

University Guidance Regarding Trip Organisation

The world is slowly starting to 'open up again', and educational trips are likely to start resuming both to and from the UK over the coming months. This guidance applies to all University departments, subsidiaries and associated entities (e.g. trusts or "Friends of..." organisations). If any University department, subsidiary or associated entity organised any trips that fall under the 2018 Package Travel and Linked Travel Arrangements Regulations (PTRs), the University would be considered a Tour Operator and would need to comply with various information provision, tax, insurance and insolvency protection obligations. Therefore, if you are arranging trips outlined below, and you are not sure whether or not this will create a package - and in order to avoid falling foul of the legislation - please check with and / or use the University Travel Service Providers – If you require day to day advice or guidance on travel arrangements you can reach your Key Travel dedicated team by calling 0161 819 9769 or Email cambridge@keytravel.com

What Is a Package?

The bottom line is that many educational trips can be constructed in such a way as to avoid becoming a package. However, it is important to know where the lines in the sand are to make sure you never cross them by accident. In simple terms, a package is formed under the Package Travel Regulations 2018 when two or more travel services are sold at the same point in time, such as:

- Carriage of passengers (flights, trains etc)
- Accommodation
- A 'tourist service' e.g excursion

Does it matter?

Absolutely, the risks and obligations when selling packages are considerably higher because:

- You are legally obliged to hold insolvency protection
- You have much higher obligations to customers in terms of refunds etc.
- You have various information requirements you are legally obliged to provide to customers in order to make the contract legally binding
- It is a criminal offence not to comply with some of the above requirements.

The 'typical' package that we are all familiar with would be 'flights and accommodation'. However, things get more complicated where one travel service (e.g. accommodation) is combined with something that may or may not be a 'tourist service'. So, to break them down:

Carriage

If you have included carriage such as flights or train tickets, you have already provided 'one travel service'. Provide one more and you have supplied a package holiday. Supplying a package therefore seems inevitable if you are supplying carriage and accommodation.

Accommodation

If you have included accommodation as part of the trip, you have most likely already ticked 'one travel service'. Only one life left before it becomes a package.

Excursions

If the excursion is exclusively for 'educational purposes', it is probably not a 'tourist service' at all. However, it will be a 'tourist service' if:

- It accounts for a significant proportion (25% or more) of the total value of the travel services, or
- It represents an essential feature of the trip, or
- It is advertised as an essential feature of the trip

- Abroad – interesting case law in case anyone is interested
(<https://www.39essex.com/package-travel-and-educational-institutions/>)

There are exemptions of course:

Exemptions

The 2018 PTRs do not apply to the following packages or Linked Travel Arrangements:

- a) Packages and Linked Travel Arrangements that last less than 24 hours unless there was overnight accommodation included.
- b) Packages and Linked Travel Arrangements that are organised occasionally and on a not for profit basis and for a limited group of travellers, such as a one-off trip for its members. Occasionally means no more than a few times a year. This would apply to the not for profit organisation itself and not to an organiser serving that group or market on a commercial basis.
- c) Packages and Linked Travel Arrangements purchased on the basis of a general agreement. This exemption applies where companies make bookings through framework contracts with business travel agencies.

The 2018 PTRs apply, throughout the UK, to the sale of packages and linked travel arrangements (Linked Travel Arrangements).

Linked Travel Arrangements

Linked Travel Arrangements are travel combinations that have looser commercial connections than that of a package. This is a type of arrangement where an organiser has facilitated the combination of travel services, but where the ties between the businesses concerned do not fully constitute a package that is sold or offered for sale.