

Guide for completion of a Deed of Indemnity by an individual to the ATT Trustees (CPG ATOL Forms 3001 and 3002)

Background

The CAA requires a Deed of Indemnity from New Applicants and where the ATOL has been held for less than 4 years. In the event of a change of ownership and/or control of an ATOL then the CAA will require new Deeds of Indemnity from relevant persons. The Deeds may also be required if the CAA has concerns with an ATOL holder complying with terms of its ATOL.

The CAA usually requires Deeds from at least two persons who in the view of the CAA are in a position of control of the ATOL. These Deeds are usually required from directors, company secretaries, sole proprietors or partners. However the CAA may require Deeds of Indemnity from non-executive directors, shareholders or others if it believes that they have significant influence on the trading of the ATOL.

The document is an indemnity from a person in control of the ATOL which indemnifies the ATT against loss arising from failure of the ATOL holder where the ATOL holder has overtraded (or was overtrading) at time of failure.

Completion of form

The person required to provide the Deed of Indemnity is the person named at the top of the document at Point 1 and that person is “the Indemnifier” in respect of the Deed. The person must then complete details of his/her personal address. The Indemnifier must then enter an alternative address for service of notices and documents. This alternative address for service of notices and documents must be that of a solicitor or accountant. This could be the same solicitor or accountant as the one who witnesses the indemnifier’s signature in Section J but need not be. Any reference to a solicitor or accountant in the document should be taken as qualified solicitor or accountant. The solicitor or accountant cannot be a relation of the Indemnifier.

The solicitor or accountant providing the alternative address for service of notices and documents is doing just that providing an alternative address and is not the indemnifier.

The first page of the document should be read as follows :

I, John Smith, whose address for service of notices and documents by the CAA in respect of this Deed of Indemnity is [**home address**] and whose designated alternative address for service of notices and documents by the CAA in respect of this Deed of Indemnity is [**alternative address of solicitor or accountant**], in consideration of the grant, renewal, variation, continuance or otherwise of CAA of ATOL number [XXXX] held or to be granted to:

XXXXX LTD (“the ATOL holder”), hereby covenants with and guarantees to the ATT Trustees as follows:

The next 3 pages contain the Obligations of the Indemnifier and terms and definitions of the indemnity.



Section J needs to be signed by the Indemnifier and the Indemnifier's signature has to be witnessed by a qualified accountant or solicitor who should sign, and also stamp the form with the firm's stamp. If the firm does not have a stamp, the solicitor or accountant should still sign the form but in addition the CAA will require the solicitor or accountant to confirm he or she has witnessed the indemnifier's signature in a letter on headed notepaper.

CPG/ATOL

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