

FAILURE OF SUPERBREAK MINI-HOLIDAYS LTD – ATOL 10518

Date of Failure – 01/08/2019

Complete the claim form and send it to: **Protect Claims, New Century House, 17-21 New Century Road, Laindon, SS15 6AG**

Time Limits for making a Claim. Claims must be submitted by **31/07/2020**, we cannot consider or pay claims received after this date. We scan all claims, so please do not secure the pages together.

Below is a guide to help you fill in the form, incomplete or incorrect claims may be returned to you. PLEASE ENSURE YOU SIGN ALL THE RELEVANT PARTS OF THE CLAIM FORM.

Sections 1 to 4

1. Your contact details. We will use these details to contact you by letter, phone or email. By supplying your email address, you consent to us contacting you by e-mail. Please add us to your address book to ensure claim acknowledgement isn't mistaken for junkmail.
2. Please input the total number of consumers included in your booking.
3. Please put the name of Superbreak Mini-Holidays Ltd and the booking reference number (found on your ATOL Certificate and booking confirmation).
4. Please put the date you were due to depart.

Section 5. TYPE OF CLAIM YOU ARE MAKING

Select one of the below:

- Your claim is '**On trip at the time of the ATOL holder's failure**' if you were on your trip when Superbreak Mini-Holidays Ltd stopped trading.
- Your claim is '**Forward booking and claiming a full refund**' if your air inclusive package was due to depart after the date of failure and you **DID NOT** travel.
- Your claim is '**Forward booking but used an element of the original booking**' if you were in possession of scheduled or low cost airline tickets at the date of the failure, which remained valid, and which you used or will use **AFTER** the date of Superbreak Mini-Holidays Ltd's failure. We cannot consider claims for items/replacement items that were **NOT** part of your original ATOL protected booking with Superbreak Mini-Holidays Ltd.
- Your claim is '**Outstanding refund**' if you were owed a refund from Superbreak Mini-Holidays Ltd which you have not received.

Section 6. PROOF OF PAYMENT - You must not leave this section blank.

'On trip at the time of Superbreak Mini-Holidays Ltd's failure': list the payments made to the suppliers from which you purchased replacement elements due to the failure of Superbreak Mini-Holidays Ltd.

'Forward booking and claiming a full refund': list all the payments made to the Superbreak Mini-Holidays Ltd or travel agent you booked with.

'Forward booking but used an element of the original booking' list the payments made to the Superbreak Mini-Holidays Ltd or travel agent for your original booking **AND** the payments made to the suppliers from which you purchased replacement elements due to the failure of Superbreak Mini-Holidays Ltd. You can only claim up to the cost of the original ATOL protected booking, replacement elements must be 'like for like'.

'Outstanding refund': list the payments made to Superbreak Mini-Holidays Ltd or travel agent for your original booking.

The **total claim amount** is the amount you are claiming and is the maximum amount we will pay.

In the case of 'Forward booking' and 'Forward booking but used an element' claims, we must see all payments made in respect of your booking even if you are not claiming them from us e.g. insurance payments.

Section 7. REFUND DETAILS

We need to make sure we refund the person or people who are owed the money. We can either refund everyone who pays or we can refund another person or company of your choice.

If this section is left blank we will refund into the original accounts that made payment.

Travel Agent Assignments. ATOL holders or travel agents sometimes give consumers a replacement holiday in exchange for what they call an 'assignment'. This means we will refund the travel agent or ATOL holder instead of the original payers.

All original payers need to be in agreement and **must sign** this section stating the account details they wish the refund to go into.

By **payer** we mean the person(s) who paid, even if their name does not appear on the booking documents.

With some banks and building societies we cannot transfer money without the account holder's roll number. The account holder's bank statement will include this if it is needed for bank transfers.

If the payment is to be made to a non-UK account, we will also need the BIC/SWIFT code and IBAN number to make the payment. Your bank will be able to supply you with these details.

Section 8. CONSUMER ASSIGNMENT AND DECLARATION

This section of the claim form must be signed. The assignment and declaration section must be filled in by a travelling passenger named on the booking.

Section 9. FLIGHT-ONLY DECLARATION

Not applicable for this failure.

