

2006 No. 3303

CIVIL AVIATION

**The Civil Aviation (Provision of Information to Passengers)
Regulations 2006**

<i>Made</i> - - - -	<i>12th December 2006</i>
<i>Laid before Parliament</i>	<i>14th December 2006</i>
<i>Coming into force</i> - -	<i>16th January 2007</i>

The Secretary of State for Transport is a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to air transport.

Accordingly, the Secretary of State makes the following Regulations in exercise of the powers conferred upon him by that section.

Citation and commencement

1. These Regulations may be cited as the Civil Aviation (Provision of Information to Passengers) Regulations 2006 and shall come into force on 16th January 2007.

Interpretation

2.—(1) In these Regulations—

“air carrier” has the meaning given in paragraph (a) of Article 2 of the council regulation;

“air carriage contractor” has the meaning given in paragraph (c) of Article 2 of the council regulation;

“council regulation” means Regulation (EC) No. 2111/2005 of the European Parliament and of the Council of 14 December 2005(c) on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air transport passengers of the identity of the operating air carrier, and repealing Article 9 of Directive 2004/36/EC;

“ticket seller” has the meaning given in paragraph (d) of Article 2 of the council regulation; and

“tour operator” means an organiser (other than any air carrier) within the meaning given by paragraph 2 of Article 2 of Council Directive 90/314/EEC of 13 June 1990(d) on package travel, package holidays and package tours.

(a) S.I. 1993/2661.

(b) 1972 c. 68.

(c) O.J. No. L 344, 27.12.2005, p.15.

(d) O.J. No. L 158, 23.06.1990, p.59.

(2) In these Regulations, a reference to an Article is a reference to that Article in the council regulation.

(3) Other terms used in these Regulations shall be construed consistently with equivalent terms defined or used in the council regulation.

Offences

3.—(1) An air carriage contractor who fails to comply with an obligation imposed on him by—

- (a) any of paragraphs 1, 2, 3 or 6 of Article 11; or
- (b) paragraph 2 of Article 12,

shall be guilty of an offence.

(2) An air carrier who fails to comply with an obligation imposed on him by paragraph 4 of Article 11 shall be guilty of an offence.

(3) A tour operator who fails to comply with an obligation imposed on him by paragraph 4 of Article 11 shall be guilty of an offence.

(4) A person guilty of an offence under this regulation shall be liable on summary conviction to a fine not exceeding—

- (a) in the case of a failure to comply with any of paragraphs 1, 2, 3, 4 or 6 of Article 11, level 3 on the standard scale; and
- (b) in the case of a failure to comply with paragraph 2 of Article 12, level 5 on the standard scale.

Defence

4.—(1) Subject to paragraph (2), in proceedings against any person for an offence under regulation 3, it shall be a defence for that person to demonstrate that he took all reasonable steps to avoid committing the offence.

(2) A person shall not be entitled to rely on the defence provided by paragraph (1) by reason of his reliance on information supplied to him, unless he demonstrates that it was reasonable in all the circumstances to have relied on that information.

(3) In proceedings against any ticket seller for an offence under regulation 3, it shall also be a defence for that ticket seller to demonstrate that paragraph 5 of Article 11 applies.

Bodies corporate

5.—(1) Where an offence under regulation 3 has been committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any—

- (a) director;
- (b) manager;
- (c) secretary;
- (d) other similar officer of the body corporate; or
- (e) any person who was purporting to act in any such capacity,

he as well as the body corporate shall be guilty of that offence and liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, regulation 3 shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(3) Where a limited partnership is guilty of an offence under regulation 3 and that offence is proved to have been committed with the consent or the connivance of, or to be attributable to any

neglect on the part of, a partner, he as well as the partnership shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Signed by authority of the Secretary of State

12th December 2006

G. Merron
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations create offences for the purpose of enforcing the obligations set out in Chapter III of Council Regulation (EC) No. 2111/2005 (O.J. No. L 344, 27.12.2005, p.15) which require that air passengers be informed of the identity of the operating air carrier or carriers and offered a right of reimbursement or re-routing if the air carrier is subject to an operating ban.

Regulation 3 provides that anyone failing to comply with Articles 11 or 12 of the Council Regulation shall be liable on summary conviction to a fine, the maximum amount of which varies depending on the nature of the offence.

Regulation 4 provides that it is a defence to demonstrate that all reasonable steps have been taken to ensure compliance with the Council Regulation. This defence is not available where it is unreasonable for a person to have relied on information provided to him.

Regulation 5 provides that the members and officers of corporate bodies who have contributed to a failure to comply with the Council Regulation shall also be liable to prosecution.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business has been produced and a copy placed in the library of both Houses of Parliament. Copies may be obtained from the Department for Transport, 76 Marsham Street, London SW1P 4DR. Alternatively, copies can be obtained from the Department for Transport's website which is at www.dft.gov.uk.

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