
STATUTORY INSTRUMENTS

2012 No. 1017

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

PART 4

LICENSING PROVISIONS

CHAPTER 1

Application for, and refusal of, an ATOL or accreditation as an accredited body

Application for and grant of an ATOL or a variation to an ATOL

31.—(1) The CAA must specify and publish the requirements for an application for an ATOL or a variation to an ATOL.

(2) Subject to paragraph (4), an application for the grant or variation of an ATOL must be made in a form and manner published by the CAA.

(3) Where such an application is received the CAA must—

- (a) grant an ATOL or a variation to an ATOL to the applicant in the terms requested in the application;
- (b) grant an ATOL or a variation to an ATOL in those terms with such modifications and subject to such conditions as the CAA thinks fit; or
- (c) refuse to grant an ATOL or a variation to an ATOL.

(4) The CAA may refuse to consider an application unless it is accompanied by the charge payable under a charging scheme made under section 11 of the Act.

(5) The CAA may require as a condition or a term of the ATOL compliance with one or more of the ATOL standard terms and all or any part of the schedule of agency terms.

(6) When granting an ATOL, the CAA must provide a number for that ATOL, unique to that ATOL.

Refusal to grant an ATOL

32.—(1) The CAA must refuse to grant an ATOL if the CAA is not satisfied that the applicant is a fit person to make available flight accommodation.

(2) The CAA may refuse to grant an ATOL or a variation to an ATOL if the CAA is not satisfied—

- (a) that the applicant is competent to make available flight accommodation;
- (b) that the resources of the applicant and the financial arrangements made by the applicant are adequate for discharging the actual and potential obligations in respect of the activities in which the applicant is engaged (if any) and in which the applicant may be expected to engage if granted the ATOL;
- (c) that it has appointed a person acceptable to the CAA as its accountable person; or

- (d) that the applicant has complied with all or any of regulations 7, 8 and 9 of the Civil Aviation (Contributions to the Air Travel Trust) Regulations 2007(1) which are applicable to it in the circumstances.
- (3) In determining whether the applicant is a fit and competent person under paragraph (1) or 2(a) the CAA must have regard to—
 - (a) the past activities generally of the applicant and the applicant's employees; and
 - (b) where the applicant is a body corporate, the past activities generally of the persons appearing to the CAA to control that body.
- (4) The CAA is not obliged to refuse an ATOL on the grounds that the applicant has insufficient experience in making available flight accommodation.

Application for and grant of accreditation as an accredited body

- 33.**—(1) The CAA must specify and publish the requirements for an application for an accreditation as an accredited body or a variation of such an accreditation.
- (2) Subject to paragraph (4), an application for accreditation as an accredited body or a variation of such an accreditation must be made in a form and manner published by the CAA.
- (3) Where such an application is received the CAA must—
 - (a) grant an accreditation or a variation to such an accreditation to the applicant in the terms requested in the application;
 - (b) grant an accreditation or a variation to such an accreditation subject to such conditions as the CAA thinks fit; or
 - (c) refuse to grant an accreditation or a variation to such an accreditation.
- (4) The CAA may refuse to consider an application unless it is accompanied by the charge payable under a charging scheme made under section 11 of the Act.
- (5) The CAA may require as a condition or a term of the accreditation compliance with one or more of the accredited body standard terms and all or any part of the schedule of agency terms.

Refusal to grant an accreditation

- 34.** The CAA must refuse to grant an accreditation as an accredited body or a variation to such an accreditation for the purposes of these Regulations unless—
 - (a) the applicant is an ATOL holder; and
 - (b) the CAA is satisfied that the applicant's—
 - (i) organisation, staffing, financial and other arrangements; and
 - (ii) conditions of membership and its arrangements for supervising its members,are such that a person dealing with a member of the accredited body will receive a level of protection which is equivalent to the one they would receive if dealing similarly with an ATOL holder that is not an accredited body.

CHAPTER 2

Revocation, suspension, variation and refusal of ATOL or accreditation

SECTION 1

ATOL

Revocation, suspension or variation of an ATOL

35.—(1) The CAA must revoke, suspend or vary an ATOL if the CAA is no longer satisfied that the ATOL holder is a fit person to make available flight accommodation.

(2) The CAA may revoke, suspend or vary an ATOL if—

- (a) it is no longer satisfied with regard to any of the matters specified in regulation 32(2), or
- (b) the ATOL holder fails to comply with any term or condition of its ATOL.

Procedure for revocation, suspension, variation or refusal of ATOL

36. Subject to regulation 37, if it is proposed to—

- (a) revoke, suspend or vary an ATOL otherwise than on the application of the holder;
- (b) grant or vary an ATOL in terms other than those requested by the applicant; or
- (c) refuse to grant an ATOL,

the CAA must serve on the ATOL holder or the applicant for the ATOL at least 21 days notice of the proposal to make such a decision and its reasons for the proposal.

Expedited suspension of an ATOL

37.—(1) The CAA may suspend an ATOL notwithstanding that it has not complied with the requirements of regulation 36 if it—

- (a) is no longer satisfied that—
 - (i) the ATOL holder is a fit or competent person to make available flight accommodation; or
 - (ii) the resources and financial arrangements of the ATOL holder are adequate for discharging the actual and potential obligations in respect of the activities in which the ATOL holder is engaged;
- (b) serves on the ATOL holder at least 72 hours notice of its proposal to suspend the ATOL and its reasons for the proposal; and
- (c) considers any representations which may be made to it by the ATOL holder before the expiration of such notice.

