
STATUTORY INSTRUMENTS

2018 No. 1165

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

PART 3

Amendment of retained direct EU legislation

Amendment of Regulation (EC) No 1371/2007

5. Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations⁽¹⁾ is amended as follows.

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⁽²⁾, or regulation 43 of the Railways Infrastructure (Access, Management and Licensing of Railway Undertakings) Regulations (Northern Ireland) 2016⁽³⁾ 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⁽⁴⁾”;

(e) omit paragraph 7.

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

(1) OJ No L 315, 3.12.2007, p.14.

(2) S.I.2005/3050 to which relevant amendments have been made by S.I. 2015/1682 and 2016/645.

(3) S.R. 2016 No. 420.

(4) S.I. 2014/2793.

- 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”; and
- (f) in paragraph 16, for “each Member State” substitute “the United Kingdom”.
- 8.** In Article 10—
- (a) omit paragraphs 2 and 3;
- (b) in paragraph 4, for “the TSI” substitute “[Commission Regulation \(EU\) No 454/2011](#) of 5 May 2011 on the technical specification for interoperability relating to the subsystem ‘telematics applications for passenger services’ of the trans-European rail system”; and
- (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(5)”.
- 9.** In Article 11 for “applicable national law”, substitute “any enactment or rule of law”.
- 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.
- 11.** In paragraph 2 of Article 13, for “EUR 21 000” substitute “£18,000”.
- 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”.
- 13.** In Article 21, after paragraph 2, insert—
- “**3.** In this Article the “TSI for persons with reduced mobility” means—
- (a) [Commission Regulation \(EU\) No 1300/2014](#) of 18 November 2014 on the technical specifications for interoperability relating to the accessibility of the Union’s rail system for persons with reduced mobility, or
- (b) in the cases referred to in Article 11 of that Regulation, [Decision 2008/164/EC](#).”
- 14.** In Article 22, omit paragraph 2.
- 15.** In paragraph 2 of Article 28, omit the final sentence.
- 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⁽⁶⁾, 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⁽⁷⁾.”.

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.”.

18. Omit Article 31.

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.”.

20. Omit Articles 33 to 37.

⁽⁶⁾ S.I. 2010/1504. Those Regulations have been amended by S.I. 2010/2317 and S.I. 2015/1682.

⁽⁷⁾ S.R. 2017 No. 84.