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Travlaw



Travlaw is a full service, travel-niche law firm providing commercially astute advice on regulatory work, litigation, commercial, employment law and intellectual property (to name but a few) all specifically tailored to meet the needs of the travel industry.



Introduction

Our Regulator described us as one of the “best organised and happy law firms they had audited”. Even the shortest of conversations with one of the team will prove that we are a friendly, approachable team who will advise you in clear, comprehensive terms.

We are experienced in advising peripheral codes and guidance affecting the travel industry, including Package Travel Regulations, ATOL Regulations and the ABTA Code of Conduct. But we also give industry-focused advice on intellectual property, employment matters, litigation, company law, and mergers and acquisitions.

At Travlaw, we like to get to know our clients properly and we do that by providing in-house support. Our team can:

- Join your team either for a fixed term or open ended period
- Provide remote support from our office
- Provide in-house training, seminars and presentations to improve legal knowledge and techniques
- Undertake commercial drafting projects live from your office

We have also undertaken many seminars and courses over the years, both in-house at offices, and at venues up and down the country.

In-house training and seminars can be offered in relation to the following areas:

- Claims Handling and Customer complaints
- The Package Travel and Linked Travel Arrangement Regulations 2018
- Travel in a post-COVID world
- FCDO advice and its impact on travel and legal obligations
- Future Proofing your business – Terms and Conditions, and Supplier Contracts

We are members of a number of trade associations, including ABTA, AITO, UKInbound and ITT. We have also been highly ranked in the Chambers Directory for a number of years.

Our senior counsel, Stephen Mason, is the co-author of the Industry standard textbook 'Holiday Law', and both he and senior partner Matt Gatenby are ranked highly in the most recent Chambers.

ITLN



International Travel Law Network (ITLN) is a global network of leading travel and leisure lawyers who are recognised as experts within their jurisdiction.

With a number of full members based across Europe, our global network is ever expanding. ITLN is the premier network of leading travel and leisure lawyers.

By maintaining a quality network of the leading travel and leisure sector lawyers, we can be satisfied the networks respective clients receive the best collective wisdom and local advice, delivered by the highest calibre lawyers in their field.

All members of the ITLN are dedicated to advising businesses within the travel and leisure sectors.

With a growing reach across Europe and the rest of the world, ITLN is the leading organisation sharing the latest developments, specifically within the travel and leisure sectors.



Litigation

The highly experienced and recognised Litigation team here at Travlaw understands the difficulties you face in handling claims. Whether that is fighting off consumer small claims or personal injury claims, or commercial claims against UK or overseas suppliers or any other type of business, Travlaw are leading Travel Law practitioners.

- Personal Injury claims abroad, including vehicle crashes, swimming pool incidents and catastrophic injuries
- Illness cases abroad, including food poisoning complaints and mass outbreaks
- COVID-19 related claims
- Package Travel and Linked Travel Arrangements 2018
- FCO advice and subsequent legal implications
- ATOL Regulations and Compliance
- Flight Delay Claims
- Subrogation Claims
- Compliance with regulatory bodies, including the CAA, CMA and FCO
- Financial Protection Advice
- Safety Management
- Systems
- Debt Recovery
- Allegations of fraud and fundamental dishonesty
- Commercial litigation and disputes between businesses

Contact



Krystene Bousfield

krystene@travlaw.co.uk



Commercial

Whether you are just starting out in the travel industry or have years of experience, we are on hand to guide you through the commercial legal challenges that face your business.

Commercially, whether it's advice on the ever-evolving array of statutory and trade body regulations, tailor-made drafting and advice in respect of booking conditions or helping you navigate the minefield that is data protection law in an increasingly electronic and connected world, we have the knowledge and expertise to keep your business compliant.

Our commercial services include:

- Drafting and review booking conditions
- Commercial agreements
- Data protection
- Marketing and website legal reviews
- Regulatory advice.

Contact



Matt Gatenby

matt@travlaw.co.uk

Booking Conditions

Your terms and conditions of booking are one of the most important tools of your trade.

We recognise the diversity in travel companies' selling structures so we provide tailor-made drafting and advice in respect of booking conditions suitable for:

- Package sales;
- Agency and/or principal bookings; and
- Single element bookings.

