
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke the Rights of Passengers in Bus and Coach Transport (Exemptions) Regulations 2013 (the “Exemptions Regulations”). The Exemptions Regulations gave effect to exemptions available to EU member States under Articles 2(4), 2(5) and 16(2) of Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 (“Regulation 181/2011”). Regulation 181/2011 is directly applicable in Member States.

However, these Regulations also re-enact the provisions of the Exemptions Regulations (subject to an amendment arising from the accession to the European Union of the Republic of Croatia on 1st July 2013); and consolidate those provisions with additional provisions which give effect to Article 12 and Chapter VI of Regulation 181/2011.

Regulation 3 revokes the Exemptions Regulations.

Regulation 4 implements Article 2(4) of Regulation 181/2011, which permits member States, on a transparent and non-discriminatory basis, to exempt domestic regular services from the application of specified aspects of the Regulation for a maximum of four years (which may be renewed once).

Regulation 5 implements Article 2(5) of Regulation 181/2011, which permits member States, on a transparent and non-discriminatory basis, to exempt from the application of the Regulation particular regular services because a significant part, including at least one scheduled stop, is operated outside the European Union for a maximum of four years (which may be renewed once).

Regulation 6 implements Article 12 of Regulation 181/2011 by designating certain bus and coach terminals at which assistance for disabled persons and persons with reduced mobility must be provided.

Regulation 7 implements Article 16(2) of Regulation 181/2011, which permits member States to exempt drivers from certain disability-related training requirements for a maximum of five years.

Regulation 8 implements Article 28(1) of Regulation 181/2011 by designating certain bodies which are responsible for enforcement of Regulation 181/2011 and gives those bodies the right to ask for information to assist them in carrying out their functions.

Regulation 9 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 10 implements Article 31 of Regulation 181/2011 by establishing enforcement measures, including penalties applicable to infringements of Regulation 181/2011.

Regulation 11 enables persons who have suffered an infringement of their rights under Regulation 181/2011 to seek compensation separately from any penalty that may be imposed.

Regulation 12 modifies the Public Passenger Vehicles Act 1981 to disapply criminal offences that would otherwise attach to contraventions of licences held by public service vehicle operators and to empower traffic commissioners to hold and summon witnesses to attend public enquiries for the purpose of these Regulations.

Regulation 13 amends other legislation, including the Unfair Contract Terms Act 1977, the Unfair Terms in Consumer Contracts Regulations 1999 and the Equality Act 2010 to ensure consistency with Regulation 181/2011 and these Regulations.

Regulation 14 requires the Secretary of State to review the operation and effect of these

Regulations and publish a report within five years after 1st March 2013 (the date of application of Regulation 181/2011) and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the Regulations or to amend them.

Changes to legislation: *There are currently no known outstanding effects for the The Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) Regulations 2013. (See end of Document for details)*

A full impact assessment of the effect that Regulation 181/2011 will have on the costs of business and the voluntary sector has been prepared and a copy placed in the library of both Houses of Parliament. Copies are available from the Buses and Taxis Division (PSV Licensing and Accessibility) at the Department for Transport, Great Minster House, 33 Horseferry Road, London, SW1P 4DR. The impact assessment has been published with the Explanatory Memorandum alongside this instrument on www.legislation.gov.uk. Regulation 181/2011 can be viewed on the EUR-Lex website at www.eur-lex.europa.eu.

Changes to legislation:

There are currently no known outstanding effects for the The Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) Regulations 2013.