



Rights on Flights

The Assisted Air Travel Act

by Rights on Flights

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Foreword

Every so often, the stars align, opening a door to remarkable possibilities. Such is the case with assisted air travel, a once-in-a-lifetime opportunity that should not be missed.

The U.K. government has acknowledged that the enforcement powers of the UK CAA are not strong enough and promised to introduce legislation to strengthen them. The disability community has had enough of dreadful headlines and demands practical solutions. The aviation industry desires a more balanced and equitable legal system, while lawmakers from all political backgrounds have expressed their eagerness to help the industry eradicate the existing inequalities, as every passenger is entitled to the right to safe and dignified air travel.

The inspiring power of Rights on Flights has been instrumental in bringing about positive change, as shown by the UK government's pledge to bolster the CAA's enforcement powers and the recent enhancements to the Air Carrier Access Act, both of which have resonated with people both at home and abroad.

The Assisted Air Travel Act, a world-class legislative proposal arising from the collective interests brought to the fore by disabled-led Rights on Flights, promises to provide answers to both present and future problems in the field.

The collaborative effort behind Assisted Air Travel has been, and always will be, instrumental in its success - that's why the governing framework must be forged as a joint effort. To create the draft proposal for new legislation, people with disabilities shared their invaluable experiences and the aviation industry shared their knowledge and expertise; this, combined with existing processes and procedures, formed the basis for the proposal.

The five essential tenets of the proposal are a seamless blend of harmonisation, inclusion, transparency, accessibility, and fairness.

Years ago, IATA coined the phrase "legal minefield" to describe the variations in laws across different jurisdictions - a testament to why harmonisation is so essential in the Assisted Air Travel Act, eliminating discrepancies and enabling easier adherence to compliance standards.

Inclusion is a fundamental principle that we must all strive to uphold, and the proposal takes a huge step forward in this regard. It seeks to ensure the disability community is properly represented in both supervision and decision-making roles, as well as providing more opportunities for disabled people to pursue a career in aviation. It also covers vital points, such as viewing mobility aids as an extension of oneself and creating processes around compensating for carers when they are essential.

The need for transparency and clarity is unquestionable in any human endeavour. This proposal fills in existing deficiencies and implements improved processes and guidelines to guarantee a fair playing field for all involved, including regulators.

When it comes to accessibility, this proposal outlines distinct rules for both the built and aircraft environments, all with the aim of enabling the aviation industry to become wholly accessible. By taking advantage of technological innovation, this will result in a setting where people with disabilities can maintain their autonomy if they prefer.

The proposal's last, and equally essential, pillar is fairness. In order to measure this, distinct disembarkation times must be established for single and twin aisle aircraft. The Complaint Resolution Official, an experienced member of staff with the power to address any passenger issues as they occur, will ensure fairness in the recovery process. In the enforcement process, a two-tiered approach will be used, allowing first time offenders the chance to learn from their mistakes without facing a penalty.

We are convinced that this proposal should be an essential part of every political party's legislative agenda since the notions of equality and inclusivity are universal values.

We believe that the proposal holds an opportunity that simply cannot be missed. The current government has promised to make Brexit work for the British people. Putting the Assisted Air Travel Act at the forefront of this parliament's legislative plans would bring that promise to fruition, living up to the expectations of the 16 million disabled people and their families (*Data source: Dept For Work and Pensions). There is no finer rationale for including the Assisted Air Travel Act in the imminent King's Speech.

Finally, we hope that our proposal will serve as an inspiring catalyst, motivating other nations in Europe and beyond to craft robust legislative measures, thus inspiring everyone to fly with confidence

Rights on Flights



Rights on Flights

The Assisted Air Travel Act

2023

The purpose of this Act is to promote, protect, and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities when traveling by air.

To ensure people with disabilities can experience the same air travel opportunities and passenger experience as everyone else, airports, airlines, and their contractors must collaborate to provide the necessary assistance and resources. With the aim of fostering social inclusion, those in need of assistance shall receive it at no extra charge.

