

## LAST MINUTE PUBLICATION OF THE PACKAGE TRAVEL REGULATIONS

*David Grant*

For those of you with long memories you may remember the Wilson government of the mid 60s where the Prime Minister had promised that Britain would be transformed by the 'white heat of technology' – a phrase designed to distinguish the Labour Party from the Luddites in the Conservative Party. But what was one of the most obvious products of this promise? – our inner city centres ripped out and replaced by concrete neo-brutal architecture that is only just being removed.

The analogy is not perfect but I was reminded of this when recently I came across a press release about a speech that the chief civil servant at BEIS (the Department for Business, Energy & Industrial Strategy) made to ICPEN (the International Consumer Protection Enforcement Network). It was about how BEIS was effectively state of the art when it came to protecting consumers in the digital age – we were keeping pace with the white heat of technology. It was very heartening to know this. It is a pity however that in their enthusiasm to protect consumers in this way BEIS took their eye off the ball in other aspects of their brief. I am of course talking about the implementation of the Package Travel Directive. It is truly shameful that only now, after the Directive has been in existence since 2015, that the implementing Regulations have only just been published with only three months to go before they become law – and with no real opportunity to comment upon them before they come into force on 1 July.

The Regulations are intended to regulate an industry which works with timelines of years rather than months so how are they supposed to adapt to the new legislation with only three months to go? It is conceivable that travel companies will not be able to adapt their systems to the new requirements until months after the date the Regulations come into force - leaving them open to legal action for failing to comply and their customers exposed by lack of consumer protection.

Hopefully the aftermath will not last as long as the desecration of our city centres but it does expose the neglect with which the Government treats the travel industry and its consumers.

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It is a sad fact that when you book a tour or excursion in many countries the tour almost inevitably involves a visit to a factory or a market or a craft workshop. This happened to me recently in Seoul. After an extremely interesting trip to the DMZ between North and South Korea, the Freedom Bridge and the station on the South Korean side of the border where you can buy a ticket to Pyongyang but there are no trains to take you there we were dropped off at an Amethyst emporium. I have no interest whatsoever in amethysts but my attention was drawn to how they were advertised:

“Benefits of Amethyst

Amethyst release of 97% of infrared rays and is able to cure headaches, blood pressure, insomnia and stress with the help of life friendly wavelength they possess.

It is also good for blood circulation. Whole over the world Amethyst is widely recognised scientifically to be able to cure diseases and also to be able to active the red blood cells merely by wearing it on the body. It constantly releases the bio wave of infrared rays and effective towards human health activities. Especially Korea Amethyst is distinguished as best in the world.”

I leave it to you to judge the veracity of this information but I would be surprised if the same kind of advertising would pass muster here in the UK. The Consumer Protection from Unfair Trading Regulations make it an offence to mislead a consumer about the benefits of a product – always assuming that the consumer had acted upon the advertising. Moreover the Consumer Protection (Amendment) Regulations 2014 make it possible for a consumer to claim damages for financial loss or the alarm, distress or physical inconvenience or discomfort caused by a breach of the Regulations. I suspect that such protection does not exist in South Korea.

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