

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision for the creation of offences for the purposes of enforcing the rights and entitlements set out in Council Regulation (EC) No. 261/2004 which establishes common rules on compensation and assistance to passengers in the event that they are denied boarding onto their flight or that the flight has been cancelled or subjected to lengthy delays.

Regulation 3 provides that anyone failing to offer compensation and or provide assistance in the circumstances provided for by the Council Regulation shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

It will be a defence for an operating air carrier to demonstrate that it took all reasonable steps and was as careful as possible to ensure compliance with the Council Regulation (regulation 4).

The Regulations also designate the Civil Aviation Authority as the body responsible for the enforcement of the Council Regulation and the Air Transport Users Council as the body to receive complaints regarding any alleged breaches of the Council Regulation (regulation 5).

A full regulatory impact assessment of the effect that this instrument will have on the costs of business has been produced and a copy placed in the library of both Houses of Parliament. Copies may be obtained from the Department for Transport, 76 Marsham Street, London SW1P 4DR. Alternatively copies can be obtained from the Department for Transport's website which is at [www.dft.gov.uk](http://www.dft.gov.uk).