All passengers using an airport should be treated fairly, and no disincentive should be given to those with disabilities. Therefore, a charge should be applied to each air carrier that is proportional to the number of passengers it transports to and from the airport in order to cover any financial assistance that may be necessary.

Persons with disabilities include those with long-term physical, mental, intellectual, or sensory impairments, which, in interaction with various barriers, may hinder their full and effective access to air travel on an equal basis with others.

Air carriers, their agents, and tour operators must ensure that persons with disabilities are not excluded from traveling due to their condition unless safety-related reasons prescribed by law are applicable. Before accepting reservations from people with disabilities, these entities must do their utmost to confirm whether or not such individuals can be comfortably and safely accommodated on the flight in question.

This Act is applicable to all carriers - domestic and foreign - undertaking flights within, from, and to the airspace of the United Kingdom, as well as all airports within the United Kingdom and its overseas territories.

This Act's provisions also extend to tour operators, ground handlers, service providers, and any and all stakeholders, along with their subcontractors, involved in providing goods and services to persons with disabilities traveling within or through the United Kingdom and its overseas territories.

Part 1

1.1 Definitions

For the purposes of this Act, the following definitions shall apply:

(a) ‘persons with disabilities’ means any person whose mobility when using transport is reduced due to any physical disability (sensory or locomotor, permanent or temporary), intellectual disability or impairment, or any other cause of disability, or age, and whose situation needs appropriate attention and the adaptation to his or her particular needs of the service made available to all passengers.

(b) ‘air carrier’ means an air transport undertaking with a valid operating license;

(c) ‘operating air carrier’ means an air carrier that performs or intends to perform a flight under a contract with a passenger or on behalf of another person, legal or natural, having a contract with that passenger.

(d) ‘tour operator’ means, with the exception of an air carrier, an organizer or retailer within the meaning of Regulation 2(1) of the Package Travel and Linked Travel Arrangements Regulations 2018.

(e) ‘managing body of the airport’ or ‘managing body’ means a body that notably has as its objective under national legislation the administration and management of airport infrastructures, and the coordination and control of the activities of the various operators present in an airport or airport system.

(f) ‘airport user’ means any natural or legal person responsible for the carriage of passengers by air from or to the airport in question.

(g) ‘national enforcement body’ means the governmental body appointed to enforce this Act.

(h) ‘Airport Users Committee’ means a committee of representatives of airport users or organizations representing them.

(i) ‘reservation’ means the fact that the passenger has a ticket, or other proof, which indicates that the reservation has been accepted and registered by the air carrier or tour operator.

(j) ‘airport’ means any area of land specially adapted for the landing, taking-off and maneuvers of aircraft, including ancillary installations that these operations may involve for the requirements of aircraft traffic and services, including installations needed to assist commercial air services.

(k) 'Airport car park' means a car park, within the airport boundaries or under the direct control of the managing body of an airport, that directly serves the passengers using that airport.

(l) 'commercial passenger air service' means a passenger air transport service operated by an air carrier through a scheduled or non-scheduled flight offered to the general public for valuable consideration, whether on its own or as part of a package.

(m) 'UK air carrier' means an air carrier with a valid operating license granted by the Civil Aviation Authority in accordance with Chapter II of Regulation (EC) No 1008/2008 of the European Parliament and of the Council of September 24, 2008 on common rules for the operation of air services in the United Kingdom.

(n) 'accessibility forum' means consultation done by convening regular forums containing representatives of disability groups and disabled individuals as set forth in the U.K. CAA CAP1228, Chapter 3.

(o) 'assistance animals' means an assistance or emotional support dog, of any breed or type, that has successfully passed national or international recognized training certification in order to provide a service or assist a person with a physical, sensory, psychiatric, intellectual, or other mental disability. Other animals, such as comfort animals, companionship animals, and assistance animals in training, are not considered assistance animals according to this definition.

(p) 'mobility aid' means an essential component of a person's body, identity, and capacities.

