

## **Covid: My hotel booking was cancelled but I can't get my money back**

If your hotel had to close because of Government regulations passed to cope with Covid then you are entitled to a refund if you paid in advance. This is because the contract is 'frustrated' meaning that the hotelkeeper is unable to perform their side of the contract because it is now illegal to do so. However under the Law Reform (Frustrated Contracts) Act 1943 the hotelkeeper may be entitled to retain an amount for expenses related to the booking but only if it would be 'just to do so'. Even so it would be a relatively small amount.

Should the hotelkeeper persist in not offering a refund you could always go to your credit card company and get a refund under s.75 of the Consumer Credit Act 1974 if what you paid was more than £100 and less than £30,000! Alternatively you could claim a 'charge back' from your debit card if you act quickly enough.

If you are offered a voucher instead of a refund you are not obliged to accept it, you can demand a refund. However if you are not desperate for the money you might want to negotiate a better deal for taking the voucher, say an upgrade to a premium room or a free breakfast. The risk here is that the hotel may go bust in the meantime in which case your voucher would be worthless. Even so you might be protected if you paid by credit card or you were covered by travel insurance.

The position would be different if the lockdown restrictions had been eased and the hotel reopened but you were reluctant to travel. In these circumstances the contract would not be frustrated because the hotel could perform its side of the contract. There would be no obligation on the hotelkeeper to offer either a refund or a voucher, although they might be prepared to do so as a goodwill measure. However the contract may have provided for guests to cancel under certain circumstances e.g. free cancellation up to 24 hours before check-in, in which case you may be able to take advantage of these rights and not have to pay.

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