

Rights and Duties



REAL
REAL Passenger REAL Person



Department
for Transport

Legal and Regulatory Framework

Merchant Shipping (Safety Rules and Standards
for Passenger Ships) (Miscellaneous Amendments)
Regulations 2018

Merchant Shipping (Passengers' Rights) (Amendment
etc.) (EU Exit) Regulations 2019

Equality Act 2010 (applies portside, not on vessels)

Human Rights Act 1998

Consumer Rights Act 2015

Definition of Persons with Reduced Mobility (PRMs)

‘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.’

Who is a PRM?
**Anyone who says they
need assistance**



Terminal Operator

Duties

**The managing body of the terminal operator
is responsible for:**

.....
Complying with the Equality Act 2010
.....

Agreeing and equipping designated points
of arrival and departure in consultation with PRMs
.....

Providing assistance to PRMs, direct or under contract

Continued

Agreeing a reasonable, cost-related and transparent
PRM charge

.....

Setting and publishing quality standards
for assistance

.....

Ensuring that all personnel, including those
employed by subcontractors, receive initial and
refresher disability-related training

Assistance

The right to assistance includes:

-
Assistance from the point of arrival (e.g. long-term car park, rail or bus station)
.....
- The passenger’s journey through their departure port
.....
- Boarding the vessel and during the journey
.....
- Disembarking the vessel
.....
- Transferring between vessels
.....
- Travelling through their destination port

Setting the PRM Charge

The terminal operator can (in cooperation with the port users' committee):

.....
Provide special assistance itself or contract it out to one or more parties

.....
Levy a charge on port users to fund the assistance. The charge must be 'reasonable, cost-related and transparent' and must be shared among port users in proportion to the total number of passengers each carries

.....
Produce an annual overview of charges received and expenses incurred in providing assistance

Carriers, Travel Agents and Tour Operators Duties

Carriers, travel agents and tour operators must comply with all relevant regulations.

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They cannot refuse to carry a disabled person or PRM with a valid ticket unless the person is unable to:

- Be accommodated within the safety requirements
- Fit into the vessel's passenger cabin (relevant to small vessels only)

General Duties

Complaints

PRMs should first go through the port or carrier complaints process.

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If they are not satisfied, they can bring a complaint to the Maritime and Coastguard Agency (MCA), which is the national enforcement body.

.....

The MCA can take any operator who breaches passenger rights regulations to court. The court can issue a fine and such fines are unlimited.

General Duties

Staff Training

Awareness of and appropriate responses
to disabled people and PRMs

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Barriers faced by disabled people
and PRMs

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Recognised assistance dogs

.....

