
STATUTORY INSTRUMENTS

2013 No. 1865

ROAD TRAFFIC

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

<i>Made</i>	- - - -	<i>24th July 2013</i>
<i>Laid before Parliament</i>		<i>26th July 2013</i>
<i>Coming into force</i>	- -	<i>19th August 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^{M1} and sections 16(3), 54(10) and 60(1) of the Public Passenger Vehicles Act 1981^{M2}.

The Secretary of State has been designated^{M3} for the purposes of section 2(2) in relation to the carriage of passengers and goods by road.

Marginal Citations

- M1** 1972 c.68; section 2(2) has been amended by the [Legislative and Regulatory Reform Act 2006 \(c.51\)](#), [section 27\(1\)\(a\)](#); and by the [European Union \(Amendment\) Act 2008 \(c.7\)](#), [Schedule](#), Part 1.
- M2** 1981 c.14. Relevant amendments to the 1981 Act are footnoted by reference to the particular provision of that Act in relation to which the amendment is most relevant.
- M3** [S.I. 1996/266](#), to which there are amendments not relevant to these Regulations.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) Regulations 2013 and come into force on 19th August 2013.

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

Interpretation

2.—(1) In these Regulations—

“appropriate” has the meaning given in regulation 10(5), for the purpose of regulation 10(4) only;

“Birmingham Coach Station” means the terminal of that name located at Mill Lane, Digbeth, Birmingham B5 6DB;

“Bus Users UK” means Bus Users UK Limited, a company limited by guarantee, registered number 04635458;

“contravention”, in relation to any condition or provision, includes a failure to comply with the condition or provision and “contravene” is to be construed accordingly;

“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;

“enforcement authority” means a person designated as such by regulation 8;

[^{F1}“exemption period” means the period which commences on 1st March 2017 and ends at midnight on 28th February 2021;]

“improvement notice” means, in respect of any contravention by any relevant person of Regulation 181/2011 or these Regulations, a notice requiring that person to implement the measures specified in the notice;

^{F2}
...

“local authority” means (in relation to England and Wales) the Common Council of the City of London and any local authority within the meaning of section 270 of the Local Government Act 1972 ^{M4} and (in relation to Scotland) a council constituted under section 2 of the Local Government etc (Scotland) Act 1994 ^{M5};

“local transport authority” has the meaning given in (in relation to England and Wales) section 108(4) of the Transport Act 2000 ^{M6} and (in relation to Scotland) section 82(1) of the Transport (Scotland) Act 2001 ^{M7};

“local weights and measures authority” means a local weights and measures authority prescribed by section 69 of the Weights and Measures Act 1985 ^{M8};

“London road passenger transport services or facilities” has the meaning given in section 112L of the Transport Act 1985 ^{M9};

“London TravelWatch” means the London Transport Users' Committee established by section 247 of the Greater London Authority Act 1999 ^{M10};

“the 1981 Act” means the Public Passenger Vehicles Act 1981;

“operating centre” has the meaning given in section 82(1) of the 1981 Act ^{M11};

“PSV operator's licence” has the meaning given in section 82(1) of the 1981 Act;

“public service vehicle” has the meaning given in section 1 of the 1981 Act ^{M12};

“Regulation 181/2011” means Regulation (EU) No 181/2011 ^{M13} 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 ^{M14};

“relevant person” means any carrier, performing carrier, ticket vendor, travel agent, tour operator or terminal managing body;

“senior traffic commissioner” has the same meaning which it bears in section 4A of the 1981 Act ^{M15};

“traffic area” has the same meaning which it bears in section 3 of the 1981 Act ^{M16};

“traffic commissioner” has the meaning given in section 82(1) of the 1981 Act;

“turnover” means, in relation to any undertaking, the aggregate amount derived by that undertaking from the sale of products and the provision of services falling within the undertaking's ordinary activities after deduction of sales rebates, value added tax and any other taxes directly related to turnover, determined in accordance with generally accepted accounting principles and practices; and

“Victoria Coach Station” means the terminal of that name located at 164 Buckingham Palace Road, London SW1W 9TP.

(2) Subject to paragraph (1), expressions which are also used in Regulation 181/2011 have the same meaning which they bear in that Regulation ^{M17}.

