

2018 No. 1367

EXITING THE EUROPEAN UNION

CONSUMER PROTECTION

**The Package Travel and Linked Travel Arrangements
(Amendment) (EU Exit) Regulations 2018**

Made - - - - *12th December 2018*

Coming into force in accordance with regulation 1

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018^(a).

In accordance with paragraph 1(1) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and application

1.—(1) These Regulations may be cited as the Package Travel and Linked Travel Arrangements (Amendment) (EU Exit) Regulations 2018 and come into force on exit day.

(2) Nothing in these Regulations applies to—

- (a) a package travel contract, or
- (b) a linked travel arrangement,

concluded before exit day.

(3) In paragraph (2)—

- (a) “package travel contract” has the meaning given in regulation 2(1) of the Package Travel and Linked Travel Arrangements Regulations 2018^(b);
- (b) “linked travel arrangement” has the meaning given in regulation 2(3) and (4) of those Regulations.

Amendment of the Package Travel and Linked Travel Arrangements Regulations 2018

2. The Package Travel and Linked Travel Arrangements Regulations 2018 are amended as follows.

3. In regulation 2 (interpretation)—

- (a) in paragraph (1)—

(a) 2018 c. 16.
(b) S.I. 2018/634.

- (i) omit the definition of “the Directive”;
- (ii) in the definition of “travel service”, for paragraph (c) substitute—
 - “(c) the rental of—
 - (i) cars;
 - (ii) other motor vehicles within the meaning of regulation 4(1) of the Road Vehicles (Approval) Regulations 2009(a); or
 - (iii) motorcycles requiring a Category A driving licence in accordance with Part 1 of Schedule 2 (categories and sub-categories of vehicle for licensing purposes) to the Motor Vehicles (Driving Licences) Regulations 1999(b);”;
 - (iii) in the entry relating to “Union passenger rights legislation”, omit “Union” and reposition the definition so amended at the appropriate place;
- (b) in paragraph (2), for the words from “point 5” to the end substitute “regulation 4 of the Provision of Services Regulations 2009(c)”.

4. In regulation 7(13) (content of the package travel contract and other documents), for the words from “point 8” to the end substitute “regulation 5 of the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013(d)”.

5. In regulation 19 (insolvency protection for packages)—

- (a) omit paragraph (2);
- (b) in paragraph (4)(a), omit “or in any other member State”;
- (c) in paragraph (6), omit sub-paragraph (a) and the “or” after it;
- (d) omit paragraph (11).

6. In regulation 20(8) (bonding), in the definition of “authorised institution”, omit “or of a member State”.

7. In regulation 21(7)(a) (bonding where approved body has reserve fund or insurance), omit “a member State,”.

8. In regulation 22(1) (insurance), omit “a member State,”.

9. In regulation 23(1) (monies in trust), omit “or a member State”.

10. In regulation 26 (insolvency protection and information requirements for linked travel arrangements)—

- (a) omit paragraph (2);
- (b) in paragraph (4)(a), omit “or in any other member State”;
- (c) in paragraph (6), omit sub-paragraph (a) and the “or” after it;
- (d) in paragraph (7), for “a member State”, in both places it occurs, substitute “the United Kingdom”.

11. In regulation 27 (specific obligations of the retailer where the organiser is established outside the European Economic Area), for “European Economic Area”, in both places it occurs (including in the heading), substitute “United Kingdom”.

12. In Schedule 5 (information to be provided in the package travel contract)—

- (a) in paragraph 3, omit the words from “, and, where” to the end;

(a) S.I. 2009/717.

(b) S.I. 1999/2864. In Schedule 2, the entry relating to Category A was amended by S.I. 2012/977.

(c) S.I. 2009/2999. In regulation 4, the definition of “establishment” was amended by S.I. 2012/1809.

(d) S.I. 2013/3134.

- (b) in paragraph 7, for the words from “Directive 2013/11/EU” to the end substitute “the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015(a)”.

12th December 2018

Kelly Tolhurst
Parliamentary Under Secretary of State
Department for Business, Energy and Industrial Strategy

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under paragraphs (a), (c) and (g) of section 8(2)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to legislation in the field of consumer protection: they amend the Package Travel and Linked Travel Arrangements Regulations 2018 (S.I. 2018/ 634). Those amendments include amendments to regulations 19 and 26 so that organisers of packages and traders facilitating linked travel arrangements which are established in Member States of the European Union are no longer exempted from the requirement to provide security in accordance with Part 5 (insolvency protection) of those Regulations.

An impact assessment has not been prepared for this instrument as it has minimal impact on the private sector. No impact is expected on the public sector, charities or voluntary bodies. An Explanatory Memorandum is available alongside the instrument on the UK legislation website, www.legislation.gov.uk.

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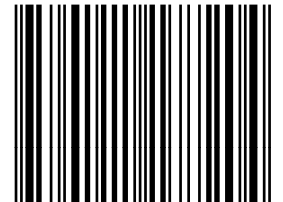
(a) S.I. 2015/542, amended by S.I. 2015/1392.

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