

2014 No. 186

TRANSPORT

**The Bus and Coach Passengers Rights and Obligations
(Designation of Terminals, Tour Operators and Enforcement)
Regulations (Northern Ireland) 2014**

Made - - - - *26th June 2014*

Coming into operation - *28th July 2014*

The Department for Regional Development(**a**), being a Department designated(**b**) for the purposes of Section 2(2) of the European Communities Act 1972(**c**) in relation to measures relating to the carriage of passengers and goods by road, in exercise of the powers conferred by that section makes the following Regulations—

Citation and commencement

1. These Regulations may be cited as the Bus and Coach Passengers Rights and Obligations (Designation of Terminals, Tour Operators and Enforcement) Regulations (Northern Ireland) 2014 and come into operation on the 28th July 2014.

Interpretation

2. In these Regulations—

“designated terminal” means a terminal designated by these regulations for the purposes of Article 12 of EU Regulation 181/2011;

“Regulation 181/2011” means Regulation (EU) No 181/2011(**d**) of the European Parliament and of the Council of 16th February 2011 concerning the rights of passengers in bus and coach transport;

“terminal managing body, travel agent and tour operator” have the same meanings as that contained in Article 3 of Regulation 181/2011.

3. The Interpretation Act (Northern Ireland) 1954(**e**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(a) SI 1999/283

(b) SI 1996/266

(c) 1972 c.68 as designated under.

(d) OJ No. L55, 28.2.2011, p1

(e) 1954 c.33(N.I.)

Designation of terminals

4. For the purposes of Article 12 of Regulation 181/2011, the designated bus and coach terminal at which assistance for disabled persons and persons with reduced mobility shall be provided is the Europa Buscentre, Great Victoria Street, Belfast.

Establishment/designation of enforcement bodies

5.—(1) For the purpose of Article 28(1) of Regulation 181/2011 the body responsible for the enforcement of that Regulation in relation to a designated terminal or a terminal managing body is the Department for Regional Development.

(2) The terminal managing body of a designated terminal must supply to the Department for Regional Development such information and documents as that Department may reasonably require for the purpose of, or in connection with, the exercise of any of its functions under Regulation 181/2011 or these Regulations.

(3) For the purpose of Article 28(1) of Regulation 181/2011 the body responsible for the enforcement of that Regulation in relation to a travel agent or a tour operator is the Department of Enterprise, Trade and Investment.

(4) A travel agent and a tour operator shall supply to the Department of Enterprise, Trade and Investment such information and documents as that Department may reasonably require for the purpose of, or in connection with, the exercise of any of its functions under Regulation 181/2011 or these Regulations.

Establishment/designation of passenger complaints handling system

6.—(1) The designated body for the purpose of Article 28(3) of Regulation 181/2011 to which any passenger may submit a complaint about an alleged contravention of Regulation 181/2011 is—

- (a) where the alleged contravention is by a terminal managing body, the Department of Regional Development; and
- (b) where the alleged contravention is by a travel agent or a tour operator, the Department of Enterprise, Trade and Investment.

(2) A passenger shall send any complaint about an alleged contravention of Regulation 181/2011 by a terminal managing body –

- (a) in the first instance to the terminal managing body who is the subject of the complaint; or
- (b) if the complaint is not resolved within 3 months of the date it was sent to the terminal managing body to the Department for Regional Development.

(3) A passenger shall send any complaint about an alleged contravention of Regulation 181/2011 by a travel agent or a tour operator –

- (a) in the first instance to the travel agent or tour operator who is the subject of the complaint; or
- (b) if the complaint is not resolved within 3 months of the date it was sent to the travel agent or tour operator to the Department of Enterprise, Trade and Investment.

(4) A complaint in accordance with paragraphs (2) or (3) shall be in writing.

Enforcement measures

7.—(1) If the Department for Regional Development or the Department of Enterprise, Trade and Investment is satisfied that a person, in respect of whom that Department is responsible for enforcing these regulations, has without reasonable excuse contravened Regulation 181/2011 the appropriate Department may issue a notice.

(2) A notice issued under paragraph (1) shall –

- (a) identify in reasonable detail the alleged contravention to which the notice relates; and
- (b) invite the person to whom the notice has been issued to demonstrate to the reasonable satisfaction of the relevant Department –
 - (i) that the alleged contravention has not occurred; or
 - (ii) the measures which that person has implemented or proposes to implement in order to remedy or avoid any recurrence of the contravention.

(3) Where the relevant Department is not satisfied that the matters specified in paragraph 2(b) have been demonstrated it may issue a further notice requiring the person to take such measures as are specified in the notice, within such period as may be specified.

(4) It shall be the duty of a person to whom a notice has been issued under paragraph (2) or (3) to comply with that notice.

Offence and level of fine

8. A terminal managing body, travel agent or tour operator who contravenes Regulation 181/2011 or fails to comply with a notice issued under Regulation 7 shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Compensation claims

9. A claim by a person for a contravention of any of that person's rights under Regulation 181/2011 may be the subject of civil proceedings in the same way as any other claim in tort.

Sealed with the Official Seal of the Department for Regional Development on 26th June 2014.



Tom Reid
A senior officer of the Department for Regional Development

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect to Articles 12 and 28 of Regulation (EU) No. 181/2011 of the European Parliament and of the Council of 16th February 2011 concerning the rights of passengers in bus and coach transport and amending regulation (EC) No. 2006/2004 (“Regulation 181/2011”). This is directly applicable in member states. These Regulations also provide for the operational implementation of Regulation 181/2011 in relation to the designation of terminals, travel agents, tour operators and the complaints handling and enforcement of these aspects of the rights of passengers in bus and coach transport.

Regulation 4 designates that the Europa Buscentre, Great Victoria Street, Belfast shall be designated for the purposes of Article 12 of Regulation 181/2011.

Regulation 5 implements Article 28(1) of Regulation 181/2011 by designating the Departments of Regional Development and Enterprise, Trade and Investment as being responsible for enforcement of Regulation 181/2011 and gives those Departments the right to ask for information to assist them in carrying out their functions.

Regulation 6 implements Article 28(3) of Regulation 181/2011 by designating certain bodies to which complaints may be made by passengers about alleged infringements of Regulation 181/2011.

Regulation 7 implements in part Article 31 of Regulation 181/2011 by establishing enforcement measures.

Regulation 8 also implements Article 31 of Regulation 181/2011 by setting penalties applicable to those found guilty of infringements of Regulation 181/2011 or failing to comply with a notice issued under regulation 7.

Regulation 9 enables persons who have suffered an infringement of their rights under Regulation 181/2011 to seek compensation separately from any criminal penalty that may be imposed.

© Crown copyright 2014

Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print Acts of the Northern Ireland Assembly.

£4.25

N6231 6/2014 446231T 19585

ISBN 978-0-337-99457-9



9 780337 994579