Dealing with unexpected occurrences

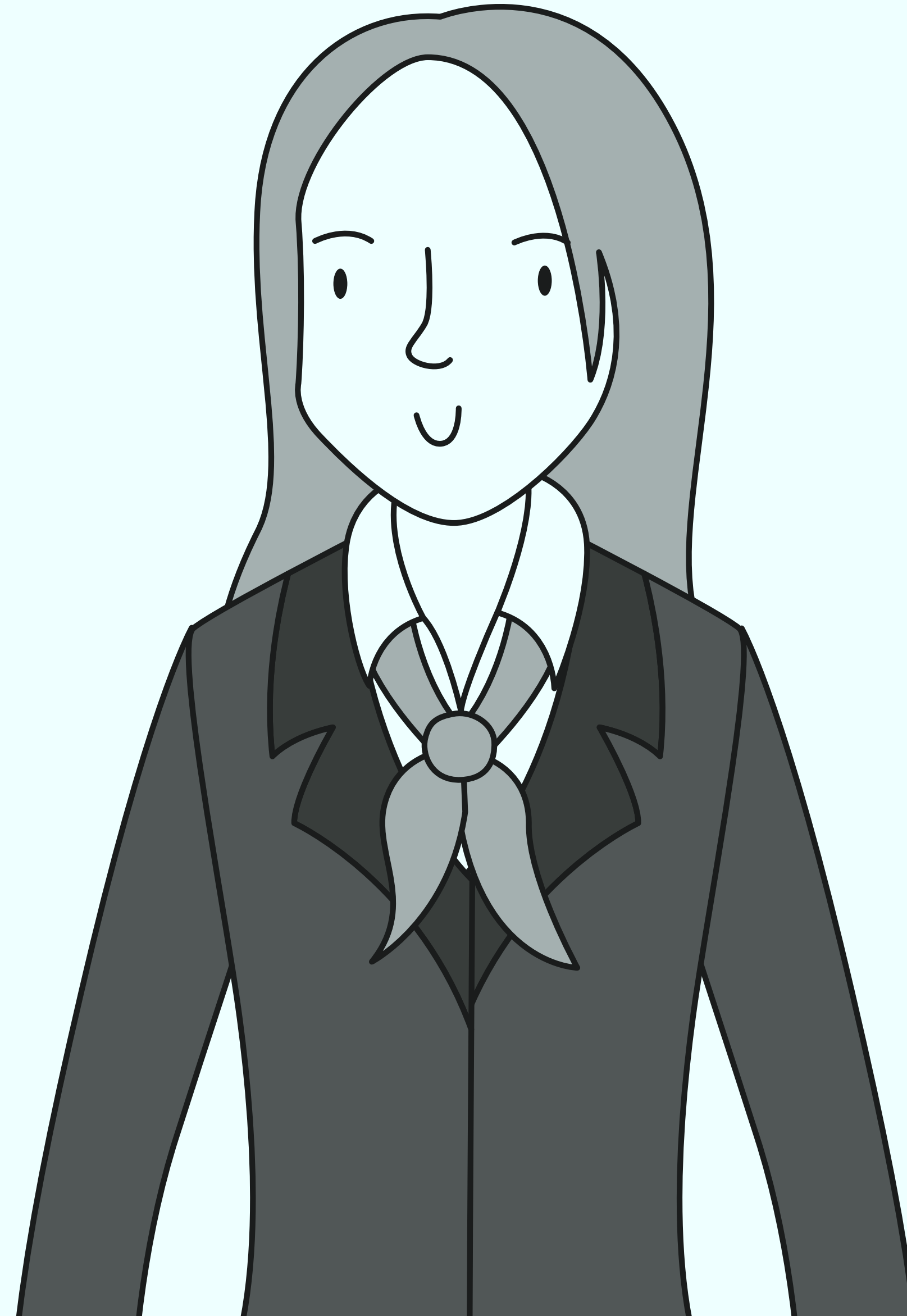


Continued

Communication

International Maritime Organization (IMO)
guidelines on the design and operation
of passenger ships to respond to older
and disabled people's needs

Induction and regular refresher training



Continued

Disability assistance training and instruction, including:

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How to help wheelchair users with transfers

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How to escort passengers with visual impairments

.....

