
STATUTORY RULES OF NORTHERN IRELAND

2014 No. 180

ROAD TRAFFIC

**The Bus and Coach Passengers Rights and
Obligations (Designation and Enforcement)
Regulations (Northern Ireland) 2014**

Made - - - - *24th June 2014*

Coming into operation- *25th July 2014*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(1).

The Department of the Environment has been designated for the purposes of section 2(2) of the European Communities Act 1972 relating to the carriage of passengers and goods by road(2).

Citation, commencement and interpretation

1. (1) These Regulations may be cited as the Bus and Coach Passengers Rights and Obligations (Designation and Enforcement) Regulations (Northern Ireland) 2014 and shall come into operation on 25th July 2014.

(2) In these Regulations—

“carrier” means a natural or legal person, other than a tour operator, travel agent or ticket vendor, offering transport by regular or occasional services to the general public and includes any natural or legal person other than the carrier, who actually performs the carriage wholly or partially;

“Regulation 181/2011” means Regulation (EU) No. 181/2011(3) 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(4);

“the Department” means the Department of the Environment.

(3) The Interpretation Act (Northern Ireland) 1954(5) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(1) 1972 c.68
(2) S.R. 1996 No. 266
(3) OJ L 55, 28.2.2011,P1–12
(4) OJ L 364, 9.12.2004, P1–11
(5) 1954 c.33 (N.I.)

Compliance and designation of Enforcement Body

2. For the purpose of Article 28(1) of Regulation 181/2011, the designated body responsible for the enforcement of Regulation 181/2011 as regards regular services from points within Northern Ireland and regular services from a third country to such points is the Department.

Passenger Complaints

3. (1) The designated body for the purpose of Article 28(3) of Regulation 181/2011 is the Department.

(2) A passenger shall send any complaint about an alleged contravention of Regulation 181/2011 by a carrier—

- (a) in the first instance, to the carrier 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 carrier, to the Department.

(3) A complaint in accordance with paragraph (2) shall be in writing.

Exemption of domestic bus and coach passenger regular services from the provisions of the Community Regulation

4. (1) Subject to paragraph (2), Regulation 181/2011 does not apply to any domestic bus and coach passengers regular service during the initial exemption period.

(2) The exemption in paragraph (1) does not apply in relation to Articles 4(2), 9, 10(1), 16(1)(b) and (2), 17(1) and (2) and 24 to 28 (inclusive) of Regulation 181/2011.

(3) In this regulation—

“domestic bus and coach passenger regular service” means a regular service to which Regulation 181/2011 applies and which is operated exclusively within Northern Ireland by a carrier;

“initial exemption period” means the period which ends on 28th February 2017.

Training of drivers

5. Article 16(1)(b) of Regulation 181/2011 does not apply to the training of drivers until the 28th February 2018.

Sealed with the Official Seal of the Department of the Environment on 24th June 2014

Iain Greenway
A senior officer of the
Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give effect to exemptions available to EU Member States under Articles 2(4), (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”). This is directly applicable in Member States.

Regulation 2 implements Article 28(1) of Regulation 181/2011 by designating the Department of the Environment as the body responsible for the enforcement of Regulation 181/2011.

Regulation 3 implements 28(3) of Regulation 181/2011 by setting out how complaints concerning an alleged contravention of Regulation 181/2011 will be dealt with.

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).

Regulations 5 implements Article 16(1)(b) of Regulation 181/2011, which permits Member States to exempt drivers from certain disability-related training requirements for a maximum of five years.

Regulation 181/2011 can be viewed on EUR-Lex website at www.eur-lex.europa.eu.

An Explanatory Memorandum has been produced and is available from Road Safety and Vehicle Regulation Division, Department of the Environment, Clarence Court, 10-18 Adelaide Street, Town Parks, Belfast BT2 8GB or viewed online at <http://www.legislation.gov.uk/nisr>