

## 1.2 ATOL Regulation 11: Exemptions from the ATOL Regulations 2012<sup>1</sup>

**1.2.1 Class exemptions: In accordance with ATOL Regulation 11, class exemptions granted by the CAA are included here. Any class exemptions granted by the CAA from time to time after the date of publication of this Official Record Series 3 are published at [www.atol.org.uk](http://www.atol.org.uk).**

### 01/2018 – SMALL AIRCRAFT, SPORTING EVENT, CARRIAGE OF ANIMALS, REPLACEMENT TRANSPORT AND BALLOON/ AIRSHIP EXEMPTION

1. Subject to paragraph 2 the Civil Aviation Authority, in exercise of its powers under Regulation 11 of the Civil Aviation (Air Travel Organisers' Licensing) Regulations 2012 (as amended) ("ATOL Regulations 2012"), exempts any person who makes available flight accommodation:
  - a) in an aircraft with a maximum approved passenger seating configuration of 19 or less;
  - b) on any flight to or from the grounds where a sporting event is taking place, on which the only passengers carried are persons travelling in connection with attendance at the event;
  - c) to persons carried for the purpose of attending to animals during the flight, and persons returning from having attended to animals on a previous flight;
  - d) to persons who have booked to travel by means of public transport other than air and are unable to do so by reason of circumstances beyond the control of the operator of that transport; or
  - e) on any flight by a hot air balloon or airship;
 from the need to hold an Air Travel Organiser's Licence.
2. This exemption does not apply where:
  - a) The persons specified under (1)(a), (1)(b) and (1)(e) make available flight accommodation which forms part of a package as defined by the ATOL Regulations 2012; or
  - b) The persons specified at (1)(a) make available flight accommodation more than three times in a calendar month or the flights are advertised as if they were a scheduled air service.
3. Exemption Number 01/2012 is hereby revoked.
4. This exemption came into force on 9 June 2018.

Civil Aviation Authority  
8 June 2018

---

<sup>1</sup> Persons may be exempt from the need to hold an ATOL by reason of ATOL Regulation 10 or by an exemption granted by the CAA under ATOL Regulation 11. Details of those persons exempt by reason of ATOL Regulation 10 are included in the ATOL Regulations.

## 02/2012 – TECHNICAL PROBLEM AND CODE SHARE EXEMPTION

1. The Civil Aviation Authority, in exercise of its powers under Regulation 11 of the Civil Aviation (Air Travel Organisers' Licensing) Regulations 2012 as amended, exempts any operator of an aircraft who holds:
  - a) valid Operating Licence granted pursuant to Regulation (EU) Number 1008/2008 on the Licensing of Air Carriers as retained (and amended in UK domestic law) under the European Union (Withdrawal) Act 2018; or
  - b) a valid Permit granted under the Air Navigation Order by the Secretary of State; or
  - c) a valid Air Transport Licence;from the need to hold an Air Travel Organiser's Licence in the circumstances specified in paragraph 2.
2. The circumstances referred to in paragraph 1 are where the operator makes available accommodation on a flight which it does not or will not operate itself but:
  - a) it is authorised to provide the services on which flight accommodation is or will be made available, and where it reasonably believed at the time of first making available, or holding itself out as a person who may make available flight accommodation, it would be the operator of the flight; or
  - b) in the case of an operator which is a member of the International Air Transport Association ("IATA"), it accepts liability to the customer for any payment accepted in respect of that flight accommodation.
3. This exemption came into force on 30 April 2012.

David Moesli  
for the Civil Aviation Authority  
5 April 2012

## 06/2012 – WHOLE PLANE SALES EXEMPTION

1. Subject to paragraphs (2) and (3), the Civil Aviation Authority, in exercise of its powers under Regulation 11 of the Civil Aviation (Air Travel Organisers' Licensing) Regulations 2012 as amended ("ATOL Regulations 2012"), exempts any person who makes available flight accommodation consisting of the entire capacity of one or more aircraft to a consumer (as defined in the ATOL Regulations 2012) from the need to hold an Air Travel Organiser's Licence.
2. This exemption does not apply in circumstances where the flight accommodation forms part of a package as defined by the ATOL Regulations 2012.
3. The exemption does not apply where the person buying the flight accommodation (B) will make it available to another person (C) and accept any payment in relation to it unless the person making the flight accommodation available (A) to (B) took all reasonable steps and exercised all due diligence to enquire of the person buying the flight accommodation (B) whether they will make it available to another person (C) and accept any payment in relation to it and (A) has satisfied itself that that is not the case.
4. This exemption came into force on 30 April 2012.
5. Paragraph 2 of this exemption was made on 15 February 2019 to correct typographical errors.

David Moesli  
for the Civil Aviation Authority  
5 April 2012

## 07/2012 – FORMER MEMBERS OF AN ACCREDITED BODY - EXEMPTION TO ENABLE AB MEMBERS TO COLLECT CONSUMER PAYMENTS

1. The Civil Aviation Authority, in exercise of its powers under Regulation 11(1) of the Civil Aviation Authority (Air Travel Organisers' Licensing) Regulations 2012 as amended, exempts any former member of an Accredited Body whose membership has been terminated or is suspended but only for the purpose of collecting payments due from the former AB member's customers in respect of transactions concluded by the former AB member as an AB member of that Accredited Body from the need to hold an Air Travel Organiser's Licence.
2. This exemption came into force on 30 April 2012.

