

This Legislative Consent Memorandum relates to the Civil Aviation (Consumer Protection and Regulatory Reform) Bill (UK Parliament legislation) and was lodged with the Scottish Parliament on 3 September 2026

Legislative Consent Memorandum

Civil Aviation (Consumer Protection and Regulatory Reform) Bill

Background

1. This memorandum has been lodged by Stephen Flynn MSP, Cabinet Secretary for Economy, Tourism and Transport, in accordance with Rule 9B.3.1(c) of the Parliament's Standing Orders.
2. The Civil Aviation (Consumer Protection and Regulatory Reform) Bill was introduced by the UK Government, Lord Hendy, in the House of Lords on 14 May 2026. The Bill, as amended, is available on the UK Parliament website via this link: [Civil Aviation \(Consumer Protection and Regulatory Reform\) Bill \[HL\]](#).

Content of the Bill

3. The Bill contains measures which are intended to modernise the UK's aviation legislative framework to support economic growth, strengthen consumer protection and ensure aviation safety regulation is effective, agile and keeps pace with international standards.
4. The Bill makes provision for the protection of purchasers and users of air transport and airport services; makes provision about airspace change, air traffic and air navigation services and airport slots and schedules; confers power on the Civil Aviation Authority (CAA) to make rules; and makes provision about aviation offences; and for connected purposes.
5. The Bill's clauses are outlined below:

Part 1 – Consumer Protection etc (Clauses 1–7)

Clause 1 - Air transport and airport services: rights and duties

6. Clause 1 gives the Secretary of State powers to make regulations on air passenger rights and the duties and liabilities of air transport service providers and those marketing those services, including enforcement arrangements, penalties, and information-gathering powers for the CAA and the Competitions and Markets Authority (CMA).

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Clause 2 – Consultation

7. Clause 2 requires the Secretary of State to begin, within 12 months of Royal Assent, a consultation on the provision that may be made under the regulation making power in Clause 1. Consultation must be had with persons mentioned in subsection (4). These include airlines, airport operators, passenger groups and other persons the Secretary of State considers appropriate.

Clause 3 – Matters to which the Secretary of State must have regard

8. Clause 3 requires the Secretary of State, when making regulations under clause 1, to have regard to the desirability of strengthening the rights of persons who purchase or use air transport services, in particular where the persons whose rights would be affected are or include disabled persons or persons with reduced mobility, and the accessibility, equality and passenger assistance principles set out in subsection (2).

Clause 4 - Non-international flights: compensation for damage to wheelchairs etc

9. Clause 4 will amend [Council Regulation \(EC\) No 2027/97](#) of 9 October 1997 and the [Carriage by Air Acts \(Application of Provisions\) Order 2004](#) which implement Unification of Certain Rules for International Carriage by Air, commonly known as the Montreal Convention 1999, to remove the compensation limits for damage to, or loss of, mobility aids on UK domestic flights.

Clause 5 and Schedule 1 - Direct enforcement of consumer protection legislation by CAA

10. Clause 5 introduces Schedule 1 of the Bill which amends [Part 3 of the Digital Markets, Competition and Consumers Act 2024 \(enforcement of consumer protection law\)](#) and [Schedule 5 of the Consumer Rights Act 2015 \(investigatory powers etc\)](#) to give the CAA direct consumer enforcement and investigatory powers in relation to air passenger rights, and provide the Secretary of State with powers to make regulations coordinating the exercise of concurrent enforcement functions by the CAA and CMA. Further, the clause provides that the CAA's annual report must include a summary of what the CAA has done in that year in performance of these functions.

Clause 6 - Consumer protection enactments

11. Clause 6 enables the enforcement of Regulation (EC) No 2111/2005 by designated consumer protection enforcers, including the CAA and CMA, by adding the Regulation into the list of consumer protection laws that can be enforced under the [Digital Markets, Competition and Consumers Act 2024](#).

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Clause 7 – Review of airport drop-off charges

12. Clause 7 will require the Secretary of State to, within six months of the day on which the Act is passed, conduct and publish a review of the impact of airport drop-off charges on users of airport services in the United Kingdom and lay a copy of the review before both Houses of Parliament.

