



Department
for Transport

The Rt Hon. the Lord Strathclyde CH
Chair of the Constitution Committee
House of Lords
London
SW1A 0PW

From the Minister of State
Lord Hendy of Richmond Hill CBE

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03 July 2026

Dear Lord Strathclyde CH,

I thank the Constitution Committee for the letter of 10 June 2026 about the Civil Aviation (Consumer Protection and Regulatory Reform) Bill. I note the important role of the Committee in ensuring that legislation is both effectively scrutinised and clear in its intent.

I am grateful to the Committee for its consideration of the Bill and setting out its view on Clauses 1 and 8. I have noted that in both cases the Committee's concern is that the exercise of powers by the negative resolution procedure under these clauses could result in a scrutiny gap. I have considered the concerns raised and I am writing to respond to these.

Clause 1

Clause 1 provides the Government with the ability to keep air passenger rights legislation up to date. As most of this legislation originates from EU law, changes can currently only be made through primary legislation following EU exit.

The clause gives the Secretary of State powers to update existing regulations and introduce new ones. This includes the ability to establish appropriate enforcement measures where needed, such as civil sanctions, criminal offences, powers of entry, and requirements relating to alternative dispute resolution. Overall, this creates a more flexible and effective framework that can respond to domestic case law, international developments, and evolving consumer expectations, while maintaining parliamentary oversight.

Regulations that introduce criminal offences or financial penalties will be subject to the affirmative procedure, reflecting their significant impact and ensuring direct Parliamentary approval.

All other regulations will be subject to the negative procedure, as they do not require the same level of scrutiny. This approach supports the Government's intention to keep legislation aligned with international obligations, such as the Chicago Convention, and to respond more quickly to changes in the aviation sector, particularly in light of developments since COVID-19.

Where regulations include a mix of provisions subject to both procedures, the affirmative procedure will apply. This ensures that the level of Parliamentary scrutiny remains proportionate to the nature and impact of the measures.

I also note that the Delegated Powers and Regulatory Reform Committee did not include clause 1 in their recommendations.

For the above reasons, I therefore believe that blanket parliamentary scrutiny via the affirmative procedure for all uses of this power is not necessary.

Clause 8

I am grateful for both your and the Delegated Powers and Regulatory Reform Committee's recommendations for clause 8.

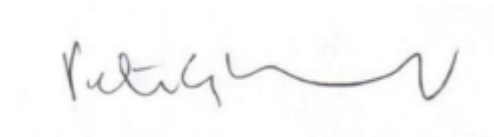
The Bill aims to create a more responsive safety framework, placing technical rulemaking with the CAA, with clear ministerial oversight and parliamentary accountability. This power helps define the boundary between the CAA and the Secretary of State, so I appreciate that the level of scrutiny is an important consideration.

The proposed approach does not remove parliamentary scrutiny, but reflects a shift in how that scrutiny is exercised. It focuses more on the overall legislative framework, the strategic direction set by Ministers, and the operation of the system in practice, rather than on individual technical rules, many of which the United Kingdom must implement under treaty obligation. Parliament will continue to hold Ministers to account and will retain both retrospective and prospective oversight of how the CAA exercises its powers. This includes scrutiny of the CAA's strategic priorities, visibility of its forward rulemaking programme, and statutory reporting requirements on the use of its powers, which together aim to provide continuing assurance as to how the framework operates in

practice. I recognise the concerns that have been raised and the importance of ensuring the framework provides sufficient clarity and assurance to Parliament. I will reflect further on these points and will provide an update to the House at Report stage.

We would like to reiterate our thanks to you and the Committee for its close consideration of the Bill. If you have any further questions, please do not hesitate to contact myself or the Department.

Yours Sincerely,

A handwritten signature in dark ink, appearing to read 'Peter Hendy', with a stylized flourish at the end.

Lord Hendy of Richmond Hill CBE
MINISTER OF STATE FOR TRANSPORT