

FAILURE OF ELIXIR HOLIDAYS LTD – ATOL 6481

Date of Failure – 17/02/2016

Elixir Holidays 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 Elixir Holidays 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](#).

Complete the claim form and send it to: Rightpath Claims, Airport House, Purley Way, Croydon, Surrey, CR0 0XZ.

Time Limits for making a Claim. Claims must be submitted by 16/02/2017 we cannot consider or pay claims received after this date. We scan all claims, so please do not secure the pages together.

Below is a guide to help you fill in the form, incomplete or incorrect claims may be returned to you.

Sections 1 to 4

1. Your contact details. We will use these details to contact you by letter, phone or email. By supplying your email address, you consent to us contacting you by e-mail.
2. Please tell the total number of consumers included in your booking.
3. Please put the name of the ATOL holder with whom your booking was made and the unique reference number shown on the ATOL Certificate. This number can be found at the bottom left of the Certificate.
4. Please tell us what date you were due to depart from the UK.

Section 5. TYPE OF CLAIM YOU ARE MAKING

Some of the flights that formed Elixir Holidays Ltd flight inclusive packages may still be valid.

If you paid Elixir Holidays Ltd or an Elixir Holidays Ltd agent in full, and you hold tickets you will need to check with the airline to see if you can travel.

If you hold tickets and the airline confirms you can use your flight, you have **2 options**:

Option 1. You can choose not to travel and claim '**Forward booking and claiming a full refund**' (depending upon your original method of payment).

Your claim falls into the category '**Forward booking and claiming a full refund**' if your flight or air inclusive trip was due to depart from the UK after the date of failure and you did **NOT** travel.

Option 2. You can use your flight and claim '**Forward booking but used an element of the original booking**' for the cost of replacing the other elements included in your original package. i.e. your accommodation, transfers or car hire (depending upon your original method of payment)

Your claim falls into the category '**Forward booking but used an element of the original booking**' if you were in possession of scheduled or low cost airline tickets at the date of the failure, which remained valid, and which you will use or used to travel **AFTER** the date of the ATOL holder's failure.

We cannot consider claims for items/replacement items that were **NOT** part of your original ATOL protected booking with Elixir Holidays Ltd.

Payment types

If you paid for your trip by credit card to Elixir Holidays Ltd your claim will be with the credit card provider for the amounts paid by credit card, even if you choose to travel. A letter for your credit card provider is available [here](#).

If you paid for your trip with a mixture of credit card and other payment methods, claim the credit card payments from your credit card provider and other payment methods from the CAA.

Please note you will only be entitled to claim '**Forward booking but used an element of the original booking**' for any replacement costs from the CAA, up to the cost of your original trip, less the amount originally paid by credit card.

If you paid an **agent** of Elixir Holidays Ltd by any payment method, your claim will be with the CAA.

There is a limit on the amount you can claim. For details of your claim entitlements go to [ATT Payment Policy](#)

Please note claims cannot exceed the total cost/payments of the original booking made with Elixir Holidays Ltd.

When you book a package holiday you are protected under the booking conditions. If you decide to use your flights you will not receive this protection.

Section 6. PROOF OF PAYMENT

You must not leave this section blank.

If your claim is for a '**Forward booking and claiming a full refund**' list all the payments made to the Elixir Holidays Ltd or travel agent you booked with.

If your claim is for '**Forward booking but used an element of the original booking**' list the payments made to the Elixir Holidays Ltd or travel agent for your original booking and list the payments made for the replacement elements. You can only claim up to the cost of the original ATOL protected booking.

The **total claim amount** is the amount you are claiming. We will not pay above this amount.

We must see all payments made in respect of your booking even if you are not claiming them from us.

See also section 12 for documentation we require to support this section.

Section 7. PAYMENT DETAILS

This section of the claim form **must** be the original and not a photocopy. We need to make sure we refund the person or people who are owed the money. We can either refund everyone who pays or we can refund another person or company of your choice.

If this section is left blank we will refund into the original accounts that made payment.

Travel agents or tour operators sometimes give the public a replacement holiday in exchange for what they call an 'assignment'. This means we refund the travel agent or tour operator instead of the payer. To do this we need all the payers to fill in and sign this section.

If all payers are in agreement and wish for the refund to be paid to one account, each payer must sign this section. By **payer** we mean the person who paid, even if their name does not appear on the booking documents.

If the payment is to be made to a non-UK account, we require the BIC/SWIFT code and IBAN number to make the payment.

Section 8. CONSUMER ASSIGNMENT AND DECLARATION

This section of the claim form **must** be the 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 Elixir Holidays Ltd.

Section 9. FLIGHT-ONLY DECLARATION

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

Section 10. AGENT'S DETAILS

If your booking was made through an agent of Elixir Holidays Ltd, the agent should complete this section, and section 11 if applicable.

Section 11. LOW-DEPOSIT AGREEMENTS

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

Section 12. DOCUMENTATION

DOCUMENTS; please include the following documents;

'Forward booking and claiming a full refund'

- ATOL Certificate
- package confirmation (for packages)
- e-mails confirming booking details and any changes
- any other documents issued to you e.g. receipts for payments
- Proof of payment for original booking (see below)

'Forward booking but used an element of the original booking' include the above items and;

- All receipts/documentation given to you from the overseas suppliers from which you had to purchase replacement elements, not received due to the failure of ATOL holder.
- Completed flight declaration

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

If you are unable to provide us with any of these documents you **need to explain the reasons in section 14**. Please note that the failure to provide all documentation or an explanation at the time the claim is made may result in a delay or non payment of the claim.

PROOF OF PAYMENT; please include the following documents;

If you paid by debit/credit or charge card,

- The original or clear copy of the bank statement showing the payment to Elixir Holidays Ltd, travel agent or overseas supplier.

If you paid by bank transfer,

- A letter from the bank confirming the transaction(s) in full including both the paying and receiving account names and numbers and sort codes.

Bank statements must show the name of the account holder and the account number of who the payment went to.

If you paid by cheque,

- The original cleared cheque from the bank or building society;
- Or a good photocopy of both sides of the cleared cheque;
- Or a letter from your bank or building society confirming how much the cheque was for, who it was made payable to and the date it cleared.

If the cheque was a bankers draft or building society cheque you will also need to provide a letter from your bank or building society confirming the name of the person who provided the money.

If you paid by cash;

If your receipts/documentation does not show that you paid in cash,

- Fill in a sworn statutory declaration regardless of the amount you paid (see section 13 of this claim form).

‘Forward booking and claiming a full refund’ and you paid £1000 cash or more in one transaction to Elixir Holidays Ltd or its agent,

- Fill in a sworn statutory declaration (see section 13 of this claim form). The declaration needs to be sworn and witnessed by a commissioner of oaths, officer of the court or solicitor who will then sign and stamp it.
- 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.

‘Overseas at the time of the ATOL holder’s failure’ or ‘Forward booking but used an element of the original booking’ and you paid £500 cash or more in one transaction to a travel service supplier(s),

- Fill in a sworn statutory declaration (see section 13 of this claim form). The declaration needs to be sworn and witnessed by a commissioner of oaths, officer of the court or solicitor who will then sign and stamp it.
- 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.

Section 13. DECLARATION IN RESPECT OF CASH PAYMENTS

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

- If you paid more than £1,000 in cash directly to Elixir Holidays Ltd, or an agent of Elixir Holidays Ltd.
- Or if you were overseas at the date of the failure and/or paid a replacement service supplier more than £500 in cash (e.g. hotel, coach, taxi etc).
- Or if any receipts/documentation you have for cash payments do not state **cash** as the method of payment.

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: If completed for reason 1 or 2, For money laundering purposes, we require documentary evidence of the source of cash used for the payment being withdrawn from your bank. If you are unable to provide this evidence you must provide a copy of the page from your current passport which includes your photograph.

Section 14. CONTINUATION SHEET

Fill in this section explaining any missing documentation and any additional information to support your claim, including any additional bank or building society details or signatories.

Flight Declaration

Fill in this section if you have valid flight tickets and you are making a 'Forward booking but used an element of the original booking' claim.

Check list

1. Details of person completing the claim form
 2. Number of Consumers
 3. ATOL holder details
 4. Date of departure
 5. Type of claim you are making
 6. Proof of payment for original purchase and for replacement services
 7. Payment details
 8. Consumer assignment and declaration
 9. Flight-only declaration
 10. Agents details
 11. Low deposit agreements
 12. Documentation
 13. Declaration in respect of cash payments
 14. Continuation sheet
- Flight Declaration



Consumer Protection Group

Air Travel Organisers Licensing

ATOL Claim Form.