Part 2 – Regulatory Reform (Clauses 8–13)

Clause 8 - Directions about implementation

13. Clause 8 expands the Secretary of State’s existing powers under the [Air Management and Unmanned Aircraft Act 2021](#) to give directions in relation to airspace change. Those powers will now include the ability to require a person to implement, or take steps to implement, an airspace change proposal (“ACP”) that has been approved by the CAA, as well as the findings of a review of such a proposal or of wider airspace design.

Clause 9 and Schedule 2 - Air traffic services licences

14. Clause 9 amends the air traffic services licensing regime under the [Transport Act 2000](#) by requiring the CAA to notify and consider the interests of persons liable, or proposed to be liable, for air traffic service charges when modifying licence conditions. It also expands rights of appeal against licence modifications for those whose interests are materially affected. Clause 9 also introduces Schedule 2 of the Bill, which expands the categories of persons entitled to appeal a licence modification where their interests are materially affected, together with consequential amendments.

Clause 10 - Charges for air traffic and air navigation services

15. Clause 10 amends the [Transport Act 2000](#) to broaden the categories of persons who may be charged payment for using air traffic services, allowing the CAA to specify any person, or category of persons, who have access to or benefit from those services, rather than limiting charges to aircraft operators and owners. This is intended to provide flexibility for future developments in aviation, including services related to unmanned aircraft.

Clause 11 - Allocation of slots and co-ordination and facilitation of schedules

16. Clause 11 inserts new section 34A into the [Airports Act 1986](#), giving the Secretary of State power to make regulations on the allocation of airport slots and the co-ordination and facilitation of airport schedules. The regulations may restate or replace existing slot allocation rules including those found in [Council Regulation \(EEC\) No 95/93](#) on common rules for allocation of slots at United Kingdom Airports or in domestic legislation under the [Airports Slot Allocation Regulations 2006](#) (S.I.

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2006/2665). These regulations may include enforcement provisions, including criminal offences punishable by a fine on summary conviction and civil sanctions.

Clause 12 - CAA rules

17. Clause 12 inserts new sections into the Civil Aviation Act 1982 to give the CAA power to make and enforce rules relating to civil aviation. The clause provides that the CAA must consult the Secretary of State before making rules; the Secretary of State must issue a document setting out priorities and objectives for the CAA's rule-making functions, to which the CAA must have regard; and, under new section 61J, the Secretary of State may make regulations to facilitate or give effect to CAA rules, including a Henry VIII power allowing those regulations to amend or repeal provisions in Acts of Parliament.

Clause 13 - Power to create offences

18. Clause 13 amends section 61 of the [Civil Aviation Act 1982](#) to expand the scope of criminal offences that may be created by Air Navigation Orders (ANOs). Whereas ANOs can currently create offences only for breaches of requirements within the ANO itself, the amendment allows ANOs to create offences to secure compliance with any civil aviation provisions made by or under any enactment. This broadens the enforcement powers available under ANOs.

Part 3 - General (Clauses 14-17)

19. Part 3 of the Bill contains the following standard ancillary, extent, commencement and short title provisions:

- Clause 14: Gives the Secretary of State power to make consequential, supplementary, incidental, transitional or saving provisions related to the Bill, including a Henry VIII power to amend Acts of Parliament through secondary legislation.
- Clause 15: Provides that the Bill extends to the whole of the UK.
- Clause 16: Provides for staged commencement, with some provisions commencing immediately and others by regulations.
- Clause 17: Sets out the Act's title and inserts a 'privilege amendment' to signal that the Bill was introduced in the House of Lords.

20. The Bill as introduced did not contain any relevant provision that would require the legislative consent of the Scottish Parliament.

21. Government amendments were made at Report stage in the House of Lords on 13 July 2026 inserting new clauses 2, 3 and 4 as detailed above. None of these clauses contain any relevant provision that would require the legislative consent of the Scottish Parliament.

