



## Air Passenger Rights for Disabled People

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For many years, disabled air passengers and those with mobility difficulty have faced discrimination and careless or undignified treatment in some airports and at the hands of some airlines. Commonly reported problems range from being denied boarding simply because you have a disability through to finding your wheelchair broken and unusable when you reach your destination.

The growing number of older people in the population and the greater availability of low cost air travel in many parts of the world, have led to a significant and increasing number of older and disabled people wanting to travel by air.

To put this in perspective:

- Gatwick airport assists 30,000 passengers with reduced mobility (known in European legislation as PRMs) a month ;
- Heathrow assists nearly 1 million PRMs a year;
- Bristol airport saw a 12% increase in PRMs in the year to June 2013.

There is a European law in place intended to protect the rights of disabled people as air travellers and to ensure that there is no discrimination.

### **The Law: European Union Regulation 1107/2006**

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Regulation 1107/2006 deals with “the rights of disabled persons and persons with reduced mobility when travelling by air.” The Regulation applies to disabled people travelling by commercial air passenger services departing from, arriving at or in transit through an airport in any of the 28 countries which are members of the EU (plus Norway, Iceland and Switzerland). Requirements on refusal of carriage and assistance by airlines also apply to passengers travelling from a country outside the European Union to a Member State. The text of the Regulation can be found at: <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32006R1107>

### ***Denied Boarding/ Travelling alone***

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Under the Regulation it is illegal for airlines to discriminate against disabled passengers by refusing to carry them. The only exceptions are for very small aircraft in which it is physically impossible to provide for the needs of a disabled person (for example because the door is too narrow to lift a passenger on board) or because of safety rules.

There is also a requirement, subject to advance notice, to accept on board a “recognised” assistance dog (this will include Guide Dogs, Hearing Dogs, Dogs for the Disabled, Canine Partners etc.)



Airlines can require that a disabled passenger is accompanied by someone capable of helping them. The criteria used to assess whether a person is able to travel alone are that they can:

- Understand the safety briefing (including information communicated in accessible formats)
- Fasten and unfasten the seatbelt
- Put the oxygen mask on
- Put a life jacket on
- Get to an exit unaided (not necessarily by walking).

The airline should accept the passenger's declaration that they can meet these requirements. If the airline decides at the point of boarding that they will not allow a person to travel alone, it is now acceptable (with the passenger's agreement) to ask another passenger on the flight to take on that role in the event of an emergency. Of course there can be no guarantee that a volunteer will be found on either the outward or return legs of the journey.

If the airline has insisted at an earlier stage that you will need someone to travel with you they are encouraged – but not required – to offer a discounted fare to the accompanying person. To give one example, easyJet will provide a seat for the accompanying person at the same rate that the original booking was made, even if rates have changed in the meantime.

### ***Responsibility of airports***

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The Regulation places responsibility on the airport to provide services and facilities to meet the needs of disabled passengers from the point of arrival at the airport to their seat on the aircraft and in transit through an airport and vice versa. The Regulation sets minimum requirements for assistance.

All airports handling more than 150,000 commercial passenger movements a year must set quality standards for the service, in co-operation with airlines and bodies representing disabled people. You should be able to find these on the airport's website. Airports may provide the services themselves, or contract out to another body to provide them.

Disabled passengers cannot be charged for services. The airport recovers the costs of the service through a charge on airlines proportionate to the total number of passengers they carry to and from the airport.

The types of assistance that must be provided to disabled passengers are set out in the Regulation. They include Call Points to enable you to communicate your arrival at the airport and ask for assistance from points outside and inside the terminal building.

These designated points of arrival will vary according to the size and layout of individual airports but should include car parks serving the airport as well as taxi ranks and train and bus terminals.



The airport must provide assistance to enable a disabled passenger to move through all stages of the airport procedures including check-in/bag drop, security, access to duty free and catering. Enabling the disabled passenger to use toilet facilities is also, of course, an important requirement.

The same rules apply to connecting flights.

### ***Responsibility of air carriers***

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The airlines have obligations too. They must seat a disabled passenger where they are most comfortable on board, subject to safety requirements which apply, for example to the exit row of seats.

They must provide help moving to and from the on board toilet (though not in the toilet) and they must carry up to two pieces of essential mobility equipment (such as a wheelchair) provided that there is space on board.

Almost all airlines now have on-board wheelchairs to assist people getting to and from the toilet but you should always check with the airline before you fly.

### ***Responsibility of passengers***

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Passengers also have obligations as well as rights and it is important that you are aware of what you need to do before you fly to make sure that you get the assistance you need.

Anyone who needs assistance should tell the airline or travel agent with whom they have booked what their requirements are at least 48 hours ahead of the scheduled departure of the flight. If you don't, the airport and airline must still do their best. However, to be sure of getting the right support, it is really important to let them know in advance so that staff and equipment are in place.

It is important to check the size of the airport you are travelling from or to if you are not familiar with it. Some small airports may be manageable without assistance while the bigger ones that involve long distances to the gate may be impossible without help.

### ***Training***

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Like all laws, it will only work if everyone understands what needs to be done and is committed to doing it well. Both airlines and airports are required to provide disability awareness training to their staff as well as more specialised training for those working directly with disabled passengers and handling mobility equipment.



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### ***Complaints and Enforcement***

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In every country, there is a National Enforcement Body to monitor quality standards and to deal with complaints about non-compliance. In the UK, like most other countries, it is the Civil Aviation Authority. There are also penalties for non-compliance which are set at national level.

If you have a bad experience and want to complain, you should go first to the airline or airport at which the problem occurred. If you are unhappy with the way your complaint has been dealt with you can then go to the Civil Aviation Authority. See

<https://www.caa.co.uk/default.aspx?catid=2800&pageid=16102>.