

Transport Committee
Wednesday 30 September 2026
7th Meeting, 2026 (Session 7)

Legislative consent memorandum and supplementary Legislative Consent Memorandum on the Civil Aviation (Consumer Protection and Regulatory Reform) Bill (UK Parliament legislation)

Note by the Clerk

Introduction

1. The [Civil Aviation \(Consumer Protection and Regulatory Reform\) Bill](#) is a UK Government Bill introduced in the House of Lords by Lord Hendy on 14 May 2026.
2. The Bill engages the legislative consent process because an amendment agreed during its passage contains provision within devolved competence.
3. A Legislative Consent Memorandum (LCM-S7-11) was lodged on 3 September by Stephen Flynn, Cabinet Secretary for Economy, Tourism and Transport. A supplementary Legislative Consent Memorandum (LCM-S7-11a) was subsequently lodged on 17 September.
4. The Parliamentary Bureau has designated the Transport Committee as the lead committee to consider both Legislative Consent Memorandums (LCMs) and report its views to Parliament.
5. Both LCMs are available on the Scottish Parliament [website](#) and are attached as annexes to this paper.

The Civil Aviation (Consumer Protection and Regulatory Reform) Bill

6. The Bill and associated documents can be viewed on the UK Parliament [website](#).
7. The Bill contains measures intended to modernise the UK's aviation legislative framework to support economic growth, strengthen consumer protection, and ensure aviation safety regulation remains effective, agile, and aligns with international standards.
8. It makes provision for the protection of purchasers and users of air transport and airport services; airspace change; air traffic and air navigation services; airport

slots and schedules; aviation offences; and related matters. It also confers powers on the Civil Aviation Authority to make rules.

9. For any views of the Scottish Parliament to be considered at Westminster, consideration of LCMs should normally conclude before the final amending stage in the first House. In this case, that was Report Stage in the House of Lords.
10. However, as the Bill engaged the legislative consent process only after a non-government amendment was agreed to at Report Stage in the first House, this was not possible. The final opportunity for any views of the Parliament to be considered will therefore be before the final amending stage in the second House, which in this case will be Report Stage in the House of Commons.
11. The Bill had its second reading in the House of Commons on 9 September. It will now proceed to Committee Stage on 20 October, where MPs will examine the Bill in detail.

Legislative consent procedure

12. Under the Sewel Convention, the UK Parliament does not normally legislate on devolved matters, or to alter the legislative competence of the Parliament or the executive competence of the Scottish Government, without the consent of the Scottish Parliament. Consent is given by means of a resolution of the Parliament.
13. Under [Chapter 9B of the Standing Orders](#), the Scottish Government must lodge a legislative consent memorandum (LCM) in relation to each UK Parliament Bill that contains provision (“relevant provision”) that would require the Parliament’s consent under the Convention. Sometimes the Scottish Government may be required to lodge one or more supplementary LCMs during the passage of a Bill. It is also possible for an LCM to be lodged by an individual MSP.
14. Every LCM lodged is referred to a lead committee for scrutiny and may also be referred to other committees. If the Bill confers power on the Scottish Ministers to make subordinate legislation, the Delegated Powers and Law Reform Committee (DPLRC) must also consider the LCM and may report on it to the lead committee.
15. Once the lead committee has reported, the Scottish Government normally lodges a motion on legislative consent for consideration in the Chamber. Such a motion may give consent to relevant provision in the Bill, refuse consent to such provision, or a mixture of the two. A draft of the motion is normally included in the LCM.

The Scottish Government’s LCM and supplementary LCM

16. The Scottish Government’s original LCM stated that, when introduced, the Bill did not contain any provisions requiring the consent of the Scottish Parliament. However, a non-government amendment (amendment 33), agreed to at Report

Stage in the House of Lords, engages the legislative consent process because it makes provision within devolved competence.

17. The amendment creates a new clause (clause 7) requiring the Secretary of State to conduct and publish a review of the impact of airport drop-off charges on users of airport services across the UK. The Scottish Government considers the amendment to relate to the operation and cost of private parking or vehicle access facilities, which are devolved matters.
18. In its original LCM, the Scottish Government stated it was broadly content with the proposed review, as it would not produce binding recommendations and there is no obvious reason to exclude Scottish airports. However, discussions with the UK Government on the scope and implications of the amendment were ongoing and it was therefore not yet in a position to recommend legislative consent.
19. The supplementary LCM states that the proposed review supports the National Transport Strategy, as airport drop-off charges can influence how people travel to and from airports and encourage more sustainable travel choices. The Scottish Government stated that it was keen to ensure the review appropriately reflects circumstances at Scottish airports and takes account of environmental, transport connectivity, and consumer impacts. Following discussions between the Scottish and UK Governments, the UK Government confirmed that the Scottish Government would be involved in scoping the review.
20. The Scottish Government therefore recommends that the Scottish Parliament give consent to clause 7 of the Bill.

Legislative Consent Motion

21. The Scottish Government recommends that consent be given. A draft Motion to that effect is included in the supplementary LCM—

“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.”

Delegate Powers and Law Reform Committee Consideration

22. Neither LCM engages the remit of the Delegated Powers and Law Reform Committee. As a result, that Committee has not considered them.

Evidence Session

23. The Committee will hear evidence on the Scottish Government’s LCM and supplementary LCM from—

- Stephen Flynn, Cabinet Secretary for Economy, Tourism and Transport;
supported by—
- Ronan Leslie, Solicitor, Scottish Government; and
- Terry Shevlin, Aviation Team, Transport Scotland.

24. Following this evidence session, Members are invited to consider what to include in the Committee's report.

**Clerks to the Committee
September 2026**

Legislative Consent Memorandum

Civil Aviation (Consumer Protection and Regulatory Reform) Bill - lodged 3 September 2026

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).

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](#).

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. 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.

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.

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.

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
3 September 2026

Supplementary Legislative Consent Memorandum

Civil Aviation (Consumer Protection and Regulatory Reform) Bill – lodged 17 September 2026

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 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.

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](#)

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
17 September 2026