

Government takes action to strengthen airline passenger rights

- government launches plan to bolster airline passenger protections and rights, made possible thanks to the UK's departure from the EU
- new proposals to amend compensation processes available for delayed UK domestic flights and improve access to faster and cheaper dispute resolution
- comes amid calls for change from leading airlines and consumer groups

Airline customers to more easily seek justice from unfair practices thanks to new proposals announced today (31 January 2022) by Transport Secretary Grant Shapps.

Some of the proposals being consulted on have been made possible thanks to the UK's departure from the EU and our newfound ability to amend rules set under EU regulations.

These include considering the creation of a fairer compensation model for when domestic UK flights are delayed.

Based on the current compensation model used by rail and ferry customers, this will see a significant shift away from the current 'set rate' model.

Passengers would instead be able to claim compensation based on the length of the flight delay and linked to cost of travel rather than having to meet a certain threshold – which is currently a 3-hour delay.

The government is also considering mandating all airlines to be part of the aviation Alternative Dispute Resolution (ADR) scheme, which would give consumers a route for escalating certain complaints that cannot be settled between the consumer and airline without needing to go to court.

In the current setup, there are 2 ADR providers in the UK and airlines can join voluntarily.

Under the new proposals, all airlines would have to join the scheme, giving customers access to this dispute route regardless of who they fly with. This could help people who are struggling to get refunds when they are entitled to them.

The proposals also aim to strengthen the UK regulator's powers to further protect both consumers' and airlines' interests. As the UK's aviation regulator, the Civil Aviation Authority (CAA) works to ensure consumers are protected and treated fairly. Under the new proposals, they would have increased powers to enforce consumer protection law, for example, and would be able to fine airlines directly for breaches where appropriate. □

Transport Secretary Grant Shapps said:

People deserve a service that puts passengers first when things go wrong, so today I've launched proposals that aim to bolster airline consumer protections and rights.

We're making the most of our Brexit dividend with our new freedoms outside of the EU and this review will help build a trustworthy, reputable sector.

Richard Moriarty, Chief Executive at the UK CAA, said:

We welcome the action from the government to improve the rights of air passengers. This consultation is a clear indication of the need to enhance our enforcement powers and bring us in line with other regulators.

The proposals will improve passenger rights and equip the Civil Aviation Authority with the appropriate tools to act swiftly and effectively for the benefit of consumers.

The ADR scheme has helped thousands of consumers seek redress from their airline or airport and we welcome the proposal to bring more airlines onto the scheme.

We will respond to the consultation in the coming weeks.

The plans also consult on mandating that airlines provide wheelchair users and people with reduced mobility with the full amount of compensation for any damage caused to their wheelchair or mobility scooter during a domestic UK flight.

At present, under legacy rules, airlines are not mandated to cover the cost of repairs, even if the device is damaged while in their care.

Rocio Concha, Which? Director of Policy and Advocacy, said:

For years, passengers have been let down by some companies in the travel sector, battling to be heard or to get the compensation they are owed when things go wrong.

Trust in travel plummeted further during the pandemic when some airlines ignored their legal obligations and refused to pay refunds for cancelled flights.

This consultation is a welcome first step that must improve and strengthen consumer rights and protections so that complaints are dealt with fairly and promptly, and that passengers receive the money they are due quickly and without unnecessary hassle.

It is also vital that the system is backed up by a regulator with the powers it needs to take swift and strong action against any

company that breaks consumer law.

Caroline Stickland, Chief Operating Officer at Transport for All, said:

Having your wheelchair or mobility aid lost or damaged by an airline doesn't just put a damper on a holiday. It can mean a total loss of independence and mobility.

Much more needs to be done to safeguard against this, including fair recourse to compensation for disabled passengers.

We welcome these proposals and hope they mark the start of further positive changes in this area so that disabled people, whatever their access requirements, can travel with security and confidence when using airlines.