
Status: Point in time view as at 02/06/2020.

Changes to legislation: There are currently no known outstanding effects for the The Civil Aviation (Access to Air Travel for Disabled Persons and Persons with Reduced Mobility) Regulations 2014. (See end of Document for details)

STATUTORY INSTRUMENTS

2014 No. 2833

CIVIL AVIATION

The Civil Aviation (Access to Air Travel for Disabled Persons and Persons with Reduced Mobility) Regulations 2014

<i>Made</i>	- - - -	<i>16th October 2014</i>
<i>Laid before Parliament</i>		<i>27th October 2014</i>
<i>Coming into force</i>	- -	<i>1st December 2014</i>

The Secretary of State is designated for the purposes of section 2(2) of the European Communities Act 1972 ^{M1} in relation to measures relating to air transport ^{M2} and discrimination ^{M3} and in exercise of the powers conferred by that section makes these Regulations.

Marginal Citations

- M1** 1972 c.68. Section 2(2) was amended by section 27(1)(a) of the [Legislative and Regulatory Reform Act 2006 \(c.51\)](#) and section 3(3) of, and Part 1 of the Schedule to, the [European Union \(Amendment\) Act 2008 \(c.7\)](#).
- M2** S.I. 1993/2661.
- M3** S.I. 2002/1819.

Citation and commencement

1. These Regulations may be cited as the Civil Aviation (Access to Air Travel for Disabled Persons and Persons with Reduced Mobility) Regulations 2014 and come into force on 1st December 2014.

Revocation

2. The Civil Aviation (Access to Air Travel for Disabled Persons and Persons with Reduced Mobility) Regulations 2007 ^{M4} are revoked.

Marginal Citations

- M4** S.I. 2007/1895.

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Interpretation

3.—(1) In these Regulations—

“the Articles” means Articles 2 to 15 of the EC Regulation;

“the CAA” means the Civil Aviation Authority;

“the EC Regulation” means Regulation (EC) No.1107/2006 of the European Parliament and of the Council of 5th July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air^{M5};

F1 ...

F2 ...

F3 ...

F4 ...

F5 ...

F6 ...

“the Montreal Convention” means the Montreal Convention for the Unification of Certain Rules for International Carriage which was made on 28th May 1999^{M6}.

(2) In these Regulations “air carrier”, “airport”, “disabled person”, “managing body of an airport”, “operating air carrier”, “person with reduced mobility” and “tour operator” have the same meaning as in the EC Regulation.

(3) A reference to an Article is a reference to that Article in the EC Regulation.

(4) A reference in these Regulations to a document or any other thing in writing includes that document or thing in an electronic form.

Textual Amendments

- F1** Words in reg. 3(1) omitted (2.6.2020) by virtue of [The Consumer Protection \(Enforcement\) \(Amendment etc.\) Regulations 2020 \(S.I. 2020/484\)](#), regs. 1(2), **7(2)(a)** (with reg. 8)
- F2** Words in reg. 3(1) omitted (2.6.2020) by virtue of [The Consumer Protection \(Enforcement\) \(Amendment etc.\) Regulations 2020 \(S.I. 2020/484\)](#), regs. 1(2), **7(2)(b)** (with reg. 8)
- F3** Words in reg. 3(1) omitted (2.6.2020) by virtue of [The Consumer Protection \(Enforcement\) \(Amendment etc.\) Regulations 2020 \(S.I. 2020/484\)](#), regs. 1(2), **7(2)(c)** (with reg. 8)
- F4** Words in reg. 3(1) omitted (2.6.2020) by virtue of [The Consumer Protection \(Enforcement\) \(Amendment etc.\) Regulations 2020 \(S.I. 2020/484\)](#), regs. 1(2), **7(2)(d)** (with reg. 8)
- F5** Words in reg. 3(1) omitted (2.6.2020) by virtue of [The Consumer Protection \(Enforcement\) \(Amendment etc.\) Regulations 2020 \(S.I. 2020/484\)](#), regs. 1(2), **7(2)(e)** (with reg. 8)
- F6** Words in reg. 3(1) omitted (2.6.2020) by virtue of [The Consumer Protection \(Enforcement\) \(Amendment etc.\) Regulations 2020 \(S.I. 2020/484\)](#), regs. 1(2), **7(2)(f)** (with reg. 8)

Marginal Citations

- M5** OJ No. L.204, 26.7.2006, p1.
- M6** Cm. 4651.

