A big part of being a Harley-Davidson owner is the chance to go on organised trips and holidays with like-minded enthusiasts. When the event organiser for Invicta Chapter UK, the Harley Owners Group (HOG®) in Maidstone, became concerned that his club might be subject to the Package Travel Regulations, he asked Kent Trading Standards Business Advice Services team to clarify the situation.

I most sincerely thank Kent County Council Trading Standards for their time in investigating this rather ambiguous ruling into the terminology of package holidays. You have given me the confidence to carry on in the way we have for 25 years in arranging these trips away with our club.”

Andy Hill, event organiser, Invicta Chapter UK

For the past quarter of a century, Invicta Chapter UK has arranged regular and one-off events for its members, including trips that range from daily rides to tours of Europe and America. But when event organiser Andy Hill heard that a general query from the national organisation of Harley owners had garnered an ambiguous response from a solicitor, he wanted to double-check that he and his club were doing the right thing.

The national organisation’s query sought advice about the Package Travel Regulations. The solicitor’s response suggested that “it is all in the interpretation of question 2 in the DTI information.”
Defining a package travel organiser

Question 2 referred to by the solicitor asks whether the Package Travel Regulations apply when someone organises a holiday for members of a social club. The answer attempts to distinguish between a package whose costs are shared between members of a club, and a package that’s offered for sale.

Depending on how that answer was interpreted, Invicta Chapter UK was concerned it could be regarded as a package travel organiser, and therefore be subject to the regulations.

Among other things, the regulations require written contracts to be issued, and indicate that compensation may have to be paid by the organiser if something goes wrong. In addition, pre-payments must be protected, which is often done using a trust account. Because money can’t be withdrawn from these accounts until the trip has finished, it can cause cash flow issues for small-scale organisers.

Andy was clear that the trips he organises are neither advertised outside the club, nor actively sold to club members. But to put his mind at rest, he asked Kent County Council Trading Standards to clarify the situation. Was Invicta Chapter UK a package travel organiser, or not?

Maintaining the status quo

Although the guidance provided to the national group was correct in that case, there’s rarely a ‘one size fits all’ response when it comes to interpreting laws and regulations. Kent Trading Standards looked closely at what Invicta Chapter UK was doing, then went through the legislation and guidance step by step, so that it could give Andy a response that related to his club’s exact operating model.

Trading Standards’ conclusion, provided in writing, was that the Package Travel Regulations didn’t apply to Invicta Chapter UK because of how the tours are organised, the way payments are taken, and the fact that it isn’t run as a business.

This was a huge relief to Andy and the rest of the club, as the responsibilities for package travel organisers are quite onerous, and could have meant the club’s model was no longer viable — potentially putting an end to Invicta Chapter UK’s ability to organise rides and tours.

“I most sincerely thank Kent County Council Trading Standards for their time in investigating this rather ambiguous ruling into the terminology of package holidays,” says Andy. “You have given me the confidence to carry on in the way we have for 25 years in arranging these trips away with our club Invicta HOG®. It has also made me ponder and make sure that any member of our club that comes away with us has adequate insurance cover for any incident that may occur and they all have their European Health Insurance Card. You were most helpful to me and put my mind at rest over our club’s travel arrangements.”