

## Regulation EU No 1177/2010 concerning the rights of passengers when travelling by sea and inland waterway

### *Rights of Disabled Persons and Persons with Reduced Mobility - Chapter II*

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EU Regulation 1177/2010 became applicable on 18 December 2012. This Regulation aims to provide disabled persons and persons with reduced mobility (PRMs) the same opportunities to travel by water as they have in other transport sectors across the EU. This document outlines your rights, operator responsibilities and how complaints are handled under the Regulation. Further detailed guidance on EU Regulation - Chapter II can be found on the Department for Transport (DfT) website. At the time of writing these documents are available at the following internet URL:

<https://www.gov.uk/government/publications/draft-guidance-notes-relating-to-regulation-eu-no-1177-2010>

#### **Right to Transport and Assistance**

Your request to travel cannot be refused solely on the grounds of a disability, or reduced mobility, and you are entitled to travel at no extra cost under the same conditions that apply to all other passengers. You are entitled to certain assistance both in port and on board ship. This includes assistance boarding and/or leaving the ship, assistance with baggage and/or any specific medical equipment that you may be carrying and assistance in making your way to toilet facilities. Where a passenger has notified the operator and/or Carrier of the need for assistance, they should send the passenger formal confirmation that such assistance has been requested.

#### **Exceptions**

Whilst every effort will be made to take a booking, a request to travel can be refused by the operator on the grounds of safety. This will usually relate to the legal requirement to evacuate all passengers from a vessel in 30 minutes, though it may also be where the design of the ship, or port infrastructure, makes it impossible to carry you in a safe or operationally feasible manner.

#### **Notice of booking requests**

To ensure that all of your requirements can be met, and that there are no travel restrictions that may affect you, you should make all booking requests as early as possible but at the very least 48 hours before you are due to travel. You should notify the Carrier of the nature of your disability and of any specific requirements that you may have e.g. particular seating or accommodation, adapted facilities, carriage of specific medical equipment you may need to carry. It must be noted that there may be restrictions on carrying certain equipment e.g. medical oxygen, mattresses, electrical equipment. After assessing your specific requirements, the Carrier may require that you are accompanied by an individual that can assist you during the journey. For ferry passengers, the accompanying person can travel free of charge.

#### **Loss or Damage of Mobility Equipment**

If damage is caused to mobility or other specific equipment, used by a person with reduced mobility, as a result of fault or neglect by the Carrier, then the Carrier is liable for the cost of repair or replacement. They should also make reasonable efforts to provide a temporary suitable replacement.

#### **Complaint handling**

Any complaints to be made under the Regulation should be directed, in the first instance, to the operator. Under the Regulation each operator must have in place an accessible complaint handling mechanism for rights and obligations covered by this Regulation. A complaint must be submitted within 2 months of the scheduled date of the service. The operator must notify the passenger within 1 month of receipt whether the complaint is substantiated, rejected or still under consideration with a final reply and decision within 2 months.

If the complaint cannot be resolved to the satisfaction of the passenger, then it may be referred to the complaint handling body. CLIA UK & Ireland has been appointed by the DfT to act as the Complaints Handling Body under the Regulation. CLIA UK & Ireland is the trade association for the cruise industry in the UK and already has many years of experience of dispute resolution between consumers and the passenger shipping

industry. CLIA UK & Ireland will provide an evidence-based response to a complaint within a reasonable period of time, but will only consider a complaint that has already been through the operator's own complaint handling process.

There is also a National Enforcement Body (NEB) under the Regulation. This will be the Maritime & Coastguard Agency (MCA) in the UK. The NEB is primarily concerned with significant breaches of the Regulation and will not consider any complaint in the first instance unless it is such a breach and/or the person making the complaint has followed the complaint handling procedure above.

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## Contact Details

The carrier or operator will refer complaints to the relevant voluntary complaint handling body in cases where it has not been possible to resolve the complaint with the complainant. Also, if the passenger is unsatisfied with the response from an operator, they may wish to contact the relevant voluntary complaint handling bodies. Contact details are provided below -

### a) For England and Wales (excluding services operated, contracted and / or licensed by Transport for London) -

#### CLIA UK and Ireland

E-mail: [passengerrights@cruising.org](mailto:passengerrights@cruising.org)  
Web site: [www.cruising.org](http://www.cruising.org)  
Address: CLIA UK and Ireland, Suite 405, 54 Fenchurch Street, London, EC3M 3JY  
Telephone: +44 (0) 20 3903 5450

### b) For services operated, contracted and / or licensed by Transport for London - London Travel Watch

E-mail: [enquiries@londontravelwatch.org.uk](mailto:enquiries@londontravelwatch.org.uk)  
Website: [www.londontravelwatch.org.uk](http://www.londontravelwatch.org.uk)  
Address: London TravelWatch, Dexter House, 2 Royal Mint Court, London, EC3N 4QN

