

Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (Text with EEA relevance)

### *Article 3*

#### **Scope**

- 1 This Regulation shall apply:
  - a to passengers departing from an airport located in [<sup>F1</sup>the United Kingdom];
  - [<sup>F2</sup>b to passengers departing from an airport located in a country other than the United Kingdom to an airport situated in—
    - i the United Kingdom if the operating air carrier of the flight concerned is a Community carrier or a UK air carrier; or
    - ii the territory of a Member State to which the Treaty applies if the operating air carrier of the flight concerned is a UK air carrier,unless the passengers received benefits or compensation and were given assistance in that other country.]
- [<sup>F3</sup>1A For the purposes of this Regulation a flight comprised of more than one leg shall be treated—
  - a as a whole, if it was booked as a single unit, and
  - b as departing from the point of departure of the first leg.]
- 2 Paragraph 1 shall apply on the condition that passengers:
  - a have a confirmed reservation on the flight concerned and, except in the case of cancellation referred to in Article 5, present themselves for check-in, as stipulated and at the time indicated in advance and in writing (including by electronic means) by the air carrier, the tour operator or an authorised travel agent, or, if no time is indicated, not later than 45 minutes before the published departure time; or
  - b have been transferred by an air carrier or tour operator from the flight for which they held a reservation to another flight, irrespective of the reason.
- 3 This Regulation shall not apply to passengers travelling free of charge or at a reduced fare not available directly or indirectly to the public. However, it shall apply to passengers having tickets issued under a frequent flyer programme or other commercial programme by an air carrier or tour operator.
- 4 This Regulation shall only apply to passengers transported by motorised fixed wing aircraft.
- 5 This Regulation shall apply to any operating air carrier providing transport to passengers covered by paragraphs 1 and 2. Where an operating air carrier which has no contract with the passenger performs obligations under this Regulation, it shall be regarded as doing so on behalf of the person having a contract with that passenger.

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 261/2004 of the European Parliament and of the Council, Article 3. (See end of Document for details)

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6 This Regulation shall not affect the rights of passengers under [<sup>F4</sup>the Package Travel and Linked Travel Arrangements Regulations 2018]. This Regulation shall not apply in cases where a package tour is cancelled for reasons other than cancellation of the flight.

[<sup>F57</sup> An obligation to pay compensation or offer assistance in accordance with Articles 7 to 9 does not constitute a liability for damage occasioned by delay for the purposes of Article 19 of the Montreal Convention.

8 An action to enforce an obligation to pay compensation or offer assistance in accordance with Articles 7 to 9 does not constitute an action for damages for the purposes of Article 29 of the Montreal Convention.

9 For limitation purposes a claim under this Regulation will be determined in accordance with section 9 of the Limitation Act 1980.]

#### Textual Amendments

- F1** Words in Art. 3(1)(a) substituted (31.12.2020) by The Air Passenger Rights and Air Travel Organisers' Licensing (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/278), regs. 1(3), **8(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Art. 3(1)(b) substituted (31.12.2020) by The Air Passenger Rights and Air Travel Organisers' Licensing (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/278), regs. 1(3), **8(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Art. 3(1A) inserted (14.12.2023) by The Aviation (Consumers) (Amendment) Regulations 2023 (S.I. 2023/1370), regs. 1(2), **2(3)**
- F4** Words in Art. 3(6) substituted (31.12.2020) by The Air Passenger Rights and Air Travel Organisers' Licensing (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/278), regs. 1(3), **8(4)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Art. 3(7)-(9) inserted (14.12.2023) by The Aviation (Consumers) (Amendment) Regulations 2023 (S.I. 2023/1370), regs. 1(2), **2(4)**

**Changes to legislation:**

There are currently no known outstanding effects for the Regulation (EC) No 261/2004 of the European Parliament and of the Council, Article 3.