Draft Order laid before Parliament under sections 48(8) and 96(3) of, and paragraph 12(6) of Schedule 5 to, the Consumer Rights Act 2015, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2016 No. 000

CONSUMER PROTECTION

The Consumer Rights (Rail Passenger Service Exemption, Enforcement and Amendments) Order 2016

Made - - - -	*2016*
Coming into force - -	*1st October 2016*

The Secretary of State makes this Order in exercise of the powers conferred by sections 48(5) and (6) and 96(1) and (2) of, and paragraph 12(1)(a) and (b) of Schedule 5, to the Consumer Rights Act 2015(**1**) ("the Act").

In accordance with paragraph 12(2) of Schedule 5 to the Act, the Secretary of State thinks that on and after the changes made by the Schedule to this Order (where a power of entry in legislation other than the Act is replaced by a power of entry in the Act), the condition in paragraph 12(3) of Schedule 5, that the safeguards applicable to the new power of entry, taken together, provide a greater level of protection than any safeguards applicable to the old power of entry, is met.

In accordance with sections 48(8) and 96(3) of, and paragraph 12(6) of Schedule 5 to, the Act, a draft of this statutory instrument was laid before, and approved by a resolution of, each House of Parliament.

Citation and commencement

1. This Order may be cited as the Consumer Rights (Rail Passenger Service Exemption, Enforcement and Amendments) Order 2016 and comes into force on 1st October 2016.

Interpretation

2. In this Order—

"the Act" means the Consumer Rights Act 2015;

"European rail operator licence" means a licence granted pursuant to—

(a) a provision contained in any instrument made for the purpose of implementing—

(**1**) 2015 c.15.

(i) Council Directive 95/18/EC of 19th June 1995 on the licensing of railway undertakings(**2**), or

(ii) Chapter III of Directive 2012/34/EU of the European Parliament and of the Council of 21st November 2012 establishing a single European railway area (recast)(**3**), or

(b) any action taken by an EEA State for that purpose;

"railway" has the meaning given by section 67(1) of the Transport and Works Act 1992(**4**);

"railway undertaking" means any undertaking, the principal business of which is to provide services for the transport of goods or passengers by railway; and

"relevant railway passenger service" means any service for the carriage of passengers operated by a railway undertaking pursuant to a European rail operator licence.

Consumer transport service exemptions

3. Subject to article 4, section 57(3) of the Act does not apply in respect of any liability which a railway undertaking may have to a consumer(**5**) arising from the delay or cancellation of a relevant railway passenger service operated by that railway undertaking.

Sunset provision

4. The provisions of article 3 apply only to a liability owed to a consumer for the cancellation or delay of a relevant railway passenger service timetabled to depart from a railway passenger station, halt or terminal before the end of 30th September 2017.

Consequential and other amendments

5. The Schedule to this Order (amendments consequential on Schedules 5 and 6 to the Act, and amendments to Schedule 5 to the Act) has effect.

Transitional and saving provisions in respect of investigatory powers

6.—(1) In this article—

(a) an "old enforcement provision" means a provision of Article 41 of the Weights and Measures (Northern Ireland) Order 1981, and

(b) a "new enforcement provision" means a provision of Schedule 5 to the Act which applies in place of an old enforcement provision.

(2) The replacement of an old enforcement provision by a new enforcement provision does not affect the continuity of the law.

(3) Paragraph (2) does not apply to any change in the law made by Schedule 5 to the Act.

(4) A reference, express or implied, in an enactment, instrument or document to a new enforcement provision is, subject to its context, to be read as being or including a reference to the old enforcement provision which corresponds to it, in relation to times, circumstances or purposes in relation to which the old enforcement provision had effect.

(5) A reference, express or implied, in an enactment, instrument or document to an old enforcement provision is, subject to its context, to be read as being or including a reference to the

(**2**) OJ No L 143, 27.6.95, p70, repealed by Directive 2012/34/EU, OJ No L 343, 14.12.2012, p32.
(**3**) OJ No L 343, 14.12.2012, p32, as corrected by Corrigendum, OJ No L 67, 12.3.2015, p32.
(**4**) 1992 c.42.
(**5**) "Consumer" is defined in section 2(3) of the Consumer Rights Act 2015 for the purposes of Part 1 of that Act.

new enforcement provision which corresponds to it, in relation to times, circumstances or purposes in relation to which the new enforcement provision has effect.

(6) Anything done, or having effect as if done, under (or for the purposes of or in reliance on) an old enforcement provision, and in force or effective immediately before 1st October 2016, has effect on and after 1st October 2016 as if done under (or for the purposes of or in reliance on) the new enforcement provision which corresponds to it.

(7) Paragraphs (2) to (6) have effect in place of section 17(2) of the Interpretation Act 1978; but nothing in this Order affects any other provision of that Act.

Name
Minister of State for Skills
Date Department for Business, Innovation and Skills