David Moesli  
for the Civil Aviation Authority  
5 April 2012

## 02/2018 – FLIGHT-ONLY TICKET FULLY PAID EXEMPTION

1. Subject to paragraph 4, the Civil Aviation Authority, in exercise of its powers under Regulation 11 of the Civil Aviation (Air Travel Organisers' Licensing) Regulations 2012 as amended, exempts any person who makes available flight accommodation in the circumstances set out in paragraph 2 or 3 from the need to hold an Air Travel Organisers' Licence.
2. This exemption applies if the person making available flight accommodation:
  - a) purchases the flight accommodation from the operator of the aircraft on which the flight accommodation is made available; and
  - b) pays the full cost of the flight accommodation charged by the operator to the operator at the time of purchase, and the operator immediately issues a confirmed ticket which the person immediately supplies to the consumer; and
  - c) states clearly on all invoices and receipts issued in respect of that flight accommodation: - "This sale is not protected under the ATOL Scheme".
3. Alternatively, this exemption applies if the person making available flight accommodation:
  - a) purchases the flight accommodation from the operator of the aircraft on which the flight accommodation is made available using the services of a fully automated flight reservation system;
  - b) pays the full cost of the flight accommodation charged by the operator to the operator at the time of purchase via that reservation system;
  - c) the operator immediately issues a confirmed ticket which is immediately received by the consumer; and
  - d) states clearly on all invoices and receipts issued in respect of that flight accommodation: - "This sale is not protected under the ATOL Scheme".
4. This exemption does not apply if:
  - a) the flight accommodation is made available as part of a package; or
  - b) the operator of the aircraft on which the flight accommodation is made available states in its terms of business, or anywhere, that it reserves the right to refuse to carry a person that purchased flight accommodation on aircraft it operates other than direct from its website or where that flight accommodation was made available by a person other than the operator.
  - c) Exemption Number 10/2012 is hereby revoked.
5. This exemption came into force on 1 July 2018.
6. Paragraph 1 of this exemption was made on 15 February 2019 to correct typographical errors.

Civil Aviation Authority  
8 June 2018

**03/2018 – ATOL CERTIFICATE EXEMPTION FOR PACKAGES SOLD ON CREDIT**

1. The Civil Aviation Authority, in exercise of its powers under Regulation 11 of the Civil Aviation (Air Travel Organisers' Licensing) Regulations 2012 as amended ("ATOL Regulations 2012"), exempts any person who makes available flight accommodation as part of a package in circumstances where:
  - a) the flight accommodation is made available to a consumer (as defined by the ATOL Regulations 2012); and
  - b) no payment is received for the package until after the consumer has completed the package which may or may not mean the consumer has returned to the original departure point;from the need to supply an ATOL Certificate.
2. Exemption Number 03/2013 is hereby revoked.
3. This exemption came into force on 1 July 2018.

Civil Aviation Authority  
8 June 2018

#### 04/2013 – OVERSEAS EXEMPTION

1. Subject to paragraphs (2) and (3) The Civil Aviation Authority, in exercise of its powers under Regulation 11 of the Civil Aviation (Air Travel Organisers' Licensing) Regulations 2012 as amended, exempts any person who makes available flight accommodation in circumstances where:
  - a) the first leg of the trip, in which flight accommodation is made available with another flight or other transport service on the same booking, commences other than from the Republic of Ireland, outside the United Kingdom; or
  - b) the only transport service included in the consumer's booking was a flight departing an airport other than from an airport in the Republic of Ireland, outside the United Kingdom;from the need to hold an Air Travel Organiser's Licence.
2. This exemption does not apply to a person who makes available flight accommodation which forms part of a package.
3. This exemption only applies if that person states on invoices and receipts that it issues in respect of the flight accommodation it makes available: - "This sale is not protected under the ATOL Scheme".
4. In this exemption "trip" means a collection of travel and other tourist services purchased by a consumer on one booking with one travel and tourist service provider.
5. This exemption came into force on 11 October 2013.

David Moesli  
for the Civil Aviation Authority  
30 September 2013

## 05/2013 – CORPORATE SALES EXEMPTION

1. This exemption was revoked on 1 July 2018

Civil Aviation Authority  
8 June 2018



**04/2018 – CREDIT SALES EXEMPTION FOR FLIGHT-ONLY**

1. Subject to paragraphs (3) and (4), The Civil Aviation Authority, in exercise of its powers under Regulation 11 of the Civil Aviation (Air Travel Organisers' Licensing) Regulations 2012 as amended ("ATOL Regulations 2012"), exempts any person who makes available flight accommodation as a Flight-Only when:
  - a) the flight accommodation is made available to a consumer (as defined by the ATOL Regulations 2012); and
  - b) no payment is received for the flight until after the consumer has completed the trip which may or may not mean the consumer has returned to the United Kingdom, from the need to hold an Air Travel Organiser's Licence.
2. This exemption only applies if that person states on invoices and receipts that it issues in respect of the flight accommodation it makes available: - "This sale is not protected under the ATOL Scheme".
3. This exemption does not apply in circumstances where the person making available flight accommodation, whether as agent or principal, makes that flight accommodation available as part of a package as defined by the ATOL Regulations 2012.
4. Exemption Number 06/2013 is hereby revoked.
5. This exemption came into force on 1 July 2018.

