STATUTORY RULES OF NORTHERN IRELAND

2021 No. 68

FINANCIAL ASSISTANCE

The Travel Agents (Coronavirus, Financial Assistance) Regulations (Northern Ireland) 2021

Made - - - -	*18th March 2021*
Coming into operation -	*19th March 2021*

The First Minister and deputy First Minister, acting jointly, made on 11th March 2021 a determination under section 1(1) of the Financial Assistance Act (Northern Ireland) 2009(**a**).

Accordingly, the Executive Office(**b**) makes the following Regulations in exercise of the powers conferred by sections 1(2), 3 and 4 of that Act.

Citation and commencement

1. These Regulations may be cited as the Travel Agents (Coronavirus, Financial Assistance) Regulations (Northern Ireland) 2021 and shall come into operation on 19th March 2021.

Financial Assistance Scheme

2. The Executive Office makes the Scheme set out in the Schedule.

Sealed with the Official Seal of the Executive Office on 18th March 2021

L.S.

Neill Jackson
A senior officer of the Executive Office

(**a**) 2009 c. 2 (N.I.)
(**b**) Formerly the Office of the First Minister and deputy First Minister; see section 1(1) of the Departments Act (Northern Ireland) 2016 (2016 c. 5 (N.I.))

SCHEDULE

Regulation 2

Travel Agents (Coronavirus) Financial Assistance Scheme 2021

Citation

1. This Scheme may be cited as the Travel Agents (Coronavirus) Financial Assistance Scheme 2021.

Interpretation

2.—(1) In this Scheme—

"application" means an application for a financial assistance payment made in accordance with paragraph 4 and "applicant" is to be construed accordingly;

"commercial premises" means premises in respect of which non-domestic rates are paid;

"coronavirus" means severe acute respiratory syndrome coronavirus 2(SARS-CoV-2);

"determination" means the determination of the First Minister and deputy First Minister, acting jointly, and made on 11th March 2021 that exceptional circumstances exist for travel agents as a consequence of the outbreak of Coronavirus, including financial hardship arising from the loss of business; that it is desirable to provide financial assistance to mitigate the effect of that outbreak on travel agents; and that such assistance ought to be provided in accordance with a Scheme made under section 1 of the Financial Assistance Act (Northern Ireland) 2009;

"eligible period" means the period from 5th March 2020 to 12th March 2021 (both dates inclusive);

"eligible person" means a person who satisfies the requirements of paragraph 5 (1) or (2);

"financial assistance payment" means a payment by TEO for the purpose set out in paragraph 3 and in accordance with paragraph 6;

"TEO" means the Executive Office;

"travel regulatory body" means the Association of British Travel Agents, the International Air Transport Association or the Travel Trust Association;

"travel agent" means a person who—

(a) is a member of a travel regulatory body or the holder of an Air Transport Organiser's Licence or has some other relevant qualification acceptable to TEO; or

(b) has a commercial agreement to deliver travel agent services with a company that is a member of a travel regulatory body or the holder of an Air Transport Organiser's Licence or has some other relevant qualification acceptable to TEO.

(2) A reference in this Scheme to anything done in writing or produced in written form includes a reference to an electronic communication which has been recorded and is consequently capable of being reproduced.

Purpose of financial assistance

3. The purpose of financial assistance is the mitigation of the effect of the exceptional circumstances referred to in the determination.

Application for financial assistance

4.—(1) TEO shall publish a notice inviting applications in such manner as will ensure that it is reasonably likely to be seen by eligible persons.

(2) A notice published under sub-paragraph (1) shall specify—

(a) the closing date for making an application;

(b) the information which an applicant is required to provide in support of the application; and

(c) the form of any application.

(3) An application may be made in accordance with the requirements of the notice published under sub-paragraph (1).

(4) On receipt of an application, TEO may request such additional information from the applicant as it considers necessary to establish whether the applicant is an eligible person or to facilitate consideration of that application.

(5) Applications must be received by the closing date specified in a notice published under sub-paragraph (1), but TEO may accept an application after that date in exceptional circumstances, as determined by TEO.

Eligible persons

5.—(1) A person is eligible for a payment under paragraph 6(2) if the person—

(a) is operating from commercial premises in Northern Ireland as a travel agent;

(b) has been so operating during the whole eligible period;

(c) intends to continue so operating; and

(d) has suffered financial hardship as a travel agent as a result of the outbreak of coronavirus.

(2) A person is eligible for a payment under paragraph 6(4) if the person—

(a) is operating from home in Northern Ireland as a self-employed travel agent;

(b) has been so operating during the whole eligible period;

(c) intends to continue so operating; and

(d) has suffered financial hardship as a travel agent as a result of the outbreak of coronavirus.

Provision of financial assistance

6.—(1) TEO may, in accordance with the following provisions, make a financial assistance payment to any eligible person.

(2) For each person eligible under paragraph 5(1), the amount of £10,000 shall be payable in respect of each commercial premises in Northern Ireland from which the person operates, subject to sub-paragraph (3).

(3) Only one payment under sub-paragraph (2) is payable in respect of any premises.

(4) For each person eligible under paragraph 5(2) a single amount of £3,500 shall be payable.

(5) A person is not entitled to be paid under both sub-paragraph (2) and sub-paragraph (3).

(6) Financial assistance payments shall be on such other terms and conditions as TEO may specify.

(7) TEO shall notify the applicant of its decision in relation to any application as soon as is reasonably practicable and—

(a) if an application is approved, the amount of the financial assistance payment to be made; or

(b) if an application is rejected, the reasons for the rejection.

(8) If TEO is satisfied that an applicant meets the requirements of paragraph 5, it shall as soon as practicable make payment in accordance with this paragraph.

Information

7. In addition to any information provided under paragraph 4, TEO may request information from another public body for use in determining whether a person is eligible under paragraph 5 for financial assistance under this Scheme.

Recovery

8. A financial assistance payment made in accordance with paragraph 6, and which is subsequently found to have been paid contrary to that paragraph, is recoverable by TEO from any person to whom such a payment was made.

EXPLANATORY NOTE

(This note is not part of the Regulations)

The First Minister and deputy First Minister, acting jointly, have made a determination that exceptional circumstances exist for travel agents, including financial hardship arising from the loss of business, as a consequence of the outbreak of coronavirus.

Accordingly, these Regulations provide for the setting up of a Scheme under which the Executive Office ('TEO') may make financial assistance payments to eligible travel agents who have suffered because of the exceptional circumstances identified.

The Schedule to these Regulations sets out the details of the Travel Agents (Coronavirus) Financial Assistance Scheme 2021. The Scheme—

(a) defines some key terms including 'travel agent' and 'eligible period' (paragraph 2);

(b) states the purpose of the Scheme (paragraph 3);

(c) specifies the manner in which applications are to be made (paragraph 4);

(d) specifies the eligibility criteria for travel agents, whether operating in commercial premises or from home (paragraph 5);

(e) specifies the nature of the financial assistance – a payment of £10,000 for travel agents operating in commercial premises and £3,500 for those operating from home (paragraph 6(1) to (6));

(f) requires TEO to inform applicants of its decision and to make payments to eligible persons (paragraph 6(7) and (8));

(g) enables TEO to obtain information about applicants from other public bodies (paragraph 7);

(h) provides for the recovery by TEO of any amounts paid in excess of entitlement under the Scheme (paragraph 8).

An Explanatory Memorandum has been produced and is available alongside these Regulations at http://www.legislation.gov.uk.

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