

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

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LEGAL NOTICE NO. 209 OF 2026

TREATY ON GIBRALTAR AND THE EUROPEAN UNION ACT 2026

TGEU IMPLEMENTATION (CIVIL AVIATION) (PERSONS WITH DISABILITIES AND PERSONS WITH REDUCED MOBILITY) REGULATIONS 2026

In exercise of the powers conferred on it by section 13 of the Treaty on Gibraltar and the European Union Act 2026, and for the purpose of implementing Article 273(3) of the Agreement in respect of Gibraltar entered into between the European Union and the European Atomic Energy Community and the United Kingdom of Great Britain and Northern Ireland, and for connected purposes, the Government has made the following Regulations-

Title.

1. These Regulations may be cited as the TGEU Implementation (Civil Aviation) (Person with Disabilities and Persons with Reduced Mobility) Regulations 2026.

Commencement.

2. These Regulations come into operation on the Implementation Date.

Interpretation.

3. In these Regulations, unless the context otherwise requires—

“person with disabilities” or “person with reduced mobility” means any person whose mobility when using transport is reduced due to any physical disability (sensory or locomotor, permanent or temporary), intellectual disability or impairment, or any other cause of disability, or age, and whose situation needs appropriate attention and the adaptation to his or her particular needs of the service made available to all passengers;

“air carrier” means an air transport undertaking with a valid operating licence;

“airport car park” means a car park, within the airport boundaries or under the direct control of the operator of the Civil Airport, which directly serves the passengers using the Gibraltar Airport;

“airport user” means any natural or legal person responsible for the carriage of passengers by air from or to the airport in question;

“Civil Airport” shall mean the aggregate of the land, buildings and works comprising the civil air terminal and associated aprons under the management and control of the Government as described in the plan as set out in Schedule 1 of the Civil Aviation Act 2024;

“commercial passenger air service” means a passenger air transport service operated by an air carrier through a scheduled or non- scheduled flight offered to the general public for valuable consideration, whether on its own or as part of a package.

“Director General” means the person who has been appointed pursuant to section 17 of the Civil Aviation Authority Act 2024;

“Gibraltar Airport” has the same meaning as in the Civil Aviation Act 2024;

“operating air carrier” means an air carrier that performs or intends to perform a flight under a contract with a passenger or on behalf of another person, legal or natural, having a contract with that passenger;

“operator of the Civil Airport” means the person appointed as operator of the Civil Airport pursuant to section 37 of the Civil Aviation Act 2024;

“reservation” means the fact that the passenger has a ticket, or other proof, which indicates that the reservation has been accepted and registered by the air carrier or tour operator;

“Supported Needs and Disability Office” means the office established under the Ministry for Equality, Employment, Culture and Tourism, to support persons protected by these Regulations and the Disability Act 2017;

“tour operator” means a person who sells a ticket (in whatever form) for the carriage of a person on a passenger aircraft, whether or not in combination with any other service;

Prevention of refusal of carriage.

4. An air carrier or its agent or a tour operator shall not refuse, on the grounds of disability or of reduced mobility:

- (a) to accept a reservation for a flight departing from or arriving at Gibraltar Airport;
- (b) to embark a person with disabilities or a person with reduced mobility at Gibraltar Airport, provided that the person concerned has a valid ticket and reservation.

Derogations, special conditions and information.

5.(1) Notwithstanding the provisions of regulation 4, an air carrier or its agent or a tour operator may refuse, on the grounds of disability or of reduced mobility, to accept a reservation from or to embark a person with disabilities or a person with reduced mobility-

- (a) in order to meet applicable safety requirements established by Gibraltar law or in order to meet safety requirements established by the Director General;
- (b) if the size of the aircraft or its doors makes the embarkation or carriage of that person with disabilities or person with reduced mobility physically impossible.

(2) In the event of refusal to accept a reservation on the grounds referred to under sub-regulation (1)(a) or (b), the air carrier, its agent or the tour operator shall make reasonable efforts to propose an acceptable alternative to the person in question.

(3) A person with disabilities or a person with reduced mobility who has been denied embarkation on the grounds of his or her disability or reduced mobility and any person accompanying this person pursuant to sub-regulation (4) shall be offered the right to reimbursement or re-routing pursuant to regulation 22 and the right to the option of a return flight or re-routing shall be conditional upon all safety requirements being met.

