside the EU. The EU Withdrawal Act does not preserve EU directives. Changes made under section 8 of the EU Withdrawal Act are therefore made to the 2019 Regulations, the Rail Passengers' Rights and Obligations (Amendment) (EU Exit) Regulations 2018, the Train Driving Licences and Certificates (Amendment) (EU Exit) Regulations 2019 and the Rail Safety (Amendment etc.) (EU Exit) Regulations 2019 to address failures of retained EU law to operate effectively or to correct deficiencies arising from the withdrawal of the UK from the EU.

7. Policy background

What is being done and why?

- 7.1 This instrument revokes certain directly applicable EU tertiary legislation associated with the interoperability regime in the UK that will automatically become retained EU law at the end of the transition period. The TSIs set harmonised technical standards for the railway and are contained within EU tertiary legislation. This includes eleven TSIs that address technical standards for a range of railway systems, such as: passenger vehicles; freight wagons; infrastructure and signalling systems. These TSIs will cease to have application in the UK after the end of the transition period because they will be replaced by NTSNs published by the Secretary of State. These NTSNs retain the technical requirements that will be applicable to the UK. Additional tertiary legislation will also be revoked at the end of the transition period because the provisions relate to the EU's interoperability regime which will be different to the UK's at the end of the transition period.
- 7.2 Under Regulation 35 of the Principal Regulations, owners of infrastructure are required to record information about their assets in accordance with the EU specification for the register of infrastructure. The EU tertiary legislation concerning the technical specification for keeping registers was updated by Implementing Regulation (EU) 2019/777 for the specification for the register of infrastructure. That Regulation makes provision for the information to be kept in the register by the owners of the infrastructure about their compliance with TSIs to help establish the technical compatibility of a vehicle with a route. The Regulation also set timescales for Member States to ensure these registers are populated with the required information. It is necessary to apply the latest specification for the register of infrastructure in the UK during the transition period and this instrument amends the Principal Regulations so that they are updated accordingly.

- 7.3 It is also necessary to correct deficiencies in the requirements in the EU specification for the register of infrastructure so that the UK owners of the infrastructure, such as Network Rail, are required to keep a register and record their compliance against standards in the NTSNs which replace the TSIs. It will no longer be necessary to send this information to the EURA after the end of the transition period and corrections have been made to remove these obligations. The Regulation sets timescales for populating the register which will still apply to the owners of the infrastructure in the UK. Regulation 35 of the Principal Regulations is amended by this instrument to ensure that owners of infrastructure maintain their register of infrastructure in accordance with the Regulation as retained and corrected for the UK regime.
- 7.4 Under regulation 36(11) and 47(6) of the Principal Regulations Network Rail is designated as the registration entity for managing the UK's National Vehicle Register (NVR). They are required under the Principal Regulations to ensure that the NVR conforms to the EU specification set out in the Annex of Commission Decision 2007/756/EC. The 2007 Decision contains requirements about the details to be recorded in national vehicle registers maintained within each Member State, such as the contact details for the keeper of the vehicle. The EU tertiary legislation concerning the technical requirements relating to the keeping of NVRs in each Member State and the recording of information about rail vehicles was updated by the EU Implementing Decision 2018/1614 which amends and repeals the Commission Decision 2007/756/EC. However, the repeal of the 2007 Decision does not take effect until June 2021, so that Decision remains in force and needs to be amended to correct deficiencies. This instrument amends regulation 36 of the Principal Regulations to refer to the amendments of the EU specification set out within the Annex to Commission Decision 2007/756/EC as amended by the Implementing Decision 2018/1614 as retained and corrected. This instrument amends the 2007 Decision to correct inoperabilities within it, including references to TSIs, EU institutions and Member States, and redundant obligations, such as those to provide information to EU institutions.
- 7.5 The instrument amends the Rail Passengers' Rights and Obligations (Amendment) (EU Exit) Regulations 2018 and the Train Driving Licences and Certificates (Amendment) (EU Exit) Regulations 2019 to update references to TSIs, so that those references are replaced by references to NTSNs.
- 7.6 The instrument also amends the Rail Safety (Amendment etc.) (EU Exit) Regulations 2019 to update it with a reference to Commission Delegated Regulation (EU) 2018/761 which became effective after the Rail Safety (Amendment etc.) (EU Exit) Regulations 2019 were made, and also addresses a deficiency in these Regulations by removing a definition of TSIs which will become redundant after the transition period.
- 7.7 The instrument also amends the 2019 Regulations in order to correct some errors which were found after making and laying. Some errors which were identified have been subject to a correction slip, published in June 2019, but the other errors corrected in this instrument were deemed too significant to be made via a correction slip. Amendments are also made to ensure that the UK interoperability and authorisation system functions correctly when dealing with authorisations issued in EU Member States which have already adopted the 2016 Directive as that Directive amends some of the processes and forms of documentation.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This Instrument is being made using the power in section 8 of the European Union (Withdrawal) Act 2018 in order to address failures of retained EU law to operate effectively or other deficiencies arising from the withdrawal of the UK from the European Union. This Instrument is also made under paragraph 21 of Schedule 7 to that Act. In accordance with the requirements of that Act the Minister has made the relevant statements as detailed in Part 2 of the Annex to this Explanatory Memorandum.

