

Volcanic Ash Travel Disruptions - A Guide to Claiming Back your Expenses

Introduction

This guide, whilst designed in the wake of the Volcanic Ash Travel Disruption of April 2010, applies to all disrupted flights within the European Union (EU). This guide will not apply if your flight was outside of the EU unless you were travelling with an EU airline.

Many **trade unions** offer 30 minutes of free legal advice for members and you should check your union's website to see if this service is available to you should you require any further advice.

What is the Law?

The law that surrounds this area falls under the Denied Boarding Regulations (Regulation (EC) 261/2004). This sets out the rules in relation to compensation and assistance in situations where individuals are facing long delays and/or cancellation of flights.

The regulations apply to anyone who is travelling to or from an EU airport who had a confirmed reservation on a flight which was disrupted. Individuals who booked a package holiday will have more protection under the regulations than those who booked flights separately.

What is A Package Holiday?

For a holiday to be classed as a package holiday it must;

1. contain any two of the following; transport (i.e. flights), accommodation or other tourist services (i.e. excursions) and
2. be prearranged and
3. at an inclusive price and
4. for longer than 24 hours/or at least contains an overnight stay

Leaving the UK During the Disruption

If you had booked a package holiday within the EU, and your flight could not be re-arranged until at least 12 hours later, you are entitled to be offered a refund by your tour operator. This is a refund of the full package price, not just the flight element.

The Regulations states that, when a flight is cancelled, you should have a choice between a refund or re-routing at the “earliest opportunity” or at a “later date at the passenger's convenience subject to availability”.

Returning to The UK During The Disruption

Individuals on package holidays should have been provided with replacement transport home by their tour operator.

The Regulations requires airlines, who are unable to rearrange this transport within 12 hours, to offer individuals;

- meals.
- refreshments.
- hotel accommodation.
- transport costs between the hotel and the airport.

There are no time or monetary limits on the provision of this assistance. If your airline has not provided this assistance, and you have had to arrange and pay for accommodation and food yourself, you can claim your costs back from the airline.

In order for your tour operator to process your claim quickly and efficiently you should write to the airline as soon as possible enclosing a copy of any receipts you may have for your accommodation and meal expenditure. Make sure you provide all the details the airline will need to process your claim, for example, your name, address, flight details etc.

I Did Not Book a Package Holiday – Am I Covered?

If you booked your flights and accommodations separately, you will still be able to claim compensation back for the flight under the above regulations. However, you may not be able to claim a refund for your accommodation costs. You should still try to claim for expenses from the airline or alternatively make a claim on your travel insurance policy. It will be down to your individual insurance policy whether or not you are covered for your losses.

Am I Entitled to Additional Compensation i.e. For Missing Days Off Work?

It is unlikely that you will be able to make a claim for additional compensation outside of what the regulations cover. Because the disruptions were caused by an ‘Act of God’ outside of anyone’s control, there is no negligence and therefore no liability on the airlines to compensate you for additional loss.

If you have been informed that your employer will be deducting an amount from your earnings as a result of you being unable to attend work as a result

of the disruptions you should contact your Union who will be able to advise you about this.

My Flight Is Not Covered By the Regulations – Can I Claim?

You may not be able to claim compensation for losses if your flight was outside of the EU or not provided by an EU air carrier however the Air Users Council have stated the an airline industry Recommended Practice on conditions of carriage provides for re-routing "within a reasonable period of time" and "without additional charge".

It is always worth reading through the airline's conditions of carriage to see if you are able to make a claim.

How Do I Make A Claim?

Step One

Put a complaint in writing to the holiday company, stating your name, address, reference number etc. Ensure that you provide as much information about the problem as possible. Quote your flight number, times and dates where you were effected and the names of anyone you spoke to from the airline. Enclose copies of any receipts you may have to show the loss you have suffered. Make sure you keep the originals as you may need them in the future.

You can also request a copy of the airline's internal complaints policy so you can see how and when your complaint should be dealt with.

Step Two

If you have completed the internal complaints procedure and are unsatisfied with the airline's response, you can take your complaint further to ABTA or the Air Users Council (contact details below).

Step Three

Ultimately if you are unhappy with the response you can take the airline to Court in order to recover your loss. You have a time limit of 6 years in order to bring a claim to Court.

If the amount you are claiming is under 5000 you will need to issue a claim in the Small Claims Court. You will not need to instruct a Solicitor but there will be costs involved.

Follow the link to read [Thompsons Solicitors' Small Claims Court Fact Sheet](#).

If your claim is for 5000.01 or more you will need to instruct a Solicitor to deal with your case.

Other sources of help and information:-

ABTA

Tel: 0901 201 5050

Website: <http://www.abta.com/home>

Airport Users Council

Tel: 020 7240 6061

Website: <http://www.auc.org.uk/>

Consumer Direct

Tel: 08454 040506 (Mon-Fri 8.00am-6.30pm; Sat 9.00am-1.00pm)

Website: www.consumerdirect.gov.uk

THIS FACT SHEET IS INTENDED AS A GENERAL STATEMENT OF THE PROCEDURE AND DOES NOT PURPORT TO RENDER SPECIFIC ADVICE, LEGAL OR OTHERWISE. SPECIFIC ADVICE ON A PARTICULAR PROBLEM SHOULD ALWAYS BE SOUGHT.

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