Section 10. AGENT'S DETAILS

If your booking was made through an agent of Superbreak Mini-Holidays Ltd, the agent should complete this section, and section 11 (if applicable).

Section 11. LOW-DEPOSIT AGREEMENTS

If your booking was made through an agent who offered a low deposit amount, the agent should complete this section (if applicable).

Section 12. DOCUMENTATION

DOCUMENTS; you must include the following documents for each claim type;

'On trip at the time of Superbreak Mini-Holidays Ltd's failure':

- ATOL Certificate
- package confirmation (for packages)
- e-mails confirming booking details and any changes
- any other documents/receipts issued to you e.g. cash receipts
- All receipts/documentation given to you from the suppliers from which you had to purchase replacement elements, not received due to the failure of Superbreak Mini-Holidays Ltd
- Evidence of payments (bank statements etc)

'Forward booking and claiming a full refund':

- ATOL Certificate
- package confirmation (for packages)
- e-mails confirming booking details and any changes
- any other documents issued to you e.g. receipts for payments
- Evidence of payment(s) for original booking (see below)

'Forward booking but used an element of the original booking' include the above items and:

- All receipts/documentation given to you from the suppliers from which you had to purchase replacement elements, not received due to the failure of Superbreak Mini-Holidays Ltd
- Evidence of payments for both original booking and replacement elements (bank statements etc)

'Outstanding refund':

- ATOL Certificate
- package confirmation (for packages)
- e-mails confirming booking details and any changes or cancellations
- any other documents issued to you e.g. receipts for payments
- Evidence of payment(s) for original booking (see below)
- Documentation showing the owed refund (cancellation invoice)
- Completed and signed Declaration of Outstanding Refund (section 14)

If the booking was amended in any way after the date of booking, you should provide any documentation or e-mails issued in respect of the amendments made.

If you are unable to provide us with any of these documents **you need to explain the reasons in the "Documentation to support the claim" Section 12.** Please provide any additional information to support your claim, including any additional bank or building society details or signatories Please note that the failure to provide all documentation or an explanation at the time the claim is made may result in a delay or non-payment of the claim.

PROOF OF PAYMENT;

If you paid by debit/credit or charge card:

- Include the original or clear copy of the card holders' bank statement showing the payment to Superbreak Mini-Holidays Ltd, travel agent or replacement element supplier. Online statements should show the card holders name.

If you paid by bank transfer:

- A letter from the bank confirming the transaction amount(s) in full & must show the both the paying and receiving account names, numbers and sort codes.

Bank/card statements must show the name of the account holder, along with the account number of who the payment went to.

If you paid by cheque,

- The original cleared cheque from the bank or building society; or
- A good photocopy of both sides of the cleared cheque; or
- A letter from your bank or building society confirming how much the cheque was for, who it was made payable to and the date it cleared.

If you paid by cash we require;

- Documentary evidence of the source of cash used for the payment, e.g. bank statement showing withdrawal
- Signed Statutory sworn declaration (section 13)
- Receipts stating cash as the method of payment.

Section 13. DECLARATION IN RESPECT OF CASH PAYMENTS

This section of the claim form **must** be signed. The declaration needs to be sworn and witnessed by a commissioner of oaths, officer of the court or solicitor who will then sign and stamp it.

We require this document to be completed for the following circumstances;

1. If you paid more than £1,000 in cash directly to Superbreak Mini-Holidays Ltd, or an agent of Superbreak Mini-Holidays Ltd.
2. Or if you were on a trip at the date of the failure and/or paid a replacement service supplier more than £500 in cash (e.g. hotel, coach, taxi etc).
3. Or if any receipts/documentation you have for cash payments do not state cash as the method of payment.

If you do not have a receipt for a payment made in cash, you will not be able to claim a refund for these amounts

IMPORTANT: If completed for reason 1 or 2, For money laundering purposes, we require documentary evidence of the source of cash used for the payment being withdrawn from your bank.

Section 14. DECLARATION OF OUTSTANDING REFUND

Complete this section if you had cancelled your trip but had not received a refund prior to Superbreak Mini-Holidays Ltd failure, the CAA will normally make a refund in accordance with Superbreak Mini-Holidays Ltd's published booking conditions or their terms and conditions.