9. Consolidation

9.1 There are currently no plans to consolidate the legislation.

10. Consultation outcome

10.1 The Department has not undertaken a formal consultation on the provisions included in this instrument because the changes are of a minor and technical nature. Stakeholders have been informed via industry forums and workshops about these changes to ensure the interoperability regime continues to function after the UK's withdrawal from the EU. Network Rail and other UK owners of infrastructure have been kept informed about the changes concerning the infrastructure registers and are content that these are necessary to address deficiencies. Network Rail, as the designated registration entity, has also been kept informed about the changes for the national vehicle register specification and are also content that these are necessary to address deficiencies. The devolved administrations have been kept informed and have not raised any objections to the changes.

11. Guidance

11.1 Administrative guidance was produced by the Department for Transport to accompany the coming into force of the 2019 Regulations. This will be updated before the end of the transition period to explain the nature of the minor changes made by this instrument. The guidance will be maintained by the Department for Transport.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 An impact assessment has not been produced for this instrument as the impact will be limited to the extent that the overall costs or benefits to business will be less than £5 million per year.

13. Regulating small business

13.1 The legislation applies to activities that are undertaken by small businesses.

13.2 To minimise the impact of the requirements on small businesses (employing up to 50 people), the approach taken is to maintain the status quo as far as possible while fixing the deficiencies that result from the UK's withdrawal from the EU.

14. Monitoring & review

- 14.1 As the Principal Regulations already contain a review clause, the Regulations as amended by this instrument and the 2019 Regulations will be subject to a review no later than five years from the last review (January 2017). The next review will provide an opportunity to evaluate the changes made by this instrument.

15. Contact

- 15.1 Ian Jones, Head of Interoperability at the Department for Transport, or Peter Coverdale, Policy Advisor for Interoperability at the Department for Transport, can be contacted with any queries regarding the instrument. Ian Jones: Telephone 07917 883579 or email: ian.jones@dft.gov.uk. Peter Coverdale: 07977 423086 or email peter.coverdale@dft.gov.uk.
- 15.2 Dan Moore, Director Rail Strategy and Analysis at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Rachel Maclean MP, Parliamentary Under Secretary of State for Transport, at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.

Annex

Statements under the European Union (Withdrawal) Act 2018

Part 1

Table of Statements under the 2018 Act

This table sets out the statements that may be required under the 2018 Act.

Statement	Where the requirement sits	To whom it applies	What it requires
Sifting	Paragraphs 3(3), 3(7) and 17(3) and 17(7) of Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) to make a Negative SI	Explain why the instrument should be subject to the negative procedure and, if applicable, why they disagree with the recommendation(s) of the SLSC/ESIC
Appropriate-ness	Sub-paragraph (2) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2	A statement that the SI does no more than is appropriate.
Good Reasons	Sub-paragraph (3) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2	Explain the good reasons for making the instrument and that what is being done is a reasonable course of action.
Equalities	Sub-paragraphs (4) and (5) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2	Explain what, if any, amendment, repeals or revocations are being made to the Equalities Acts 2006 and 2010 and legislation made under them. State that the Minister has had due regard to the need to eliminate discrimination and other conduct prohibited under the Equality Act 2010.
Explanations	Sub-paragraph (6) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9 and 23(1) or jointly exercising powers in Schedule 2 In addition to the statutory obligation the Government has made a political commitment to include these statements alongside all EUWA SIs	Explain the instrument, identify the relevant law before exit day, explain the instrument's effect on retained EU law and give information about the purpose of the instrument, e.g., whether minor or technical changes only are intended to the EU retained law.
Criminal offences	Sub-paragraphs (3) and (7) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1), 9, and	Set out the 'good reasons' for creating a criminal offence, and the penalty attached.