Duty to enforce

4.—(1) The CAA is the designated body for the purposes of Article 14 and it and any person authorised to act on its behalf are to have access at all reasonable times to any part of an airport or aircraft for the purposes of carrying out the CAA's function under that Article.

[^{F7}(2) Subject to paragraphs (3) and (5), the CAA and the bodies listed in paragraph (4) are designated bodies for the purposes of Article 15(2).]

(3) The General Consumer Council for Northern Ireland is the designated body for those purposes in respect of a complaint made under the EC Regulation relating to—

- (a) an airport in Northern Ireland, or
- (b) a flight departing from an airport in Northern Ireland.

[^{F8}(4) The bodies referred to in paragraph (2) are—

- (a) CEDR Services Limited (company registration number 03271988);
- (b) Consumer Dispute Resolution Limited (company registration number 09189773).

(5) The designation by paragraph (2) of a body listed in paragraph (4) only applies in so far as any contract entered into by that body with an operating air carrier provides for that body to deal with complaints made in accordance with Article 15(2) in relation to that carrier.]

Textual Amendments

- F7** Reg. 4(2) substituted (4.8.2016) by [The Civil Aviation \(Denied Boarding, Compensation and Assistance and Access to Air Travel for Disabled Persons and Persons with Reduced Mobility\) \(Amendment\) Regulations 2016 \(S.I. 2016/729\)](#), regs. 1, **3(2)(a)**
- F8** Reg. 4(4)(5) added (4.8.2016) by [The Civil Aviation \(Denied Boarding, Compensation and Assistance and Access to Air Travel for Disabled Persons and Persons with Reduced Mobility\) \(Amendment\) Regulations 2016 \(S.I. 2016/729\)](#), regs. 1, **3(2)(b)**

Consultation

^{F9}5.

Textual Amendments

- F9** [Regs. 5-23 omitted \(2.6.2020\) by virtue of The Consumer Protection \(Enforcement\) \(Amendment etc.\) Regulations 2020 \(S.I. 2020/484\)](#), regs. 1(2), **7(3)** (with reg. 8)

Request for consultation

^{F9}6.

Textual Amendments

- F9** [Regs. 5-23 omitted \(2.6.2020\) by virtue of The Consumer Protection \(Enforcement\) \(Amendment etc.\) Regulations 2020 \(S.I. 2020/484\)](#), regs. 1(2), **7(3)** (with reg. 8)

Person to whom a request for consultation is to be made

^{F9}7.

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Textual Amendments

F9 Regs. 5-23 omitted (2.6.2020) by virtue of [The Consumer Protection \(Enforcement\) \(Amendment etc.\) Regulations 2020 \(S.I. 2020/484\)](#), regs. 1(2), **7(3)** (with reg. 8)

Address for service

F9 8.

Textual Amendments

F9 Regs. 5-23 omitted (2.6.2020) by virtue of [The Consumer Protection \(Enforcement\) \(Amendment etc.\) Regulations 2020 \(S.I. 2020/484\)](#), regs. 1(2), **7(3)** (with reg. 8)

Date of receipt of request

F9 9.

Textual Amendments

F9 Regs. 5-23 omitted (2.6.2020) by virtue of [The Consumer Protection \(Enforcement\) \(Amendment etc.\) Regulations 2020 \(S.I. 2020/484\)](#), regs. 1(2), **7(3)** (with reg. 8)

Applications

F9 10.

Textual Amendments

F9 Regs. 5-23 omitted (2.6.2020) by virtue of [The Consumer Protection \(Enforcement\) \(Amendment etc.\) Regulations 2020 \(S.I. 2020/484\)](#), regs. 1(2), **7(3)** (with reg. 8)

Enforcement Orders

F9 11.