- F1** Words in [reg. 2\(1\)](#) inserted (1.3.2017) by [The Rights of Passengers in Bus and Coach Transport \(Exemptions and Enforcement\) \(Amendment\) Regulations 2017 \(S.I. 2017/99\)](#), [regs. 1\(1\), 2\(2\)\(a\)](#)
- F2** Words in [reg. 2\(1\)](#) omitted (1.3.2017) by virtue of [The Rights of Passengers in Bus and Coach Transport \(Exemptions and Enforcement\) \(Amendment\) Regulations 2017 \(S.I. 2017/99\)](#), [regs. 1\(1\), 2\(2\)\(b\)](#)

Marginal Citations

- M4** [1972 c.70](#). Section 270 has been amended by the [Local Government Act 1985 \(c.51\)](#), [Schedule 16](#), paragraph 8 and Schedule 17; and the [Local Government \(Wales\) Act 1994 \(c.19\)](#), [section 1\(5\)](#).
- M5** [1994 c.39](#). Section 2 has been amended by the [Environment Act 1995 \(c. 25\)](#), [Schedule 22](#), paragraph 232(1).
- M6** [2000 c.38](#). Subsection (4) has been amended by the [Local Transport Act 2008 \(c.26\)](#), [Schedule 4](#), Part 3, paragraph 41 and 42; and by the [Local Democracy, Economic Development and Construction Act 2009 \(c.20\)](#), [Schedule 6](#), paragraph 95 and 96.
- M7** [2000 asp 2](#). Section 82(1) has been amended by the [Transport \(Scotland\) Act 2005 \(asp 12\)](#), [section 51\(8\)](#).
- M8** [1985 c.72](#). Section 69 has been amended, so far as relevant to these Regulations, by the [Local Government \(Wales\) Act 1994 \(c.19\)](#), [Schedule 16](#), paragraph 75; and the [Local Government etc \(Scotland\) Act 1994 \(c.39\)](#), [Schedule 13](#), paragraph 144.
- M9** [1985 c.67](#).
- M10** [1999 c.29](#). Section 247 has been amended by the [Railways Act 1995 \(c.14\)](#), [Schedule 6](#), paragraph 1 and Schedule 12, paragraph 14(1) and (7).
- M11** Section 82(1) of the 1981 Act has been amended, so far as relevant to these Regulations, by the [Transport Act 1985](#), Schedule 2, Part II, paragraph 4(1) and (20); and the [Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), [Schedule 1](#).
- M12** Section 1 of the 1981 Act has been amended by the [Transport Act 1985](#), Schedule 8.
- M13** OJ No L 55, 28.02.11, p1.
- M14** OJ No L 364, 09.12.04, p1.
- M15** Section 4A was inserted in the 1981 Act by section 3(1) of the [Local Transport Act 2008](#).
- M16** Section 3 of the 1981 Act has been amended by the [Transport Act 1985](#), Schedule 2, Part II, paragraph 4(1) and (2); and by the [Local Transport Act 2008](#), section 1.
- M17** The expressions ‘regular service’, ‘carrier’, ‘performing carrier’, ‘ticket vendor’, ‘travel agent’, ‘tour operator’, ‘disabled person’, ‘person with reduced mobility’, ‘terminal’, ‘bus stop’ and ‘terminal managing body’ are defined in Article 3 of Regulation 181/2011.

Revocation

3. The Rights of Passengers in Bus and Coach Transport (Exemptions) Regulations 2013 ^{M18} are revoked.

Marginal Citations

- M18** [S.I. 2013/ 228](#).

Domestic regular services

4.—(1) Subject to paragraph (2), Regulation 181/2011 does not apply to any domestic regular service during [^{F3}the 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.

F3 Words in reg. 4(1) substituted (1.3.2017) by [The Rights of Passengers in Bus and Coach Transport \(Exemptions and Enforcement\) \(Amendment\) Regulations 2017 \(S.I. 2017/99\)](#), regs. 1(1), **2(3)**

Particular regular services operated outside the European Union

5.—(1) During [^{F4}the exemption period], Regulation 181/2011 does not apply to any regular service operated by any carrier or performing carrier between the United Kingdom and—

- (a) Zurich in Switzerland (departing from or terminating at Victoria Coach Station, with bus stops only at Folkestone, Brussels and Basel);
- (b) Geneva in Switzerland (departing from or terminating at Victoria Coach Station, with bus stops only at Folkestone and Paris); or
- (c) any other place within 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 [^{F5}the United Kingdom and] 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 [^{F6}the United Kingdom and] 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.

