

STATUTORY RULES OF NORTHERN IRELAND

2011 No. 134

TRANSPORT

**The Rail Passengers' Rights and Obligations
(Exemptions) Regulations (Northern Ireland) 2011**

Made - - - - *21st March 2011*
Coming into operation *22nd April 2011*

The Department for Regional Development(1), being a Department designated(2) for the purposes of section 2(2) of the European Communities Act 1972(3) in relation to measures relating to railways and railway transport, in exercise of the powers conferred by that section makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Rail Passengers' Rights and Obligations (Exemptions) Regulations (Northern Ireland) 2011 and come into operation on the 22nd April 2011.

Commencement Information

II [Reg. 1](#) in operation at 22.4.2011, see [reg. 1\(1\)](#)

Interpretation

F1 2.

Textual Amendments

F1 [Regs. 2-4](#) ceases to have effect (31.12.2014) by virtue of [The Rail Passengers' Rights and Obligations \(Exemptions\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/134\)](#), [reg. 5](#)

(1) [SI 1999/283](#)
(2) [SI 1996/266](#)
(3) [1972 c. 68](#). By virtue of the amendment of section 1(2) of the European Communities Act 1972 by section 1 of the European Economic Act 1993 ([c. 51](#)) regulations may be made under section 2(2) of the European Communities Act 1972 to implement obligations of the United Kingdom created or arising by or under the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (Cm 2073) and the Protocol adjusting the agreement signed at Brussels on 17th March 1993 (Cm 2183)

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

^{F1}3.

Textual Amendments

F1 Regs. 2-4 ceases to have effect (31.12.2014) by virtue of [The Rail Passengers' Rights and Obligations \(Exemptions\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/134\)](#), **reg. 5**

Liability in respect of exempt services

^{F1}4.

Textual Amendments

F1 Regs. 2-4 ceases to have effect (31.12.2014) by virtue of [The Rail Passengers' Rights and Obligations \(Exemptions\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/134\)](#), **reg. 5**

Revocation of regulations 2, 3 and 4

5. Regulations 2 and 3 and 4 shall cease to have effect on 31st December 2014.

Commencement Information

I2 [Reg. 5](#) in operation at 22.4.2011, see **reg. 1(1)**

Sealed with the Official Seal of the Department for Regional Development on 21st March 2011



B. R. D. White
A senior officer of the
Department

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations exempt domestic rail passenger services in Northern Ireland 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 operation on 22nd April 2011 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 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 31st December 2014.

Changes to legislation:

There are currently no known outstanding effects for the The Rail Passengers' Rights and Obligations (Exemptions) Regulations (Northern Ireland) 2011.