How to support an assistance dog user

Continued

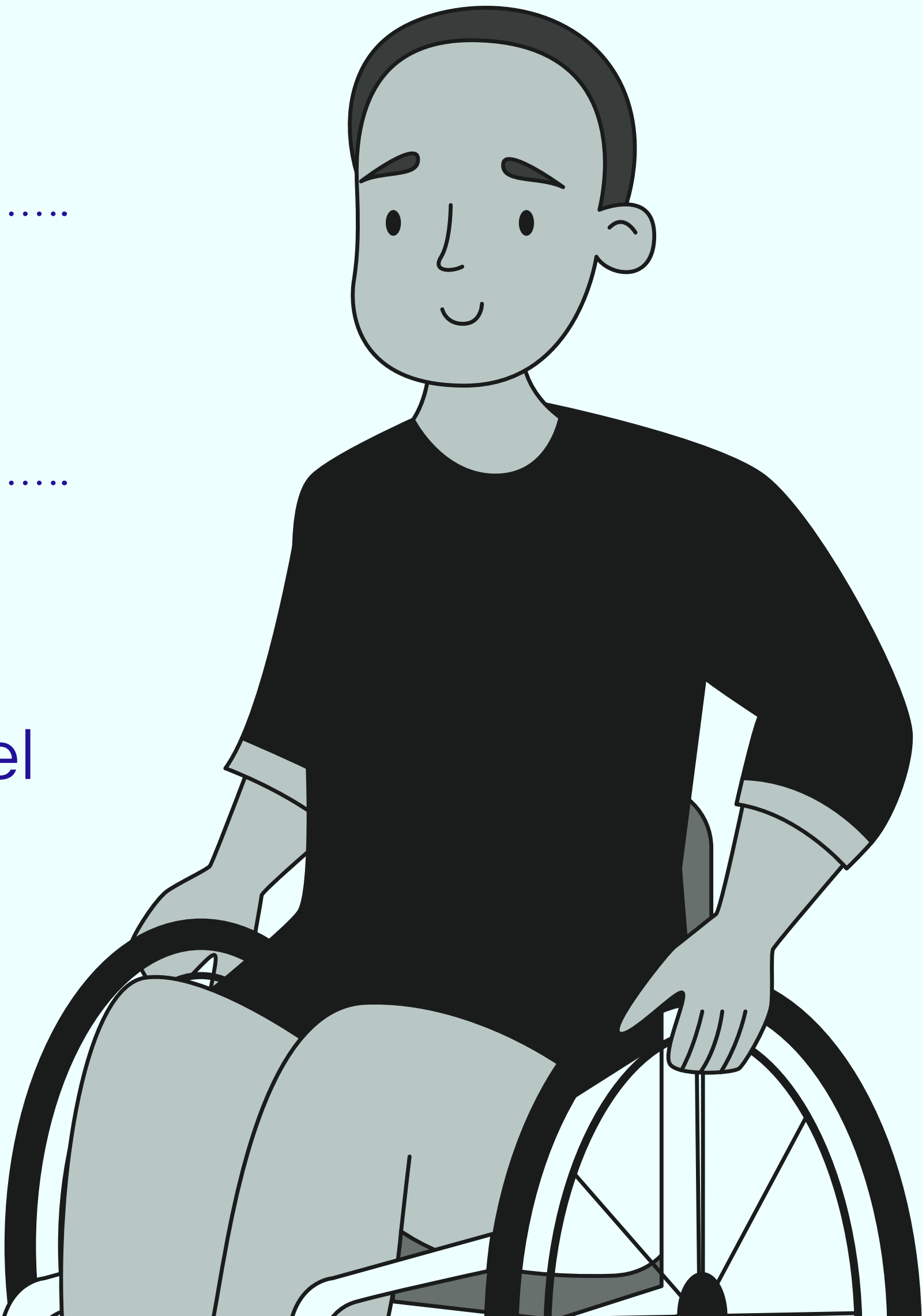
Understanding mobility equipment and how to handle it

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How to use boarding assistance equipment in a way that provides safety and dignity

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Understanding the potential impact of loss of independence on some disabled people and PRMs due to the effects of maritime travel on feelings and behaviour



Maritime and Coastguard Agency

Complaints from individual ferry and cruise ship passengers must first be raised with the operator.

.....

Within the UK, if it cannot be resolved in this way, the complaint may then be referred to the appropriate voluntary complaint-handling body (CHB). It is anticipated that most complaints will be resolved at one of these two stages.

Continued

However, if this is not possible, the complaint may then be investigated by the national enforcement body (NEB), which will consider whether there has been a breach of the EU Regulation.

