
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.