

## **Failure of T D Europe Ltd – ATOL 9153**

### **Date of Failure 6 February 2013**

T D Europe Ltd has ceased operating. It was licensed under the Air Travel Organisers' Licensing (ATOL) scheme managed by the Civil Aviation Authority (CAA). If you had a flight inclusive booking with T D Europe Ltd you may be able to claim a refund of the money you paid subject to the Air Travel Trust's Payment Policy which is available to read in full on the [ATOL website](#).

### **How to claim**

To claim through the ATOL scheme for a trip which was booked through T D Europe Ltd please fill in the claim form below using BLOCK CAPITALS. Then send it to:

CAA Claims  
PO Box 3007  
Reading  
Berkshire  
RG1 9RS

Fill in the claim form **only** if you were due to travel on a flight or trip that included a flight with T D Europe Ltd or if you were abroad on a flight inclusive booking when T D Europe Ltd ceased operating. If you had to pay for replacement services, you can only claim for these if they were to be provided by T D Europe Ltd

We scan all claims, so please do not use staples or treasury tags to attach the pages together.

### **If you have not already received a refund due**

We understand that some consumers were promised refunds by T D Europe Ltd but did not receive them. The refund promised may have been because you had a cancelled booking or had not received part of a holiday you had booked, such as a prepaid excursion. Please follow the instructions for a forward booking claim where you will also need to provide us with all the letters or emails from T D Europe Ltd confirming the promised refund. Failing that, a letter from the administrator or liquidator confirming that you did not receive the refund will be required. You will also need to fill in an 'outstanding liability declaration' form. This must be signed in front of a commissioner of oaths, officer of the court or solicitor.

### **Time Limits for making a Claim**

Please ensure that you submit this claim form within one year of 6 February 2013. We cannot consider or pay claims received at the address above after 5 February 2014.

**Below is a section-by-section guide to help you fill in the form**

#### **1. DETAILS OF PERSON COMPLETING THE CLAIM FORM**

We will use these details to contact you by letter, phone or email. You will need to tell us if these details change during the processing of your claim.

If you have filled in the e-mail section, we may contact you by e-mail.

#### **2. NUMBER OF CONSUMERS**

Please tell the total number of consumers included in your booking.

### 3. FAILED ATOL HOLDER'S DETAILS

Please put the name of the ATOL holder with whom your booking was made. You also need to put the unique reference number shown on the ATOL Certificate issued to you in respect of the booking (if applicable) This number can be found at the bottom left of the Certificate.

### 4. DATE OF DEPARTURE

Please tell us when you were due to fly from the UK.

### 5. TYPE OF CLAIM YOU ARE MAKING

You have an '**Overseas at the time of the ATOL holder's failure**' claim if you were abroad when T D Europe Ltd stopped trading. We need you to list the payments you made for replacement services in section 6, but there is no need to list the payments made in respect of the original booking

You have a '**Forward booking and claiming a full refund**' claim if your flight or air inclusive package was due to depart from the UK after the date of failure and you did not travel. You need to list all payments made for the original booking in section 6 of the claim form

You have a '**Forward booking but used an element of the original booking**' claim if you were in possession of scheduled or low cost airline tickets at the date of the failure, which remained valid, and which you used to travel after the date of the ATOL holder's failure.

Please note that you need to provide evidence of payment for the replacement elements such as accommodation or transfers as well as evidence of payment to T D Europe Ltd for the original booking in section 6. It should also be noted that there is a limit to the amount you can claim, which cannot exceed the cost of the ATOL protected booking.

We cannot consider claims for items which were not part of your booking with T D Europe Ltd. You are able to claim for things like accommodation, transfers or car-hire costs, which would have been part of your original booking. We do not cover phone calls, internet use or compensation. We also do not cover the costs of travelling to the airport or airport accommodation for the time immediately before your holiday was due to begin.

## 6. PROOF OF PAYMENT FOR ORIGINAL BOOKING/PROOF OF PURCHASE OF, AND PAYMENT FOR REPLACEMENT SERVICES

**You must not leave this section blank.**

This section **must** be original and not a photocopy. It should be signed in column 10 by the person or people who originally paid, and who should be shown in column 3. If the person or people who originally paid wish to choose someone else to receive the refund or the refund to be made into a different account, please put the details of the account for the refund to be made to in columns 7-9 of this section. You can choose an individual or an agent of the failed operator or another ATOL holder who has replaced the ATOL protected booking.

**IMPORTANT NOTE:** We cannot make refunds into credit card accounts. If you paid T D Europe Ltd using a credit card, you need to put the details of where you want the refund to be paid into columns 7-9 of this section.

With some banks and building societies we cannot transfer money without the account holder's roll number. The account holder's bank statement will include this if it is needed for bank transfers.

If the payment is to be made to a non-UK account, we will also need the BIC/SWIFT code and IBAN number to make the payment. You can get these details from the bank to which the payment is being made.

### **If you paid T D Europe Ltd by debit or charge card**

- We need the original or a clear copy of the bank statement showing the payment made to T D Europe Ltd.
- The bank statement must show your name.