F4 Words in reg. 5(1) substituted (1.3.2017) by [The Rights of Passengers in Bus and Coach Transport \(Exemptions and Enforcement\) \(Amendment\) Regulations 2017 \(S.I. 2017/99\)](#), regs. 1(1), **2(3)**

F5 Words in reg. 5(2)(a) inserted (31.12.2020) by [The Rights of Passengers in Bus and Coach Transport \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/141\)](#), regs. 1(1), **2(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

F6 Words in reg. 5(3)(b)(iii) inserted (31.12.2020) by *The Rights of Passengers in Bus and Coach Transport (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/141), regs. 1(1), **2(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Designation of terminals

6. For the purpose of Article 12 of Regulation 181/2011, the designated bus and coach terminals at which assistance for disabled persons and persons with reduced mobility must be provided are—

- (1) Victoria Coach Station; and
- (2) Birmingham Coach Station.

Training

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

Designation of national enforcement authorities

8.—(1) For the purpose of Article 28(1) of Regulation 181/2011, the designated bodies responsible for the enforcement of Regulation 181/2011 as regards regular services from points situated within the United Kingdom and regular services from a [^{F7}country other than the United Kingdom or a member State] to such points are—

- (a) in respect of a relevant person who holds one or more PSV operator's licences, the principal operating centre of whom is located within Great Britain, such traffic commissioner as the senior traffic commissioner may, pursuant to section 4B of the 1981 Act ^{M19}, require to carry out the functions of a traffic commissioner in respect of those licences, failing which, the senior traffic commissioner; and
 - (b) in respect of any other relevant person, the local weights and measures authority for the area of Great Britain within which either the local branch office or the principal office of that relevant person is located.
- (2) (a) The persons to whom this regulation applies must supply to an enforcement authority such information and documents as that authority may reasonably require for the purpose of, or in connection with, the exercise of any of its functions under Regulation 181/2011 or these Regulations.
- (b) The persons to whom this regulation applies are—
- (i) relevant persons; and
 - (ii) the bodies specified in regulation 9(2).

F7 Words in reg. 8(1) substituted (31.12.2020) by *The Rights of Passengers in Bus and Coach Transport (Amendment etc.) (EU Exit) Regulations 2019* (S.I. 2019/141), regs. 1(1), **2(3)**; 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

M19 Section 4B was inserted in the 1981 Act by section 3(1) of the Local Transport Act 2008.

Designation of bodies to which complaints may be submitted

9.—(1) For the purpose of Article 28(3) of Regulation 181/2011, the designated body to which any passenger may submit a complaint about an alleged contravention of Regulation 181/2011 by any relevant person is—

- (a) the relevant person who is the subject of the complaint; or
- (b) if the complaint is not resolved within three months after submission to the relevant person, the body specified in respect of that complaint in paragraph 2.

(2) For the purpose of paragraph (1)(b), in respect of any complaint concerning—

- (a) London road passenger transport services or facilities, the body is London TravelWatch; and
- (b) any other services or facilities, the body is Bus Users UK.

(3) If a complaint is not resolved within three months after submission to the body specified in paragraph (2)—

- (a) that body must refer the complaint promptly; or
- (b) failing which, the complainant may refer the complaint,

to the enforcement authority specified in regulation 8(1) in respect of the relevant person who is the subject of the complaint.

Enforcement measures

10.—(1) Subject to paragraphs (6) to (12), it is the duty of each enforcement authority to exercise the powers available to that authority under these Regulations and any other enactments in such manner as may be necessary or expedient in the opinion of that authority to remedy or avoid any contravention of Regulation 181/2011.

(2) Without prejudice to paragraph (1) but subject to paragraphs (6) to (12), it is the duty of a traffic commissioner to exercise the powers set out in sections 16(3), 16(5)(a) and 17 of the 1981 Act ^{M20} in such manner as may be necessary or expedient in the opinion of the commissioner to remedy or avoid any contravention of Regulation 181/2011 by the holder of a PSV operator's licence in respect of whom that commissioner is the enforcement authority.