(q) 'Universal Design' means an environment designed in such a way that it can be accessed, understood, and utilized to the utmost potential by any person of any age, size, physical ability, or disability, without needing any adaptations, modifications, assistive devices, or specialized solutions. In regard to electronic systems, any process of creating products, services, or systems that can be used by any person.

(r) 'SARA' means service animal relief area, a dedicated area for service animals.

(s) 'Quality Standards' means service levels for assistance for persons with disabilities.

(t) 'Personal assistant' or 'PA' means an adult who accompanies a person with a disability to help them meet their needs during a flight (eating, using lavatories, taking medication, moving around the cabin). The personal assistant provides assistance that cabin crew cannot provide, and where, on safety grounds, an air carrier deems it necessary for the passenger to travel with a personal or safety assistant.

(u) 'CRO' means a complaint resolution official, a designated member of the air carrier or airport staff who is intended to be the "expert" in compliance with the requirements of this Act and has the authority to take, whatever action is necessary to ensure compliance with this Act and award compensation as specified in Part 4.4 of this Act.

1.2 General Provisions

- (a) Air carriers must not discriminate against any disabled person, by reason of such disability, in the provision of air transportation.
- (b) Air carriers may encourage but not require persons with disabilities to book assistance unless they fall within the categories specified in Part 2.2, paragraph (a) of this Act.
- (c) Air carriers and airport managing bodies must make sure that their contractors that provide services to the public meet the requirements of this Act that would apply to them if they provided the services themselves.
- (d) Air carriers, airport managing bodies, and tour operators must comply with all accessibility requirements specified in Part 2.1 of this Act.
- (e) Persons with disabilities are entitled to assistance from the moment they make their presence known to the air carrier or airport managing body. Assistance services shall meet the requests of persons with disabilities (passengers are entitled to customize their request for assistance based on their individual needs).
- (f) Persons with mobility impairments that require help eating or fastening their seat belts, as well as persons with documented advanced stages of dementia or Alzheimer's, are entitled to travel with an adult personal assistant. The PA shall be carried free of charge, and air carriers are entitled to recover such costs as defined in Part 2.3, paragraph (h).
- (g) Air carriers, airframe manufacturers, wheelchair manufacturers, and the dangerous goods department of the national enforcement body must convene in a working group tasked with creating an airworthiness standard for mobility aids. The group must publish such standards within two years of the entry into force of this Act.
- (h) Five years after the publication of wheelchair airworthiness standards, air carriers will have the right to deny carriage of non-compliant mobility aids.
- (i) U.K. licensed air carriers and airport managing bodies must ensure that disabled people are recruited in compliance with national and international laws.

Part 2 Requirements for airports, airlines, and tour operators

2.1 Accessibility

- (a) The airport managing body must ensure all future refurbishments and new terminal buildings, including administrative areas and all areas not open to the traveling public, meet Universal Design principles and the relevant national and international accessibility standards. Projects must be approved by the airport Accessibility Forum prior to their execution.
- (b) Airport managing bodies must ensure every terminal, both landside and airside, is fitted with one Changing Places and one Service Animal Relief Area by January 1st, 2025. Airports with more than 9 million passengers per year must ensure at least one Changing Places and one Service Animal Relief Area are available in the arrival's hall of each terminal. SARAs must be wheelchair accessible. Airside SARAs may not be located outside the terminal building or on tarmac.
- (c) Airport managing bodies must ensure existing terminal buildings, including administrative areas and all areas not open to the traveling public, as well as integrated intermodal areas, meet Universal design principles and relevant national and international accessibility standards by January 1st, 2030.
- (d) Airport managing bodies must ensure at least 80% of gates operated via airbridge are fitted with suitable lifts to transfer mobility aids from and to tarmac level by January 1st, 2028.
- (e) Airport managing bodies must ensure that at least 25% of self-service kiosks (including baggage drop offs), e-gates, automated boarding gates, manned counters (including immigration and customs areas), luggage reclaim belts, and toilet facilities meet Universal design and national and international accessibility standards by January 1st, 2025.
- (f) Airport managing bodies must ensure all voice announcements are displayed via captioning using speech to text technology within 18 months from the entry into force of this act.
- (g) Air carriers must ensure that aircraft with 30 or more passenger seats on which passenger aisle seats have armrests are equipped with movable armrests on at least one-half of the seats in rows in which passengers with mobility impairments are permitted to sit under national and international safety rules.
- (h) Air carriers must ensure aircraft that have more than 60 passenger seats, regardless if they are fitted with an accessible lavatory, are equipped with an on-board wheelchair. On-board wheelchairs must include footrests, headrests, and armrests that are movable or removable, adequate occupant restraint systems, a backrest height that permits assistance to passengers in transferring, structurally sound handles for maneuvering the occupied chair, and wheel locks or another adequate means to prevent chair movement during transfer or turbulence. Air carriers must ensure a sliding board is also available to facilitate safe transfer from the seat to the aisle chair and vice versa.

