

# My flight has been cancelled – what are my rights?

Flights are cancelled for a range of reasons - you will have certain rights whether it is because of adverse weather conditions, strikes, volcanic ash or a technical failure. This leaflet is designed to give you a summary of your rights should this happen.

Your legal rights will vary depending on whether you have booked a 'package' holiday which includes transport, accommodation and other services such as car hire or whether you have booked each of these components separately.

## I booked my flights separately:

If your flight is cancelled you are entitled (under **EC Regulation 261/2004**) to the following (**these rights only apply to those passengers flying from an EU airport or from an airport outside the EU to an EU airport on an EU carrier**).

## Refund or re-routing:

You will be given a choice between a refund of the ticket or of re-routing to your final destination. You are not entitled (under **EC Regulation 261/2004**) to reimbursement of any other components of your trip such as hotel and transfer costs.

## Compensation:

If there is a delay in getting to your destination due to re-routing, compensation is due at the following levels:

<b>Length of journey</b>	<b>Delay to destination</b>	<b>Compensation</b>
up to 1500km	up to 2 hours	€125
up to 1500km	more than 2 hours	€250
1500km to 3500km	up to 3 hours	€200
1500km to 3500km	more than 3 hours	€400
more than 3500km	up to 4 hours	€300
more than 3500km	more than 4 hours	€600

The airline is not obliged to pay compensation if it can prove that the cancellation was caused by 'extraordinary circumstances, which could not have been avoided even if all reasonable measures had been taken'. Such extraordinary circumstances might occur 'in cases of political instability, meteorological conditions incompatible with the operation of the flight concerned, security risks, unexpected flight safety shortcomings and strikes that affect the operation of an operating air carrier'.

#### **Assistance at the airport:**

Free meals and refreshments as well as two free phone calls/emails/faxes should also be provided when waiting for the re-routed flights. In the event of re-routing, when the flight is at least the following day, free accommodation and transfer to and from that accommodation should be provided by the airline. There is no limit set on the provision of food and accommodation that airlines should provide.

#### **What if I am stranded and am trying to get home?**

Some passengers may wish to make alternative arrangements to get home rather than wait for the next available flight. In such circumstances EU Passenger rights under **Regulation 261/2004** do not obligate airlines to refund your additional expenditure. Some airlines under 'exceptional circumstances' such as during the volcanic ash airspace closure may reimburse customers under some circumstances but will not pay if they consider the expenditure unreasonable. You should therefore keep receipts for all expenditure.

## **Will my insurance company pick up the cost of getting home or compensate me for lost expenditure on other elements of my trip?**

This will depend on the terms within your travel insurance. Some policies will compensate customers for loss of hotel costs, transfers etc. if a flight is cancelled. However, such a clause is seen very rarely so you should check the terms of your policy carefully and speak to the insurance company before you decide to make alternative arrangements.

## **My flights were part of a package – what are my rights?**

You will have extra protection under the **Package Travel Regulations 1992** (which incorporate **European Directive 90/314/EEC**).

A 'package' means a pre-arranged combination of at least two components of travel arrangements (transport, accommodation or some other tourist service) when sold at an inclusive price and when the service covers a period of more than 24 hours or includes overnight accommodation.

If the holiday trader or tour operator cancels your package holiday, you will have several options. You can choose to:

- accept an alternative holiday of a similar or better standard
- accept an alternative holiday of a lower standard and claim back the difference in cost
- cancel the holiday and get your money back

You may also be able to claim compensation if your holiday is cancelled, for example to cover any financial loss you have suffered, or disappointment and inconvenience.

However, you will not be entitled to make a claim for additional compensation if an insufficient number of people have booked onto the package holiday. The tour company must warn you in writing when you book the holiday if a minimum number of people are needed for the holiday to take place. You must also be told about when you will be notified if this minimum number has not been met and the holiday has to be cancelled.

You will also be unable to claim compensation if your package holiday has to be cancelled due to unusual and unforeseeable circumstances which were beyond the control of the tour operator and which could not have been avoided.

## **Where can I get further information?**

The European Commission have issued further guidance in response to the closure of European air-space following the volcanic ash clouds. You can find this on the UK European Consumer Centre (UK ECC) website (<http://www.ukecc.net/>) or you can call them on 08456 04 05 03 weekdays between 10am and 3pm.

Please see also our advice leaflet 'Holidays' ([http://www.derbyshire.gov.uk/images/ca16\\_tcm9-8171.pdf](http://www.derbyshire.gov.uk/images/ca16_tcm9-8171.pdf)).

## ***Where can I get further help?***

This leaflet is not an authoritative interpretation of the law and is intended only for guidance. Any legislation referred to, while still current, may have been amended from the form in which it was originally enacted. For further information, please contact Citizens Advice.

The Citizens Advice consumer service provides free, confidential and impartial advice on consumer issues. Visit [www.adviceguide.org.uk](http://www.adviceguide.org.uk) or call the Citizens Advice consumer helpline on 08454 04 05 06.

If you are a **business**, contact us by any of the following methods:

Derbyshire Trading Standards Service  
Chatsworth Hall  
Chesterfield Road  
Matlock  
Derbyshire  
DE4 3FW

Telephone: Call Derbyshire 08 456 058 058

Fax: 01629 536197

Website: [www.derbyshire.gov.uk/tradingstandards](http://www.derbyshire.gov.uk/tradingstandards)

We want everyone to be able to understand us. On request, we will arrange:

- Language interpreters, including for sign language
- Translation of written materials into other languages
- Materials in large print, on tape or in Braille.

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