(3) Subject to paragraphs (6) to (12), if an enforcement authority is satisfied that a relevant person, in respect of whom—

- (a) that authority is the enforcement authority; and
- (b) a complaint has been referred to that authority,

has without reasonable excuse contravened a matter specified in paragraph (4), that authority may impose the enforcement measure specified in that paragraph in relation to that contravention.

(4) The contraventions and enforcement measures referred to in paragraph (3) are—

- (a) in the case of a contravention by any relevant person of Regulation 181/2011, the enforcement measure is the issue of an appropriate improvement notice to that person;
- (b) in the case of a contravention by any relevant person of any provision of these Regulations or an improvement notice issued to that person pursuant to sub-paragraph (a), the enforcement measure is either—
 - (i) subject to paragraph (9), the attachment of an appropriate condition to any PSV operator's licence in respect of which that enforcement authority exercises functions under the 1981 Act; or
 - (ii) subject to paragraph (10), the imposition of a penalty on that person in accordance with paragraphs (11) and (12).

(5) For the purpose of paragraph (4), “appropriate” means, in respect of an improvement notice issued to a relevant person or a condition attached to a PSV operator’s licence, that the improvement notice or licence condition is designed to remedy or avoid a contravention of Regulation 181/2011 after the date on which the notice is issued or the condition is attached.

(6) No enforcement measure may be imposed before the expiry of a period of 28 days after the enforcement authority has given notice in writing to the relevant person—

- (a) identifying in reasonable detail the alleged contravention to which the enforcement measure relates; and
- (b) inviting that person to demonstrate to the reasonable satisfaction of the authority—
 - (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.

(7) An enforcement authority must give notice in writing to a relevant person of the imposition of an enforcement measure in relation to that person.

(8) It is the duty of an enforcement authority to exercise its functions in respect of any enforcement measure in such manner as may be necessary or expedient in the opinion of the authority to ensure that the measure is effective, proportionate and dissuasive.

(9) A traffic commissioner must not attach a condition pursuant to paragraph (4) or exercise any power pursuant to section 16 or 17 of the 1981 Act in relation to a PSV operator’s licence held by a relevant person who is a terminal managing body in relation to that person’s obligations as a terminal managing body under Regulation 181/2011.

(10) A penalty must not be imposed upon any relevant person who is also—

- (a) a local transport authority; or
- (b) a local authority.

(11) Subject to paragraph (8), the amount of any penalty shall be such amount as the enforcement authority thinks fit in all the circumstances of the case, not exceeding the amount determined in accordance with paragraph (12).

(12) The maximum amount referred to in paragraph (11) is—

- (a) in the case of a relevant person who holds a PSV operator’s licence, £550 multiplied by the total number of public service vehicles which that person is licensed to use under all PSV operator’s licences held by that person; and
- (b) in the case of any other relevant person, 10 per cent of the turnover (whether or not attributable to bus and coach operations) of that person during the most recent financial year of that person ended prior to the date of contravention for which accounts are available, provided that, if the period of that financial year does not equal 12 months, the turnover shall be the amount which bears the same proportion to the turnover during that financial year as 12 months does to that period.

(13) It is the duty of a relevant person to whom an improvement notice has been issued to comply with that notice.

- (a) (14) (a) A relevant person may appeal to the body specified in sub-paragraph (b) in respect of a decision by an enforcement authority to impose an enforcement measure.
- (b) For the purpose of sub-paragraph (a), the body to whom an appeal may be made is—
 - (i) in the case of a decision by a traffic commissioner, the Upper Tribunal; or
 - (ii) in the case of a decision by a local weights and measures authority, a magistrates’ court (in England and Wales) or a sheriff court (in Scotland) which is local to that authority.

- (15) A penalty is payable, in the case of penalties imposed by—
- (a) a traffic commissioner, to the Secretary of State; and
 - (b) a local weights and measures authority, to that authority.
- (16) An amount due under this regulation is recoverable as a civil debt.

Marginal Citations

M20 Sections 16(3) and (5)(a) and 17 of the 1981 Act have been amended by the [Road Transport Operators Regulations 2011 \(S.I. 2011/2632\)](#), [Schedule 1, paragraph 1](#) and 6; the Transport Act 1985, Schedule 2, Part II, paragraph 4(7)(b) and (c) and (8) and Schedule 7, paragraph 21(5) and (6); the [Deregulation and Contracting Out Act 1994 \(c.40\)](#), [sections 59\(6\), 62\(2\)](#) and (3) Schedule 14, paragraph 5(1) and (2) and Schedule 17; and the [Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), [Schedule 1](#).

