

Plus ca change

At the recent Barclays Travel Forum, Richard Moriarty, the new CAA chief executive, was quoted as saying that: "We are intending to investigate certain airline terms and conditions - 'gotcha terms' such as correcting a mis-spelt name."

This is good news, only tarnished by the fact that it is almost 25 years since the Unfair Terms in Consumer Contracts were enacted; 21 years since the Air Transport Users Committee urged action on unfair terms in airline contracts and 15 years since the Office of Fair Trading managed to persuade some airlines to amend their terms and conditions.

If action needs to be taken again it suggests that airlines are falling back into their bad old ways and that the regulatory powers available are insufficient to curb their egregious behaviour. Just look at how long it has taken to bring them into line over Regulation 261/2004 on cancellations and delays. After 12 years and extensive litigation some airlines are still dragging their heels. Do they not believe in the rule of law? – or only when they are dragged kicking and screaming into court?

Isn't it time that the regulators took a tougher line with the airlines, whether that be the CAA or the CMA? Where are the injunctions? Where are the prosecutions and fines? When was the last time an airline CEO had to take personal responsibility for the way they treat their passengers?

To paraphrase a famous quote 'Eternal vigilance is the price of consumer protection'. The airlines have shown again and again that they are prepared to ride roughshod over passenger rights so let us hope that on this occasion the CAA takes a more robust line than in the past otherwise we may well have to repeat the exercise in another 25 years – because as the philosopher George Santayana said 'Those who do not remember the past are condemned to repeat it'.

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