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22. However, a non-government amendment (33) was accepted at Report Stage in the House of Lords on 13 July 2026. Link to list of amendments: [HL Bill 1—R—I](#). The amendment makes provision applying to Scotland and within the competence of the Scottish Parliament.

Provisions which require the consent of the Scottish Parliament

New clause 7 – Airport Drop-Off Charges

23. The amendment inserts a new clause 7, providing for a review of airport drop-off charges. This new clause provides that:

- “(1) the Secretary of State must, within six months of the day on which this Act is passed, conduct and publish a review of the impact of airport drop-off charges on users of airport services in the United Kingdom;
- (2) the Secretary of State must lay a copy of the review before both Houses of Parliament; and
- (3) that “drop-off charge” for the purposes of this clause means any charge levied by an airport operator on a vehicle entering a terminal forecourt or designated kerbside area for the purpose of setting down one or more passengers.”

24. The UK Government note that the effect of the amendment is to require the Secretary of State to conduct and publish a review of the impact of airport drop-off charges on passengers in the United Kingdom.

25. While this amendment applies in an airport context, it relates to the operation and cost of private parking or vehicle access facilities, which are matters in devolved competence. The provision therefore legislates in an area within the legislative competence of the Scottish Parliament.

26. It is therefore considered that this amendment applies to Scotland and is within the legislative competence of the Scottish Parliament and on that basis, it triggers the legislative consent process.

27. The UK Government agree with this position on legislative consent.

Reasons for not making a recommendation on legislative consent

28. As this is a non-government amendment, UK Government officials have emphasised that Ministers are still considering how to respond to the amendment.

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29. A number of Scottish airports have adopted drop-off charges and the Scottish Government is content, in principle, with the proposed review as it would not lead to binding recommendations on the Scottish or the UK Governments. Further, there do not appear to be any clear reasons why airports based in Scotland should be excluded from the review.

30. However, the Scottish Government would be keen to ensure that the review appropriately reflects circumstances at Scottish airports, and takes account of environmental, transport connectivity and consumer impacts.

31. As engagement is continuing between the Scottish Government and the UK Government on the scope and undertaking of the review, the Scottish Government is not presently in a position to make a recommendation on consent to the new clause 7 of the Bill.

32. A motion on legislative consent will not be lodged for the time being, while this engagement takes place. In order to inform Scottish Parliamentary consideration of legislative consent for the Bill amendment, the Scottish Government remains committed to reaching a view and lodging a further supplementary LCM before the Scottish Parliament enters recess in October, provided sufficient information is made available to enable full consideration of the proposed amendment and its implications.

Consultation

33. The UK Government has not undertaken any formal consultation on airport drop-off charges as it is not a government amendment.

34. However, public interest in the issue is evident from an active petition calling on the UK Government to launch a review of airport terminal drop-off fees, including consideration of granting the Civil Aviation Authority (CAA) powers to audit and cap such charges. The petition is due to close on 17 September 2026 and has attracted over 7,700 signatures to date, with 10,000 signatures required to trigger a Government response. Link - [Launch a review into airport terminal drop-off charges - Petitions](#).

Financial implications

35. The Scottish Government is not aware of any financial implications at this stage. Scottish Government officials are following up with UK Government officials to establish if the cost of scoping and undertaking the review would be met by the UK Government.

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Other relevant considerations

36. None at this stage.

Post EU scrutiny

37. The policy intention of the Bill is to restore and modernise regulatory powers, address deficiencies arising from EU exit, and ensure that the UK aviation legislative framework remains flexible, effective and fit for purpose. In doing so, the Bill creates the potential for future legislation to diverge from the approach taken under EU law. However, as aviation regulation is a reserved matter, any such divergence would arise within an area that is the responsibility of the UK Parliament and Government.

Conclusion

38. The Scottish Government does not, at this stage, intend to lodge a Motion on Legislative Consent.

39. The Scottish Government intends to lodge a further supplementary LCM soon, stating whether it recommends that the Scottish Parliament consent or refuse consent to the new clause 7 of the Bill.

Scottish Government
September 2026

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