
DRAFT STATUTORY INSTRUMENTS

2018 No.

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

PART 4

Performance of the package

Price reduction and compensation for damages

- 16.**—(1) The provisions of this regulation are implied as a term in every package travel contract.
- (2) The organiser must offer the traveller an appropriate price reduction for any period during which there is a lack of conformity, unless the organiser proves that the lack of conformity is attributable to the traveller.
- (3) The organiser must offer the traveller, without undue delay, appropriate compensation for any damage which the traveller sustains as a result of any lack of conformity.
- (4) The traveller is not entitled to compensation for damages under paragraph (3) if the organiser proves that the lack of conformity is—
- (a) attributable to the traveller;
 - (b) attributable to a third party unconnected with the provision of the travel services included in the package travel contract and is unforeseeable or unavoidable; or
 - (c) due to unavoidable and extraordinary circumstances.
- (5) In so far as the international conventions limit the extent of, or the conditions under which, compensation is to be paid by a provider carrying out a travel service which is part of a package, the same limitations are to apply to the organiser.
- (6) In other cases, the package travel contract may limit compensation to be paid by the organiser as long as that limitation—
- (a) does not apply to personal injury or damage caused intentionally or with negligence or does not limit any liability that cannot be limited by law; and
 - (b) does not amount to less than 3 times the total price of the package.
- (7) Any right to compensation or price reduction under these Regulations does not affect the rights of travellers under—
- (a) the Union passenger rights legislation; and
 - (b) the international conventions.
- (8) Travellers may present claims under—
- (a) these Regulations;
 - (b) the Union passenger rights legislation; and
 - (c) the international conventions.
- (9) Where a traveller is granted compensation or a price reduction under—

(a) these Regulations, and
(b) the Union passenger rights legislation or the international conventions,
the organiser must deduct the compensation or price reductions referred to in sub-paragraph (b) from the compensation or price reduction referred to in sub-paragraph (a) to avoid overcompensation.

(10) In this regulation, the “international conventions” means—

- (a) the Carriage by Air Conventions, within the meaning given in section 1(5) of the Carriage by Air Act 1961⁽¹⁾;
- (b) the Athens Convention of 1974 on the Carriage of Passengers and their Luggage by Sea⁽²⁾;
- (c) the Convention of 1980 concerning International Carriage by Rail (COTIF)⁽³⁾.

(1) 1961 c. 27. Section 1 was substituted by S.I. 2002/263.

(2) Council Decision 2012/22EU of 12 December 2011 concerning the accession of the European Union to the Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974, with the exception of Articles 10 and 11 thereof (OJ L8, 12.1.2012, p. 1).

(3) Council Decision 2013/103/EU of 16 June 2011 on the signing and conclusion of the Agreement between the European Union and the Intergovernmental Organisation for International Carriage by Rail on the Accession of the European Union to the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980, as amended by the Vilnius Protocol of 3 June 1999 (OJ L 51, 23.2.2013, p. 1).