

2009 No. 2970

TRANSPORT

**The Rail Passengers' Rights and Obligations (Exemptions)
Regulations 2009**

<i>Made</i>	- - - -	<i>8th November 2009</i>
<i>Laid before Parliament</i>		<i>12th November 2009</i>
<i>Coming into force</i>	- -	<i>4th December 2009</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(a).

He is a Minister designated for the purposes of that section in relation to measures relating to railways and railway transport(b).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Rail Passengers' Rights and Obligations (Exemptions) Regulations 2009 and come into force on 4th December 2009.

(2) These Regulations do not extend to Northern Ireland.

Interpretation

2. In these Regulations—

“the Community 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(c), and

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

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

3.—(1) Subject to paragraph (2), pursuant to Article 2(4) of the Community 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 Community Regulation.

(a) 1972 c.68. Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1)(a).

(b) S.I. 1996/266, to which there are amendments not relevant to these Regulations.

(c) OJ No. L315, 3.12.2007, p.14.

Liability in respect of exempt services

4.—(1) This paragraph applies when—

- (a) a person (“A”) is liable to another person (“P”) under the Community Regulation, and
- (b) a third person (“B”) would, but for the exemption granted in regulation 3(1), be liable to A in respect of some or all of A’s liability to P.

(2) Where paragraph (1) applies, B shall be liable to A in respect of A’s liability to P to the same extent and under the same conditions as if the exemption in regulation 3(1) had not been granted.

Revocation of regulations 2, 3 and 4

5. Regulations 2, 3 and 4 shall cease to have effect on 4th December 2014.

Signed by authority of the Secretary of State for Transport

8th November 2009

C D Mole
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 Community Regulation") (OJ No. L315, 3.12.2007, p.14).

The Community Regulation harmonises, across the European Community, the rules regarding the rights and obligations of rail passengers. It particularly focuses on the areas of information and ticketing provision, rights in case of injury and damage to luggage, compensation and assistance for delays, and rights for persons of reduced mobility and enforcement of those rights. It comes into force on 4th December 2009 and Article 2(4) gives member States the power to grant exemptions to the above services from all provisions of the Community Regulation except those listed in Article 2(3). These relate primarily to the information to be provided to passengers; companies' obligations to passengers in the event of delay, missed connections and cancellations; the definition and monitoring of service quality standards; the personal security of passengers; and the handling of complaints. An exemption under Article 2(4) may be granted for a period no longer than five years, which may be renewed twice for a maximum period of five years on each occasion.

Regulation 3(1) grants such an exemption to domestic rail passenger services as defined in Article 3(11) of the Community Regulation.

Regulation 4 makes an ancillary provision, to regulate the relationship between those operating exempt services and those operating services that are not exempt. Under the Community 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 4 preserves the original position.

Under *regulation 5*, regulations 2, 3 and 4 will cease to have effect on 4th December 2014.

Although this instrument has an impact on the costs of businesses, an Impact Assessment has not been prepared, for reasons explained in the Explanatory Memorandum available alongside this instrument on the OPSI website (www.opsi.org.uk). Sharon Goodsell, tel. 020 7944 0523 can answer questions regarding this instrument.

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STATUTORY INSTRUMENTS

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