

FAILURE OF DIAMOND SHORTBREAK HOLIDAYS LTD – ATOL 9357
Date of Failure – 16 March 2017

Complete the claim form and send it to:

CAA ATOL Travel Claims, PO Box 127, Chichester, West Sussex, PO18 8WQ

Time Limits for making a Claim. Claims must be submitted by 15 March 2018 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. **Please check your spam mail for a claim acknowledgement.**
2. Please input 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 booking reference number.
4. Please put the date you were due to depart from the UK.

Section 5. TYPE OF CLAIM YOU ARE MAKING

Your claim is '**Overseas at the time of the ATOL holder's failure**' if you were **ABROAD** when the ATOL Holder stopped trading.

Your claim is '**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.

Your claim is '**Forward booking but used an element of the original booking**': Not applicable for the failure of Diamond Shortbreak Holidays Ltd.

Section 6. PROOF OF PAYMENT

You must not leave this section blank.

'**Overseas at the time of the ATOL holder's failure**' list the payments made to the overseas suppliers from which you purchased replacement elements due to the failure of Diamond Shortbreak Holidays Ltd.

'**Forward booking and claiming a full refund**' list all the payments made to the Diamond Shortbreak Holidays Ltd or travel agent you booked with.

'**Forward booking but used an element of the original booking**': Not applicable for the failure of Diamond Shortbreak Holidays Ltd.

The **total claim amount** is the amount you are claiming and is the maximum amount we will pay.

In the case of Forward booking claims we must see all payments made in respect of your booking even if you are not claiming them from us e.g. insurance or credit card payments.

Section 7. PAYMENT DETAILS

This section requires an original signature. 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 Agent Assignments.

ATOL holders or travel agents sometimes give consumers a replacement holiday in exchange for what they call an 'assignment'. This means we refund the travel agent or ATOL holder instead of the original payers.

All original payers need to be in agreement and must sign this section stating the account details they wish the refund to go into. By **payer** we mean the person(s) who paid, even if their name does not appear on the booking documents.

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. Your bank will be able to supply you with these details.

Section 8. CONSUMER ASSIGNMENT AND DECLARATION

This section requires an original signature. The assignment and declaration section must be filled in by a travelling passenger named on the booking.

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 a travelling passenger named on the booking.

Section 10. AGENT'S DETAILS

If your booking was made through an agent of Diamond Shortbreak Holidays Ltd, the agent must complete this section, and section 11 (if applicable) and provide evidence of their payment(s) to Diamond Shortbreak Holidays Ltd.

Section 11. LOW-DEPOSIT AGREEMENTS

If your booking was made through an agent who offered a low deposit amount, the agent should complete this section.

Section 12. DOCUMENTATION

DOCUMENTS; you must include the following documents for each claim type;

'Overseas at the time of the ATOL holder's failure'

- ATOL Certificate
- package confirmation (for packages)
- e-mails confirming booking details and any changes
- any other documents/receipts issued to you e.g. cash receipts
- 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
- Evidence of payments

'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(s) for original booking (see below)

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

- Not applicable for the failure of Diamond Shortbreak Holidays Ltd.

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;

If you paid by debit/credit or charge card,

- Include the original or clear copy of the card holders' bank statement showing the payment to Diamond Shortbreak Holidays Ltd, travel agent or overseas supplier. Online statements should show the card holders name.

If you paid by bank transfer,

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

Bank/card statements must show the name of the account holder, along with 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 you paid by cash we require;

- Documentary evidence of the source of cash used for the payment being withdrawn from your bank
- Signed Statutory sworn declaration (section 13)
- Receipts stating cash as the method of payment.

Section 13. DECLARATION IN RESPECT OF CASH PAYMENTS

This section of the claim form **must** be the original and not a photocopy. 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 this document to be completed for the following circumstances;

1. If you paid more than £1,000 in cash directly to Diamond Shortbreak Holidays Ltd, or an agent of Diamond Shortbreak Holidays Ltd.
2. 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).
3. 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 for these amounts

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.

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.

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



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: (please fill in all the boxes below that are applicable).	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:



