

## **Legal Requirements for using Licensed Tour Operators**

- The Commission for Aviation Regulation was set up under the Aviation Regulation Act 2001 and is the licensing authority for Travel Agents and Tour Operators in Ireland. In addition, it has the power to prosecute illegal travel agents or tour operators selling travel to destinations outside Ireland in its own name in the District Court.
- The primary purpose of the legislation requirement to have a licence is to protect consumers. Accordingly, licensed traders have a bond in place equal to a percentage of their annual turnover. This money is then available to the Commission to refund or reimburse consumers in the event of a Tour Operator or Travel Agent collapsing. This protection is not available to persons dealing with illegal operators.
- It is obligatory under this legislation for schools to use the services of a licensed tour operator or travel agent when bringing any group of students or adults outside the State.

### **Below is an extract from communication received from the Aviation Regulator regarding school's tours:**

'This letter is being issued to assist schools in ensuring that pupils and staff who are travelling on foreign school trips are aware that the protection under the legislation in repatriating passengers and providing refunds to those prevented from travelling abroad only comes into operation where bookings are made directly with licensed travel agents and/or tour operators.

The legislation provides that it is a requirement that any person or legal entity that sells travel out of Ireland must hold an appropriate license to do so. Under the provisions of the Transport (Tour Operators and Travel Agents) Act 1982 a travel agent is defined as:

"a person other than a carrier who as agent sells or offers to sell to, or purchases or offers to purchase on behalf of, any person, accommodation on air, sea or land transport commencing in the State to destinations outside the State or Northern Ireland or who holds himself out by advertising or otherwise as one who may make available such accommodation, either solely or in association with other accommodation facilities or services".

Under the Act a tour operator is defined as:

"a person other than a carrier who arranges for the purpose of selling or offering for sale to any person, accommodation for travel by air, sea or land transport commencing in the State to destinations outside the State or Northern Ireland or who holds himself out by

advertising or otherwise as one who may make available such accommodation, either solely or in association with other accommodation facilities or other services”.

**Any school wishing to organise a school tour abroad must do so using a licensed tour operator or travel agent to arrange the travel package including accommodation and other services. All monies must be paid directly to the tour operator or travel agent, not to school staff or event coordinator.**

Compliance ensures that the event is covered by the relevant bond held by the tour operator or travel agent with the Commission for Aviation Regulation as part of the annual licensing requirement, if for any reason the license holder ceases to trade.

It is imperative that the tour operator or travel agent chosen to arrange the overseas trip holds a current license. The full list of all current license holders is available on [www.aviationreg.ie](http://www.aviationreg.ie).