
STATUTORY INSTRUMENTS

2012 No. 1017

**The Civil Aviation (Air Travel
Organisers' Licensing) Regulations 2012**

PART 4

LICENSING PROVISIONS

CHAPTER 2

Revocation, suspension, variation and refusal of ATOL or accreditation

SECTION 1

ATOL

Revocation, suspension or variation of an ATOL

35.—(1) The CAA must revoke, suspend or vary an ATOL if the CAA is no longer satisfied that the ATOL holder is a fit person to make available flight accommodation.

(2) The CAA may revoke, suspend or vary an ATOL if—

- (a) it is no longer satisfied with regard to any of the matters specified in regulation 32(2), or
- (b) the ATOL holder fails to comply with any term or condition of its ATOL.

Procedure for revocation, suspension, variation or refusal of ATOL

36. Subject to regulation 37, if it is proposed to—

- (a) revoke, suspend or vary an ATOL otherwise than on the application of the holder;
- (b) grant or vary an ATOL in terms other than those requested by the applicant; or
- (c) refuse to grant an ATOL,

the CAA must serve on the ATOL holder or the applicant for the ATOL at least 21 days notice of the proposal to make such a decision and its reasons for the proposal.

Expedited suspension of an ATOL

37.—(1) The CAA may suspend an ATOL notwithstanding that it has not complied with the requirements of regulation 36 if it—

- (a) is no longer satisfied that—
 - (i) the ATOL holder is a fit or competent person to make available flight accommodation; or
 - (ii) the resources and financial arrangements of the ATOL holder are adequate for discharging the actual and potential obligations in respect of the activities in which the ATOL holder is engaged;

- (b) serves on the ATOL holder at least 72 hours notice of its proposal to suspend the ATOL and its reasons for the proposal; and
- (c) considers any representations which may be made to it by the ATOL holder before the expiration of such notice.

(2) In computing the period of 72 hours specified in paragraph (1)(b), the whole of any Saturday, Sunday, Christmas Day, Good Friday, or a bank holiday under the Banking and Financial Dealings Act 1971 in any part of the United Kingdom is to be disregarded.

Provisional variation of an ATOL

38.—(1) Where in the CAA’s opinion it is in the interests of consumers to do so, the CAA may provisionally vary an ATOL with immediate effect.

(2) When issuing a provisional variation the CAA must supply a summary of the reasons for the provisional variation to the ATOL holder.

(3) Within a period of 28 days beginning with the date of issue of a provisional variation the CAA must service a notice under regulation 36 to revoke, suspend or vary the ATOL unless the provisional variation is withdrawn by the CAA.

(4) A provisional variation may impose such terms or conditions on the ATOL as the CAA considers necessary for the protection of current or potential consumers.

Application for revocation, suspension or variation of an ATOL

39.—(1) The ATOL holder may make an application to the CAA to revoke, suspend or vary its ATOL at any time.

(2) No application may be made to revoke, suspend or vary the ATOL standard terms.

(3) The CAA may refuse to consider any application for variation of an ATOL unless it is accompanied by the charge payable under a charging scheme made under section 11 of the Act.

Compliance with and variation of ATOL standard terms

40.—(1) The CAA must publish a schedule of standard terms for an ATOL.

(2) The CAA may publish a proposed variation to ATOL standard terms.

(3) A proposal to vary one or more of the ATOL standard terms must specify the date on which the variation will come into force which must be at least 28 days after the date of publication.

(4) Where an ATOL is subject to one or more of the ATOL standard terms, the ATOL holder must comply with any variation to the ATOL standard terms applicable to its ATOL.

Supplying false information

41. A person must not, knowingly or recklessly, supply to the CAA any information which is false in a material respect for the purpose of obtaining for themselves or for another person an ATOL or a variation of an ATOL or the cancellation of the suspension of an ATOL.