

## **FAILURE OF MERT SELIM LTD – ATOL 11071**

**Date of Failure – 11/05/2018**

Complete the claim form and send it to: **Protect Claims, PO Box 6053, Rochford, SS1 9TT**

**Time Limits for making a Claim.** Claims must be submitted by **11/05/2019**, 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. PLEASE ENSURE YOU SIGN ALL THE RELEVANT PARTS OF THE CLAIM FORM.**

### **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 (found on your ATOL Certificate).
4. Please put the date you were due to depart from the UK.

### **Section 5. TYPE OF CLAIM YOU ARE MAKING**

Select one of the below:

- 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'** 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 or will use **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 Mert Selim Ltd.
- Your claim is **'Outstanding refund'** if you were owed a refund from the ATOL holder which you have not received.

### **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 Mert Selim Ltd.

**'Forward booking and claiming a full refund'**: list all the payments made to the Failed ATOL Holder or travel agent you booked with.

**'Forward booking but used an element of the original booking'** list the payments made to the Failed ATOL Holder or travel agent for your original booking **AND** the payments made to the overseas suppliers from which you purchased replacement elements due to the failure of Mert Selim Ltd. You can only claim up to the cost of the original ATOL protected booking and replacements must be 'like for like'.

**'Outstanding refund'**: list the payments made to the Failed ATOL Holder or travel agent for your original booking.

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. REFUND 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 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 agree 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 of the claim form must be the original and not a photocopy. 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 and signed by a travelling passenger named on the booking (for "Flight-Only" bookings only).

### **Section 10. AGENT'S DETAILS**

If your booking was made through an agent of Mert Selim 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 who offered a low deposit amount, the agent should complete this section (if applicable).

### **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 Mert Selim Ltd
- Proof of payment(s) for the replacement elements (*see below*)

**'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*)
- A signed Flight Declaration (found at the end of the claim form)

**'Forward booking but used an element of the original booking':**

- 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*)
- 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 Mert Selim Ltd
- Proof of payment(s) for the replacement elements (*see below*)

**'Outstanding 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*)
- Documentation showing the owed refund
- Completed and signed Declaration of Outstanding Refund (section 14)

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 the "Other Information" part of Section 12.** Please provide any additional information to support your claim, including any additional bank or building society details or signatories. 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 Mert Selim 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, 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 Mert Selim Ltd, or an agent of Mert Selim 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. DECLARATION OF OUTSTANDING REFUND**

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.

This section is to be completed **ONLY** if you are submitting an “Outstanding Refund” claim, see section 5.

<b>CHECKLIST</b>	
1. Name and address of the person completing the claim form	9. Flight-Only declaration (if applicable)
2. Number of consumers	10. Completed by your travel agent (for bookings made via an agent of the failed ATOL holder)
3. The failed ATOL holder’s details & your booking reference	11. Completed by your travel agent (if applicable)
4. Scheduled date of departure	12. Documentation and additional information provided with this claim
5. Type of claim you are making	13. Declaration of Cash Payment (if applicable)
6. Details of payments made for original purchase and for replacement services	14. Declaration of Outstanding Refund (if applicable)
7. Bank details for refund and payers’ signatures	Flight Declaration (only required if your flights are valid but not used)
8. Signature of traveling passenger	

## Air Travel Organisers Licensing

### ATOL Claim Form

This form can be completed before printing off for signatures 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: .....  
(you are agreeing to being contacted by email in relation to your claim. Your email will not be used for any other purpose).

#### 2. NUMBER OF CONSUMERS How many people on your booking?

Number of consumers included in your booking: .....

#### 3. FAILED ATOL HOLDER'S DETAILS

Name: ..... ATOL Number.....  
ATOL Certificate Number (Booking Reference): .....

#### 4. DATE OF DEPARTURE

Departure date: .....