Compensation claims

11. A claim by a person for a contravention of any of that person's rights under Regulation 181/2011 may be the subject of civil proceedings in the same way as any other claim in tort or (in Scotland) in reparation for breach of statutory duty.

Modifications to the 1981 Act

- 12.**—(1) For the purposes of these Regulations—
- (a) section 16(7) of the 1981 Act ^{M21} does not apply to any contravention of a condition attached to a PSV operator's licence for the purpose of these Regulations;
 - (b) section 54 of that Act ^{M22} applies to the exercise of a traffic commissioner's functions under these Regulations in the same manner as it applies to the exercise of a traffic commissioner's functions under the 1981 Act.
- (2) For the purpose of paragraph (1)(b), a traffic commissioner may by summons (in England and Wales) or by citation (in Scotland) require any person, including any officer of any local authority or local transport authority which is a terminal managing body, to attend an inquiry, at a time and place stated in the summons or citation, to give evidence or to produce any documents in his custody or under his control which relate to any matter in question at the inquiry, and may take evidence on oath, and for that purpose administer oaths, provided that—
- (a) no person may be required, in obedience to such summons or citation, to attend to give evidence or to produce any such documents, unless that person's necessary expenses of attendance are paid or tendered to that person; and
 - (b) nothing in this paragraph empowers the traffic commissioner holding the inquiry to require the production of the title, or of any instrument relating to the title, of any land not being the property of a local authority.

Marginal Citations

M21 To which there are amendments not relevant to these Regulations.

M22 [Section 54](#) of the 1981 Act was substituted by the Transport Act 1985, section 4; and has been amended by the [Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), [Schedule 1, paragraph 1](#) and 8; the [Transfer of Functions \(Transport Tribunal and Appeal Panel\) Order 2009 \(S.I. 2009/1885\)](#), [Schedule 1, paragraph 1](#) and 3; and the [Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), [Schedule 1](#).

Amendments of the 1981 Act and other legislation

13.—(1) In the 1981 Act—

(a) at the end of section 29, insert—

“This section does not apply to anything that is governed by Article 6 of the 2011 Regulation.”;

(b) in section 54—

(i) in subsections (8)(b) and (8)(c), after “the 2009 Regulation”, insert “ or the 2011 Regulation ”;

(ii) in subsection (9), omit the “and” after paragraph (a) and after subsection (b), insert—

“(c) the Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) Regulations 2013.”;

(c) in section 82(1), after the definition of “the 2009 Regulation”, insert—

““the 2011 Regulation” means 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.”;

(2) In the Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) Regulations 1990^{M23}, after regulation 14(3), insert—

“(3A) Paragraphs (2) and (3) do not apply to anything that is governed by Article 13(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.”.

(3) In the Public Service Vehicles (Operators' Licences) Regulations 1995^{M24}—

(a) in regulation 3(1), after the definition of “the 1985 Act”, insert—

““the 2011 Regulation” means 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.”

(b) replace regulation 7(1) with—

“7.—(1) For the purpose of section 16(3), the prescribed description of conditions is any condition regulating any of the matters specified in—

(a) paragraph (2), in relation to a journey, or part of a journey, the purpose or the main purpose of which is to carry passengers to or from a designated sporting event; and

(b) paragraph (3), for the purpose of remedying or avoiding any contravention of the 2011 Regulation.”;

(c) in regulation 7(2), for “paragraph (1)” substitute “ paragraph (1)(a) ”; and

(d) after regulation 7(2), insert—

“(3) The matters referred to in paragraph (1)(b) are—

(a) non-discrimination between passengers with regard to transport conditions offered by carriers;

(b) rights of passengers in the event of accidents arising out of the use of a bus or coach resulting in death or personal injury or loss of or damage to luggage;

(c) non-discrimination and mandatory assistance for disabled persons and persons with reduced mobility;

- (d) rights of passengers in cases of cancellation or delay;
- (e) minimum information to be provided to passengers; and
- (f) handling of complaints.

(4) Expressions used in paragraph (3) have the same meaning which they bear in Article 1 of the 2011 Regulation.”.

