



STATUTORY INSTRUMENTS.

S.I. No. 139 of 1984.



TRAVELLERS' PROTECTION FUND
REGULATIONS, 1984.

(Pl. 2421)

S.I. No. 139 of 1984.

TRAVELLERS' PROTECTION FUND
REGULATIONS, 1984.

I, JIM MITCHELL, Minister for Communications, in exercise of the powers conferred on me by sections 16 and 25 of the Transport (Tour Operators and Travel Agents) Act, 1982 (No. 3 of 1982), and with the consent of the Minister for Finance, hereby make the following regulations:—

1. These Regulations may be cited as the Travellers' Protection Fund Regulations, 1984.

2. These Regulations shall come into operation on the 7th day of June 1984.

3. In these Regulations:—

“the Act” means the Transport (Tour Operators and Travel Agents) Act, 1982 (No. 3 of 1982);

“the Fund” means the Travellers' Protection Fund established pursuant to section 15 of the Act;

“an invalid” means a person who is confined, because of physical disablement or infirmity, to a wheelchair or stretcher, or who if not so confined, is certified by a doctor to have a serious or terminal illness, or to be mentally handicapped.

4. (1) The holder of a licence authorising him to carry on business as a tour operator shall make a contribution to the Fund in respect of every person who enters into an overseas travel contract to which the Tour Operators (Licensing) Regulations, 1983 (S.I. No. 100 of 1983) apply.

(2) Subject to paragraph (3) of this Regulation the contribution to the Fund shall be—

- (a) in the case of a student who enters into an overseas travel contract with a body approved of by the Minister for the organisation of student travel, £2, and

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 1st June, 1984.

(b) in any other case, £4.

(3) A contribution to the Fund shall not be payable in respect of —

- (a) a person who is under 2 years of age, or
- (b) an invalid travelling abroad to a recognised place of religious pilgrimage and any medical or nursing staff accompanying an invalid so travelling.

5. Contributions to the Fund shall be made by a tour operator to the Secretary, Department of Communications, Kildare Street, Dublin 2.

6. (1) If an overseas travel contract is rescinded and a contribution paid by the tour operator concerned in respect of any person has been paid into the Fund, the tour operator shall provide the person concerned with evidence in writing that the contribution has been so paid and, upon presentation of the said evidence to the same or another tour operator, at any time within three months after the rescission of the overseas travel contract in connection with a further overseas travel contract, no contribution shall be payable to the Fund in respect of the further overseas travel contract.

(2) If an overseas travel contract is rescinded and the tour operator concerned has not paid into the Fund the contribution in respect of the person who has rescinded the contract, the tour operator shall refund the amount of the contribution to such person.

7. (1) A tour operator shall, not later than the 15th day of each month, submit to the Minister a statement in the form and containing the information specified in the Schedule to these Regulations specifying the number of persons (if any) who, during the preceding month, entered into overseas travel contracts with the tour operator concerned.

(2) A statement submitted to the Minister pursuant to paragraph (1) of this Regulation shall be accompanied by a remittance by the tour operator concerned of the amount (if any) of the contribution due to the Fund pursuant to these Regulations.

8. Moneys due in respect of contributions to the Fund under these Regulations may be recovered by the Minister

from the tour operator concerned as a simple contract debt in any court of competent jurisdiction.

9. The Travellers' Protection Fund Regulations, 1983 (S.I. No. 103 of 1983), are hereby revoked.

SCHEDULE

TRAVELLERS' PROTECTION FUND REGULATIONS, 1984

Contributions by Tour Operator

1. *Specify name of tour operator:*
2. *Specify month to which this return relates:*
3. *Specify number of bookings taken:*
 - (a) contributory:
 - (b) exempt (i) persons under 2 years of age
 - (ii) invalids and accompanying medical or nursing staff travelling to recognised places of religious pilgrimage overseas
4. *Specify total amount of contributions enclosed*
5. *Give details of actual numbers carried during that month in the space provided below:*

Transport Company Involved	No. of Passengers Carried

I, the undersigned, declare that to the best of my knowledge and belief, the particulars herein given are true and complete.

Signature.....

Signatory's name (BLOCK LETTERS).....

On behalf of.....

Official Position.....

Date.....



GIVEN under my Official Seal, this
28th day of May, 1984.

JIM MITCHELL,
Minister for Communications.

The Minister for Finance hereby consents to the making
of the foregoing Regulations.

GIVEN under the Official Seal of the Minister
for Finance, this 28th day of May, 1984.

P. MOLLOY,

A person authorised to authenticate the seal of the said
Minister.

EXPLANATORY NOTE

*(This note is not part of the Instrument and does not pur-
port to be a legal interpretation.)*

These Regulations revoke and re-enact with modifications
the Travellers' Protection Fund Regulations, 1983. They pro-
vide for the payment of contributions by tour operators to
the Travellers' Protection Fund in respect of persons
entering into overseas travel contracts for which a tour oper-
ator's licence is required, except in the case of invalids and
accompanying medical or nursing staff travelling to recog-
nised places of religious pilgrimage overseas. The Regu-
lations also provide for refund of contributions or crediting
of contributions in certain circumstances.