#### 5. TYPE OF CLAIM YOU ARE MAKING

**Tick one of the following:**

**Supporting documentation.** Attach all receipt(s) and evidence of payment(s) for any items listed in section 6.

**'Overseas at the time of the ATOL holder's failure'** You were overseas at the time of the ATOL holder's failure.

• In section 6 list payments for the replacement service(s) you had to purchase to complete your trip. You do not need to provide evidence of payment for your original booking.

**'Forward booking and claiming a full refund'** Your UK departure date is after the date of the ATOL holder's failure and you are claiming a refund

• In section 6 list payments made for your original booking.

**'Forward booking but used an element of the original booking'** 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)

• In section 6 list payments made for your original booking and for the replacement service(s) you had to purchase to complete your trip.

**'Outstanding refund'** You were owed a refund from the ATOL holder which you have not received.

• In section 6 list payments made for your original booking.  
• Attach documentation from the ATOL holder which confirms a refund was due.  
• Complete the outstanding refund declaration (section 14).

**6. PROOF OF PAYMENT Attach all receipt(s) and evidence of payment(s) for items listed below;**

Date paid	Service purchased	Paid by	Paid to	Method of payment	Amount
<b>IMPORTANT NOTE:</b> We cannot refund cancellation fees, amendment fees and administration fees. In addition we cannot refund insurance premiums and you should contact the company that issued the policy.				<b>Minus insurance</b>	
				Deductions (e.g. elements used)	
				<b>Total claim amount</b>	

**7. REFUND DETAILS Where do you want the refund to be paid?**

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.....

**This section must be signed by the person/s that paid.**

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 complete this section. (Complete a,b,c or d as applicable)

Agency Name: ..... Contact name: .....  
 Address: .....  
 County: ..... Postcode: .....  
 Email: ..... Phone: ..... ABTA number (if applicable): .....

I confirm that I received the payments listed by the consumer for the trip shown, and I enclose evidence of payment, a reconciliation that includes the name of each lead consumer, the failed ATOL holder's booking reference and amount paid, for each booking; and that I either;	Amount £	Date
a) paid the failed ATOL holder;		
b) paid the monies collected from the consumer, to the Air Travel Trust;		
c) paid the consumer's payment back to the consumer as instructed by the Air Travel Trust;		
d) am holding the consumer's payment awaiting the Air Travel Trust's instructions.		

Signature:..... Print name:..... Date:.....

**11. LOW-DEPOSIT AGREEMENTS** If this booking was made through an agent for the failed ATOL holder, the agent should complete this section.

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 : .....

**12. DOCUMENTATION TO SUPPORT THE CLAIM**

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 or at any time prior to your departure.  
 Please attach all receipts received and bank/credit card statements, or equivalent evidence of your payment(s). If you cannot supply any of these documents, please explain the reasons;

**Other information**  
 This section can be used to explain for any further or additional information related to this claim.

**13. DECLARATION OF CASH PAYMENT**

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: .....

Official Stamp

Court or solicitor's address: .....

County: ..... Postcode: .....

Day: ..... Month: ..... Year: .....





## 14. DECLARATION OF OUTSTANDING REFUND

IMPORTANT NOTE: This Declaration must ONLY be completed by the original payer 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 (your name): .....

Of (your address): .....

County: ..... Postcode: .....

do solemnly and sincerely declare as follows:

Following the cancellation of my flight/ flight inclusive package, due to depart on (date): .....

I was promised a refund of: £ ..... from

Name of failed ATOL holder: .....

Address: .....

County: ..... Postcode: .....

On Date: .....

Date of departure: .....

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:

Name of failed ATOL holder: .....

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;

Court or solicitors name .....

Court or solicitor's address: .....

County: ..... Postcode: .....

This Day: ..... Month: ..... Year: .....

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

Signature of payee:.....

Signature of Solicitor, Commissioner for Oaths or Officer of a Court: .....

Official Stamp;

**Consumer and Markets Group**  
ATOL Crisis Management

Flight Declaration

In making a claim for a refund of the monies I have paid to Mert Selim Ltd 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.