

STATUTORY INSTRUMENTS

2018 No. 1165

**The Rail Passengers' Rights and Obligations
(Amendment) (EU Exit) Regulations 2018**

PART 3 **U.K.**

Amendment of retained direct EU legislation

Amendment of Regulation (EC) No 1371/2007 **U.K.**

5. Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations ^{M1} is amended as follows.

Commencement Information

II Reg. 5 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1(2)

Marginal Citations

M1 OJ No L 315, 3.12.2007, p.14.

U.K.

6. In Article 2—

(a) for paragraph (1), substitute—

“(1) This Regulation shall apply to all rail journeys and services throughout the United Kingdom provided by railway undertakings to which regulation 5 of the Railway (Licensing of Railway Undertakings) Regulations 2005 ^{M2}, or regulation 43 of the Railways Infrastructure (Access, Management and Licensing of Railway Undertakings) Regulations (Northern Ireland) 2016 ^{M3} apply.”;

(b) omit paragraph 2;

(c) in paragraph 3—

(i) omit the words “On the entry into force of this Regulation,”;

(ii) for “throughout the Community” substitute “ within the United Kingdom ”;

(d) for paragraphs 4, 5, and 6 substitute “4. Exemptions from the provisions of this Regulation are provided for, in relation to Great Britain, under the Rail Passengers' Rights and Obligations (Exemption) Regulations 2014 ^{M4}”;

(e) omit paragraph 7.

Commencement Information

- I2** Reg. 6 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

- M2** [S.I.2005/3050](#) to which relevant amendments have been made by [S.I. 2015/1682](#) and [2016/645](#).
M3 [S.R. 2016 No. 420](#).
M4 [S.I. 2014/2793](#).

U.K.

7. In Article 3—

- (a) in paragraph 1, for “a railway undertaking as defined in Article 2 of Directive [2001/14/EC](#) and any other” substitute “any”;
- (b) in paragraph 4, for “Directive [2001/14/EC](#)” substitute “Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area”;
- (c) in paragraph 5, for “a Member State” substitute “the United Kingdom”;
- (d) in paragraph 6, for “Article 2, points (2) and (3) of Directive [90/314/EEC](#)”, substitute “Article 3, points (8) and (9) of Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements, amending Regulation (EC) No [2006/2004](#) and Directive 2011/84/EU of the European Parliament and of the Council and repealing Council Directive [90/314/EEC](#)”;
- (e) in paragraph 11, for “a Member State” substitute “the United Kingdom”;^{F1}...
- (f) in paragraph 16, for “each Member State” substitute “the United Kingdom”^{F2}; and
- (g) after paragraph 17 insert—
 - “(18) “NTSN” has the meaning set out in regulation 2(1) of the Railways (Interoperability) Regulations 2011.”].

Textual Amendments

- F1** Word in reg. 7(e) omitted (31.12.2020 immediately before IP completion day) by virtue of [The Railways \(Interoperability\) \(Miscellaneous Amendments and Revocations\) \(EU Exit\) Regulations 2020 \(S.I. 2020/318\)](#), regs. [1\(2\)\(b\)](#), [3\(2\)\(a\)](#)
- F2** Reg. 7(g) and word inserted (31.12.2020 immediately before IP completion day) by [The Railways \(Interoperability\) \(Miscellaneous Amendments and Revocations\) \(EU Exit\) Regulations 2020 \(S.I. 2020/318\)](#), regs. [1\(2\)\(b\)](#), [3\(2\)\(b\)](#)

Commencement Information

- I3** Reg. 7 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

U.K.

8. In Article 10—

- ^{F3}(a) for paragraph 2 substitute—

“2. The NTSN relating to the subsystem ‘telematics applications for passenger services’ (the TAP NTSN) applies for the purposes of this Regulation.”;]

[^{F4}(aa) omit paragraph 3;]

[^{F5}(b) in paragraph 4, for “the TSI” substitute “the TAP NTSN”.]

(c) in paragraph 5, for “Directive 95/46/EC” substitute “ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation) and the Data Protection Act 2018 ^{M5} ”.

Textual Amendments

- F3** Reg. 8(a) substituted (31.12.2020 immediately before IP completion day) by [The Railways \(Interoperability\) \(Miscellaneous Amendments and Revocations\) \(EU Exit\) Regulations 2020 \(S.I. 2020/318\)](#), regs. 1(2)(b), **3(3)(a)**
- F4** Reg. 8(aa) inserted (31.12.2020 immediately before IP completion day) by [The Railways \(Interoperability\) \(Miscellaneous Amendments and Revocations\) \(EU Exit\) Regulations 2020 \(S.I. 2020/318\)](#), regs. 1(2)(b), **3(3)(b)**
- F5** Reg. 8(b) substituted (31.12.2020 immediately before IP completion day) by [The Railways \(Interoperability\) \(Miscellaneous Amendments and Revocations\) \(EU Exit\) Regulations 2020 \(S.I. 2020/318\)](#), regs. 1(2)(b), **3(3)(c)**

Commencement Information

- I4** Reg. 8 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

- M5** [2018 c.12.](#)

U.K.