Civil Aviation Authority  
8 June 2018

## 05/2018 – IATA Accredited Agents Selling Flight-Only

1. Subject to paragraph 5, the Civil Aviation Authority, in exercise of its powers under Regulation 11(2) of the Civil Aviation (Air Travel Organisers' Licensing) Regulations 2012 as amended ("ATOL Regulations 2012"), exempts any International Air Transport Association ("IATA") Accredited Agent specified in paragraph (2), that makes available flight accommodation from the need to hold an Air Travel Organiser's Licence.
2. The person referred to in paragraph 1 is any person who makes available flight accommodation where that person is authorised by the relevant airline to do so in accordance with IATA Passenger Sales Agency Rules but only where:
  - a) that person is making available flight accommodation to a consumer and not making it available to a third person who intends to make the ticket available to another person; and
  - b) that person issues a confirmed ticket to the consumer by the specified method (as defined in ATOL Regulation 18); and
  - c) that person states on invoices and receipts that it issues in respect of the flight accommodation it makes available "This flight is sold as Agent of the Airline(s) named on the ticket and is not protected under the ATOL scheme".
3. The relevant airline means the airline named on the ticket or a codeshare/interline partner of that airline.
4. A person is authorised by the relevant airline under IATA Passenger Sales Agency Rules (as that term is used in paragraph 2) if
  - a) the person
    - i) has met: -
      - (aa) financial criteria for the United Kingdom as set out in the current IATA Travel Agent's Handbook as published from time to time;
      - (bb) the applicable local criteria for IATA accreditation; and (cc) has signed a sales agency agreement or agreements in accordance with IATA Passenger Sales Agency Rules;
    - or
    - ii) has met the qualifications for IATA accreditation, has signed a sales agency agreement or agreements in accordance with IATA sales agency rules and is an ATOL holder;
  - and
  - b) the relevant airline has given that person Ticketing Authority (as defined by Resolution 866 of the IATA Travel Agent's handbook as published by IATA, notifying the IATA Billing and Settlement Plan ("BSP") that that person may sell its tickets on its behalf and has not revoked that notification.
5. The persons specified in paragraph 2 are not exempt from the need to hold an Air Travel Organisers' Licence in circumstances where the person making available flight accommodation which forms part of a package as defined by the ATOL Regulations 2012.
6. Exemption Number 01/2014 is hereby revoked.
7. This exemption came into force on 1 July 2018.

Civil Aviation Authority  
8 June 2018

**06/2018 – PACKAGE LESS THAN 24 HOURS**

1. The Civil Aviation Authority, in exercise of its powers under Regulation 11 of the Civil Aviation (Air Travel Organisers' Licensing) Regulations 2012, as amended ("ATOL Regulations 2012"), exempts any person who makes available flight accommodation as part of a package in circumstances where:
  - a) the duration of the package is less than 24 hours and does not involve either
    - i. an overnight stay or
    - ii. travel outside of the UK.
2. This exemption came into force on 1 July 2018.

Civil Aviation Authority  
8 June 2018

## 01/2020 – SALES TO PERSONS SELLING UNDER A GENERAL BUSINESS TRAVEL AGREEMENT EXEMPTION

1. Subject to paragraphs (3) and (4), the Civil Aviation Authority, in exercise of its powers under Regulation 11 of the Civil Aviation (Air Travel Organisers' Licensing) Regulations 2012 as amended ("ATOL Regulations 2012"), exempts any person who makes available flight accommodation in the circumstances set out in paragraph 2 from the need to hold an Air Travel Organiser's Licence.
2. This exemption applies if the person (A) makes available flight accommodation to a person (B) who will sell the flight accommodation on to another person (C) under and in accordance with the terms of a "general business travel agreement".
3. This exemption only applies if (A) has taken all reasonable steps and exercised all due diligence to enquire of the person (B) buying the flight accommodation whether (B) will make the flight accommodation available to another person (C) under and in accordance with the terms of a general business travel agreement, and (A) has satisfied itself that this is the case.
4. This exemption only applies if (A) states on all invoices and receipts that it issues in respect of the flight accommodation it makes available: - "This sale is not protected under the ATOL Scheme".
5. In this exemption, "general business travel agreement" has the same meaning as that used in Regulation 10 of the ATOL Regulations 2012<sup>1</sup>
6. This exemption came into force on 18 September 2020.

Civil Aviation Authority  
18 September 2020

1: Regulation 10 of the ATOL Regulations 2012 states "...general business travel agreement" means an agreement which is concluded between a trader and another person, for the purpose of booking travel arrangements in connection with that other person's trade, business, craft or profession."