

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

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 has been appointed by the DfT to act as the Complaints Handling Body under the Regulation. CLIA is the trade association for the cruise industry in the UK and works with over 50 of the world's leading cruise lines. CLIA 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

Complaints should be directed to: passengerrights@cruising.org