

# S.I. No. 104/1983 — Transport (Tour Operators and Travel Agents) Act, 1982 (Claims by Customers) Regulations, 1983.

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TRANSPORT (TOUR OPERATORS AND TRAVEL AGENTS) ACT,  
1982 (CLAIMS BY CUSTOMERS) REGULATIONS, 1983.

TRANSPORT (TOUR OPERATORS AND TRAVEL AGENTS) ACT,  
1982 (CLAIMS BY CUSTOMERS) REGULATIONS, 1983.

I, JIM MITCHELL, Minister for Transport, in exercise of the powers conferred on me by [sections 18](#) and [25](#) of the [Transport \(Tour Operators and Travel Agents\) Act, 1982](#) (No. 3 of 1982), hereby make the following regulations:—

1. These Regulations may be cited as the [Transport \(Tour Operators and Travel Agents\) Act, 1982](#) (Claims by Customers) Regulations, 1983.

2. These Regulations shall come into operation on the 13th day of April, 1983.

3. In these Regulations:—

"the Act" means the [Transport \(Tour Operators and Travel Agents\) Act, 1982](#) (No. 3 of 1982);

"the Bond" has the meaning specified in section 13 of the Act;

"the Fund" means the Travellers' Protection Fund established under section 15 of the Act.

4. These Regulations apply to overseas travel contracts entered into with a person licensed as a tour operator or travel agent under the Act.

5. Claims by customers of a tour operator or a travel agent for refund of monies paid or for the reimbursement of reasonable expenses necessarily incurred as a result of the inability or failure of the tour operator or travel agent concerned to meet his financial or contractual obligations in relation to an overseas travel contract to which these Regulations apply shall be made in writing to the Secretary, Department of Transport, Kildare Street, Dublin 2.

6. Claims shall be in the form and shall contain the information specified in the Schedule to these Regulations.

7. Claims shall be submitted within a period of 60 days from the date on which the tour operator or travel agent shall have failed or been unable to meet his financial or contractual obligations in respect of an overseas travel contract to which these Regulations apply.

8. Claims for refunds or reimbursement shall be accompanied by receipts, invoices or such other documentary evidence as may be necessary to confirm a claimant's eligibility and establish the amount of his entitlement.

9. The Minister may, at his discretion, call for such additional proof in support of a claim as he may deem to be necessary.

10. The Minister shall be the final arbiter on the admissibility of claims in respect of losses or liabilities for which the claimant is unable to provide adequate documentary proof.

11. Where a customer has made a payment to a tour operator or travel agent under or with a view to entering into an overseas travel contract to which these Regulations apply, but has not concluded that contract, the amount of the payment made to that customer out of the Bond or the Fund, as the case may be, shall not exceed the amount of his payment to the tour operator or travel agent.

12. Where a customer has entered into an overseas travel contract to which these Regulations apply with a tour operator or travel agent and has not commenced his journey by the time the tour operator or travel agent fails or is unable to meet his financial or contractual obligations to that customer, the amount of the payment made to that customer out of the Bond or the Fund, as the case may be, shall not exceed the amount paid by the customer to the tour operator or travel agent.

13. No claim will be admissible in cases where customers of a tour operator or travel agent, as a result of the application of monies pursuant to the Bond or from the Fund by the Minister under sections 13 or 18 of the Act, are enabled to complete their overseas travel contract.

14. Where a customer of a tour operator or travel agent, as a result of intervention by the Minister under sections 13 (4) (a) or 18 (1) (a) of the Act, is provided with return travel facilities or is otherwise enabled to make the return journey provided for in the overseas travel contract, on a date prior to the return date specified in the contract, the amount of payment to that customer on foot of a claim under these Regulations shall not exceed the amount which is calculated on a proportionate basis to be equal to the uncompleted or outstanding portion of the overseas travel contract.

15. Where a customer of a tour operator or travel agent holds a voucher, trading stamp or similar token furnished to him by the tour operator or travel agent, being a voucher, trading stamp or similar token which is exchangeable as payment or part payment for services provided or to be provided by the tour operator or travel agent, but which has not been so exchanged, no reimbursement shall fall due to that customer in respect of any sum represented by that voucher, trading stamp or similar token.

16. Where the resources of the Fund and the sum due pursuant to the Bond of the tour operator or travel agent concerned are insufficient to satisfy the claims of all persons concerned, payments shall be made in proportion to the amount established to be due in respect of each claim.

#### SCHEDULE.

TRANSPORT (TOUR OPERATORS AND TRAVEL AGENTS) ACT,

1982 (CLAIMS BY CUSTOMERS) REGULATIONS, 1983

CLAIM FOR REFUND AND REIMBURSEMENT.

1. Full names of person(s) claiming:
2. Full address(es) of claimant(s):
3. Date and place of booking:
4. Date of travel and destination:
5. Total amount of claim (give full details and attach copies of invoices, receipts, cashed cheques, or other evidence of payment or expense).
6. In the case of a group booking, give names and addresses of other persons covered by claim and indicate to whom payment is to be made.
7. Where payment is to be made to more than one person, each of the persons concerned should sign a statement and indicate the amount claimed of each person.

GIVEN under my Official Seal, this 13th day of April, 1983.

JIM MITCHELL,

Minister for Transport.

EXPLANATORY NOTE.

The effect of these Regulations is to provide for the making of claims for refund or reimbursement by customers of a licensed tour operator or travel agent who has failed or been unable to meet his financial or contractual obligations under overseas travel contracts.

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