
STATUTORY INSTRUMENTS

2012 No. 1017

The Civil Aviation (Air Travel Organisers' Licensing) Regulations 2012

PART 1

GENERAL

Citation and commencement

1.—(1) These Regulations may be cited as the Civil Aviation (Air Travel Organisers' Licensing) Regulations 2012.

(2) With the exception of regulation 10(f), these Regulations come into force on 30th April 2012.

(3) Regulation 10(f) comes into force on 30th April 2019.

Review

2.—(1) The Secretary of State must from time to time—

- (a) carry out a review of these Regulations,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how Council Directive [90/314/EEC](#) of 13th June 1990 on package travel, package holidays and package tours⁽¹⁾ is implemented in other member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations,
- (b) assess the extent to which those objectives are achieved, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which these Regulations (other than regulation 10(f)) come into force.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

Revocation of Regulations

3. The Regulations specified in the Schedule are revoked.

(1) OJNo. L158, 13.6.1990, p.59.

Interpretation**4.—(1)** In these Regulations—

“the Act” means the Civil Aviation Act 1982;

“accountable person” means a director of the company, sole trader or partner in a partnership with authority to ensure that the ATOL holder complies with the terms and conditions of its ATOL, these Regulations and the Civil Aviation (Contributions to the Air Travel Trust) Regulations 2007⁽²⁾;

“accredited body” means a body accredited as an accredited body pursuant to regulation 33 and “accreditation” is to be construed accordingly;

“accredited body standard terms” means the schedule of standard terms for an accredited body published by the CAA under regulation 48(1);

“agency worker” has the meaning specified in regulation 3 of the Agency Workers Regulations 2010⁽³⁾;

“agent for an ATOL holder” has the meaning specified in regulation 12;

“airline ticket agent” has the meaning specified in regulation 13(1);

“ATOL” means an air travel organiser’s licence granted by the CAA under these Regulations;

“ATOL Certificate” means a document which complies with the requirements published in accordance with regulation 19;

“ATOL holder” means a person who holds an ATOL;

“ATOL number” means the number provided for an ATOL by the CAA under regulation 31(6);

“ATOL standard terms” means the schedule of standard terms for an ATOL published by the CAA under regulation 40(1);

“confirmed ticket” means a document or information which gives to every person specified in the document or information access to the flight specified in the document or information without the need for any further payment;

“consumer” means an individual who—

- (a) makes use of flight accommodation for travel in person or provides it to another person who uses that flight accommodation for travel in person;
- (b) intends to make use of flight accommodation for travel in person or intends to provide it to another person to use that flight accommodation for travel in person; or
- (c) makes use of flight accommodation for travel in person which has been provided to them by a person who is a consumer by reason of sub-paragraph (a);

but is not a person who procures flight accommodation in the course of business while acting as the agent of another person who uses that flight accommodation for travel in person;

“director” has the meaning specified in section 250 of the Companies Act 2006⁽⁴⁾;

“electronic communication” means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa)—

- (a) by means of an electronic communications network (within the meaning set out in section 32(1) of the Communications Act 2003⁽⁵⁾); or

(2) S.I. 2007/2999.

(3) S.I. 2010/93. Regulation 3 has been amended by regulation 2(1) and (2) of the Agency Workers (Amendment) Regulations 2011 (S.I. 2011/1941).

(4) 2006 c.46.

(5) 2003 c.21. Section 32(1) has been amended by regulation 2(1) and paragraph 9 of Schedule 1 of the Electronic Communications and Wireless Telegraphy Regulations 2011 (S.I. 2011/1210).

(b) by other means while in an electronic form;

“employee of the ATOL holder” means an individual who has entered into or works under a contract of service or apprenticeship with the ATOL holder, whether express or implied, and (if it is express) whether oral or in writing;

“failure of an ATOL holder” has the meaning specified in regulation 23;

“flight accommodation” means accommodation for the carriage of persons on flights in any part of the world;

“Flight-Only provider” means a person who as a principal or agent makes available flight accommodation only;

“Flight-Plus” has the meaning specified in regulation 24;

“Flight-Plus arranger” has the meaning specified in regulation 25;

“insolvency” of a person occurs where any of the following steps, or an equivalent step, has been taken by or against the person under the law of a court having jurisdiction over the person’s affairs—

- (a) bankruptcy or insolvency is adjudicated against the person;
- (b) the court approves a compromise, composition or similar arrangement of the person’s debts on the basis of a receiving order;
- (c) the person makes a valid assignment, composition or similar arrangement for the benefit of all its creditors;
- (d) the court orders the winding-up or liquidation of the person’s affairs;
- (e) an effective resolution is passed for the voluntary winding-up or liquidation of the person;
- (f) a compromise, composition or similar arrangement of the person’s debts is made binding on the person and substantially all of its creditors; or
- (g) a receiver, trustee, liquidator, administrator or similar person is appointed on behalf of the creditors of the person;

“Member” means a person appointed by the Secretary of State under section 2 of the Act to be a member of the CAA;

“Official Record” means a document of that name published on the website of the CAA;

“package” means the pre-arranged combination of at least two of the following components when sold or offered for sale at an inclusive price and when the service covers a period of more than twenty-four hours or includes overnight accommodation—

