

Vaughan Gething AS/MS
Minister for Health and Social Services

Lee Waters AS/MS
Deputy Minister for Economy and Transport

Sent by email

28 September 2020

Dear Ministers,

ABTA response to correspondence on travel restrictions under public health regulations

Thank you for your recent letters in relation to travel restrictions introduced because of public health restrictions to limit the spread of Coronavirus.

ABTA recognises the difficulties the COVID-19 crisis has caused for people, and businesses, right across the UK, including those based in the areas of Wales covered by these public health restrictions. We know that many people have faced severe financial consequences as the result of the virus.

ABTA Members will be required to comply with the relevant laws in relation to consumer protection, and we have been in regular contact with the regulatory authorities, including the Competition and Markets Authority, which has responsibility for enforcing laws around travel and package holidays, to work through the rights of consumers in relation to COVID-19. The relevant CMA guidance is at [\(link\)](#) and sets out the position where the contract does not deal directly with the imposition of lockdown laws, which is likely to be the case. In such cases the CMA says that the contract is likely to be 'frustrated' meaning that the contract comes to an end and, where consumers have paid money in advance for services or goods that they have yet to receive, they will generally be entitled to obtain a refund. That entitlement may be limited where the business has already incurred costs in relation to the specific contract in question (where it cannot recover them elsewhere). In the case of holiday contracts, including under the Package Travel Regulations, the services can be made available by the organiser, but cannot be accessed by the customer due to the local lockdown laws in place.

In addition, ABTA has always advised holidaymakers to take out comprehensive travel insurance prior to their trips. Where compliance with the CMA guidance, outline above, does not enable consumers to recover money from their travel organiser, we would recommend that those consumers seek to make a claim through their travel insurance policy, if cover is in place for such circumstances. We would highlight the response of the ABI, published on 23 September, which outlines the relevant insurance provisions that consumers might be able to claim under.

ABTA's Customer Support team is available to consider any specific cases where consumers believe their travel company is not complying with the legal obligation to a refund, or to deal with any other holiday related complaints concerning ABTA Members. We would encourage those affected to get in touch with our team, so that we can offer advice relevant to their specific circumstances.

ABTA has sought to engage constructively with Ministers over the course of the COVID-19 outbreak, and to ensure that our Members are fully updated on regulatory changes affecting their businesses and customers. We will continue to monitor closely further changes by Welsh Ministers, and to ensure that our Members are kept informed of their obligations, and I would welcome further constructive dialogue with you and officials.

Thank you again for contacting ABTA on this important matter, and I remain fully at your disposal if there is anything else that I assist with.

Yours sincerely,



Mark Tanzer
CHIEF EXECUTIVE