### c) For Scotland -

Transport for Scotland (Scottish Government)  
E-mail: [MPRAppeals@transportscotland.gov.uk](mailto:MPRAppeals@transportscotland.gov.uk)  
Web site: [www.transportscotland.gov.uk](http://www.transportscotland.gov.uk)

### d) For Northern Ireland -

Consumer Council for Northern Ireland  
E-mail: [complaints@consumercouncil.org.uk](mailto:complaints@consumercouncil.org.uk)  
Web site: [www.consumercouncil.org.uk](http://www.consumercouncil.org.uk)  
Address: The Consumer Council, Elizabeth House, 116 Holywood Road, Belfast BT4 1NY  
Telephone: 0800 121 6022  
Text phone: 028 9067 2488  
Fax: 028 9065 7701

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## Further Information

### Summary produced by the European Commission:

[http://ec.europa.eu/transport/themes/passengers/maritime/doc/summary\\_en.pdf](http://ec.europa.eu/transport/themes/passengers/maritime/doc/summary_en.pdf)

### UK Department for Transport:

<https://www.gov.uk/government/publications/draft-guidance-notes-relating-to-regulation-eu-no-1177-2010>

### UK Department for Transport:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/194794/draft-guidance-note-7.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/194794/draft-guidance-note-7.pdf)

### National Enforcement Body:

<http://www.dft.gov.uk/mca/mcga07-home/shipsandcargoes/mcga-maritimepassengerrights.htm>

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## *Obligations Of Carriers In The Event Of Interrupted Travel - Chapter III*

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EU Regulation 1177/2010 became applicable on 18 December 2012. This Regulation establishes the rights of all passengers to assistance in cases of delayed or cancelled departures and in some circumstances to compensation in case of delay of arrival. This document outlines your rights, operator responsibilities and how complaints are handled under the Regulation.

Further detailed guidance on EU Regulation - Chapter III can be found in the form of guidance documents on the Department for Transport (DfT) website. At the time of writing these documents are available at the following internet URL: <https://www.gov.uk/government/publications/draft-guidance-notes-relating-to-regulation-eu-no-1177-2010>

### **Delays or Cancellations**

In all cases, if the sailing you are booked on is cancelled, or delayed by more than 90 minutes, you are entitled to re-routing on to an alternative sailing to your destination at no extra cost, or reimbursement of the ticket price. If the sailing you travel on, either as you had originally booked, or as a result of being re-routed, arrives later than your original scheduled arrival time, you may be entitled to a refund of 25% or 50% of the ticket price paid. The amount of the refund is related to the overall journey time and the length of the delay and is dependent upon circumstances. Full details can be found on the DfT website.

### **Right to care and assistance**

In cases of delay where you have arrived at the port and you are booked on a specific sailing, and that sailing is cancelled, or delayed by more than 90 minutes, you are entitled to refreshments, in proportion to the length of the delay. This provision will be dependent upon the facilities available.

### **Right to Accommodation**

If the sailing you are booked on is cancelled, and dependent upon the circumstances, you may be entitled to free of charge accommodation until an alternative sailing is arranged. Where possible this will be provided on board the vessel, alternatively arrangements will need to be made for suitable accommodation ashore. In these cases the total accommodation cost is limited to a maximum of €80 per person per night for a maximum of 3 nights.

### **Process for Refunds and Claims for Costs Incurred**

Application for reimbursement of the cost of travel, or any other costs incurred, should be made in writing to the Company with whom you made the booking e.g. the Ferry Operator or the Travel Agent. In the case of coach passengers, any claims should be addressed to the coach operator. You should include copies of any ticket purchased and copies of all receipts for any expenses e.g. accommodation if applicable.

### **Complaint handling**

Any complaints to be made under the Regulation should be directed, in the first instance, to the operator. Under the Regulation each operator must have in place an accessible complaint handling mechanism for rights and obligations covered by this Regulation. A complaint must be submitted within 2 months of the scheduled date of the service. The operator must notify the passenger within 1 month of receipt whether the complaint is substantiated, rejected or still under consideration with a final reply and decision within 2 months.

If the complaint cannot be resolved to the satisfaction of the passenger, then it may be referred to the complaint handling body. The Passenger Shipping Association (PSA) has been appointed by the DfT to act as the Complaints Handling Body under the Regulation. The PSA is the trade association for the cruise and ferry industry in the UK and already has many years of experience of dispute resolution between consumers and the passenger shipping industry. The PSA will provide an evidence-based response to a complaint within a reasonable period of time, but will only consider a complaint that has already been through the operator's own complaint handling process.

There is also a National Enforcement Body (NEB) under the Regulation. This will be the Maritime & Coastguard Agency (MCA) in the UK. The NEB is primarily concerned with significant breaches of the Regulation and will not consider any complaint, in the first instance, unless it is such a breach and/or the person making the complaint has followed the complaint handling procedure above.