- (i) Air carriers must ensure all twin aisle airframes are fitted with at least one accessible lavatory, and all new single aisle airframes with more than 125 seats are fitted with at least one accessible lavatory from January 1st, 2025.
- (j) Air carriers must ensure new twin aisle airframes are fitted with at least four spaces accommodating passengers who require to remain in their personal mobility aid, provided such mobility aid meets airworthiness standards, within 3 years from the certification date of a suitable anchoring system.
- (k) Air carriers must ensure new single aisle airframes are fitted with at least four spaces accommodating passengers who require to remain in their personal mobility aid, provided such mobility aid meets airworthiness standards, within 3 years from the certification date of a suitable anchoring system.
- (l) Air carriers, tour operators, and airport managing bodies must ensure their websites and applications are WCAG2.2 compliant by January 1st, 2025.

2.2 Booking Assistance and transmission of information.

- (a) Air carriers, their agents, and tour operators may encourage, but must not require persons with disabilities to book assistance unless they require a personal assistant, are traveling with mobility aids, ventilators, respirators, CPAP machines, POCs, assistance animals, or travel as a group of ten or more qualified individuals under the same booking. Booking assistance requests and the transport of mobility aids and medical grade devices must be free of charge.
- (b) Air carriers, agents, and tour operators must take all the necessary steps to ensure they are able to take requests for assistance from persons with disabilities at every point of sale, including over the phone and online. To ensure equal access to the booking process, air carriers, their agents, and tour operators' web pages and applications must be WCAG 2.2 compliant. In addition, air carriers must ensure information on assistance is easily accessible and never more than one click away from their web page or application home page.
- (c) Air carriers, their agents, and tour operators shall give consumers access to information about assistance available before the completion of the booking process.
- (d) Tour operators and air carriers directly offering packaged tours must ensure equal ease of access and that their products meet accessibility requirements for persons with disabilities (i.e., online booking of confirmed accessible accommodation).
- (e) Air carriers, their agents, and tour operators shall ensure detailed and up-to-date information related to mobility aid dimensions and battery types suitable for transport, aircraft cargo door dimensions, as well as ventilators, respirators, CPAP machines, or POCs, is available to consumers before completion of the booking process.
- (f) Air carriers, their agents, and tour operators must digitally share full details of assistance booking requests with airport managing bodies as soon as possible, and not less than 24 hours before the flight.
- (g) Airport managing bodies must retain ownership of IT solutions capturing and handling assistance bookings. Access to said IT solutions must be granted to the contracted service provider where one exists, airport users, and the national enforcement body.
- (h) Airport managing bodies must publish their monthly assistance performance times on their websites within 10 days from the end of the month.