### **If you paid T D Europe Ltd using a cheque or bankers' draft**

**Please send us one of the documents shown below.**

- We need the original cleared cheque or bankers' draft from the bank or building society, or a letter from them confirming who provided the money, or who it was payable to.
- We will accept a good photocopy of both sides of the cleared cheque or bankers' draft.
- We will also accept a letter from your bank or building society confirming how much the cheque or bankers' draft was for, who it was made payable to and the date it cleared.

### **Bank transfers**

- For bank-to-bank transfers we need to see the bank statement showing the transaction in full including account names and numbers. The bank statement must show the name of the account holder.
- If you paid cash over the counter, we need to see the paying-in slip showing the account number and sort code of the firm you paid.

## 7. CONSUMER ASSIGNMENT AND DECLARATION

This section of the claim form **must** be original and not a photocopy. The assignment and declaration section must be filled in by someone who was named to travel on a flight or air holiday with T D Europe Ltd.

## 8. FLIGHT-ONLY DECLARATION

This section of the claim form must be original and not a photocopy. This must be filled in by someone who was due to travel on a flight-only with T D Europe Ltd or someone who was abroad when T D Europe Ltd stopped trading.

## 9. AGENT'S DETAILS

If your booking was made through an agent of T D Europe Ltd, the agent should complete this section, and section 10 if applicable.

## 10. LOW-DEPOSIT AGREEMENTS

If your booking was made through an agent of T D Europe Ltd, the agent should complete this section, and section 9 if applicable.

## 11. DOCUMENTATION

You must provide us with all the documentation relating to the booking issued by T D Europe Ltd, which contain the full details of your booking, including the ATOL Certificate. These may be in the form of e-mails or confirmations, but would normally include their logo and ATOL number.

If the booking was amended in any way after the date of booking, you should provide all documentation or e-mails issued in respect of the amendments made.

If for any reason you are unable to provide us with these documents you need to explain the reasons. Please note that the failure to provide all documentation or an explanation at the time the claim is made may result in a delay in the processing of the claim.

## 12. DECLARATION IN RESPECT OF CASH PAYMENTS

This section of the claim form **must** be original and not a photocopy.

Fill in this section only if you paid more than £1,000 in cash directly to T D Europe Ltd, or an agent of T D Europe Ltd or if you were overseas at the date of the failure and paid more than £500 in cash to a travel service supplier such as a hotel.

If any receipts you have for cash payments do not state on them that cash was the method of payment, you will also need to complete the declaration. If you do not have a receipt for a payment made in cash, you will not be able to claim a refund.

This declaration needs to be sworn in front of a Commissioner of Oaths, officer of the court or solicitor who will then sign and stamp it.

**IMPORTANT:** For money laundering purposes, we require evidence of the cash used for the payment being withdrawn from your bank. If you are unable to provide this evidence you should send a copy of the page from your current passport which includes your photograph to us with the completed claim form.

## FINAL CHECKLIST

Please use this checklist to make sure you give us all the documents and information we need to process your claim.

- |   | <b>Tick</b>              |
|---|--------------------------|
| 1. Details of person completing the claim form .....                            | <input type="checkbox"/> |
| 2. Number of Consumers .....  | <input type="checkbox"/> |
| 3. Failed ATOL holder's details .....   | <input type="checkbox"/> |
| 4. Date of departure .....  | <input type="checkbox"/> |
| 5. Type of claim you are making.....  | <input type="checkbox"/> |
| 6. Proof of payment for original purchase and/or for replacement services ..... | <input type="checkbox"/> |
| 7. Consumer assignment and declaration .....                                    | <input type="checkbox"/> |
| 8. Flight-only declaration .....  | <input type="checkbox"/> |
| 9. Agents details .....   | <input type="checkbox"/> |
| 10. Low deposit agreements .....  | <input type="checkbox"/> |
| 11. Documentation .....   | <input type="checkbox"/> |
| 12. Declaration in respect of cash payments .....                               | <input type="checkbox"/> |

## Declaration of Outstanding Refund

**IMPORTANT NOTE: This Declaration must ONLY be completed by the original payor of the flight / flight inclusive package and MUST be signed and witnessed by a Solicitor, Commissioner for Oaths or an Officer of a Court appointed by a judge to take Declarations.**

I

Of

do solemnly and sincerely declare as follows:

Following the cancellation of my flight/ flight inclusive package, due to depart on

I was promised a refund of

£

from

on

I confirm that I have not received a refund from the failed ATOL holder, one of its associated trading companies or its appointed agent. I have completed the required Claim Form and submitted the required documentation including any documentation in support of my application for repayment under the ATOL Scheme. I confirm that since I was advised my refund was due, no substitute or other cash receipts have been reissued to me in respect of my payment(s) for the holiday booked with

This Declaration is now made in support of my application for a refund under the ATOL Scheme and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declaration Act 1835. Declared at

This

day of

Before me, Solicitor / Commissioner for Oaths / Officer of a Court appointed by a judge to take Declarations.