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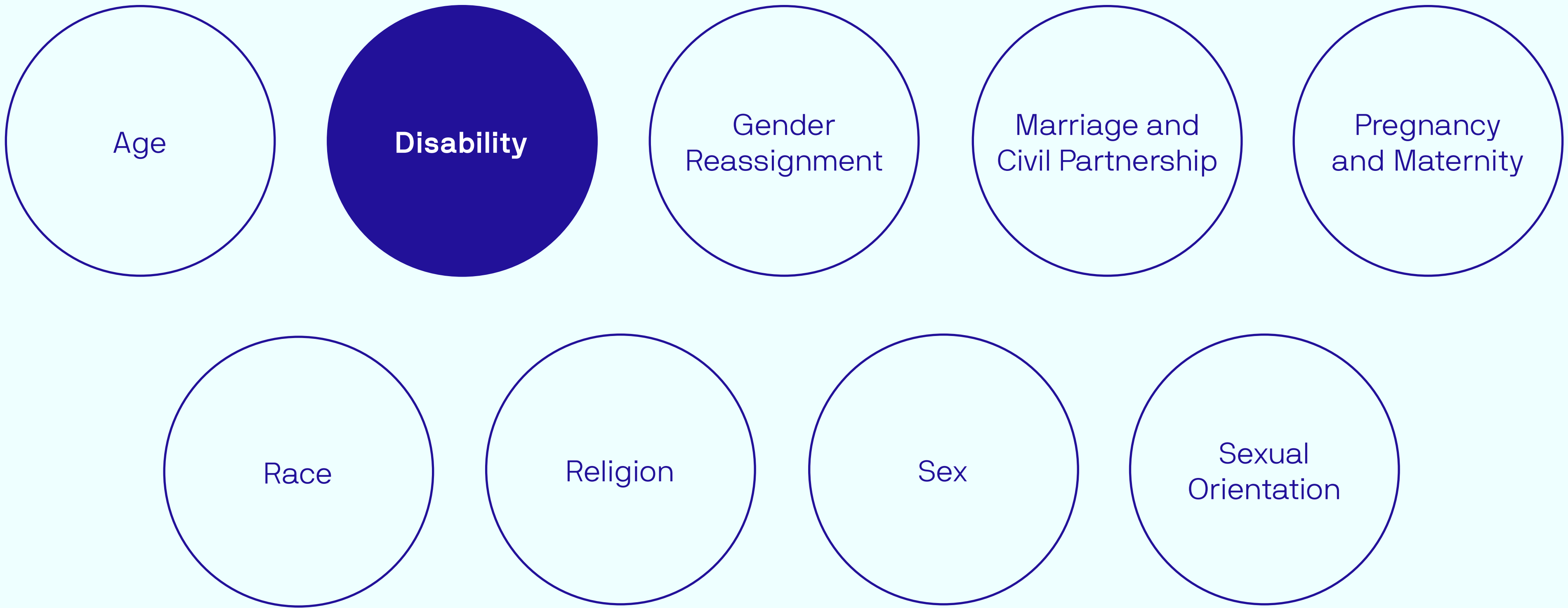
The MCA operates as the NEB for the whole of the UK.

Human Rights Act 1998

Consumer Rights Act 2015

Equality Act 2010

Equality Act 2010



Equality Act 2010 - Definition of Disability

Anyone with ‘a physical or mental impairment that has a substantial and long-term negative effect on their ability to do normal daily activities’.

.....
‘Substantial’ means more than minor or trivial.

.....
‘Long-term’ means it has lasted or is likely to last more than 12 months. Terminal conditions are automatically covered, as are many fluctuating conditions, where symptoms may vary but are likely to recur.

Equality Act 2010

Terminal operators must:

Not refuse or terminate a service on grounds of a protected characteristic

.....

Ensure provisions, criteria and practices do not disadvantage anyone on the grounds of a protected characteristic, unless justifiable

.....

Provide ‘reasonable adjustments’ to enable access to services for disabled people facing a substantial barrier

What changes are ‘reasonable’?

How practical is it to make the change?

.....

What is the cost?

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What is the impact on other service users?

.....

What resources does the organisation have?

Continued

Is financial support available to help make
the change?

.....
Reasonable adjustments to the provision of services
are both anticipatory and individual.

REAL

Respect

REAL

Empathise

REAL

Ask

REAL

Listen

REAL Passenger REAL Person



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