Complete the declaration confirming the amount due and that you have not been refunded prior to the failure. Please note that this declaration must be signed by the original payor of the holiday payment and witnessed by a Solicitor, a Commissioner for Oaths or an Officer of a Court appointed by a judge to take Declarations. Please note there may be a charge payable for the declaration to be witnessed.

Once you have completed your claim form you may print it out and sign within the designated sections. The claim form guidance published for the failure will contain the address for you to send your claim.

CHECKLIST	
1. Name and address of the person completing the claim form	9. Blank
2. Number of consumers	10. Completed by your travel agent (for bookings made via an agent of Superbreak Mini-Holidays Ltd)
3. Superbreak Mini-Holidays Ltd's details & your booking reference	11. Completed by your travel agent (if applicable)
4. Scheduled date of departure	12. Documentation and additional information provided with this claim
5. Type of claim you are making	13. Declaration of Cash Payment (if applicable)
6. Details of payments made for original purchase and for replacement services	14. Declaration of Outstanding Refund (if applicable)
7. Bank details for refund and payers' signatures	Flight declaration, complete if you will not be using your flight element.
8. Signature of traveling passenger	



Consumer and Markets Group Air Travel Organisers Licensing ATOL Claim Form

This form can be completed before printing for signatures. Before completing the form please read the Guidance Notes.

1. CONTACT DETAILS OF PERSON COMPLETING THIS CLAIM FORM (this person must be named to travel on the ATOL protected booking)

Full name:

Address:

County: Postcode:

Telephone (day): Mobile:

Email address:

Privacy Notice

The UK CAA's Consumers and Markets Group collects and stores your name, address, email, telephone number, holiday booking details, and bank account details for the purpose of processing refund claims for customers of a failed ATOL company. **Why we process your personal information.** The processing of your personal data is necessary for the purposes of our, or our third parties', legitimate interests and does not affect your fundamental rights and freedoms as a data subject. **Who sees your personal information and why.** We need to share your claims data with our contracted claims agencies or suppliers based in the UK, for the purpose of processing refund claims after the failure of an ATOL company. Depending on the size of the failure, your claims data may also be shared with other CAA Staff. **How long we keep your personal information and why.** We retain your personal information for 7 years after the failure of the ATOL company. The data is held for compliance purposes. **Your individual rights.** You may submit an information enquiry or make a complaint about how we have processed your personal information by emailing FOI.requests@caa.co.uk. Please be aware that the CAA is subject to the Freedom of Information Act, which means we may need to release information you have supplied to us. However, we would never disclose your personal information without first obtaining your consent. You have further rights as a data subject, which can be found [here](#). Contact details of the CAA's Data Protection Officer can be found [here](#). You have a right to complain to the [ICO](#) about the CAA's processing of personal data. Access to our General privacy notice can be found [here](#). This privacy notice is subject to change.

2. NUMBER OF CONSUMERS How many people on your booking?

Number of consumers included in your booking:

3. FAILED ATOL HOLDER'S DETAILS

Name: ATOL Number.....

ATOL Certificate Number (Booking Reference):

4. DATE OF DEPARTURE

Departure date:

5. TYPE OF CLAIM YOU ARE MAKING Tick one of the following:

'On trip at the time of the ATOL holder's failure' You were on your trip at the time of the ATOL holder's failure. • In section 6 list all the payments for the replacement service(s) you purchased to complete your trip. You do not need to provide evidence of payment for your original booking.

'Forward booking and claiming a full refund' Your departure date is after the date of the ATOL holder's failure and you are claiming a refund. • In section 6 list all the payments for your original booking.

'Forward booking but used an element of the original booking' Your departure date is after the date of the ATOL holder's failure but you were able to use an element of your original booking (e.g. flight). • In section 6 list all the payments for your original booking and also for the replacement service(s) you purchased to complete your trip.

'Outstanding refund' You were owed a refund from the ATOL holder which you have not received. • In section 6 list payments made for your original booking. • Attach documentation from the ATOL holder which confirms a refund was due. • Complete the outstanding refund declaration (section 14).

