

STATUTORY INSTRUMENTS

**2018 No. 634**

**The Package Travel and Linked Travel  
Arrangements Regulations 2018**

**PART 5**

Insolvency protection

**Insolvency protection for packages**

**19.**—(1) The organiser of a package who is established in the United Kingdom must provide effective security to cover, in the event of the organiser's insolvency, the reasonably foreseeable costs of—

- (a) refunding all payments made by or on behalf of travellers for any travel service not performed as a consequence of the insolvency, taking into account the length of the period between down payments and final payments and the completion of the packages; and
- (b) if the carriage of passengers is included in the packages, and the performance of any package is affected by the insolvency, repatriating the traveller and, if necessary, financing the traveller's accommodation prior to the repatriation.

<sup>F1</sup>(2) .....

(3) The organiser must provide the security—

- (a) under paragraph (1)(a), without undue delay after the traveller's request;
- (b) under paragraph (1)(b), free of charge.

(4) The organiser of a package who—

- (a) is not established in the United Kingdom <sup>F2</sup>... and
- (b) sells or offers for sale a package in the United Kingdom, or by any means directs such activities to the United Kingdom,

must provide security in accordance with this Part.

(5) Without prejudice to paragraphs (1) to (4), and subject to paragraphs (6) to (8), the organiser must at least ensure that arrangements as described in—

- (a) regulation 20,
- (b) regulation 21,
- (c) regulation 22, or
- (d) regulations 23 and 24,

are in force.

(6) Paragraph (5) does not apply to a package to the extent that—

<sup>F3</sup>(a) .....

- (b) the package is one—

- (i) in respect of which the organiser is required to hold a licence under the Civil Aviation (Air Travel Organisers' Licensing) Regulations 2012 <sup>M1</sup>; or
- (ii) that is covered by the arrangements the organiser has entered into for the purposes of those Regulations.

(7) For the purposes of regulations 20 to 24, a contract is to be treated as having been fully performed if the package or, as the case may be, the part of the package, has been completed.

(8) For the purposes of paragraph (7), a package is to be deemed to have been completed whether or not there has been a lack of conformity.

(9) An organiser who fails to comply with any provision of paragraphs (1) to (5) commits an offence and is liable—

- (a) on summary conviction, to a fine in England and Wales, or in Scotland and Northern Ireland to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine.

(10) In the event of the organiser's insolvency, travellers may agree to continue the package where—

- (a) it is possible to do so; and
- (b) a person, other than that organiser, agrees to carry out the responsibilities of the organiser under the package travel contract.

<sup>F4</sup>(11) .....

<b>F1</b>	Reg. 19(2) omitted (31.12.2020) by virtue of <a href="#">The Package Travel and Linked Travel Arrangements (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1367)</a> , regs. 1(1), <b>5(a)</b> (with reg. 1(2)(3)); 2020 c. 1, Sch. 5 para. 1(1)
<b>F2</b>	Words in reg. 19(4)(a) omitted (31.12.2020) by virtue of <a href="#">The Package Travel and Linked Travel Arrangements (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1367)</a> , regs. 1(1), <b>5(b)</b> (with reg. 1(2)(3)); 2020 c. 1, Sch. 5 para. 1(1)
<b>F3</b>	Reg. 19(6)(a) omitted (31.12.2020) by virtue of <a href="#">The Package Travel and Linked Travel Arrangements (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1367)</a> , regs. 1(1), <b>5(c)</b> (with reg. 1(2)(3)); 2020 c. 1, <b>Sch. 5 para. 1(1)</b>
<b>F4</b>	Reg. 19(11) omitted (31.12.2020) by virtue of <a href="#">The Package Travel and Linked Travel Arrangements (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1367)</a> , regs. 1(1), <b>5(d)</b> (with reg. 1(2)(3)); 2020 c. 1, Sch. 5 para. 1(1)
<b>Marginal Citations</b>	
<b>M1</b>	<a href="#">S.I. 2012/1017</a> , amended by <a href="#">S.I. 2012/1134</a> .

**Changes to legislation:**

There are currently no known outstanding effects for the The Package Travel and Linked Travel Arrangements Regulations 2018, Section 19.