

2003 No. 1741

CIVIL AVIATION

The Civil Aviation (Air Travel Organisers' Licensing)(Amendment) Regulations 2003

Made - - - - - *11th July 2003*

Laid before Parliament *16th July 2003*

Coming into force - - *8th October 2003*

The Secretary of State for Transport, in exercise of the powers conferred on him by section 71 of and paragraphs 1 and 2 of Part III of Schedule 13 to the Civil Aviation Act 1982(a) and after consultation with the Civil Aviation Authority as required by section 71(2) of that Act, hereby makes the following Regulations:

1. These Regulations may be cited as the Civil Aviation (Air Travel Organisers' Licensing) (Amendment) Regulations 2003 and shall come into force on 8th October 2003.

2. The Civil Aviation (Air Travel Organisers' Licensing) Regulations 1995(b) shall be amended as follows:

(1) In regulation 1(2) after the definition of "flight accommodation" there shall be inserted: "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 shall 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 his specific instructions (whether modified or not) shall not of itself cause it to be treated as other than pre-arranged;".

(2) For regulation 3(1) there shall be substituted:

"3.—(1) Subject to regulation 3(1A), only persons of the following descriptions may make available flight accommodation in the United Kingdom:

- (a) the operator of the relevant aircraft (in these Regulations called "an operator");
- (b) a person who holds a licence authorising him to do so and the terms of the licence are complied with (in these Regulations called "a licence holder");
- (c) a person who acts as agent on behalf and with the authority of a disclosed identified principal who is a licence holder (in these Regulations called "an agent for a licence holder");

(a) 1982 c. 16; the expression "prescribed" is defined in section 105(1).

(b) S.I. 1995/1054 as amended by S.I. 1996/1390 and S.I. 1997/2912.

- (d) a person who is exempted by the Authority under regulation 5 from the need to hold a licence (in these Regulations called “an exempted person”); or
- (e) a person who acts as a ticket provider.

(1A)(a) A person shall not make available flight accommodation which constitutes a component of a package in the capacity of an agent for a licence holder except where all the components of the package are made available under a single contract between the licence holder and the customer.

- (b) A person shall not make available flight accommodation which constitutes a component of a package in the capacity of a ticket provider.”.

11th July 2003

Tony McNulty
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Civil Aviation (Air Travel Organisers' Licensing) Regulations 1995. In addition to minor and drafting amendments the following changes are made:

(1) There is inserted a definition of a "package" in identical terms to that contained in regulation 2 of the Package Travel, Package Holidays and Package Tours Regulations 1992(a) (Regulation 2(1)).

(2) A person acting in the capacity of an agent for a licence holder may only make available flight accommodation which constitutes a component of a package where all the components of the package are made available under a single contract between the licence holder and the customer. A person acting in the capacity of a ticket provider may not make available flight accommodation which constitutes a component of a package (Regulation 2(2)).

A Regulatory Impact assessment has been prepared in connection with these Regulations. It has been placed in the libraries of each of the Houses of Parliament. Copies of the same can be obtained from the Secretary and Legal Adviser, Civil Aviation Authority, CAA House, 45-59 Kingsway, London WC2B 6TE.

(a) S.I. 1992/3288.

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