Textual Amendments

F9 Regs. 5-23 omitted (2.6.2020) by virtue of [The Consumer Protection \(Enforcement\) \(Amendment etc.\) Regulations 2020 \(S.I. 2020/484\)](#), regs. 1(2), **7(3)** (with reg. 8)

Interim Enforcement Orders

F9 12.

Textual Amendments

F9 Regs. 5-23 omitted (2.6.2020) by virtue of [The Consumer Protection \(Enforcement\) \(Amendment etc.\) Regulations 2020 \(S.I. 2020/484\)](#), regs. 1(2), **7(3)** (with reg. 8)

Undertakings to the CAA

F9 13.

Textual Amendments

F9 Regs. 5-23 omitted (2.6.2020) by virtue of [The Consumer Protection \(Enforcement\) \(Amendment etc.\) Regulations 2020 \(S.I. 2020/484\)](#), regs. 1(2), **7(3)** (with reg. 8)

Further proceedings

F9 14.

Textual Amendments

F9 Regs. 5-23 omitted (2.6.2020) by virtue of [The Consumer Protection \(Enforcement\) \(Amendment etc.\) Regulations 2020 \(S.I. 2020/484\)](#), regs. 1(2), **7(3)** (with reg. 8)

Bodies corporate: orders

F9 15.

Textual Amendments

F9 Regs. 5-23 omitted (2.6.2020) by virtue of [The Consumer Protection \(Enforcement\) \(Amendment etc.\) Regulations 2020 \(S.I. 2020/484\)](#), regs. 1(2), **7(3)** (with reg. 8)

Information

F9 16.

Textual Amendments

F9 Regs. 5-23 omitted (2.6.2020) by virtue of [The Consumer Protection \(Enforcement\) \(Amendment etc.\) Regulations 2020 \(S.I. 2020/484\)](#), regs. 1(2), **7(3)** (with reg. 8)

Notices: procedure

F9 17.

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Textual Amendments

F9 Regs. 5-23 omitted (2.6.2020) by virtue of [The Consumer Protection \(Enforcement\) \(Amendment etc.\) Regulations 2020 \(S.I. 2020/484\)](#), regs. 1(2), **7(3)** (with reg. 8)

Notices: enforcement

F9 **18.**

Textual Amendments

F9 Regs. 5-23 omitted (2.6.2020) by virtue of [The Consumer Protection \(Enforcement\) \(Amendment etc.\) Regulations 2020 \(S.I. 2020/484\)](#), regs. 1(2), **7(3)** (with reg. 8)

Evidence

F9 **19.**

Textual Amendments

F9 Regs. 5-23 omitted (2.6.2020) by virtue of [The Consumer Protection \(Enforcement\) \(Amendment etc.\) Regulations 2020 \(S.I. 2020/484\)](#), regs. 1(2), **7(3)** (with reg. 8)

General restriction

F9 **20.**

Textual Amendments

F9 Regs. 5-23 omitted (2.6.2020) by virtue of [The Consumer Protection \(Enforcement\) \(Amendment etc.\) Regulations 2020 \(S.I. 2020/484\)](#), regs. 1(2), **7(3)** (with reg. 8)

Consent

F9 **21.**

Textual Amendments

F9 Regs. 5-23 omitted (2.6.2020) by virtue of [The Consumer Protection \(Enforcement\) \(Amendment etc.\) Regulations 2020 \(S.I. 2020/484\)](#), regs. 1(2), **7(3)** (with reg. 8)

Civil proceedings

F9 **22.**

Textual Amendments

F9 Regs. 5-23 omitted (2.6.2020) by virtue of [The Consumer Protection \(Enforcement\) \(Amendment etc.\) Regulations 2020 \(S.I. 2020/484\)](#), regs. 1(2), **7(3)** (with reg. 8)

Criminal proceedings

F9 23.