9. In Article 11 for “applicable national law”, substitute “ any enactment or rule of law ”.

Commencement Information

- I5** Reg. 9 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

U.K.

10. In Article 12—

(a) in paragraph 1, for “in Article 9 of Directive 95/18/EC” substitute—

“as regards—

- (a) Great Britain, in regulation 6 of, and paragraph 11 of Schedule 2 to, the Railway (Licensing of Railway Undertakings) Regulations 2005, and
- (b) Northern Ireland, in regulation 44 of, and paragraph 11 of Schedule 2 to, the Railways Infrastructure (Access, Management and Licensing of Railway Undertakings) Regulations (Northern Ireland) 2016.”;

- (b) omit paragraph 2.

Commencement Information

- I6** Reg. 10 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

U.K.

- 11.** In paragraph 2 of Article 13, for “EUR 21 000” substitute “ £18,000 ”.

Commencement Information

- I7** Reg. 11 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

U.K.

- 12.** In Article 17—

- (a) in paragraph 1, in the final sentence for “the territories in which the Treaty establishing the European Community is applied” substitute “ the United Kingdom ”,
 (b) in paragraph 3, for “EUR 4” substitute “ £3.50 ”.

Commencement Information

- I8** Reg. 12 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

U.K.

- [^{F6}**13.** In Article 21—

- (a) in paragraph 1, for “TSI” substitute “NTSN”;
 (b) after paragraph 2 insert—

“**3.** In this Article “the NTSN for persons with reduced mobility” means the NTSN published for that purpose by the Secretary of State pursuant to regulation 3(B) of the Railways (Interoperability) Regulations 2011.”.]

Textual Amendments

- F6** Reg. 13 substituted (31.12.2020 immediately before IP completion day) by [The Railways \(Interoperability\) \(Miscellaneous Amendments and Revocations\) \(EU Exit\) Regulations 2020 \(S.I. 2020/318\)](#), [regs. 1\(2\)\(b\), 3\(4\)](#)

Commencement Information

- I9** Reg. 13 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

U.K.

14. In Article 22, omit paragraph 2.

Commencement Information

I10 Reg. 14 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

U.K.

15. In paragraph 2 of Article 28, omit the final sentence.

Commencement Information

I11 Reg. 15 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

U.K.

16. In Article 29—

- (a) in paragraph 1, for “Commission in all official languages of European Union Institutions” substitute, “ Secretary of State ”; and
- (b) in paragraph 2, for “by Member States pursuant to Article 30”, substitute—
“as regards—
 - (a) Great Britain, under regulations 13(1) and 18(1) and (3) of the Rail Passengers' Rights and Obligations Regulations 2010 ^{M6}, and
 - (b) Northern Ireland, under regulations 4(1) and 5(1) of the Rail Passengers Rights and Obligations (Designation and Enforcement) Regulations (Northern Ireland) 2017 ^{M7}”.

Commencement Information

I12 Reg. 16 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Marginal Citations

M6 [S.I. 2010/1504](#). Those Regulations have been amended by [S.I. 2010/2317](#) and [S.I. 2015/1682](#).

M7 [S.R. 2017 No. 84](#).

U.K.

17. In Article 30—

- (a) for Article 30(1), substitute—
“(1) Regulation 13 of the Rail Passengers' Rights and Obligations Regulations 2010 designates the body responsible for enforcement of this Regulation in Great Britain and regulation 4 of the Rail Passengers Rights and Obligations (Designation and Enforcement) Regulations (Northern Ireland) 2017 designates the body responsible for enforcement of this Regulation in Northern Ireland.”;

(b) for Article 30(2), substitute—

“(2) Each passenger may complain about an alleged infringement of this Regulation in Great Britain—

(a) to the body designated under regulation 13 of the Rail Passengers' Rights and Obligations Regulations 2010, or

(b) to a body designated under regulation 18 of those Regulations in relation to matters falling within that body's functions under any enactment (other than regulation 18).

(3) Each passenger may complain about an alleged infringement of this Regulation in Northern Ireland—

(a) to the body designated under regulation 4 of the Rail Passengers Rights and Obligations (Designation and Enforcement) Regulations (Northern Ireland) 2017, or

(b) to the body designated under regulation 5 of those Regulations.”.

Commencement Information

I13 Reg. 17 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

U.K.

18. Omit Article 31.

Commencement Information

I14 Reg. 18 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

U.K.

19. For Article 32 substitute—

“The Rail Passengers' Rights and Obligations Regulations 2010 lay down rules on penalties applicable to the infringement of the provisions of this Regulation in Great Britain and the Rail Passengers Rights and Obligations (Designation and Enforcement) Regulations (Northern Ireland) 2017 lay down rules on penalties applicable to the infringement of the provisions of this Regulation in Northern Ireland.”.

Commencement Information

I15 Reg. 19 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1\(2\)](#)

U.K.

20. Omit Articles 33 to 37.

Changes to legislation: There are currently no known outstanding effects for the *The Rail Passengers' Rights and Obligations (Amendment) (EU Exit) Regulations 2018, PART 3*. (See end of Document for details)

Commencement Information

I16 Reg. 20 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Rail Passengers' Rights and Obligations (Amendment) (EU Exit) Regulations 2018, PART 3.