As with our regulatory advice, there is a myriad of different laws and regulations that will apply to your terms and conditions and so when drafting or reviewing, will assist you in securing compliance with:

- The Package Travel and Linked Travel Arrangements
- Regulations 2018;
- The ABTA Code of Conduct;
- The ATOL Regulations 2012 (as amended), Standard Terms and Guidance;
- International Conventions and EU Regulations/Directives including those relating to air carrier liability, denied boarding and identity of operating carrier;
- Disability discrimination legislation; and
- The Consumer Rights Act 2015..

GDPR and Data Protection

In an increasingly electronic and connected world, data protection is of more importance to your business than ever before. While data protection law can be a minefield, we can help you to navigate your way through it whilst still retaining effective use of one of your most valuable assets – your data.

We can provide the following types of assistance:

- Advice on the GDPR and the Data Protection Act 2018 and what they mean for your business;
- A full analysis of your data collection, processing and storage practices and procedures;
- Reviewing and drafting supplier agreements to ensure compliance with the GDPR's requirements when engaging data processors;
- Reviewing and drafting GDPR compliant privacy policies.

Commercial Agreements

Commercial agreements can often be an after-thought when securing a new client or beginning a relationship with a new supplier but getting them right from the outset is a must if you want the agreement to work for you and protect you.

We offer a quick and pragmatic approval service for commercial contracts: send us a contract for approval and we'll reply quickly with sensible commercial advice geared to your business.

We can also draft and offer more detailed advice on:

- Business to business agreements;
- Agency terms including those appropriate for TOMS purposes and those to comply with the ATOL Regulations;
- Supplier contracts (including coach, transfer, accommodation and ground handling);
- Ship charters;
- Aircraft charters; and
- ATOL to ATOL seat sales.

Other business needs:

- Public liability insurance policies;
- Advertising, promotion, marketing, and public relations;
- Membership and loyalty schemes; and
- Non-disclosure agreements.

IT contracts:

- Software licences;
- Website development and support;
- Data handling and fulfilment; and
- Software and system supply, development, support and maintenance

Regulatory Advice

The Travel industry is one of the most heavily regulated industries and is subject to an ever-evolving array of statutory and trade body regulation. To help guide you through the complexities of selling holiday arrangements, we can:

- Advise on the Package Travel and Linked Travel Arrangements Regulations 2018;
- Advise you on the ATOL Regulations and accompanying CAA requirements;
- Work with (and sometimes against!) the CAA on your behalf;
- Deal with Trading Standards on your behalf and represent you at formal tape recorded interviews and at court, where necessary;
- Advise you on the CAP Code and dealing with the Advertising Standards Authority;
- Provide advice on the ABTA Code of Conduct and appearing before its committee.

Intellectual Property

Register your brand name as a trademark and you have exclusive rights to use it.

We offer a trademark registration service which covers:

- Pre-application searches and advice on registering for a trademark
- Making the registration application

We can also extend our service to cover:

- Dealing with any objections
- Making representations to the trademark registry
- Renewal of registrations

We will also advise on, bring and defend actions in respect of infringement of copyright, trademark rights and domain names and passing off either via traditional court routes or via internet based dispute resolution services.

We can also advise on issues relating to:

- Confidential information
- Copyright
- Passing off
- Database rights
- Domain names

Aviation

Our long-standing relationship with a number of airlines means that we have years of experience in aviation matters, including acting for businesses based in the UK, Europe and the rest of the world.

The team has experience and knowledge of a diverse range of aviation work types.

Specific examples of work we have undertaken are:

- Defending discrimination claims arising from denied boarding and treatment whilst in the care of an airline;
- Dealing with delay, denied boarding and cancellation claims arising from EU 261/2004 and otherwise;
- Issues over the limitation of various types of claims, particularly the application of the Montreal Convention;
- Handling claims for damaged, delayed and lost luggage;
- Advising on commercial contracts for charters;
- Claims for personal injury on board aircraft and in the process of embarking and disembarking;
- Assisting with employment advice, both general and specific.

The team also has experience in corporate side of aviation law where we remain a “go-to” firm that our clients can look to for advice and assistance at short notice.