2.3 Quality Standards and levy charging

- (a) Except for airports with an annual traffic of fewer than 150,000 commercial passenger movements, the airport managing body must work together with the Airport Users Committee and the Airport Accessibility Forum to set quality standards and determine resource requirements for the assistance of persons with disabilities.
- (b) To ensure quality standards are upheld, the airport managing body, along with the airport users committee and the airport accessibility forum, must ensure that they are reflected in the SLAs when contracting a third-party provider for assistance services.
- (c) 80% of passengers who pre-booked assistance must be met within 10 minutes from the opening of the aircraft door (single aisle aircraft); within 15 minutes (twin aisle aircraft). 100% of passengers who pre-booked assistance must be met within 20 minutes from the opening of the aircraft door (single aisle aircraft); within 25 minutes (twin aisle aircraft). Non pre-booked passengers must be met within 25 minutes (single aisle aircraft); within 30 minutes (twin aisle aircraft).
- (d) The airport managing body can levy an appropriate, cost-based, and transparent charge on airport users to cover the costs of the assistance provided, which should be determined in cooperation with the Airport Users Committee and the airport accessibility forum. This fee should be divided between airport users in accordance with the total number of passengers they bring to and from the airport.
- (e) The levy can, where and when the airport users committee agrees, also fund accessibility improvements to the built environment.
- (f) The managing body of an airport shall publish its quality standards.
- (g) An air carrier and the managing body of an airport may agree that, for the passengers whom that air carrier transports to and from the airport, the managing body shall provide assistance of a higher standard than the published quality standards or provide services additional to those specified in this Act.
- (h) For the purpose of funding either of these, the managing body may levy a charge on the air carrier in addition to that referred to in 2.3 (c), which shall be transparent, cost-related and established after consultation with the air carrier concerned.
- (i) The charge shall also be used to cover the cost of subsidizing the carriage of a personal assistant free of charge where one is required by the air carrier or where the passenger falls within the parameters of entitlement to a personal assistant.

2.4 Moving and handling

- (j) In the provision of assistance to passengers with disabilities in moving through the terminal, airport managing bodies must assist passengers who are unable to carry their luggage because of a disability with transporting their gate-checked or carry-on luggage. Staff may request credible verbal assurance that a passenger cannot carry the luggage in question. If a passenger is unable to provide credible assurance, you may require the passenger to provide documentation as a condition of providing this service.
- (k) Where a person with a disability requires lifting from one wheelchair to another, or other mobility aids provided by the air carrier or airport operator (e.g., airport wheelchair, aisle chair), assistance must use appropriate lifting equipment (e.g., a transfer sling, hoist, transfer board, or transfer belts) or the person's own equipment, and be trained in health and safety and moving and handling training. Under no circumstance, with the exception of emergencies, should a person with a disability be physically carried without the use of appropriate lifting equipment - in accordance with parts 3(c) and 3(i) of this act.
- (l) Where a person with a disability requires lifting out of their wheelchair during the security screening, security agents must comply with 2.4 (i). Any lifting must be done in a private area away from the public, unless the passenger requests otherwise.

2.5 Boarding and disembarking

- (m) Airport managing bodies must not leave a passenger who has requested assistance unattended by the staff responsible for boarding, deplaning, or connecting assistance in a ground wheelchair, boarding wheelchair, or other device, in which the passenger is not independently mobile, for more than 15 minutes. This requirement applies even if another person is accompanying the passenger, unless the passenger explicitly waives the obligation.
- (n) Staff must never use hand-carrying (directly picking up the passenger's body in the arms of one or more members of staff to effect a level change the passenger needs to enter or leave the aircraft), even if the passenger consents, unless this is the only way of evacuating the individual in the event of an emergency.
- (o) Air-carriers must offer preboarding to passengers with a disability who self-identify at the gate as needing additional time or assistance to board, stow accessibility equipment, or be seated. If the passenger or the operator providing the assistance is not at the gate in time for pre-boarding, the air carrier may commence boarding to prevent operational delays.
- (p) Airport managing bodies must ensure they have a suitable variety of equipment to board passengers boarding aircraft parked in remote stand locations, such as ramps, lifts, and ambulifts, where jet bridges are not available.
- (q) Airport managing bodies must have maintenance protocols in place to ensure all equipment is kept in good working condition at all times.