(4) Under the same conditions referred to in sub-regulation (1)(a), an air carrier or its agent or a tour operator may require that a person with disabilities or person with reduced mobility be accompanied by another person who is capable of providing the assistance required by that person.

(5) An air carrier or its agent shall make publicly available, in accessible formats and in at least the same languages as the information made available to other passengers, the safety rules that it applies to the carriage of persons with disabilities and persons with reduced mobility, as well as any restrictions on their carriage or on that of mobility equipment due to the size of aircraft and a tour operator shall make such safety rules and restrictions available for flights included in package travel, package holidays and package tours which it organises, sells or offers for sale.

(6) When an air carrier or its agent or a tour operator exercises a derogation under sub-regulations (1) or (2), it shall immediately inform the person with disabilities or person with reduced mobility of the reasons therefor and on request, an air carrier, its agent or a tour operator shall communicate these reasons in writing to the person with disabilities or person with reduced mobility, within five working days of the request.

Designation of points of arrival and departure.

6.(1) In cooperation with airport users and relevant organisations representing persons with disabilities and persons with reduced mobility, the operator of the Civil Airport shall, taking account of local conditions, designate points of arrival and departure within the airport boundary or at a point under the direct control of the operator, both inside and outside terminal buildings, at which persons with disabilities or persons with reduced mobility can, with ease, announce their arrival at the airport and request assistance.

(2) The points of arrival and departure referred to in sub-regulation (1), shall be clearly signed and shall offer basic information about Gibraltar Airport, in accessible formats.

Transmission of information.

7.(1) Air carriers, their agents and tour operators shall take all measures necessary for the receipt, at all their points of sale including sale by telephone and via the internet, of notifications of the need for assistance made by persons with disabilities or persons with reduced mobility.

(2) When an air carrier or its agent or a tour operator receives a notification of the need for assistance at least 48 hours before the published departure time for the flight, it shall transmit the information concerned at least 36 hours before the published departure time for the flight-

(a) to the operator of the Civil Airport; and

(b) to the operating air carrier, if a reservation was not made with that carrier, unless the identity of the operating air carrier is not known at the time of notification, in which case the information shall be transmitted as soon as practicable.

(3) In all cases other than those mentioned in sub-regulation (2), the air carrier or its agent or tour operator shall transmit the information as soon as possible.

(4) As soon as possible after the departure of the flight, an operating air carrier shall inform the operator of the Civil Airport of the number of persons with disabilities and persons with reduced mobility on that flight requiring assistance specified in Schedule 1 and of the nature of that assistance.

Right to assistance at Gibraltar Airport.

8.(1) The operator of the Civil Airport shall be responsible for ensuring the provision of the assistance specified in Schedule 1 in such a way that the person is able to take the flight for which he or she holds a reservation, provided that the notification of the person's particular needs for such assistance has been made to the air carrier or its agent or the tour operator concerned at least 48 hours before the published time of departure of the flight.

(2) The notification given under sub-regulation (1) shall also cover a return flight if the outward flight and the return flight have been contracted with the same air carrier.

(3) Where use of a recognised assistance dog is required, this shall be accommodated provided that notification of the same is made to the air carrier or its agent or the tour operator in accordance with any applicable regulations made under the Civil Aviation Act 2024 covering the carriage of assistance dogs on board aircraft.

(4) If no notification is made in accordance with sub-regulation (1), the operator of the Civil Airport shall make all reasonable efforts to provide the assistance specified in Schedule 1 in such a way that the person concerned is able to take the flight for which he or she holds a reservation.

(5) The provisions of sub-regulation (1) shall apply on condition that-

- (a) the person presents himself or herself for check-in-
 - (i) at the time stipulated in advance and in writing (including by electronic means) by the air carrier or its agent or the tour operator; or
 - (ii) if no time is stipulated, not later than one hour before the published departure time; or
- (b) the person arrives at a point within the airport boundary designated in accordance with regulation 6-
 - (i) at the time stipulated in advance and in writing (including by electronic means) by the air carrier or its agent or the tour operator; or
 - (ii) if no time is stipulated, not later than two hours before the published departure time.

(6) When a person with disabilities or person with reduced mobility transits through Gibraltar Airport, or is transferred by an air carrier or a tour operator from the flight for which he or she holds a reservation to another flight, the operator of the Civil Airport shall be responsible for ensuring the provision of the assistance specified in Schedule 1 in such a way that the person is able to take the flight for which he or she holds a reservation.

