EXPLANATORY MEMORANDUM TO

S.R. 2020 No. 277

The Railways (Amendment) (EU Exit) Regulations (Northern Ireland) 2020

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department for Infrastructure to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under section 2(2) of the European Communities Act (Northern Ireland) 1972 and is subject to negative resolution procedure.

2. Purpose

These Regulations are made in exercise of the powers conferred by section 11 of, and paragraph 1(1) of Schedule 2 and paragraphs 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c. 16) ("the Act") in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under paragraph 3 of schedule 2) arising from the withdrawal of the United Kingdom from the European Union.

3. Background

The Regulations make amendments to The Rail Safety (Amendment etc.) (EU Exit) Regulations 2019 to omit regulation 10, thus enabling the Department for Infrastructure to implement the requirements of a single safety certificate as set out in Regulation (EC) 2016/798 and The Railways (Safety Management) Regulations (Northern Ireland) 2006 to add definitions of terms and to apply amendments in consequence of the Railways (Interoperability) Regulations 2011.

4. Consultation

As the amendments proposed by this Statutory Rule are being made to transpose amendments arising from the UK's current responsibilities within the EU, and do not provide for material change to day to day operations, It was considered that there was no requirement for formal consultation on the proposed amendments

5. Equality Impact

The Department has considered the proposed legislative provisions against the section 75 criteria and the responses to the consultation process and, in conjunction with the Equality Unit, has screened out the requirement for an Equality Impact Assessment in relation to these legislative proposals.

6. Regulatory Impact

The Department has considered the proposed legislative provisions and has identified no costs associated with the introduction of the legislation and has screened out the requirement for a Regulatory Impact Assessment.

7. Financial Implications

None.

8. Section 24 of the Northern Ireland Act 1998

The proposed Rule has been subject to checks in relation to section 24 and no effects on Community Law or Convention Rights have been identified.

9. EU Implications

The aim of these Regulations is to address a failure of retained EU law to operate effectively and arising from the withdrawal of the United Kingdom from the European Union.

10. Parity or Replicatory Measure

Similar regulations have been introduced in Westminster (S.I. 2019/ 837) to reinstate Commission Implementing Regulation 2018/763 in Great Britain.

11. Additional Information

Not applicable.