
STATUTORY INSTRUMENTS

2012 No. 1017

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

PART 1

GENERAL

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⁽¹⁾;

“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⁽²⁾;

“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;

⁽¹⁾ S.I. 2007/2999.

⁽²⁾ 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).

- (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⁽³⁾;

“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⁽⁴⁾); or
- (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;

⁽³⁾ 2006 c.46.

⁽⁴⁾ 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).

“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(5) in any part of the United Kingdom, in which case the period of time is exclusive of that day also.