(7) On the arrival by air of a person with disabilities or person with reduced mobility at Gibraltar Airport, the operator of the Civil Airport shall be responsible for ensuring the provision of the assistance specified in Schedule 1 in such a way that the person is able to reach his or her point of departure from Gibraltar Airport as referred to in regulation 6.

(8) The assistance provided shall, as far as possible, be appropriate to the particular needs of the individual passenger.

Responsibility for assistance at Gibraltar Airport.

9.(1) The operator of the Civil Airport shall be responsible for ensuring the provision of the assistance specified in Schedule 1 without additional charge to persons with disabilities and persons with reduced mobility.

(2) The operator of the Civil Airport may provide such assistance itself and alternatively, in keeping with its responsibility, and subject always to compliance with the quality standards referred to in Regulation 10(1), the operator of the Civil may contract with one or more other parties for the supply of the assistance. In cooperation with airport users, the operator of the Civil Airport may enter into such a contract or contracts on its own initiative or on request, including from an air carrier, and taking into account the existing services at Gibraltar Airport and in the event that it refuses such a request, the operator of the Civil Airport shall provide written justification.

(3) The operator of the Civil Airport may, on a non-discriminatory basis, levy a specific charge on airport users for the purpose of funding this assistance.

(4) This specific charge shall be reasonable, cost-related, transparent and established by the operator of the Civil Airport in cooperation with airport users or any other appropriate entity and it shall be shared among airport users in proportion to the total number of all passengers that each carry to and from Gibraltar Airport.

(5) The operator of the Civil Airport shall separate the accounts of its activities relating to the assistance provided to persons with disabilities and persons with reduced mobility from the accounts of its other activities, in accordance with current commercial practice.

(6) The operator of the Civil Airport shall make available to airport users or any other appropriate entity, as well as to the enforcement body or bodies referred to in regulation 15, an audited annual overview of charges received and expenses made in respect of the assistance provided to persons with disabilities and persons with reduced mobility.

Quality standards for assistance.

10.(1) Unless Gibraltar Airport's annual traffic of commercial passenger movements becomes less than 150,000, then the operator of the Civil Airport shall set quality standards for the assistance specified in Schedule 1 and determine resource requirements for meeting them, in cooperation with airport users and organisations representing disabled passengers and passengers with reduced mobility.

(2) In the setting of such standards, and in consultation with the Supported Needs and Disability Office, full account shall be taken of Gibraltar policies and codes of conduct, as well as internationally recognised policies and codes of conduct, concerning facilitation of the transport of persons with disabilities or persons with reduced mobility, notably the ECAC Code of Good Conduct in Ground Handling for Persons with Reduced Mobility.

(3) The operator of the Civil Airport shall publish its quality standards.

(4) An air carrier and the operator of the Civil Airport may agree that, for the passengers whom that air carrier transports to and from Gibraltar Airport, the operator of the Civil Airport shall provide assistance of a higher standard than the standards referred to in sub-regulation (1) or provide services additional to those specified in Schedule 1.

(5) For the purpose of funding either of these, the operator of the Civil Airport may levy a charge on the air carrier additional to that referred to in regulation 9(3), which shall be transparent, cost-related and established after consultation of the air carrier concerned.

Assistance by air carriers.

11. An air carrier shall provide the assistance specified in Schedule 2 without additional charge to a person with disabilities or person with reduced mobility departing from or arriving at Gibraltar Airport provided that the person in question fulfils the conditions set out in Regulation 8(1), 8(2), 8(3) and 8(5).

Training.

12. Air carriers and the operator of the Civil Airport shall:

- (a) ensure that all their personnel providing direct assistance to persons with disabilities and persons with reduced mobility, including those employed by any sub-contractor, have knowledge of how to meet the needs of persons having various disabilities or mobility impairments;
- (b) provide disability-equality, disability-awareness and disability language and etiquette training to all their personnel working at the airport who deal directly with the travelling public;
- (c) ensure that, upon recruitment, all new employees providing direct assistance, attend disability related training and that personnel receive refresher training courses when appropriate.

Compensation for lost or damaged wheelchairs, other mobility equipment or assistive devices.

