

Double whammy for TUI – hit by the Denied Boarding Regulations and the Package Travel Regulations

The latest issue of *Travel Which?* recounts the case of a *Which?* member, Mr Jones, who booked a five star, seven night, TUI package holiday for four family members to Halkidiki in 2019 for a special occasion.



Unfortunately their outbound flight was delayed by 13 hours so TUI paid them compensation of €1600 under the Denied Boarding Regulations. However this did not satisfy Mr Jones who then sued TUI for compensation for loss of the first day of the holiday. A court awarded him a further £813 to cover loss of enjoyment and legal costs, this time under the Package Travel Regulations.

At first glance this seems to be compensating Mr Taylor twice over for the same problem: once for the delay itself and once for the loss of a day's holiday – also caused by the delay. However close scrutiny of the Package Travel Regulations reveals that compensation can be claimed under both Regulations but compensation under one must be set off against the other.

The relevant provision in the PTR provides:

16(9) Where a traveller is granted compensation or a price reduction under—

(a) these Regulations, and

(b) the Union passenger rights legislation [i.e. the Denied Boarding Regulations] or the international conventions,

the organiser must deduct the compensation or price reductions referred to in sub-paragraph (b) from the compensation or price reduction referred to in sub-paragraph (a) to avoid overcompensation

So there should have been no double compensation for Mr Taylor. The €1600 compensation for the delay should have been deducted from the loss of a day's holiday – leaving Mr Taylor and his family with £813 compensation.

This leaves us with the conclusion that either this was a *very* expensive holiday, or that the judge awarded a very large amount for loss of enjoyment on top of the difference in value or that the legal expenses were very high.

Although the case of [*Milner v Carnival*](#) decided that compensation for spoilt holidays should be relatively modest it did provide an exception for special occasions so perhaps Mr Taylor and his family benefited from this.

For information on your package travel rights click [here](#) for our FAQs