2.6 Stowage of wheelchairs, mobility aids, and other assistive devices

- (a) Air carriers must ensure that on aircraft with more than 100 seats there is priority space in the cabin of sufficient size to stow at least one typical adult-sized folding, collapsible, or break-down manual passenger wheelchair, the dimensions of which are 13 inches by 36 inches by 42 inches or less without having to remove the wheels or otherwise disassemble it. Air carriers must never request or suggest that a passenger not stow his or her wheelchair in the cabin to accommodate other passengers or for any other non-safety related reason.
- (b) Air carriers and airport managing bodies must ensure that means are available to securely transfer and stow mobility aids, and avoid all forms of hand-carrying of power wheelchairs and other large mobility aids, to minimize the risk of damage to mobility aids and the risk of injury to staff.
- (c) Air carriers and airport managing bodies must ensure the timely return of wheelchairs and other mobility aids at the aircraft door or in its close proximity.
- (d) Air carriers and airport managing bodies must ensure that mobility aids are loaded in the cargo hold prior to the departure of the aircraft and must notify the passenger prior to the departure of the aircraft that the mobility aid has been loaded securely into the cargo hold.
- (e) Air carriers and airport managing bodies must allow passengers to remain in their own wheelchairs until the door of the aircraft opens.
- (f) Air carriers, or where applicable, their ground crews, must capture visual evidence (photos or videos) of the condition of the mobility aid at check-in and prior to its return to the passenger upon arrival of the aircraft.
- (g) Air carriers must report to the national enforcement body, how many mobility aids have been carried, and how many have been damaged on a monthly basis.
- (h) Air carriers must notify the passenger prior to departure, the mobility aid has been loaded securely into the cargo compartment. For connections and points of transfer, wheelchairs and other mobility aids checked in should, within the shortest possible time, be delivered as close as possible to the door of the aircraft or as requested by the passenger. At airports where this option is not available to the passenger, air carriers must share this information during the booking process.
- (i) Airport managing bodies must ensure they have a dedicated mobility aid engineer onsite, to assist with any immediate emergencies / repairs of mobility devices, or have a call out function that can provide onsite support within one hour of being notified.
- (j) Air carriers and airport managing bodies must ensure passengers remain seated in an aisle chair for embarking and disembarking for no longer than 15 minutes.
- (k) In the event of damage or loss of a mobility aid, air carriers must assist passengers from the moment they become aware or have been notified. Such assistance must include the temporary provision of a suitable replacement, and on-site assistance with filing claims. Claims pertaining to mobility aids must be prioritized, and resolved within 7 business days. Air carriers must publish this information on their websites.
- (l) With reference to Part 1.1 (p), applicable caps on damages and loss of mobility aids are set forth in Article 21 of the Montreal Convention.

Part 3 Training

Air carriers that operate aircraft with 19 or more passenger seats, airport managing bodies and their subcontractors, as well as travel agents, shall:

- (a) Undertake mandatory disability awareness training that addresses physical, sensory (hearing and visual), hidden, or learning disabilities, including how to distinguish different abilities of individuals whose mobility, orientation, or communication may be affected.
- (b) Ensure employees and contractors who provide physical assistance are trained in assisting persons with mobility aids through doors and on irregular and multi-level surfaces, steps, curbs, and elevators.
- (c) Ensure training includes the transfer of persons with disabilities from their own mobility aids to mobility aids provided by the aircraft or airport operator, and from such mobility aids to passenger seats. Training must include instructions on lift techniques, asking persons with disabilities about their preferred method of transfer, performing the lifting with maximum consideration for the dignity, safety, and comfort of the persons with disabilities, and avoiding injury to employees.
- (d) Ensure that, upon recruitment, all new employees attend disability awareness training appropriate to their functions and that employees receive refresher training courses at least once every two years, or, where needed, at shorter intervals to maintain proficiency.
- (e) Air carriers, airport managing bodies, their subcontractors, and travel agents must document how employee proficiency is being maintained, as well as attendance and completion of training by employees. Such records must be retained for up to 3 years and be readily available for review by the National Enforcement Body,
- (f) Ensure employees are trained to recognize requests for communication accommodations from individuals whose hearing or vision is impaired and to use the most common methods for communicating with these individuals that are readily available, such as writing notes or using technology devices, for example. You must also train these employees to recognize requests for communication accommodations from deaf-blind passengers and to use established means of communicating with these passengers when they are available, such as passing out Braille cards if you have them, reading an information sheet that a passenger provides, or communicating with a passenger through an interpreter, for example
- (g) Ensure employees are trained to support a person travelling with a service animal, including the techniques for escorting blind and partially sighted passengers.
- (h) Consult with their accessibility forum when developing training programs, as well as any related policies and procedures.
- (i) Training programs and emergency procedures should include special provisions related to the evacuation of persons with disabilities.
- (j) Ensure all training protocols used are certified and in compliance with ISO training standards.