(2) In computing the period of 72 hours specified in paragraph (1)(b), the whole of any Saturday, Sunday, Christmas Day, Good Friday, or a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom is to be disregarded.

Provisional variation of an ATOL

38.—(1) Where in the CAA's opinion it is in the interests of consumers to do so, the CAA may provisionally vary an ATOL with immediate effect.

(2) When issuing a provisional variation the CAA must supply a summary of the reasons for the provisional variation to the ATOL holder.

(3) Within a period of 28 days beginning with the date of issue of a provisional variation the CAA must service a notice under regulation 36 to revoke, suspend or vary the ATOL unless the provisional variation is withdrawn by the CAA.

(4) A provisional variation may impose such terms or conditions on the ATOL as the CAA considers necessary for the protection of current or potential consumers.

Application for revocation, suspension or variation of an ATOL

39.—(1) The ATOL holder may make an application to the CAA to revoke, suspend or vary its ATOL at any time.

(2) No application may be made to revoke, suspend or vary the ATOL standard terms.

(3) The CAA may refuse to consider any application for variation of an ATOL unless it is accompanied by the charge payable under a charging scheme made under section 11 of the Act.

Compliance with and variation of ATOL standard terms

40.—(1) The CAA must publish a schedule of standard terms for an ATOL.

(2) The CAA may publish a proposed variation to ATOL standard terms.

(3) A proposal to vary one or more of the ATOL standard terms must specify the date on which the variation will come into force which must be at least 28 days after the date of publication.

(4) Where an ATOL is subject to one or more of the ATOL standard terms, the ATOL holder must comply with any variation to the ATOL standard terms applicable to its ATOL.

Supplying false information

41. A person must not, knowingly or recklessly, supply to the CAA any information which is false in a material respect for the purpose of obtaining for themselves or for another person an ATOL or a variation of an ATOL or the cancellation of the suspension of an ATOL.

SECTION 2

Accreditation

Validity of an accreditation

42. An accreditation ceases to be valid if the accredited body ceases to hold an ATOL or its ATOL is suspended.

Revocation, suspension or variation of an accreditation

43. The CAA may revoke, suspend or vary an accreditation if—

- (a) it is no longer satisfied with regard to any of the matters specified in regulation 34(b);
- (b) the accreditation body fails to comply with any term or condition of its accreditation; or
- (c) it discovers that false information has been supplied for an application for an accreditation as an accredited body or a variation of such an accreditation.

Procedure for revocation, suspension, variation or refusal of accreditation

44. Subject to regulation 45, if it is proposed to—

- (a) revoke, suspend or vary an accreditation otherwise than on the application of the accredited body;
- (b) grant or vary an accreditation in terms other than those requested by the applicant; or
- (c) refuse to grant an accreditation,

the CAA must serve on the accredited body or the applicant for the accreditation at least 21 days notice of the proposal to make such a decision and its reasons for the proposal.

Expedited suspension of an accreditation

45.—(1) The CAA may suspend an accreditation notwithstanding that it has not complied with the requirements of regulation 44 if it—

- (a) is no longer satisfied that the applicant's—
 - (i) organisation, staffing, financial and other arrangements; and
 - (ii) conditions of membership and its arrangements for supervising its members,are such that a person dealing with a member of the accredited body will receive a level of protection which is equivalent to the one they would receive if dealing similarly with an ATOL holder that is not an accredited body.
- (b) serves on the accredited body at least 72 hours notice of its proposal to suspend the accreditation and its reasons for the proposal; and
- (c) considers any representations which may be made to it by the accredited body before the expiration of such notice.

(2) In computing the period of 72 hours specified in paragraph (1)(b) the whole of any Saturday, Sunday, Christmas Day, Good Friday, or a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom is to be disregarded.

Provisional variation of accreditation

46.—(1) Where in the CAA's opinion it is in the interests of consumers to do so, the CAA may provisionally vary an accreditation with immediate effect.

(2) When issuing a provisional variation the CAA must supply a summary of the reasons for the provisional variation.

(3) A provisional variation remains in force until a decision is reached on the proposal to revoke, suspend or vary the accreditation unless the provisional variation is withdrawn by the CAA.

(4) A provisional variation may impose such terms and conditions on the accreditation as the CAA considers necessary for the protection of current or potential consumers.

Application for revocation, suspension or variation of accreditation

47.—(1) The accredited body may apply for its accreditation to be revoked, suspended or varied at any time, but may not apply for the variation of the accredited body standard terms.

(2) The CAA may refuse to consider any application for variation of an accreditation unless it is accompanied by the charge payable under a charging scheme made under section 11 of the Act.

Compliance with and variation of accredited body standard terms

48.—(1) The CAA must publish a schedule of standard terms for an accredited body.

(2) The CAA may publish a proposed variation to accredited body standard terms.

(3) A proposal to vary one or more of the accredited body standard terms must specify the date on which the variation will come into force which must be at least 28 days after the date of publication.

(4) Where an accreditation as an accredited body is subject to one or more of the accredited body standard terms, the accredited body must comply with any variation to the accredited body standard terms applicable to its accreditation.