Textual Amendments

F9 Regs. 5-23 omitted (2.6.2020) by virtue of [The Consumer Protection \(Enforcement\) \(Amendment etc.\) Regulations 2020 \(S.I. 2020/484\)](#), regs. 1(2), **7(3)** (with reg. 8)

Compensation claims by disabled persons for a damages award

24.—(1) A claim by a disabled person or person with reduced mobility for an infringement of any of that person's rights under the EC Regulation may be made the subject of civil proceedings in the same way as any other claim in tort or (in Scotland) in reparation for breach of statutory duty.

(2) For the avoidance of doubt, any damages awarded in respect of any infringement of the EC Regulation may, if and so far as they are compatible with articles 17 and 29 of the Montreal Convention or other international treaty obligation, include compensation for injury to feelings whether or not they include compensation under any other head.

(3) Proceedings in England, Wales or Northern Ireland may be brought only in a county court.

(4) Proceedings in Scotland may be brought only in a sheriff court.

(5) The remedies available in such proceedings are those which are available in the High Court or (as the case may be) the Court of Session.

(6) A county court or a sheriff court is not to consider a claim under this regulation unless proceedings in respect of it are instituted before the end of the period of six months beginning when the infringement complained of occurred.

(7) Where, in relation to proceedings or prospective proceedings under this regulation, the dispute concerned is referred to conciliation before the end of the period of six months mentioned in paragraph (6), the period allowed by that paragraph is to be extended by three months.

(8) A court may consider any claim under this regulation which is out of time if, in all the circumstances of the case, it considers that it is just and equitable to do so.

[F10] Review

25.—(1) The Secretary of State must from time to time—

- (a) carry out a review of these Regulations,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the provisions of Regulation [\(EC\) No 1107/2006](#) are enforced in other member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by these Regulations,

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- (b) assess the extent to which those objectives are achieved, and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved in another way which involves less regulations.
- (4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which this regulation comes into force.
- (5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.]

Textual Amendments

F10 Reg. 25 added (4.8.2016) by [The Civil Aviation \(Denied Boarding, Compensation and Assistance and Access to Air Travel for Disabled Persons and Persons with Reduced Mobility\) \(Amendment\) Regulations 2016 \(S.I. 2016/729\)](#), regs. 1, **3(5)**

Signed by authority of the Secretary of State

Department for Transport

Robert Goodwill
Parliamentary Under Secretary of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

^{M7}These Regulations make further provision for implementing Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5th July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air through a civil enforcement regime. The Civil Aviation (Access to Air Travel for Disabled Persons and Persons with Reduced Mobility) Regulations 2007 (S.I. 2007/1895) which formerly implemented the EC Regulation are revoked. The criminal offences provided for by the 2007 Regulations are now replaced by a new enforcement regime.

The new enforcement regime provides for—

- (a) power for the courts to make an enforcement order or an interim enforcement order on application of the Civil Aviation Authority (CAA): regulations 11 and 12;
- (b) power for the CAA to accept an undertaking instead of seeking an enforcement order: regulation 13;
- (c) further proceedings to be taken by the CAA following breach of an undertaking, enforcement order or an interim enforcement order: regulation 14; and
- (d) power for the CAA to seek information for the purpose of ascertaining whether there is an infringement of the Articles or whether a person has complied with an order: regulation 16.

The ability to award damages for injury to feelings as part of a compensatory award is limited to cases where such damages are allowable under the UK's international treaty obligations (including in particular articles 17 and 29 of the Montreal Convention for the Unification of Certain Rules for International Carriage by Air which was made on 28th May 1999): regulation 24.

An impact assessment of the effect that the instrument will have on the costs of business, the voluntary sector and the public sector is available from the Department for Transport, Great Minster House, 33 Horseferry Road, London SW1P 4DR and is published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk. A copy has also been placed in the library of each House of Parliament.

Status:

Point in time view as at 02/06/2020.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Aviation (Access to Air Travel for Disabled Persons and Persons with Reduced Mobility) Regulations 2014.