Status: *This version of this Rule contains provisions that are prospective.*
Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Rail Passengers Rights and Obligations (Designation and Enforcement) Regulations (Northern Ireland) 2017. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY RULES OF NORTHERN IRELAND

2017 No. 84

TRANSPORT

The Rail Passengers Rights and Obligations (Designation and Enforcement) Regulations (Northern Ireland) 2017

Made - - - -	*11th May 2017*
Coming into operation	*26th June 2017*

The Department for Infrastructure(**1**), being a Department designated(**2**) for the purposes of section 2(2) of the European Communities Act 1972(**3**) in relation to measures relating to railways and railway transport, in exercise of the powers conferred by that section, and of all other powers enabling it in that behalf, hereby makes the following Regulations:

PROSPECTIVE

Citation and commencement

1. These Regulations may be cited as the Rail Passengers Rights and Obligations (Designation and Enforcement) Regulations (Northern Ireland) 2017 and come into operation on 26th June 2017.

2. In these Regulations—

"Carrier, railway undertaking, station manager, ticket vendor and tour operator" have the same meanings as those contained in Article 3 of Regulation 1371/2007;

"Relevant person" means a railway undertaking, a station manager, a ticket vendor or a tour operator;

"Regulation 1371/2007" means Regulation (EC) No 1371/2007(**4**) of the European Parliament and of the Council of 23rd October 2007 on rail passengers rights and obligations.

"Consumer Council" means the General Consumer Council (Northern Ireland).

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

(**1**) The Department for Regional Development was renamed the Department for Infrastructure by virtue of section 1(6) of 2016 c.5 (N.I.)
(**2**) S.I. 1999/266
(**3**) 1972 c.68
(**4**) OJ No. L315, 28.10.2007, p22
(**5**) 1954 c.33 (N.I.)

Commencement Information

I1 Reg. 1 in operation at 26.6.2017, see **reg. 1**

I2 Reg. 2 in operation at 26.6.2017, see **reg. 1**

I3 Reg. 3 in operation at 26.6.2017, see **reg. 1**

Establishment/designation of enforcement bodies

4.—(1) For the purpose of Article 30(1) of Regulation 1371/2007 the body responsible for the enforcement of that Regulation is the Department of Infrastructure.

(2) The railway undertaking must supply to the Department for Infrastructure such information and documents as that Department may reasonably require for the purpose of, or in connection with, the exercise of any of its functions under Regulation 1371/2007 or these Regulations.

Commencement Information

I4 Reg. 4 in operation at 26.6.2017, see **reg. 1**

Establishment/designation of passenger complaints handling system

5.—(1) The designated body for the purpose of Article 30(2) of Regulation 1371/2007 to which any passenger may submit a complaint about an alleged contravention of Regulation 1371/2007 is the Consumer Council; and

(2) A complaint shall be in writing.

Commencement Information

I5 Reg. 5 in operation at 26.6.2017, see **reg. 1**

Enforcement measures

6.—(1) If the Department of Infrastructure is satisfied that a relevant person, has without reasonable excuse contravened Regulation 1371/2007, the Department may issue a notice.

(2) A notice issued under paragraph (1) shall –

(a) identify in reasonable detail the alleged contravention to which the notice relates; and

(b) invite the person to whom the notice has been issued to demonstrate to the reasonable satisfaction of the Department–

(i) that the alleged contravention has not occurred; or

(ii) the measures which that person has implemented or proposes to implement in order to remedy or avoid any recurrence of the contravention.

(3) Where the Department is not satisfied that the matters specified in paragraph 2(b) have been demonstrated it may issue a further notice requiring the person to take such measures as are specified in the notice, within such period as may be specified.

(4) It shall be the duty of a person to whom a notice has been issued under paragraph (2) or (3) to comply with that notice.