



STATUTORY INSTRUMENTS.

**S.I. No. 152 of 2013**

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EUROPEAN UNION (RIGHTS OF PASSENGERS WHEN  
TRAVELLING BY BUS AND COACH TRANSPORT) REGULATIONS  
2013

EUROPEAN UNION (RIGHTS OF PASSENGERS WHEN  
TRAVELLING BY BUS AND COACH TRANSPORT) REGULATIONS  
2013

I, LEO VARADKAR, Minister for Transport, Tourism and Sport, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) for the purpose of giving full effect to Regulation (EU) No. 181/2011 of the European Parliament and of the Council of 16 February 2011<sup>1</sup>, hereby make the following regulations:

1. These Regulations may be cited as the European Union (Rights of Passengers when Travelling by Bus and Coach Transport) Regulations 2013.

2. (1) In these Regulations—

“Authority” means National Transport Authority;

“EU Regulation” means Regulation (EU) No. 181/2011 of the European Parliament and of the Council of 16 February 2011<sup>1</sup>;

“provider” means carrier, performing carrier, ticket vendor, travel agent, tour operator or terminal managing body (within the meaning of the EU Regulation) as the case may be.

(2) A word or expression which is used in these Regulations and which is also used in the EU Regulation has, unless the context requires otherwise, the same meaning in these Regulations as it has in the EU Regulation.

3. The Authority is designated responsibility for the enforcement of the EU Regulation in the State which, accordingly, is a function of the Authority under the Dublin Transport Authority Act 2008 (No. 15 of 2008) and, accordingly, references in section 78 and 79 of that Act to a public transport authority or operator shall be read as including references to a provider.

4. (1) The Authority, either on its own initiative or following a complaint to it by a passenger, being of the opinion that a provider is failing to comply with or is infringing the EU Regulation shall cause to be served on the provider a notice specifying the failure or infringement concerned and requiring the provider to take such measures as are specified in the notice, within such period as may be specified, for the purposes of complying with the notice.

(2) Notwithstanding paragraph (1), the Authority may decide that a passenger as a first step shall submit a complaint to the provider concerned. In which

<sup>1</sup>OJ No. L55, 28.2.2011, p.1

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 10th May, 2013.*

case the Authority shall act as an appeal body for complaints not resolved in accordance with Article 27 of the EU Regulation.

(3) A provider on whom a notice is served under paragraph (1) may, within 21 days of the service of the notice, make representations to the Authority. The Authority shall consider any such representations and shall by notice, confirm, modify or withdraw the notice.

(4) A provider on whom a notice is served under this Regulation who fails to comply with the notice commits an offence and is liable, on summary conviction, to a class B fine.

5. (1) A notice that is required to be served on a person under Regulation 4 shall be addressed to the person concerned by name, and may be so served on the person in one of the following ways:

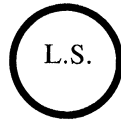
- (a) by delivering it to the person;
- (b) by leaving it at the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, at that address;
- (c) by sending it by post (provided a certificate of posting is obtained) to the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, to that address;
- (d) in a case in which an e-mail address for service has been furnished, to that e-mail address.

(2) For the purpose of this Regulation, a company within the meaning of the Companies Acts shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body of persons shall be deemed to be ordinarily resident at its principal office or place of business.

6. Where an offence under Regulation 4 is committed by a body corporate and is proved to have been so committed with the consent or connivance of any person, being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in such capacity, that person, as well as the body corporate, commits an offence and is liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

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7. Proceedings may be brought summarily by the Authority for an offence under Regulation 4.



GIVEN under my Official Seal,  
29 April 2013.

LEO VARADKAR,  
Minister for Transport, Tourism and Sport.

EXPLANATORY NOTE

*This note is not part of the Instrument and does not purport to be a legal interpretation.*

These Regulations provide for the designation of the National Transport Authority as the enforcement body for passenger rights in bus and coach transport, and establish a system of penalties, as required by the EU Regulation 181/2011 concerning the rights of passengers in bus and coach transport, which came into effect on 1st March 2013.

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