



This one day conference offers guidance to practitioners on how to advise clients on their rights and how to pursue claims cost effectively and is particularly topical when there is so much legal change - the introduction of Flight Plus, changes in safety and regulation standards and ever changing case law.

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Holiday and Travel Claims

Lost luggage, lost flights and lost enjoyment

2 December 2011, London

6 Hours CPD

Get on board with the latest changes

9.00 Registration and Coffee

9.30 Chairman's Welcome and Introduction

Stephen Mason, Travlaw LLP

9.45 Cancelled or Delayed Flights: What are the Passengers' Rights

- EU carriers
- Non-EU carriers
- Heads of damage - accommodation; refreshments; consequential losses; damages

Jack Harding, 1 Chancery Lane

10.30 Flight-Plus

- What is Flight-Plus?
- Will it really change the ATOL regime?
- How does it relate to "Packages"?
- When will it be effective?

Peter Stewart, Field Fisher Waterhouse

11.15 Coffee

11.30 Safety Standards - What is the Appropriate Standard in Overseas Accidents?

- The fabric of the building
- Swimming pools
- Safety systems
- Ski lessons
- What about road accidents, and hygiene problems?
- Obtaining evidence

Stephen Mason, Travlaw LLP

12.15 Liability for Excursions

- Excursion part of package: *ABTA v CAA*
- Excursion itself a package
- Tour operator acting as agent for undisclosed principal: *Moran v First Choice*
- Extending the terms of the package contract to cover excursion contract: *Moore v Hotelplan*
- Possibility of imposing duty of care on tour operator for excursion: *Parker v TUI*

- Suing the supplier of the excursion: jurisdiction, choice of law, enforcement

Katherine Deal, 3 Hare Court

12.45 Questions

1.00 Lunch

2.00 What is the Likely Level of Damages?

- Valuing the claim
- Loss of bargain
- Loss of enjoyment
- Compensation
- Special damages
- Out of pocket expenses
- Special limitations: the warsaw convention

Matthew Davies, Hill Dickinson

2.45 Jurisdiction and Proper Law

- Determining the appropriate jurisdiction
- European and non-European Defendants
- Claiming in tort and contract
- Applicable law - Rome I and II
- When does English law apply as the proper law
- Foreign limitation and quantification of loss

Philip Mead, Old Square Chambers

3.30 Tea

3.45 Recent Developments in Holiday Law

- New cases in the Court of Appeal
- New cases at first instance
- Cases of general application of particular interest to travel lawyers
- Topical tidbits from the news
- Update on statutory instruments (air and sea travel)
- Are there any discernible trends?
- Recent developments outside the courts - pending legislation, regulation

Matthew Chapman, 1 Chancery Lane

4.45 Chairman's Concluding Remarks and Questions

5.00 Conference Close

Holiday and Travel Claims

Everyone has their dinner party story of overbooked flights, food poisoning, or dreadful hotels. Despite the fact that losses can be substantial, the complexity of the legal issues and the obduracy of some travel organisations, means that many people fail to pursue their claims.

Chairman:

Stephen Mason is one of the top travel industry lawyers in the field of holiday law and is recognized as such in *Chambers*. He represents travel companies, and their insurers, facing civil or regulatory proceedings. He is co-author (with Professor David Grant of Leeds Metropolitan University) of *Holiday Law* (Sweet & Maxwell) and is also co-editor of the *Travel Law Quarterly*, and deputy chair of the Travel & Tourism Lawyers Association. He is a member of the Law Society's Civil Justice Committee.

Speakers:

Matthew Chapman is a barrister at 1 Chancery Lane. His specialist areas of practice comprise travel and holiday matters. He has wide experience of package holiday matters, claims under the international transport conventions, accidents overseas and commercial recovery proceedings against foreign suppliers. He is recommended in the *Legal 500* and in *Chambers*. He was Conciliator for the Passenger Shipping Association Conciliation Scheme 2005-10 and is the present Chairman of the Travel and Tourism Lawyers' Association.

Matthew Davies FRGS is a Solicitor Advocate, Partner in the Travel & Leisure Team of Hill Dickinson LLP and head of the firm's Outdoor Activity and Adventure Travel Team. He is identified by *Chambers* as a leader in his field and his team is recognised for their expertise in the expedition sector. Matthew is an experienced expeditioner having spent time in several deserts, jungles, Arctic Circle and mountainous environments. He was a member of the FRGS committee that produced BS8848 - the new British Standard for safety in overseas expeditions, visits and field trips. He also delivers training on expedition medical issues and Off Site Safety Management Training which includes preparation, risk assessments, crisis planning and response. He acts for travel and leisure companies including outdoor, adventure travel and expedition companies. He has lectured to numerous well known companies, outdoor activity providers, governing bodies, teachers and survival companies on issues as wide ranging as claims and legal liability to crisis response.

Katherine Deal specialises in all aspects of personal injury litigation. She has particular expertise dealing with claims arising out of overseas accidents, appearing for claimants, tour operators, hotels, airlines, cruise ships, travel agents and insurers at all levels from County Court to the Court of Justice of the European Union. She has a special interest in claims involving conflicts of laws and air accidents.

Jack Harding is a member of 1 Chancery Lane where he practises in all of *Chambers*' key areas of expertise. He is recommended as a leading junior in the field of travel law in *Chambers* and in the field of consumer and product liability law in *The Legal 500*. Described as an "extremely bright" junior, he "has a good idea of how the business works and understands travel disputes very well." He has authored a number of recent articles on the Denied Boarding Regulations EC Reg 261/2004.

Philip Mead is a member of Old Square Chambers. He is recommended in *Chambers* for his specialisation in relation to conflicts of laws and travel law. His personal injury practice has a particular focus on foreign accidents in respect of which he is a published author and editor, and acknowledged expert.

Peter Stewart is Head of Field Fisher Waterhouse's premier rated travel practice. Peter has for many years acted for travel companies of all shapes and sizes, their insurers and travel trade associations. Over recent years he has acted for ABTA and Travel Republic in their successful litigation against the CAA - litigation which to a very large extent has resulted in Flight-Plus.

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Holiday and Travel Claims 2 December 2011, London

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