



Consumers and Markets Group

Guidance to Industry – 30 August 2023

The CAA understands the difficulties many consumers have experienced, and continue to experience, due to flight delays and cancellations resulting from the technical issue on 28 August that impacted National Air Traffic Services' (NATS) flight planning system.

The technical issue led to delays and the cancellation of hundreds of UK arriving and departing flights on 28th August. The knock-on effect of so many delays and cancellations, and the operational challenges these have caused, means that flights continue to be disrupted. Given the scale of the issue, this has impacted on many airlines' operations. Some airlines are more affected than others and do not expect to operate their flights as normal for several days.

The CAA considers that delays and cancellations on 28 August caused by the NATS technical issue are likely to be "extraordinary circumstances". We consider that delays and cancellations directly caused by the knock-on effects of the issue are also likely to be "extraordinary circumstances". As a result, passengers are unlikely to be entitled to compensation for cancellations and delays in these circumstances.

The CAA would like to ensure that the overall disruption to passengers is minimised. Therefore, we are reminding airlines of the importance of looking after passengers, particularly those delayed overseas. Airlines can reduce the overall impact of the delays and cancellations by doing all they can to keep passengers informed. Airlines should also ensure they advise passengers of their rights.

Airlines are obliged to offer passengers whose flights have been cancelled the choice of a refund, re-routing at the earliest opportunity or re-routing at a later date. We understand that re-routing passengers is challenging during periods of major disruption and recognise that the meaning of 're-routing at the earliest opportunity' will depend on the facts of each case. Although many airlines are operating additional flights, unfortunately some passengers will still be unable to get to their destination, or return to the UK, as quickly as we or their airlines would like.

Airlines must also look after passengers while they are delayed and provide them with meals, refreshments and hotel accommodation proportionate to the length of the delay. Particular attention should also be given to those who require more practical assistance.

In cases where airlines are unable to proactively offer care, or offer suitable replacement flights, we expect airlines to promptly reimburse passengers for the costs they incur making their own arrangements. Passengers are encouraged to avoid incurring excessive costs.

Notes: The CAA's interpretation of extraordinary circumstances is illustrative and for guidance only, rather than determinative of our view in any specific case that may arise. Each case will be context and fact specific. This does not mean that a passenger or group of passengers cannot try and claim compensation, including through the courts, if they disagree with the CAA's interpretation.