This form can be completed online before printing off and signing where required.
Before completing the form please make sure that you read the Guidance Notes

1. CONTACT DETAILS OF PERSON COMPLETING THIS CLAIM FORM (this person must be named to travel on the ATOL protected booking)

Full name:

Address:

County: Postcode:

Telephone (day): Mobile:

Email address:

2. NUMBER OF CONSUMERS

Number of consumers included in your booking:

3. FAILED ATOL HOLDER'S DETAILS

Name:

ATOL Certificate Number (Unique Reference Number):

4. DATE OF DEPARTURE

UK departure date:

5. TYPE OF CLAIM YOU ARE MAKING

<p>Tick the type of claim you are making:</p> <p>You were overseas at the time of the ATOL holder's failure</p> <p>Your UK departure date is after the date of the ATOL holder's failure and you are claiming a refund</p> <p>Your UK departure date is after the date of the ATOL holder's failure but you used or intend to use an element of your original booking (e.g. flight)</p>	<p>In section 6:</p> <ul style="list-style-type: none"> • Attach receipt(s) for the replacement service(s) you had to purchase to complete your trip. <p>NB: There is no need to provide evidence of payment for your original booking.</p> <ul style="list-style-type: none"> • List all the payments made for your original booking and attach your evidence of payment as detailed in the guidance notes • List all the payments made for your original booking and attach your evidence of payment as detailed in the guidance notes. • Attach receipt(s) for the replacement service(s) you had to purchase to complete your trip. • List all the payments made for these replacement services and attach your evidence of payment as detailed in the guidance notes
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7. PAYMENT DETAILS

This section must be signed by the person/s that paid. This person/s should fill in either their own bank or building society account details or someone else's if they want us to refund them instead. This can be an individual or a travel agent or tour operator who has given you a replacement holiday.

I authorise you (the Civil Aviation Authority), the Air Travel Trust or ABTA Limited to pay any refund due to:

Account holders name:

Account holders address:

County Postcode

Name of bank/building society

Account number: Sort Code:

Swift Number IBAN

Roll number:

Signed by payer: Print name: Date:

Signed by payer: Print name: Date:

Signed by payer: Print name: Date:

Signed by payer: Print name: Date:

Signed by payer: Print name: Date:

Signed by payer: Print name: Date:

8. CONSUMER ASSIGNMENT AND DECLARATION

In consideration of the Trustees of the Air Travel Trust deciding to exercise their power to make me, or anyone else intending to make use of the ATOL protected booking, a payment in respect of the amounts claimed from the Air Travel Trust, to the extent not already assigned, I hereby assign to the Trustees of the Air Travel Trust any claim(s) however arising for damages, in debt, indemnity or otherwise which I or anyone else intending to make use of the ATOL protected booking has or may have arising from or relating to the failed ATOL holder.

I agree that any such claim may be re-assigned to ABTA Limited as appropriate, if ABTA refunds to me all or part of the amounts that I have claimed on this ATOL Claim Form.

I hereby declare that the information I have provided in connection with my claim is the truth and that neither I nor anyone else intending to make use of the ATOL protected booking has received or expects to receive any refund from the failed ATOL holder or any insurance company of the sums claimed above. I confirm that neither I nor anyone else intending to make use of the ATOL protected booking has insurance cover against tour operator/ATOL holder failure.

Signature of consumer named in section 1 of this claim form:

Signed: Print Name Date:
for and on behalf of all consumers intending to make use of the ATOL protected booking.

9. FLIGHT-ONLY DECLARATION

This section must be filled in if you booked just a flight with the failed ATOL holder.

I hereby declare that no request was made to book any accommodation or car hire outside the UK at the same time, or a day either side, as the flights for which I am claiming a refund.

Signature of consumer named in section 1 of this claim form:

Signed: Print Name Date:
for and on behalf of all consumers intending to make use of the ATOL protected booking.

10. AGENT'S DETAILS

If this booking was made through an agent for the failed ATOL holder, the agent should fill in this section (and section 11 if applicable).

