

2013 No. 228

ROAD TRAFFIC

**The Rights of Passengers in Bus and Coach Transport
(Exemptions) Regulations 2013**

<i>Made</i> - - - -	<i>6th February 2013</i>
<i>Laid before Parliament</i>	<i>7th February 2013</i>
<i>Coming into force</i> - -	<i>1st March 2013</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a).

The Secretary of State has been designated(b) for the purposes of section 2(2) in relation to the carriage of passengers and goods by road.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Rights of Passengers in Bus and Coach Transport (Exemptions) Regulations 2013 and come into force on 1st March 2013.

(2) These Regulations do not extend to Northern Ireland.

Purpose and interpretation

2.—(1) These Regulations give effect to exemptions available to member States under Articles 2(4), 2(5) and 16(2) of Regulation 181/2011.

(2) In these Regulations—

“Domestic Regular Service” means a regular service to which Regulation 181/2011 applies and which is operated exclusively within the United Kingdom by any carrier or performing carrier;

“Initial Exemption Period” means the period which commences on 1st March 2013 and ends on 28th February 2017;

“Regulation 181/2011” means Regulation (EU) No 181/2011(c) 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(d).

(3) Subject to paragraph (2), expressions which are also used in Regulation 181/2011 have the same meaning which they bear in that Regulation(e).

(a) 1972 c.68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7).
(b) S.I. 1996/266, to which there are amendments not relevant to these Regulations.
(c) OJ No L 55, 28.02.11, p1.
(d) OJ No L 364, 09.12.04, p1.
(e) The expressions ‘regular service’, ‘carrier’ and ‘performing carrier’ are defined in Article 3 of Regulation 181/2011.

Domestic regular services

3.—(1) Subject to paragraph (2), Regulation 181/2011 does not apply to any Domestic Regular Service during the Initial Exemption Period.

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

Particular regular services operated outside the European Union

4.—(1) During the Initial Exemption Period, Regulation 181/2011 does not apply to any regular service operated by any carrier or performing carrier between the United Kingdom and any place within—

- (a) Switzerland;
- (b) Croatia; or
- (c) any other country, being a service designated by the Secretary of State in accordance with paragraphs (2), (3) and (4) of this Regulation.

(2) The Secretary of State may not designate a service unless—

- (a) a significant part of the service, including at least one scheduled stop, is operated outside the European Union; and
- (b) an application for designation has been made in accordance with paragraph (3).

(3) An application for designation of a service under paragraph (1)(c)—

- (a) may be made by any person who would be the subject of any duty, obligation or liability in respect of the service by virtue of any of the provisions of Regulation 181/2011, if that service were not designated for the purpose of this regulation;
- (b) must describe—
 - (i) the places where the service is due to begin and end;
 - (ii) the route of the service; and
 - (iii) the place or places outside the European Union in which a stop is scheduled to occur; and
- (c) must be in writing.

(4) A designation of a service by the Secretary of State under paragraph (1)(c) must—

- (a) describe the characteristics of the service referred to in paragraph (3)(b);
- (b) be published by the Secretary of State, on the website used by the Department for Transport, throughout the Initial Exemption Period.

Training

5. Paragraph (b) of Article 16(1) of Regulation 181/2011 does not apply to the training of drivers during the period which commences on 1st March 2013 and ends on 28th February 2018.

Signed by the authority of the Secretary of State

6th February 2013

Simon Burns
Minister of State
Department for Transport

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), 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”). This is directly applicable in member States.

Regulation 3 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 4 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 5 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.

A consultation stage impact assessment of the effect that Regulation 181/2011 will have on the costs of business and the voluntary sector has been prepared. 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 consultation stage 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.

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STATUTORY INSTRUMENTS

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£4.00

E5715 02/2013 135715T 19585

ISBN 978-0-11-153421-2



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