(4) In paragraph 34 of Part 9 (Transport) of Schedule 3 (Services and Public Functions: Exceptions) to the Equality Act 2010 ^{M25}, after sub-paragraph (1), insert—

“(1A) Sections 20 to 22 and section 29 do not apply to anything that is governed by 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.”.

(5) In paragraph 1 of Schedule 1 (Scope of Sections 2 to 4 and 7) to the Unfair Contract Terms Act 1977 ^{M26}, after sub-paragraph (e), insert—

“(f) anything that is governed by Article 6 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.”

(6) In Regulation 8 of the Unfair Terms in Consumer Contracts Regulations 1999 ^{M27}, after paragraph (2) insert—

“(3) This regulation does not apply to anything that is governed by Article 6 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.”

Marginal Citations

- M23** S.I. 1990/1020. Regulation 14 was inserted by the Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) (Amendment) Regulations 2002 (S.I. 2002/ 1724), regulations 2, 6.
- M24** S.I. 1995/ 2908, to which there are amendments not relevant to these Regulations.
- M25** 2010 c.15. Paragraph 34 of Part 9 of Schedule 3 has been amended by the Equality Act 2010 (Consequential Amendments, Saving and Supplementary Provisions) Order 2010 (S.I. 2010/ 2279).
- M26** 1977 c.50, to which there are amendments not relevant to these Regulations.
- M27** S.I.1999/2083.

Review

14.—(1) The Secretary of State must from time to time—

- (a) carry out a review of these Regulations,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how Articles 2(4), 2(5), 12, 16(2), 28(1), 28(3) and 31 of Regulation 181/2011 (which are implemented by means of these Regulations) are implemented in other Member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations,
- (b) assess the extent to which those objectives are achieved, and

- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (4) The first report under this regulation must be published before the end of the period of five years which began on 1st March 2013.
- (5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

Signed by the authority of the Secretary of State

Department for Transport

Norman Baker
Parliamentary Under Secretary of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke the Rights of Passengers in Bus and Coach Transport (Exemptions) Regulations 2013 (the “Exemptions Regulations”). The Exemptions Regulations gave 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”). Regulation 181/2011 is directly applicable in Member States.

However, these Regulations also re-enact the provisions of the Exemptions Regulations (subject to an amendment arising from the accession to the European Union of the Republic of Croatia on 1st July 2013); and consolidate those provisions with additional provisions which give effect to Article 12 and Chapter VI of Regulation 181/2011.

Regulation 3 revokes the Exemptions Regulations.

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).

Regulation 5 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 6 implements Article 12 of Regulation 181/2011 by designating certain bus and coach terminals at which assistance for disabled persons and persons with reduced mobility must be provided.

Regulation 7 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.

Regulation 8 implements Article 28(1) of Regulation 181/2011 by designating certain bodies which are responsible for enforcement of Regulation 181/2011 and gives those bodies the right to ask for information to assist them in carrying out their functions.

Regulation 9 implements Article 28(3) of Regulation 181/2011 by designating certain bodies to which complaints may be made by passengers about alleged infringements of Regulation 181/2011.

Regulation 10 implements Article 31 of Regulation 181/2011 by establishing enforcement measures, including penalties applicable to infringements of Regulation 181/2011.

Regulation 11 enables persons who have suffered an infringement of their rights under Regulation 181/2011 to seek compensation separately from any penalty that may be imposed.

Regulation 12 modifies the Public Passenger Vehicles Act 1981 to disapply criminal offences that would otherwise attach to contraventions of licences held by public service vehicle operators and to empower traffic commissioners to hold and summon witnesses to attend public enquiries for the purpose of these Regulations.

Regulation 13 amends other legislation, including the Unfair Contract Terms Act 1977, the Unfair Terms in Consumer Contracts Regulations 1999 and the Equality Act 2010 to ensure consistency with Regulation 181/2011 and these Regulations.

Regulation 14 requires the Secretary of State to review the operation and effect of these

Regulations and publish a report within five years after 1st March 2013 (the date of application of Regulation 181/2011) and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the Regulations or to amend them.

A full impact assessment of the effect that Regulation 181/2011 will have on the costs of business and the voluntary sector has been prepared and a copy placed in the library of both Houses of Parliament. 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 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.

Changes to legislation:

There are currently no known outstanding effects for the The Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) Regulations 2013.