

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT

Fourth Delegated Legislation Committee

DRAFT INTERNATIONAL ROAD PASSENGER  
TRANSPORT (AMENDMENT) (NORTHERN  
IRELAND) (EU EXIT) REGULATIONS 2019

*Tuesday 14 May 2019*

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**The Committee consisted of the following Members:**

*Chair:* MR ADRIAN BAILEY

- |  |  |
|--|--|
| † Adams, Nigel ( <i>Selby and Ainsty</i> ) (Con)                                       | † Maskell, Rachael ( <i>York Central</i> ) (Lab/Co-op)   |
| Allan, Lucy ( <i>Telford</i> ) (Con)   | Morris, Grahame ( <i>Easington</i> ) (Lab)               |
| Bradshaw, Mr Ben ( <i>Exeter</i> ) (Lab)   | Reynolds, Emma ( <i>Wolverhampton North East</i> ) (Lab) |
| † Burt, Alistair ( <i>North East Bedfordshire</i> ) (Con)                              | Smith, Owen ( <i>Pontypridd</i> ) (Lab)                  |
| † Donelan, Michelle ( <i>Chippenham</i> ) (Con)  | † Swayne, Sir Desmond ( <i>New Forest West</i> ) (Con)   |
| † Duguid, David ( <i>Banff and Buchan</i> ) (Con)                                      | Yasin, Mohammad ( <i>Bedford</i> ) (Lab)                 |
| † Foxcroft, Vicky ( <i>Lewisham, Deptford</i> ) (Lab)                                  | Zeichner, Daniel ( <i>Cambridge</i> ) (Lab)              |
| † Ghani, Ms Nusrat ( <i>Parliamentary Under-Secretary<br/>of State for Transport</i> ) |  |
| † Heapey, James ( <i>Wells</i> ) (Con)   | Dominic Stockbridge, <i>Committee Clerk</i>              |
| † Lamont, John ( <i>Berwickshire, Roxburgh and Selkirk</i> )<br>(Con)                  | † <b>attended the Committee</b>                          |

## Fourth Delegated Legislation Committee

Tuesday 14 May 2019

[MR ADRIAN BAILEY *in the Chair*]

### Draft International Road Passenger Transport (Amendment) (Northern Ireland) (EU Exit) Regulations 2019

8.55 am

**The Parliamentary Under-Secretary of State for Transport (Ms Nusrat Ghani):** I beg to move,

That the Committee has considered the draft International Road Passenger Transport (Amendment) (Northern Ireland) (EU Exit) Regulations 2019.

It is an honour to serve under your chairmanship on this glorious morning, Mr Bailey. The draft regulations will amend the necessary domestic implementing legislation in Northern Ireland to deal with deficiencies that would otherwise exist when the UK leaves the EU. In the absence of the Northern Ireland Assembly, the Cabinet has agreed that, in the interest of legal certainty for Northern Ireland post exit, UK Government Ministers will introduce the necessary secondary legislation at Westminster for Northern Ireland.

EU legislation governs access to the international passenger transport market. An EU regulation establishes the conditions for the international carriage of passengers by coach and bus within the EU, and cabotage within member states by non-resident EU operators. It covers regular timetabled services and occasional services such as holidays and tours. It establishes for that purpose a system of Community licences, which act as the international bus and coach licences used within the EU, and provides for those licences to be issued by the competent authorities of member states.

To ensure the continuation of bus and coach services to the UK in the event of no deal, the Government introduced the Common Rules for Access to the International Market for Coach and Bus Services (Amendment etc.) (EU Exit) Regulations 2019, which the House approved on 26 March. Those regulations amended the retained UK version of the EU regulation on a UK-wide basis, allowing EU-based operators to continue to access the UK market through the continued recognition of Community licences and control documents issued by EU member states.

Section 2 of the European Union (Withdrawal) Act 2018 preserves EU-derived domestic legislation, including the Public Service Vehicles (International Passenger Services) Regulations (Northern Ireland) 2019 and the Transport Act (Northern Ireland) 1967, which give effect to the EU regulation in Northern Ireland. The draft regulations, which apply to Northern Ireland only, will adjust the language and references in that retained legislation and in two other pieces of legislation. They will make minor, technical changes to reflect the fact that the UK will cease to be an EU member state, for

example by removing references to “Community licence” and “Community rules” from relevant Northern Irish domestic legislation. They will also ensure that domestic enforcement provisions continue to apply to EU operators.

In the event of no deal, UK operators will be able to continue to access the EU market through the Interbus agreement in respect of occasional services, an EU multilateral agreement that allows bus and coach operators to carry out occasional services between participating countries—currently the EU countries and seven other contracting parties in eastern Europe. The UK has completed the accession process and will become a member of the Interbus agreement in its own right in the event of no deal.