13. Where wheelchairs or other mobility equipment or assistive devices or such other devices which are required by persons with disabilities or persons with reduced mobility are lost or have been damaged whilst being handled at the Gibraltar Airport or transported on board aircraft, the passenger to whom the equipment belongs shall be compensated in accordance with the rules of international law and Gibraltar law.

Exclusion of Waiver.

14. Obligations towards persons with disabilities and persons with reduced mobility pursuant to these Regulations shall not be limited or waived.

Enforcement body and its tasks.

15.(1) The Supported Needs and Disability Office is responsible for the enforcement of these Regulations and this body shall take the measures necessary to ensure that the rights of persons with disabilities and persons with reduced mobility are respected, including compliance with the quality standards referred to in Regulation 10(1).

(2) The Supported Needs and Disability Office designated under sub-regulation (1) shall also ensure the satisfactory implementation of Regulation 9, including as regards the provisions on charges with a view to avoiding unfair competition. They may also designate a specific body to that effect.

Complaint procedure.

16.(1) A person with disabilities or person with reduced mobility who considers that these Regulations have been infringed may bring the matter to the attention of the operator of the Civil Airport or to the attention of the air carrier concerned, as the case may be.

(2) If the person with disabilities or person with reduced mobility cannot obtain satisfaction in such way, complaints may be made to the Supported Needs and Disability Office designated under Regulation 15(1), about an alleged infringement of these Regulations.

(3) The Supported Needs and Disability Office shall take measures to inform persons with disabilities and persons with reduced mobility of their rights under these Regulations and of the possibility of complaint to this designated body or bodies.

Offences.

17.(1) An air carrier, its agent or tour operator who contravenes an obligation imposed by regulation 4, 5, 7(1), 7(2), 7(3) or 14 commits an offence.

(2) An air carrier who contravenes an obligation imposed by Regulation 11 or 12 commits an offence.

(3) An operating air carrier who contravenes an obligation imposed by Regulation 7(4) commits an offence.

(4) If the operator of the Civil Airport contravenes an obligation imposed by Regulation 6, 8(1), 8(2), 8(3), 8(4), 8(6), 8(7), 9(1), 9(4), 9(5), 12 or 14 it commits an offence.

Penalties.

18. An air carrier or its agent, tour operator, or the operator for the Civil Airport is guilty of an offence under regulation 17 is liable—

- (a) in relation to any failure to comply with an obligation imposed by regulation 5(4), 6(2), 7, 8(1), 8(2), 8(3), 8(4), 8(6), 8(7), 9(5), 11 or 12, on summary conviction, to a fine not exceeding level 5 on the standard scale;
- (b) in relation to any failure to comply with an obligation imposed by regulation 4, 5(1), 5(3), 6(1), 9(1), 9(4) or 14 –
 - (i) on summary conviction, to a fine not exceeding level 5 on the standard scale; and
 - (ii) on conviction on indictment, to a fine.

Defence.

19.(1) Subject to sub-regulation (2), in proceedings against any person for an offence under regulation 17, it is a defence for that person to show that that person took all reasonable steps to avoid committing the offence.

(2) A person is not entitled to rely on the defence provided by sub-regulation (1) by reason of that person's reliance on information supplied to that person, unless that person shows that it was reasonable in all the circumstances to have relied on that information.

Offences by corporate and unincorporated bodies.

20.(1) Where an offence under these Regulations has been committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any –

- (a) director;
- (b) manager;
- (c) secretary;
- (d) other similar officer of the body corporate; or
- (e) any person who was purporting to act in any such capacity,

that person as well as the body corporate is guilty of that offence and liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, sub-regulation (1) shall apply in relation to the acts and defaults of a member in connection with that member's functions of management as if that member were a director of the body corporate.

(3) Where a limited partnership commits an offence under these Regulations and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, that partner as well as the partnership is guilty of that offence and is liable to be proceeded against and punished accordingly.

Compensation claims by persons with disabilities etc.

21.(1) A claim by a person with disabilities or a person with reduced mobility for an infringement of any rights of that person under these Regulations may be made the subject of civil proceedings in the Supreme Court in the same way as any other claim in tort.

(2) For the avoidance of doubt, any damages awarded in respect of any infringement of these Regulations may include compensation for injuries to feelings whether or not they include compensation under any other head.

