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STATUTORY INSTRUMENTS

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**1995 No. 1054**

**The Civil Aviation (Air Travel Organisers' Licensing) Regulations 1995**

**PART II**

**REGULATION OF PROVISION OF ACCOMMODATION IN AIRCRAFT**

**Who may provide flight accommodation**

- 3.—(1) No person shall, in the United Kingdom, make available flight accommodation unless:
- (a) he will be the operator or reasonably believes that he will be the operator of the relevant aircraft when the flight is made (in these Regulations called “an operator”);
  - (b) he holds a licence authorising him to do so, and the terms of the licence are complied with so far as they relate to the provision of that accommodation (in these Regulations called “a licence holder”);
  - (c) he is acting 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”);
  - (d) he is 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) before accepting any payment he supplies a valid ticket in accordance with regulation 4 in respect of any flight accommodation which he makes available (in these Regulations called “a ticket provider”).
- (2) No person shall, in the United Kingdom, hold himself out as a person who may make available flight accommodation unless:
- (a) (i) he is entitled to make available that accommodation as an operator, a licence holder, an agent for a licence holder or an exempted person; or  
(ii) he is capable of supplying a valid ticket in accordance with regulation 4 for any flight accommodation in respect of which he holds himself out as being able to make available; and
  - (b) at all times in the course of holding himself out as a person who may make available flight accommodation, he discloses the capacity in which he is entitled to make that accommodation available.

**Acceptance of payment and provision of receipt**

- 4.—(1) A person acting in his capacity as a licence holder shall not accept payment in respect of the making available of flight accommodation unless he supplies, by the specified method, to the person from whom such payment is accepted, an ATOL receipt or an ATOL confirmation invoice.
- (a) (2) (a) A person acting in his capacity as the agent of a licence holder shall not accept payment in respect of the making available of flight accommodation unless he supplies,

by the specified method, to the person from whom such payment is accepted, an ATOL receipt or an ATOL confirmation invoice.

- (b) Where such a person supplies an ATOL receipt, he shall, by the specified method, notify the licence holder on whose behalf he is acting. Such notification shall include sufficient information to enable the licence holder to issue an ATOL confirmation invoice. Upon receipt of the ATOL confirmation invoice from the licence holder, the agent shall forward it by the specified method to the person to whom he supplied the relevant ATOL receipt.

(3) A person acting in his capacity as a ticket provider shall not accept payment in respect of the making available of flight accommodation unless he has either previously supplied, or supplies by the specified method, to the person from whom such payment is accepted, a valid ticket.

(4) Before a payment for flight accommodation is accepted from or on behalf of a person who is not present at the time, that person shall be advised, by some appropriate means, of the name of the person accepting the payment, the capacity in which he is making available the accommodation and, if he is acting as an agent for a licence holder, the name of the licence holder and the number of the licence.

(5) For the purposes of this regulation “the specified method” shall mean:

- (a) in the case of a document required to be given to a person from whom payment is accepted and who is present, by handing the required document to him in person at the time such payment is made; and
- (b) in any other case, by sending the required document by first class post or by some other means no less expeditious as soon as reasonably practicable and in any event not later than the following working day.

### **Power to exempt**

5. The Authority may by an instrument in writing exempt from the need to hold a licence any person or any class or description of persons specified in the instrument, and any such exemption may be subject to such conditions and limitations as the Authority thinks fit and may be revoked or varied by a subsequent instrument in writing. Any instrument which specifies a class or description of persons, or which revokes or varies any such instrument, shall not come into force until it has been published.