Part 4. Complaint handling, reporting, and enforcement procedures

4.1 On-site complaint handling

- (k) In any situation in which any person complains or raises a concern with personnel about discrimination, accommodations, or services with respect to passengers with a disability, and If personnel do not immediately resolve the issue to the customer's satisfaction or provide a requested accommodation or service specified in this Act, personnel must immediately inform the passenger of the right to contact a CRO and then contact a CRO on the passenger's behalf or provide the passenger with a means to do so.
- (l) Air carriers and airport managing bodies must make a complaint resolution official (CRO) available during hours of operation or, when IRROPS occur, until every passenger has been assisted.
- (m) The CRO can be available in person or via telephone, at no cost to the passenger. Assistive technology must be available so that all passengers may readily communicate with the CRO. The CRO service must be made available in the language(s) in which services are available to the general public.
- (n) Each CRO must be thoroughly familiar with the requirements of this Act and the carrier's or airport's procedures with respect to passengers with a disability.
- (o) CROs have the authority to make dispositive resolutions of complaints on behalf of the carrier or the airport. This means that the CRO has the power to overrule the decision of any other personnel, except that the CRO is not required to be given authority to countermand a decision of the pilot-in-command of an aircraft based on safety.
- (p) Where the complaint is made to a CRO before the action or proposed action of a carrier or airport personnel has resulted in a violation of a provision of this part, the CRO must take, or direct other carrier or airport personnel to take, whatever action is necessary to ensure compliance with this Act.
- (q) Where an alleged violation of a provision of this Act has already occurred, and the CRO agrees that a violation has occurred, the CRO must provide to the complainant a written statement setting forth a summary of the facts and what steps, if any, the carrier or airport proposes to take in response to the violation. CROs have the authority to award compensation in accordance with Part 4.4 of this Act.
- (r) Where the CRO determines that the carrier's or airport's action does not violate a provision of this Act, the CRO must provide to the complainant a written statement including a summary of the facts and the reasons, under this Act, for the determination. The statements required to be provided under this Part must inform the complainant of his or her right to pursue the national enforcement body's enforcement action under this Act.

4.2 Air carrier and airport managing body complaint handling

- (a) Air carriers and airport managing bodies must respond to written complaints received by any means concerning matters covered by this Act.
- (b) A passenger making a written complaint, must state whether he or she has contacted a CRO in the matter, provide the name of the CRO and the date of the contact, if available, and enclose any written response received from the CRO.
- (c) Once the CRO awards compensation in response to a complaint, it is to be regarded as final, and cannot be reopened or escalated. Complaints that have been resolved through compensation must be reported according to Part 4.3 of this Act.
- (d) Air carriers and airport managing bodies are not required to respond to a complaint postmarked or transmitted more than 45 days after the date of the incident, except for complaints referred by the national enforcement body.
- (e) Air carriers and airport managing bodies must make a dispositive written response to a written disability complaint within 14 days of its receipt. The response must specifically admit or deny that a violation of this Act has occurred.
- (f) Where an air carrier or an airport managing body admits that a violation has occurred, they must provide to the complainant a written statement setting forth a summary of the facts and the steps, if any, that will be taken in response to the violation.
- (g) Where an air carrier or an airport managing body denies that a violation has occurred, the response must include a summary of the facts and reasons, under this Act, for the determination. The response must also inform the complainant of his or her right to pursue enforcement action through the national enforcement body under this Act.

