

EXPLANATORY MEMORANDUM TO

S.R. 2020 No. 338

The Regulation (EC) No 1370/2007 (Public Service Obligations in Transport) (Revocation) (EU Exit) (Northern Ireland) Regulations 2020

1. Introduction

This Explanatory Memorandum has been prepared by the Department for Infrastructure to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

2. Purpose

These Regulations revoke the Regulation (EC) No 1370/2007 (Public Service Obligations in Transport) (Amendment) (EU Exit) (Northern Ireland) Regulations 2020, (S.R. 2020 No. 252).

3. Background

These Regulations require to be made in response to recent urgent legal advice received by the Department on 25 November which now advises that directly applicable EU Regulations where they are covered by the Northern Ireland Protocol in relation to their continued direct application to Northern Ireland should not be amended by domestic legislation.

Instead the contents and detail of the revoked regulations will take the form of guidance on how the EU Regulation are to be read in their application and operation in Northern Ireland.

This revocation is particularly urgent as it requires to be in place for the end of the transition period.

4. Consultation

As the proposed regulations are of an urgent nature related to a technical aspect of EU Exit, no public consultation was undertaken of the proposed regulations.

5. Equality Impact

The Department has considered the proposed legislative provisions against the section 75 criteria and the responses to the consultation process and, in conjunction with the Equality Unit, has screened out the requirement for an Equality Impact Assessment in relation to these legislative proposals.

6. Regulatory Impact

The Department does not consider that there is a need for a regulatory impact assessment.

7. Financial Implications

None immediately but the revised Regulation will continue to support the financial arrangements necessary to underpin the Public Service element of the contract between the Department and Translink.

8. Section 24 of the Northern Ireland Act 1998

The proposed Rule has been subject to checks in relation to section 24 and no effects on Community Law or Convention Rights have been identified.

9. EU Implications

None

10. Parity or Replicatory Measure

None

11. Additional Information

Not applicable.