- (a) transport;
- (b) accommodation;
- (c) other tourist services not ancillary to transport or accommodation and accounting for a significant proportion of the package,
and
 - (i) the submission of separate accounts for different components does not cause the arrangements to be other than a package;
 - (ii) the fact that a combination is arranged at the request of the consumer and in accordance with the consumer’s specific instructions (whether modified or not) does not of itself cause it to be treated as other than pre-arranged;

“schedule of agency terms” means the schedule of terms to be included in a written agency agreement published by the CAA under regulation 22(1);

“specified method” has the meaning specified in regulation 18;

“temporary work agency” has the meaning specified in regulation 4 of the Agency Workers Regulations 2010; and

“worker for an ATOL holder” means an individual who is—

- (a) an officer of a company holding an ATOL;
- (b) a partner of a partnership holding an ATOL;
- (c) a member of a limited liability partnership holding an ATOL;
- (d) an employee of the ATOL holder; or
- (e) an agency worker supplied by a temporary work agency to work temporarily for and under the supervision and direction of the ATOL holder.

(2) A reference in these Regulations to a document or any other thing in writing includes that document or thing in electronic form.

(3) The periods of time specified in regulations 7(6), 24(2)(d), 24(3), 36, 40(3), 44, 48(3), 53(2), 57(1), 57(3), 68(3) and 74 as a number of days are exclusive of the first day and inclusive of the last day, unless the last day falls on a Saturday, Sunday, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971(6) in any part of the United Kingdom, in which case the period of time is exclusive of that day also.

Requirements for service of documents

5.—(1) Subject to paragraph (2), a notice or other document required to be served under these Regulations must be served in accordance with regulation 6 or 7.

(2) Anything which is required to be served on the CAA under these Regulations may be served electronically by sending it to an e-mail address which the CAA has published for the purpose.

(3) A document is served on a person under regulation 6 if served on, in the case of—

- (a) an individual, that person;
- (b) a body corporate, a director, secretary, chief executive, treasurer, manager or other officer of the company;
- (c) a limited liability partnership, any designated member as defined by section 18 of the Limited Liability Partnerships Act 2000(7);
- (d) a partnership, a partner or any person having control or management of the business;
- (e) an unincorporated body or association, the proprietor or a person concerned in the management or control of the body or association.

Service by post etc

6.—(1) A notice or other document is served on a person in accordance with this regulation if it is set out in writing and —

- (a) delivered to that person;
- (b) left at the person’s proper address;
- (c) sent by post to that address; or
- (d) sent to the person at that address by fax or other similar means which produce a document containing a text of the communication, in which event the document is regarded as served when it is received.

(6) 1971 c.80.

(7) 2000 c.12. Section 18 cross-refers to section 8 of the Limited Liability Partnerships Act 2000 and section 8 has been amended by regulation 85 of The Limited Liability Partnerships (Application of Companies Act 2006) Regulations 2009 (S.I. 2009/1804).

- (2) In paragraph (1), “proper address” means in the case of—
- (a) an individual, that person’s usual or last known place of business, employment, or residence;
 - (b) a body corporate, its principal or registered office or its principal place of business;
 - (c) a limited liability partnership, the address of its principal or registered office; or
 - (d) a partnership or an unincorporated body or association, its principal office or principal place of business.

Electronic service by the CAA

7.—(1) A notice or other document required to be served by the CAA is served in accordance with this regulation if—

- (a) an address for service using electronic communication has been given by that person and not withdrawn in accordance with paragraph (5);
- (b) that person has agreed to accept service by electronic communication of documents in a certain form and has not withdrawn that agreement in accordance with paragraph (5); and
- (c) electronic communication is used to send the notice or other document in that form to that person at that address.

(2) A document given to or served on a person in accordance with paragraph (1) must be in a form sufficiently permanent to be used for subsequent reference.

(3) If a document is given to or served on a person in accordance with paragraph (1), the document is deemed to have been given to or served on that person at the time at which the electronic communication is transmitted unless—

- (a) the contrary is proved; or
- (b) paragraph (4) applies.

(4) If the time at which an electronic communication is transmitted to a person is a time at which that person’s principal place of business in the country in which the addressee is situated is not normally open for business, the document is deemed to have been given or served on that person on the next day on which that person’s principal place of business in the country in which the addressee is situated is normally open for business.

(5) A person who has supplied an address for service using electronic communication and has agreed to accept service of documents in a certain form in accordance with paragraph (1)(b) may give notice withdrawing that address or that agreement or both.

(6) A withdrawal under paragraph (5) takes effect on the later of—

- (a) the date specified by the person in the notice; and
- (b) the date which is 14 days after the date on which the notice is given.

(7) This regulation does not apply to any document the service of which is provided for by the rules of the court.

Manner of publication by the CAA

8.—(1) Any notice or other matter required by these Regulations to be published is published by the CAA in its Official Record.

(2) Where the CAA is required to publish any information or document, including its Official Record, it may do so electronically or otherwise.

(3) Any notice that is required to be published for a particular period and is published for a part, but not all, of the period is deemed to have been published for the whole of the relevant period if the

failure to publish that notice throughout that period is wholly attributable to circumstances which it would not be reasonable to have expected the CAA to prevent or avoid.