4.3 Complaint reporting

- (a) Air carriers, airport managing bodies, and travel agents must report disability related complaints received on a quarterly basis to the National Enforcement Body.
- (b) Received complaints must be categorized by type and disability, and must also include complaints that have been resolved by the CRO.
- (c) Air Carriers, airport managing bodies, and travel agents must also publish their quarterly reports on their websites. In compliance with GDPR rules, publicly published reporting must be fully anonymized.
- (d) The National Enforcement Body will provide operators with a reporting template that must be adhered to within two months from the entry into force of this Act.

4.4 Fixed Penalty Charge Scheme

- (a) For the purpose of this Act, violations are classified as Tier 1 and Tier 2.
- (b) Tier 1 violations do not trigger a fixed penalty charge unless a set cumulative limit per quarter is reached but are settled via the compensation scheme defined in Part 4.5.
- (c) Where Tier 1 violations reach a cumulative set limit during the quarter, they also trigger a Tier 2 fixed penalty charge.
- (d) Cumulative set limits are reset at the beginning of the following quarter.
- (e) Fixed penalty charges paid within 14 days of being issued benefit from a 40% discount.
- (f) Discounts do not apply to sums due under the compensation scheme (Part 4.5)

4.5 Violations falling under the compensation scheme (Tier 1)

- (a) For the purpose of this Act, the following violations shall fall within Tier 1.
- (b) Settlement of violations must be received by the affected passenger within 14 days of the incident.
- (c) Settlement must be in cash unless the passenger agrees to a cash equivalent.
- (d) Settlement must be paid by the operator responsible for the service failure (for example, late assistance by the airport managing body, failure to access pre-boarding by the air carrier, or failure to transmit information can either be the travel agent or the air carrier).
- (e) Delayed provision of assistance between 5 and 10 minutes in excess of the maximum time limit set by the Quality Standards: £50
- (f) Delayed provision of assistance between 10 and 15 minutes in excess of the maximum time limit set by the Quality Standards: £100
- (g) Delayed return of personal mobility aid at the gate (up to 30 minutes from aircraft arrival at the gate): £100
- (h) Delayed return of personal mobility aid at the gate (From 30 and up to 45 minutes from aircraft arrival at the gate): £200
- (i) Denied access to pre-board the aircraft: £50
- (j) Delayed access to the CRO (Between 10 and 20 minutes from the time of request): £100
- (k) Failure to transmit requests for assistance received at the time of booking: £100
- (l) Failure to transmit the full information received at the time of booking: £100
- (m) Failure to record a complaint: £100
- (n) Failure to assist a passenger in case of damaged or lost mobility aids within 30 minutes: £250

- (o) For the purpose of this part, the following quarterly cumulative limits apply:
- (p) Violation (e) for airports with up to 20 million passengers per annum: 300; for airports with more than 20 million passengers per annum: 450.
- (q) Violation (f) for airports up to 20 million passengers per annum: 150; for airports with more than 20 million passengers per annum: 240.
- (r) Violation (g) 30
- (s) Violation (h) 15
- (t) Violation (i) 30
- (u) Violation (j) 30
- (v) Violation (k) 15
- (w) Violation (l) 30
- (x) Violation (m) 6
- (y) Violation (n) 3

4.6 Tier 2 violations

- (a) For the purpose of this Act, air carriers, airport managing bodies, and travel agents are liable for Tier 1 violations where the cumulative number of violations exceeds the quarterly limits and for all Tier 2 violations.
- (b) For all first-time violations, the National Enforcement Body will commute fixed penalty charges into a Mandatory Improvement Order (MIO).
- (c) M.I.O. are legal undertakings, and non-compliance will constitute a violation triggering a fixed penalty charge.
- (d) All Tier 1 violations exceeding the quarterly quota are punishable with a fixed penalty charge between £5.000 and £50.000.
- (e) All individual Tier 2 violations are punishable with a fixed penalty charge between £10.000 and £100.000.
- (f) The National Enforcement Body will determine the amount of the fixed penalty charge at its discretion based on the total number of violations received by the operator during the quarter and the impact of the violation on the passenger's well-being.