6. PROOF OF PAYMENT Attach all receipt(s) and evidence of payment(s) for the items listed below;

Date paid	Service purchased	Paid by	Paid to	Method of payment	Amount
IMPORTANT NOTE: We cannot refund cancellation fees, amendment fees and administration fees. You should deduct these elements. In addition, we cannot refund insurance premiums and you should contact the company that issued the policy.				Minus insurance	
				Deductions (e.g. elements used)	
				Total claim amount	

7. REFUND DETAILS Where do you want the refund to be paid?

I authorise you (the Civil Aviation Authority), the Air Travel Trust or ABTA Limited to pay any refund due to:

Account holder's name:

Account holder's address:

County:..... Postcode:.....

Name of bank/building Society.....

Account number: Sort Code:

Swift Number:.....IBAN:.....Roll Number:.....

This section must be signed by the person/s that paid.

Signature:..... Print name: Date:.....

Signature:..... Print name: Date:.....

Signature:..... Print name: Date:.....

8. CONSUMER ASSIGNMENT AND DECLARATION

In consideration of the Trustees of the Air Travel Trust deciding to exercise their power to make me, or anyone else intending to make use of the ATOL protected booking, a payment in respect of the amounts claimed from the Air Travel Trust, to the extent not already assigned, I hereby assign to the Trustees of the Air Travel Trust any claim(s) however arising for damages, in debt, indemnity or otherwise which I or anyone else intending to make use of the ATOL protected booking has or may have arising from or relating to the failed ATOL holder. I agree that any such claim may be re-assigned to ABTA Limited as appropriate, if ABTA refunds to me all or part of the amounts that I have claimed on this ATOL Claim Form. I hereby declare that the information I have provided in connection with my claim is the truth and that neither I nor anyone else intending to make use of the ATOL protected booking has received or expects to receive any refund from the failed ATOL holder or any insurance company of the sums claimed above. I confirm that neither I nor anyone else intending to make use of the ATOL protected booking has insurance cover against tour operator/ATOL holder failure. Signature of consumer named in section 1 of this claim form:

Signed:..... Print Name:.....

Date:..... for and on behalf of all consumers intending to make use of the ATOL protected booking.

9. This section is intentionally blank

10. AGENT'S DETAILS If this booking was made through an agent for the failed ATOL holder, the agent should complete this section. (Complete a,b,c or d as applicable)

Agency Name: Contact name:
Address:
County: Postcode: Email:.....
Phone: ABTA number (if applicable):

I confirm that I received the payments listed by the consumer for the trip shown, and I enclose evidence of payment, a reconciliation that includes the name of each lead consumer, the failed ATOL holder's booking reference and amount paid, for each booking; and that I either;

Amount	Date

- a) paid the failed ATOL holder;
- b) paid the monies collected from the consumer, to the Air Travel Trust,
- c) paid the consumer's payment back to the consumer as instructed by the Air Travel Trust;
- d) am holding the consumer's payment awaiting the Air Travel Trust's instructions.

Signature:..... Print name:..... Date:.....

11. LOW-DEPOSIT AGREEMENTS If this booking was made through an agent for the failed ATOL holder, the agent should complete this section.

Total deposit due and paid under the failed ATOL holder's booking conditions:.....

Amount paid by the consumer to the agent:..... Amount paid by the agent to the failed ATOL holder on the consumers' behalf (pursuant to a low deposit agreement):.....

I enclose the low deposit agreement as signed by the consumer (please tick to confirm):

I hereby declare that the amount claimed above has not been paid to me by or on behalf of the consumer or by any other person. If the Civil Aviation Authority, the Air Travel Trust or ABTA Limited pays all or part of my claim, I guarantee that I will not claim the amount from the consumer or any other person. If any money is paid to me by or on behalf of the consumer or by any other person, I will repay the organisation that paid my claim.

Signed:..... Print name: Date:.....
on behalf of :

12. DOCUMENTATION TO SUPPORT THE CLAIM

Please attach all documents you received in relation to your booking including the ATOL confirmation and ATOL Certificate supplied, and any subsequent ATOL Certificates and documents issued to you at the time of your booking or at any time prior to your departure. Please attach all receipts received and bank/credit card statements, or equivalent evidence of your payment(s). If you cannot supply any of these documents, please explain the reasons;

Other information; This section can be used to explain for any further or additional information related to this claim.

