

What's New?

It is often said that travel & leisure is one of the most regulated industries, and this is undoubtedly true – the powers that be have at least recognised that we are providing services that serve people’s dreams and relaxation, and that is aside from the all-important customer money side of things. If anything, the regulation we do have does not change that much, although it may not always seem that way! At the time of writing there are various regulatory changes on the horizon, of varying degrees. Chiefly there is the ongoing ATOL reform piece, which in theory is due to start seeing actual change in April 2024, but is surely going to take longer than that. In truth there is no real way to say what is going to happen with the reforms, if anything. The CAA has a lot of feedback and a lot of options – we, Travlaw, have already made predictions including that, for instance, variable ATOL Protection Contribution (“APC”) will be a development, but we also accept that any option like that leads to more questions such as “Hang on – variable on what?!” One way or another the reforms here will affect pretty much every kind of travel business to some degree. In other news, it doesn’t seem like 5 minutes since the Package Travel Regulations saw their big “redux” back in 2018, but we stand, in theory, on the cusp of the Department for Business, Energy & Industrial Strategy (“BEIS”) publishing their own proposals on what they see as being best for the UK. We don’t expect there to be any significant changes, but we wait with baited breath as to whether Linked Travel Arrangements will survive (we think they won’t, or will be absorbed into the definition of packages) and if there will be anything in it for travel & leisure businesses to give better flexibility in the event of another global pandemic. There always seems to be something going on with consumer rights generally, and data/GDPR – but no matter what, rest assured that as soon as there is anything you need to know about, we will be saying it loudly and clearly!

What We've been up to!

Litigation

Travlaw recently defended a personal injury claim where a guest slipped in a hotel spa in Portugal, suffering quite nasty injuries. The Claimant’s lawyers obtained an expert report from a Portuguese lawyer to evidence, they believed, local standards in Portugal. The report, in fact, wrongly focused on Portuguese Law, which was irrelevant to the case and the Judge subsequently dismissed the claim on 11/08/2023, finding that the Claimant had failed to prove any breach of local standards. Travlaw successfully defended the claim with the assistance of Expedia, the InterContinental Hotels Group and Katharine Bailey from 3 Hare Court.

A more detailed article on this case will be published shortly, keep your eyes peeled!



Commercial

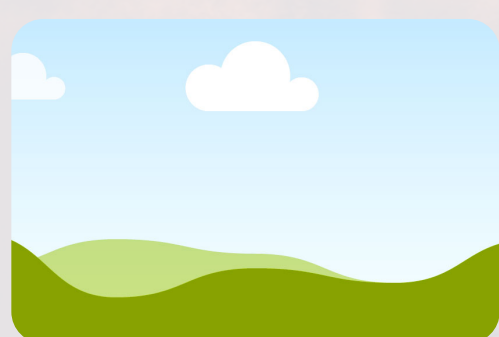
Our commercial team remain busy with a wide variety of instructions ranging from updates to booking conditions and supplier agreements to providing advice on the PTRs and ATOL regulations. Whilst all things ‘data related’ are relatively quiet at the moment in terms of drafting amendments, change certainly seems on the horizon with the Data Protection and Digital Information Bill moving to its third reading and the UK having made a commitment in principle to establish a ‘data bridge’ with the US. Our team are currently putting plans in place to host a special 2 part data webinar to cover the current state of play and to also take a look at what the future of data may hold from a Department Updates commercial drafting perspective. Employment Communications on how you can sign up for that will be sent in due course!

Our recent article on Events[KR1] briefly mentioned ‘Martyn’s Law’, a proposed law to ensure that venues at risk of terrorism are fully prepared to act in the event that something happens. The law could place requirements on venues, to ensure that safety measures and procedures are in place to protect the public. This could have an impact on many of our clients, certainly those hosting large scale events, as such, our commercial team are keeping up to date with how this proposal progresses and will update as and when further information is available.

Coming Up...

Finally, we’ve also recently undertaken some team training for one of our lovely clients at their head office, on all things package and ATOL related. We’re really enjoying being back out and about and it’s great to meet our clients on their own turf, so if you ever have a need for some advice or a more detailed training session ‘in-house’, please do get in touch to discuss your requirements. [KR1]Link to KR events article

Other News/Events



Travlaw are your number one Travel and Leisure Law Team – if you need any help or advice for your Travel business, we're here to help!