The agreement will be extended to regular services in due course, but until the end of 2019, access for existing regular services will be provided through the EU contingency measure on basic road freight and road passenger transport connectivity. The measure, which was adopted on 19 March, enables UK operators to continue to operate existing regular timetabled services to EU member states until 31 December 2019. It would also have enabled cabotage in the border areas of the Republic of Ireland until 30 September. Since it was agreed, an extension to the exit date has been granted to 31 October; we will work with the EU to determine the impact of the extension on the timing of the measure.

The EU contingency measure is dependent on the UK’s reciprocity. UK regulations to provide reciprocity, such as the draft regulations, are a stop-gap measure. In the event of no deal, once the Interbus agreement has been extended to regular services, it is intended that reciprocal access will be provided through that agreement instead. However, we will work with the European Commission and the Republic of Ireland to ensure that any future UK-EU transport arrangements take into account the unique transport demands on the island of Ireland, particularly in respect of the border counties, where cabotage is of particular importance.

The Government have made a commitment to reduce the adverse impact on businesses and citizens of EU exit. That applies to people’s ability to make international journeys by bus or coach. Coach travel is safe and environmentally friendly. Its low cost is particularly valued by individuals on low incomes, such as students and pensioners. In Northern Ireland, travel across the border is a commonplace daily activity, with 900,000 such journeys per annum. Although the Common Rules for Access to the International Market for Coach and Bus Services (Amendment etc.) (EU Exit) Regulations 2019 ensure that EU operators can continue to access the UK market, the draft regulations will ensure that the relevant domestic legislation in Northern Ireland is adjusted to deal with deficiencies that would otherwise exist when the UK leaves the EU. I commend the draft regulations to the Committee.

9 am

**Rachael Maskell (York Central) (Lab/Co-op):** It is a pleasure to serve under you in the Chair, Mr Bailey.

As we have heard, the regulations will enable existing bus and coach transport to continue to operate should the UK leave the European Union. It is clear that membership of the Community licensing scheme would alleviate the risks to the industry. Will the Minister tell

us what progress has been made on being a member of the Community licensing scheme should the UK leave the European Union with a deal or even without a comprehensive deal? The regulations will remove such barriers and bring clarity, so that buses and coaches can operate across the Irish border and onwards with cabotage arrangements.

I stress that bringing the regulations to the Committee six weeks after the UK was due to leave the European Union, possibly with no deal in place, is incredibly negligent. Are we to expect that other regulations in the transport brief will be brought forward? What risk assessment has the Department for Transport made of the impact of being unprepared for Brexit? The Secretary of State seems to have mismanaged the progress of legislation that will protect the continuity of public transport. I must remind the Minister that this is an area of major concern to the people of Northern Ireland—not least her Government's confidence and supply partners. The regulations are designed to maintain the status quo on the access rights of bus and coach operators in their international travel operations across the border, and they have come to this Parliament in the absence of a functioning Northern Ireland Assembly.

I note the progress that has been made on the Interbus agreement. Will the Minister update the Committee on what stage we are at in the further talks on regular and special services? When are they expected to conclude, and what changes are needed to maintain those services? Such an agreement is due to cease at the end of this year. Labour is therefore disappointed that at this late stage we are discussing such vital legislation, should the UK leave the European Union. However, we recognise the importance of ensuring that there is a smooth transition and access to cross-border operations for coach and bus passenger services.

9.3 am

**Ms Ghani:** I thank the hon. Lady for her consideration of the regulations. I will turn to some of the points raised in the debate. If I fail to address all of them, I hope she will allow me to respond in writing.

I must put on the record that the Department for Transport's preparation for Brexit has been second to none. I believe that we laid the greatest number of statutory instruments of any Department other than the Department for Environment, Food and Rural Affairs. The SIs were on schedule, but with the extension from the March date there was a reprioritisation, which is why we are dealing with this instrument today. The programme was on schedule and there is no risk to any part of our sector.

The hon. Lady talked about consulting the industry. The aim of this legislation is, quite frankly, to maintain the status quo as far as possible. These are just technical amendments, and consultation took place with the Federation of Passenger Transport Northern Ireland and other agencies. She talked about the Interbus agreement and raised a very important point. The contracting parties to the Interbus agreement are the EU, Albania, Bosnia, Croatia, the former Yugoslav Republic of Macedonia, Moldova, Montenegro and Turkey.

A signatory process for a protocol that will extend the Interbus agreement to regular services opened on 16 July 2018 and ran until 16 April 2019, although officials have been informed that this date will be extended. Four of the seven contracting parties need to sign the protocol, including the EU. The protocol will then come into force in the third month after the fourth signature is made. As of 16 April, no contracting party had signed the protocol. Once the UK becomes a contracting party to the agreement, we will be able to sign the protocol in a no-deal scenario.

Again, the statutory instrument just makes minor amendments to reflect the fact that the UK will no longer be part of the EU. I hope that I have managed to address the points raised in the debate and that hon. Members agree that the instrument is needed to remove any ambiguity in Northern Ireland legislation that deals with the operation of international bus and coach services in the event of no deal.

*Question put and agreed to.*

9.5 am

*Committee rose.*