13. DECLARATION OF CASH PAYMENT

This section should be filled in if any of the payments you listed in section 6 were made in cash and either:

- a) the cash payment was made directly to the failed ATOL holder, an agent of the ATOL holder and was for £1,000 or more;

and/or

- b) the cash payment was made whilst on a trip at the time of the ATOL holder's failure, or paid to another travel service supplier for replacement services and was for £500 or more; or
- c) the receipt/documentation provided does not confirm that cash was the payment method.

This section must be stamped, signed and witnessed by a solicitor, commissioner for oaths or an officer of a court appointed by a judge to take declarations.

I (your name):

Of (your address):

County: Postcode:

declare the following:

On (date): I paid: £in cash to **either**:

Name of failed ATOL holder or agent of the failed ATOL holder who accepted the cash and issued a receipt/documentation:

.....

Address:

County: Postcode:

The cash payment was part or full payment for a trip, including flights booked with (*name of failed ATOL holder*)

.....

Date of departure:

If more than one cash payment was made, please use a continuation sheet. **and/or**:

Name of travel service supplier who accepted the cash and issued a receipt/documentation:

.....Date of payment:

The cash payment was made by me as a consequence of the failure of (*name of failed ATOL holder*)

.....

If more than one cash payment was made, please use a continuation sheet.

I confirm that the information provided on this Declaration of Cash Payments for ATOL Certificate number..... is, to the best of my knowledge, truthful, accurate and complete. I am aware that the ATT will not usually make payment under the ATOL scheme where it, or the CAA as agent of the ATT, believes that I, or anyone else seeking to benefit from a payment under the ATOL scheme, has made a dishonest or misleading statement or omission.

I am now making this declaration to support my claim for a refund under the ATOL scheme.

Signature of person who paid:

Witnessed by a solicitor, commissioner for oaths or officer of a court appointed by a judge to take declarations.

Signature of solicitor, commissioner for oaths or officer of a court: Official Stamp

Court or solicitor's address:

County: Postcode:

Day: Month: Year:



14. DECLARATION OF OUTSTANDING REFUND

IMPORTANT NOTE: This Declaration must ONLY be completed by the original payer of the flight / flight inclusive package and MUST be signed and witnessed by a Solicitor, Commissioner for Oaths or an Officer of a Court appointed by a judge to take Declarations.

I (your name):

Of (your address):

County: Postcode:

do solemnly and sincerely declare as follows:

Following the cancellation of my flight/ flight inclusive package, due to depart on (date):

I was promised a refund of: £ from Name of failed ATOL holder:

Address:

County: Postcode:

On Date: Date of departure:

I confirm that I have not received a refund from the failed ATOL holder, one of its associated trading companies or its appointed agent. I have completed the required Claim Form and submitted the required documentation including any documentation in support of my application for repayment under the ATOL Scheme. I confirm that since I was advised my refund was due, no substitute or other cash receipts have been reissued to me in respect of my payment(s) for the holiday booked with:

Name of failed ATOL holder:

This Declaration is now made in support of my application for a refund under the ATOL Scheme and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declaration Act 1835. Declared at;

Court or solicitors name.....

Court or solicitor's address:

County: Postcode:

This Day: Month: Year:

Before me, Solicitor / Commissioner for Oaths / Officer of a Court appointed by a judge to take Declarations.

Signature of payee:.....

Signature of Solicitor, Commissioner for Oaths or Officer of a Court:

Official Stamp;

Consumer and Markets Group
ATOL Crisis Management

Flight Declaration

In making a claim for a refund of the monies I have paid to Superbreak Mini-Holidays Ltd in relation to my flight inclusive trip.

I hereby declare that I have not travelled or will not be travelling on the flights that I purchased through the above named firm as part of my flight inclusive booking and consent to the CAA cancelling the flight seat(s)/reservation.

Booking reference
Date
Name in block capitals
Signed

for and on behalf of all consumers intending to make use of the ATOL protected booking.