		23(1) or jointly exercising powers in Schedule 2 to create a criminal offence	
Sub-delegation	Paragraph 30, Schedule 7	Ministers of the Crown exercising sections 10(1), 12 and part 1 of Schedule 4 to create a legislative power exercisable not by a Minister of the Crown or a Devolved Authority by Statutory Instrument.	State why it is appropriate to create such a sub-delegated power.
Urgency	Paragraph 34, Schedule 7	Ministers of the Crown using the urgent procedure in paragraphs 4 or 14, Schedule 7.	Statement of the reasons for the Minister's opinion that the SI is urgent.
Explanations where amending regulations under 2(2) ECA 1972	Paragraph 13, Schedule 8	Anybody making an SI after exit day under powers outside the European Union (Withdrawal) Act 2018 which modifies subordinate legislation made under s 2(2) ECA	Statement explaining the good reasons for modifying the instrument made under s.2(2) ECA, identifying the relevant law before exit day, and explaining the instrument's effect on retained EU law.
Scrutiny statement where amending regulations under 2(2) ECA 1972	Paragraph 16, Schedule 8	Anybody making an SI after exit day under powers outside the European Union (Withdrawal) Act 2018 which modifies subordinate legislation made under s.2(2) ECA	Statement setting out: a) the steps which the relevant authority has taken to make the draft instrument published in accordance with paragraph 16(2), Schedule 8 available to each House of Parliament, b) containing information about the relevant authority's response to— (i) any recommendations made by a committee of either House of Parliament about the published draft instrument, and (ii) any other representations made to the relevant authority about the published draft instrument, and, c) containing any other information that the relevant authority considers appropriate in relation to the scrutiny of the instrument or draft instrument which is to be laid.

Part 2

Statements required when using enabling powers under the European Union (Withdrawal) Act 2018

1. Sifting statement(s)

- 1.1 The Parliamentary Under Secretary of State for Transport, Rachel Maclean MP, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:
- 1.2 “In my view the Railways (Interoperability) (Miscellaneous Amendments and Revocations) (EU Exit) Regulations 2020 should be subject to annulment in pursuance of a resolution of either House of Parliament (i.e. the negative procedure)”.
- 1.3 This is the case because the Regulations make the minimum changes to the regulations contained within it, and to the retained EU law to ensure that the UK has a functioning statute book following the end of the transition period.

2. Appropriateness statement

- 2.1 The Parliamentary Under Secretary of State for Transport, Rachel Maclean MP, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In my view the Railways (Interoperability) (Miscellaneous Amendments and Revocations) (EU Exit) Regulations 2020 do no more than is appropriate”.

This is the case because the instrument makes only necessary amendments to correct errors in the Railways (Interoperability) (Amendment) (EU Exit) Regulations 2019. It makes technical amendments and minor corrections to other UK domestic legislation, to ensure that the UK statute book accurately reflects the new National Technical Specification Notices’ regime under the Railways (Interoperability) Regulations 2011. The specific changes are set out in “Policy Background” in section 7.

3. Good reasons

- 3.1 The Parliamentary Under Secretary of State for Transport, Rachel Maclean MP, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In my view there are good reasons for the provisions in this instrument, and I have concluded they are a reasonable course of action”.
- 3.2 These are to ensure the legislative framework in the United Kingdom for the application of rail technical standards continues to operate smoothly by correcting deficiencies and inoperabilities that arise as a result of the UK’s withdrawal from the EU.

4. Equalities

4.1 The Parliamentary Under Secretary of State for Transport, Rachel Maclean MP, has made the following statement:

“The instrument does not amend, repeal or revoke a provision or provisions in the Equality Act 2006 or the Equality Act 2010 or subordinate legislation made under those Acts.”

4.2 The Parliamentary Under Secretary of State for Transport, Rachel Maclean MP, has made the following statement regarding use of legislative powers in the European Union (Withdrawal) Act 2018:

“In relation to the instrument, I, Rachel Maclean, have had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010. This Act does not extend to Northern Ireland, and as this instrument extends to Northern Ireland I have given equivalent due regard to the need to eliminate discrimination, harassment and victimisation in Northern Ireland.”

5. Explanations

5.1 The explanations statement has been made in section 2 of the main body of this explanatory memorandum.