Firm: Contact name:

Address:

County: Postcode:

Phone: ABTA number (if applicable):

I confirm that I received the payments listed by the consumer for the trip shown and that I: <i>(please fill in all the boxes below that are applicable).</i>	Amount (£)	Date
a) paid the failed ATOL holder by cheque. I enclose a copy of the cleared cheque, evidence this cleared and a reconciliation that includes the name of each lead consumer, the failed ATOL holder's booking reference and amount paid, for each booking;		
b) paid the failed ATOL holder by direct debit. I enclose the bank statement showing the transaction and a reconciliation that includes the name of each lead consumer, the failed ATOL holder's booking reference and amount paid, for each booking;		
c) paid the failed ATOL holder by credit card. I enclose the official credit card statement and a reconciliation that includes the name of each lead consumer, the failed ATOL holder's booking reference and amount paid, for each booking;		
d) paid the monies collected from the consumer, but not paid to the failed ATOL holder, to the Air Travel Trust;		
e) paid the consumer's payment back to the consumer as instructed by the Air Travel Trust;		
f) am holding the consumer's payment awaiting the Air Travel Trust's instructions.		N/A

Signature: Print name: Date:

11. LOW-DEPOSIT AGREEMENTS

Total deposit due and paid under the failed ATOL holder's booking conditions:

Amount paid by the consumer to the agent:

Amount paid by the agent to the failed ATOL holder on the consumers' behalf (pursuant to a low deposit agreement):

I enclose the low deposit agreement as signed by the consumer (please tick to confirm):

I hereby declare that the amount claimed above has not been paid to me by or on behalf of the consumer or by any other person.

If the Civil Aviation Authority, the Air Travel Trust or ABTA Limited pays all or part of my claim, I guarantee that I will not claim the amount from the consumer or any other person. If any money is paid to me by or on behalf of the consumer or by any other person, I will repay the organisation that paid my claim.

Signed: Print name: Date:

on behalf of (if applicable):

12. DOCUMENTATION

Please attach all documents you received in relation to your booking including the ATOL Certificate supplied and any subsequent ATOL Certificates and documents issued to you at the time of your booking and at any time prior to your UK departure.

Please attach all receipts received and bank/credit card statements or equivalent evidence of your payment.

If you cannot send us these documents, please explain why.

13. DECLARATION IN RESPECT OF CASH PAYMENTS

This section should be filled in if any of the payments you listed in section 6 were made in cash and either:

a) the cash payment was made directly to the failed ATOL holder, an agent of the ATOL holder and was for £1,000 or more; and/or

b) the cash payment was made whilst overseas at the time of the ATOL holder’s failure, or paid to another travel service supplier for replacement services and was for £500 or more;

or
c) the receipt/documentation provided does not confirm that cash was the payment method.

This section must be stamped, signed and witnessed by a solicitor, commissioner for oaths or an officer of a court appointed by a judge to take declarations.

I (your name):

Of (your address):

County: Postcode:

declare the following:

On (date): I paid: £ in cash to:

either:

Name of failed ATOL holder or agent of the failed ATOL holder who accepted the cash and issued a receipt/documentation:

.....

Address:

County: Postcode:

The cash payment was part or full payment for a trip, including flights booked with *(name of failed ATOL holder)*

.....

Date of departure:

If more than one cash payment was made, please use a continuation sheet.

and/or:

Name of travel service supplier who accepted the cash and issued a receipt/documentation:

.....

Date of payment:

The cash payment was made by me as a consequence of the failure of *(name of failed ATOL holder)*

.....

If more than one cash payment was made, please use a continuation sheet.

I confirm that the information provided on this Declaration of Cash Payments for ATOL Certificate number is, to the best of my knowledge, truthful, accurate and complete. I am aware that the ATT will not usually make payment under the ATOL scheme where it, or the CAA as agent of the ATT, believes that I, or anyone else seeking to benefit from a payment under the ATOL scheme, has made a dishonest or misleading statement or omission.

I am now making this declaration to support my claim for a refund under the ATOL scheme.

Signature of person who paid:

Witnessed by a solicitor, commissioner for oaths or officer of a court appointed by a judge to take declarations.

Signature of solicitor, commissioner for oaths or officer of a court:

Court or solicitor’s address:

County: Postcode:

Day: Month: Year:



Consumer Protection Group
ATOL Crisis Management

Flight Declaration

In making a claim for a refund of the monies I have paid to _____ in relation to my flight inclusive trip.

I hereby declare that I have not travelled or will not be travelling on the flights that I purchased through the above named firm as part of my flight inclusive booking and consent to the CAA cancelling the flight seat(s)/reservation.

Booking reference

Date

Name in block capitals

Signed

for and on behalf of all consumers intending to make use of the ATOL protected booking.