(3) The Supreme Court is not to consider a claim under these Regulations unless proceedings in respect of it are instituted before the end of the period of 6 months beginning with when the infringement complained of occurred.

(4) Where, in relation to proceedings or prospective proceedings under these Regulations, the dispute concerned is referred to conciliation before the end of the period of 6 months referred to in sub-regulation (3), the period allowed by that sub-regulation is to be extended by 3 months.

(5) The Supreme Court may consider any claim under these Regulations which is out of time if, in all the circumstances of the case, it considers that it is just and equitable to do so.

Right to reimbursement or re-routing.

22.(1) Subject to regulation 5(3), persons with disabilities or a person with reduced mobility and accompanying passengers pursuant to regulation 5(4) shall be offered the choice between-

- (a) reimbursement, within seven days, by means of cash, electronic bank transfer, bank orders or bank cheques or, with the signed agreement of the passenger, in travel vouchers and/or other services. This reimbursement shall be at the full cost of the ticket at the price at which it was bought, for the part or parts of the journey not made, and for the part or parts already made if the flight is no longer serving any purpose in relation to the passenger's original travel plan, together with, when relevant, a return flight to the first point of departure, at the earliest opportunity;
- (b) re-routing, under comparable transport conditions, to their final destination at the earliest opportunity; or
- (c) re-routing, under comparable transport conditions, to their final destination at a later date at the passenger's convenience, subject to availability of seats.

(2) Sub-regulation (1)(a) shall also apply to passengers whose flights form part of a package.

(3) When, in the case where a town, city or region is served by several airports, an operating air carrier offers a passenger a flight to an airport alternative to that for which the booking was made, the operating air carrier shall bear the cost of transferring the passenger from that alternative airport either to that for which the booking was made, or to another close-by destination agreed with the passenger.

SCHEDULE 1

Assistance under the responsibility of the operator of the Civil Airport

1. Assistance and arrangements necessary to enable persons with disabilities and persons with reduced mobility to:

- (a) communicate their arrival at Gibraltar Airport and their request for assistance at the designated points inside and outside terminal buildings mentioned in regulation 6,
- (b) move from a designated point to the check-in counter,
- (c) check-in and register baggage,
- (d) proceed from the check-in counter to the aircraft, with completion of emigration, customs and security procedures,
- (e) board the aircraft, with the provision of lifts, wheelchairs or other assistance needed, as appropriate,
- (f) proceed from the aircraft door to their seats,
- (g) store and retrieve baggage on the aircraft,
- (h) proceed from their seats to the aircraft door,
- (i) disembark from the aircraft, with the provision of lifts, wheelchairs or other assistance needed, as appropriate,
- (j) proceed from the aircraft to the baggage hall and retrieve baggage, with completion of immigration and customs procedures,
- (k) proceed from the baggage hall to a designated point,
- (l) reach connecting flights when in transit, with assistance on the air and land sides and within and between terminals as needed,
- (m) move to the toilet facilities if required.

2. Where a person with disabilities or person with reduced mobility is assisted by an accompanying person, this person must, if requested, be allowed to provide the necessary assistance in the airport and with embarking and disembarking.

SCHEDULE 2

Assistance by air carriers

1. Carriage of recognised assistance dogs in the cabin, subject to any applicable regulations made under the Civil Aviation Act 2024.
2. In addition to medical equipment, transport of up to two pieces of mobility equipment per person with disabilities or person with reduced mobility, including electric wheelchairs (subject to advance warning of 48 hours and to possible limitations of space on board the aircraft, and subject to the application of relevant legislation concerning dangerous goods).
3. Communication of essential information concerning a flight in accessible formats.
4. The making of all reasonable efforts to arrange seating to meet the needs of individuals with disability or reduced mobility on request and subject to safety requirements and availability.
5. Assistance in moving to toilet facilities if required.
6. Where a person with disabilities or person with reduced mobility is assisted by an accompanying person, the air carrier will make all reasonable efforts to give such person a seat next to the person with disabilities or person with reduced mobility.

Dated 14th July 2026.

DR J GARCIA,
Minister with responsibility for Civil Aviation,
For the Government

EXPLANATORY MEMORANDUM

These Regulations implement part of Article 273(3) of the Treaty on Gibraltar and the European Union and make provision for the protection of and provision of assistance to persons with disabilities and persons with reduced mobility travelling by air, both to protect them against discrimination and to ensure that they receive assistance.