

This Supplementary 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 17 September 2026

Supplementary 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. It should be read in conjunction with the Scottish Government's previous memorandum on the Bill ([LCM-S7-11](#)).
2. The Civil Aviation (Consumer Protection and Regulatory Reform) Bill was introduced by the UK Government, by 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 \[HL\]](#).
3. A non-government amendment (33) was accepted at Report Stage in the House of Lords on 13 July 2026. Link: [HL Bill 1—R—I](#). The amendment, which inserted a new clause 7 of the Bill, makes provision applying to Scotland and within the legislative competence of the Scottish Parliament.
4. Clause 7 requires the Secretary of State, within six months of the day on which this Act is passed, to conduct and publish a review of the impact of airport drop-off charges on users of airport services in the United Kingdom.
5. The Scottish Government lodged a Legislative Consent Memorandum ([LCM-S7-11](#)) on 3 September 2026, noting that it was not in a position to make a recommendation to the Scottish Parliament on consent for clause 7 of the Bill.
6. The Scottish Government noted that a supplementary LCM would be required with a final position on consent following further discussion between UK Government and Scottish Government officials. That discussion has now taken place.

Content of the Bill

7. The Bill contains measures which are intended to modernise the UK's aviation legislative framework to support economic growth, strengthen consumer protection

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and ensure aviation safety regulation is effective, agile and keeps pace with international standards.

8. 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 to make rules; and makes provision about aviation offences; and for connected purposes.

9. Further information on the content of the Bill was contained in the first LCM. The Bill as introduced did not contain any relevant provision that would require the legislative consent of the Scottish Parliament.

Provisions which require the consent of the Scottish Parliament

New clause 7 – Airport drop-off charges

10. Amendment 33 inserts a new clause 7, which 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) “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.

11. 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 users of airport services in the United Kingdom.

12. 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.

13. 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.

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

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Reasons for recommending legislative consent

15. The UK Government has advised that the review would need to examine traveller behaviour; accessibility and affordability impacts; experiences of disabled passengers and other user groups; airports' reasons for using drop-off charges, including congestion management, public transport support and infrastructure funding.

16. The Scottish Government consider that the amendment to review airport car parking charges supports the National Transport Strategy (NTS) as parking charges can influence how people travel to and from airports, encouraging sustainable travel choices and support wider objectives relating to climate change and help to deliver inclusive economic growth.

17. 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. Therefore, the UK Government has confirmed that they will ensure the Scottish Government is involved in scoping out the review.

18. 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.

19. The Scottish Government is therefore recommending that the Scottish Parliament give consent to clause 7 of the Bill.

Consultation

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

21. 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 closed on 17 September 2026 and at the time of writing this paper, had attracted over 8,300 signatures, with 10,000 signatures required to trigger a UK Government response.

Link - [Launch a review into airport terminal drop-off charges – Petitions](#)

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Financial implications

22. There will not be any financial implications on the Scottish Government as UK Government officials have confirmed that the UK Government will meet the costs of scoping, undertaking and publishing the review.

Other relevant considerations

23. The House of Commons Committee Stage is scheduled from 20 October 2026, with the Report Stage proposed week commencing 26 October 2026. It will be necessary for the Scottish Parliament to consider and vote on a Motion on Legislative Consent before the October recess.

Post EU scrutiny

24. 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

25. The Scottish Government intends to lodge a Motion on Legislative Consent recommending that the Scottish Parliament consent to the new clause 7 of the Bill.

Draft motion on legislative consent

26. The draft motion, which will be lodged by the Cabinet Secretary for Economy, Tourism and Transport, is:

“That the Parliament, noting that the Civil Aviation (Consumer Protection and Regulatory Reform) Bill, introduced in the House of Lords on 14 May 2026, makes provision that falls within the legislative competence of the Parliament, agrees to give consent to such provision as is made by clause 7.”

Scottish Government
September 2026

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