



The Consumer Council for Northern Ireland response to the Civil Aviation Authority's Recognised Assistance Dogs: Call for evidence

The Consumer Council

1. The Consumer Council is a non-departmental public body (NDPB) established through the General Consumer Council (Northern Ireland) Order 1984. Our principal statutory duty is to promote and safeguard the interests of consumers in Northern Ireland.
2. The Consumer Council has been designated to handle passenger complaints made under Regulation (EC) No 1107/2010 (the Access to Air Travel Regulation) relating to an airport in Northern Ireland or a flight departing from an airport in Northern Ireland by the Civil Aviation (Access to Air Travel for Disabled Persons and Persons with Reduced Mobility) Regulations 2007 (SI 2007/1895). The Consumer Council also handles complaints made under Regulation (EC) No 261/2004 concerning flight delays, cancellations and instances of denied boarding.
3. The Consumer Council welcomes the opportunity to respond to the Civil Aviation Authority's 'Recognised assistance dogs: Call for evidence'.

Consultation Response

4. The Consumer Council views the CAA's proposal to develop a new definition for a recognised assistance dog as a constructive way of providing clarity for passengers who wish to travel with and assistance dog. We recognise that this clarity will also help airlines and airports to provide assistance to passengers that require it.
5. The Consumer Council believes that if an agreed definition is introduced steps must be taken to ensure this does not create a barrier for passengers travelling with an assistance dog, for example, by lengthening the booking process or by making booking assistance more difficult for this group of passengers.
6. Question Four of the consultation document seeks views on if permitting airlines to request proof of disability from individuals seeking to travel with assistance dogs would assist in mitigating against the identified risks. The Consumer Council believes that the CAA should consider that if by introducing this requirement, this group of passengers would be discriminated against in relation to other passengers who are not required to provide proof of their disability. The Consumer Council would also have concerns that by doing this it would set a precedent for airlines to require other passengers with a different disability to also provide proof.
7. Asking passengers to provide proof of their disability may create an additional burden for the passenger in terms of the time needed to obtain proof from a medical professional and the potential for a financial burden if the medical professional levies a charge to complete a form. It

could also create inconsistency across airlines with different airlines requiring varying forms of proof.

8. The Consumer Council would also question the need for this requirement if an agreed definition of an assistance dog is developed based on the principles set out within the consultation document. We would ask the CAA to what evidence base is available to justify that introducing such a requirement is a proportionate action. In the absence of this evidence The Consumer Council would not support this proposal.
9. The Consumer Council notes that the call for evidence document makes reference to the 'Non-Commercial Movement Pet Animals Order 2011'. It is our understanding that these regulations apply to Great Britain, similar regulations exist in Northern Ireland called 'The Non-Commercial Movement of Pet Animals (Northern Ireland) 2011'¹. The responsible government department for these regulations in Northern Ireland is the Department of Agriculture, Environment and Rural Affairs (DAERA). Therefore, it is important that when developing any new assistance dog definition the CAA also considers the views of DAERA.
10. While not directly linked to the call for evidence, an area that has been raised with The Consumer Council which can cause confusion for an assistance dog user is the different requirements from airlines for the use of harnesses required for both domestic and international flights. Providing clarity in this area may also be useful for passengers who travel with an assistance dog.
11. As the work progresses on developing a framework and definition the CAA should take into consideration any potential impact that the United Kingdom leaving the European Union could have on assistance dog users travelling by air and work with passengers, government, airlines and airports to ensure that services and processes are as accessible as possible. The Consumer Council has become aware that, depending on the circumstances in which the UK exits the EU, the requirements for pet travel if the UK is an unlisted country could detrimentally impact on assistance dog users ease of travel and the CAA should address this issue with the Department for Environment, Food and Rural Affairs.

Conclusion

12. The Consumer Council welcomes the CAA's proposal to develop a definition of an assistance as a way to provide clarity to both passengers and the air industry. In developing a definition and how this enforced it must ensure that it does not create any barriers to access services.

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¹ <http://www.legislation.gov.uk/nisr/2011/440/contents/made>