



## Air Travel – Disabled and Reduced Mobility Passengers

### Your Legal Rights

*Regulation (EC) 1107/2006 applies to disabled persons and persons with reduced mobility when travelling by air.*

It applies to air travel when the flight:

- Departs from an European Union (EU), European Economic Area (EEA) or Swiss airport; or
- Arrives at an EU, EEA or Swiss airport on an EU, EEA or Swiss airline.

This Regulation compels airlines not to decline a flight reservation or refuse to carry a person because they are disabled or have reduced mobility, unless:

- The person with a disability or reduced mobility has failed to inform their booking agent or tour operator or airline of their disability or reduced mobility at least 48 hours before the flight's scheduled time of departure; or
- Carriage of the person with a disability or reduced mobility cannot be accommodated on the grounds of safety; or
- The doors of the aircraft are too small to facilitate the embarkation and disembarkation of the person with a disability or reduced mobility.



There is no automatic right to compensation under the Regulation.

### Enforcement of the Regulations

The **Civil Aviation Authority** (<http://www.caa.co.uk>) enforces the Regulation.

Complaints about UK airports other than those in Northern Ireland should be directed to the **Equality and Human Rights Commission** (<http://www.equalityhumanrights.com/advice-and-guidance/guidance-for-service-users-pre-october-2010/air-travel/>).

For complaints about airports in Northern Ireland these should be directed to the **Consumer Council for Northern Ireland** (<http://www.consumercouncil.org.uk/transport/access-to-air/>)



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### Complaints – Time Limits (Regulation (EC) 1107/2006)

If rights pursuant to *Regulation (EC) 1107/2006* are infringed then an individual can pursue the matter through civil court proceedings.

Court proceedings should however be the last resort and other means of resolution should be explored and tried beforehand – such as conciliation.

Civil proceedings pursuant to the Regulation must be commenced by no later than **6 months less 1 day from the date of the infringement**, although if the matter has been referred to conciliation then the period can be extended by 3 months.

This does not affect a person's right to pursue their claim in **England and Wales** using other **legislation and laws** which vary and allow **2 years to commence court proceedings** if the matter is governed by the *Montreal Convention* and in other cases of **personal injury 3 years** and **6 years for a breach of contract**.

### Disability Discrimination Act 1995 (DDA)

The DDA is intended to remove discrimination on the grounds of disability.

Part 3 of the DDA places a legal duty on service providers including travel agents and tour operators to make sure that disabled people are not treated less favourably than other people as a consequence of their disability.

### Special Requests and Requirements

Any passenger who requires the airline to make special arrangements must advise their travel agent – tour operator and/or airline before proceeding to purchase their holiday or flights.

Some airlines are unable to meet specific requests and others may levy an additional charge for services.

Examples of some special requirements may have included:

- Assistance at the airport such as wheelchair assistance – assistance to board and disembark the aircraft such as a wheelchair lift – inflight assistance;
- For those travelling with infants – a cot – bottle warming and changing facilities;
- Passengers with special dietary requirements such as those needing gluten free meals or for those with conditions such as Coeliacs Disease;
- Passengers who are purchasing tickets for minors to travel alone.



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This list is non-exhaustive and hence the importance of speaking to your travel agent – tour operator and/or airline before proceeding to make a booking or reservation if you have any special requests or requirements.

### Dogs – Assistance and Guide Dogs

Guide dogs are permitted in the aircraft on approved routes. Large dogs usually sit on the cabin floor whilst lighter dogs may be carried on the owner's lap.

As space is limited it is not always possible for larger dogs to sit with their owner. A second seat may be required for which the airline may charge a fee.

At present the UK Pet Travel Scheme only permits dogs to enter the UK using specified routes so the route should be checked beforehand.

Both DEFRA (<http://ww2.defra.gov.uk/wildlife-pets/pets/travel>) and Guide Dogs for the Blind Association (<http://www.guidedogs.org.uk/adviceandservices/travel/travel-abroad>) can provide advice to travellers with assistance or guide dogs.

### Simpson Millar Solicitors LLP

Simpson Millar's Holiday and Travel Law Solicitors specialise in claiming compensation for holidaymakers who suffer accidents and illness abroad.

If you have suffered an accident that was not your fault or an illness caused by unhygienic holiday accommodation or services then find out if you are entitled to claim compensation.

#### Disclaimer

This guide contains information on current legal issues applicable at the time of writing. Note there may have been changes subsequently which have not been incorporated in to the material. This guide is intended for information purposes only and its content should not be applied to any particular set of facts or relied upon without legal or other professional advice. For further information on how we can help you please contact:

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