
STATUTORY INSTRUMENTS

2018 No. 670

**The Civil Aviation (Air Travel Organisers’
Licensing) (Amendment) Regulations 2018**

Who may make available flight accommodation

8.—(1) Regulation 9 is renumbered as paragraph (1) of that regulation.

(2) At the end of regulation 9 insert—

“(2) A person established in the United Kingdom must not, in an EEA State other than the United Kingdom, make available flight accommodation as a component of a package unless that person is a person referred to in paragraph (1)(a), (b), (c) or (d).”

(3) After regulation 9 insert—

“Procuring flight accommodation as agent for the consumer

9A.—(1) Where this paragraph applies, a person (“A”) must not in the United Kingdom procure flight accommodation on behalf of a consumer (“B”) unless A is a person referred to in regulation 9(1)(b), (c) or (d).

(2) Paragraph (1) applies where—

- (a) A is acting in the course of business; and
- (b) A is acting as agent for B.

(3) Paragraph (1) also applies to a person established in the United Kingdom who, in an EEA State other than the United Kingdom, procures flight accommodation on behalf of a consumer as a component of a package in the circumstances referred to in paragraph (2).

(4) For the purpose of paragraph (3), the reference in paragraph (1) to “the United Kingdom” is to be read as “an EEA State other than the United Kingdom”.

Facilitating the making available of flight accommodation by another person

9B.—(1) Where this paragraph applies, a person (“P”) must not in the United Kingdom facilitate the making available of flight accommodation by another person (“Q”) unless P is a person referred to in regulation 9(1)(b), (c) or (d).

(2) Paragraph (1) applies where—

- (a) the flight accommodation is a component of a package of which P is the organiser and one of the arrangements relating to payment specified in paragraph (3) applies; or
- (b)
 - (i) P is acting in the course of business;
 - (ii) the facilitation is not limited to arranging payment; and
 - (iii) the arrangement relating to payment specified in paragraph (3)(a) applies.

(3) The arrangements relating to payment are that P—

- (a) receives a payment in connection with the flight accommodation from a consumer which P passes in whole or in part to Q;

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- (b) arranges for a payment in connection with the flight accommodation to be made by a consumer directly to Q; or
- (c) receives a payment from Q as a consequence of a flight accommodation booking made by a consumer.

(4) Paragraph (1) also applies to a person established in the United Kingdom who, in an EEA State other than the United Kingdom, facilitates the making available of flight accommodation by another person in the circumstances referred to in paragraph (2)(a).

(5) For the purpose of paragraph (4), the reference in paragraph (1) to “the United Kingdom” is to be read as “an EEA State other than the United Kingdom”.