YOUR TRAVEL AND LEISURE LAW TEAM

Employment

Whilst the importance of people to a business cannot be underestimated, the area of employment law is ever changing and it is important to get things right. We at Travlaw pride ourselves in giving pragmatic yet commercial advice to the travel industry on HR best practice and employment law.

We have over 20 years' combined experience on advising the travel industry on employment law issues that affect the industry and its people.

Our clients include owners and managers of tour operators and travel agencies, HR professionals, in-house lawyers, as well as senior employees and executives.

We advise on employees engaged in this country, and those sent to work overseas, from initial recruitment through to when it's time to say goodbye. We also guide you on engaging with consultants and ensure you have the appropriate agreements in place.

We can advise and lead you through the following matters:

- Employment tribunals
- Settlement Agreements
- Employment contracts
- Staff handbooks and policies
- Redundancy and reorganisations
- TUPE
- Restrictive covenants
- Family friendly rights
- Disciplinary and grievances
- Absence management
- Performance management
- Discrimination
- Consultancy agreements
- Employment status.

Contact



Ami Naru

ami@travlaw.co.uk



Corporate

We deliver timely, practical, effective and competitively priced advice in the following areas:

- Business start-ups and company incorporation;
- Company secretarial and corporate governance;
- Corporate Finance Work
- Joint ventures, partnerships and commercial collaborations;
- Mergers, acquisitions and disposals;
- Partnerships and LLPs;
- Shareholders' agreements;
- Employee share schemes.

A registered office service can also be provided. This includes the provision of a registered office address and forwarding of mail to a designated contact and address.

There is a range of different ways in which we can assist your business; we have set out the most common areas below but please don't hesitate to get in touch with any query you have or assistance that you may require and we will be delighted to help.

As well as providing legal support for your day-to-day activities, we can support you through more significant events in your organisation, such as negotiating a joint venture, acquiring an additional business, or disposing of part or all of your business. We provide a highly focused and responsive service within a timescale and budget we can agree with you in advance.

Contact



Matt Gatenby

matt@travlaw.co.uk



Recoveries

It is unfortunate, but not uncommon, when running a business that you will find yourself seeking to recover outstanding debt; be that from customers, suppliers, or other companies with which you have an ongoing dispute. What the cause, and whatever the amount, our specialist Debt Recovery Team at Travlaw can provide you with professional advice and assistance to ensure that you recover what you are rightfully owed.

Our Head of Debt Recovery, Krystene Bousfield, has over 10 years of experience in this specialist area, during which time she has obtained emergency High Court injunctions, enforced Freezing Orders on companies' accounts worth hundreds of thousands of pounds!, and successfully recovered debts arising from every scenario, from internal company fraud to trashed holiday properties!

And it is not just UK debt or debtors that we can assist with. Our International Network of Travel Lawyers means that we can assist in Debt Recovery worldwide. No matter what the scenario, we will guide you through the debt recovery process, from initial claim proceedings all the way to enforcement action if necessary.

Our specialities in this area include:

- Recovery of sums from £100 - £1,000,000+
- Legal action and recovery against debtors not only in the UK and the EU, but Worldwide
- Injunction and Freezing Orders
- Attachment of Earnings Orders
- Enforcement through use of Bailiffs and High Court Enforcement Officers
- Third Party Debt Orders
- Winding Up Proceedings
- Statutory Demands
- Charging Orders
- Fraud by Employees and Agents

Contact



Krystene Bousfield

krystene@travlaw.co.uk

Health and Safety

In today's 'claims culture', ensuring the safety and wellbeing of customers is a must. The tragedy of the children's deaths in Corfu, and all that happened afterwards, shows what can happen to a company when things go wrong. There are also lessons to be learnt from the Tunisia terrorist attack.

We have strong links with travel specialist health and safety consultants to enable us to offer you a holistic approach to health and safety issues. We can guide you through our industry specific health and safety audits, helping you to understand your legal liability. This is in line with developments under the Corporate Manslaughter Act, the Package Travel Regulations and case law, working with you to develop and implement health and safety policies and procedures.

Our audits cover:

- Creating Safety Management Systems tailored to your company
- Obligations and indemnities in supplier contracts
- Systems for assessment and monitoring of suppliers' standards
- Identifying applicable standards
- Risk management

Contact



Krystene Bousfield

krystene@travlaw.co.uk

