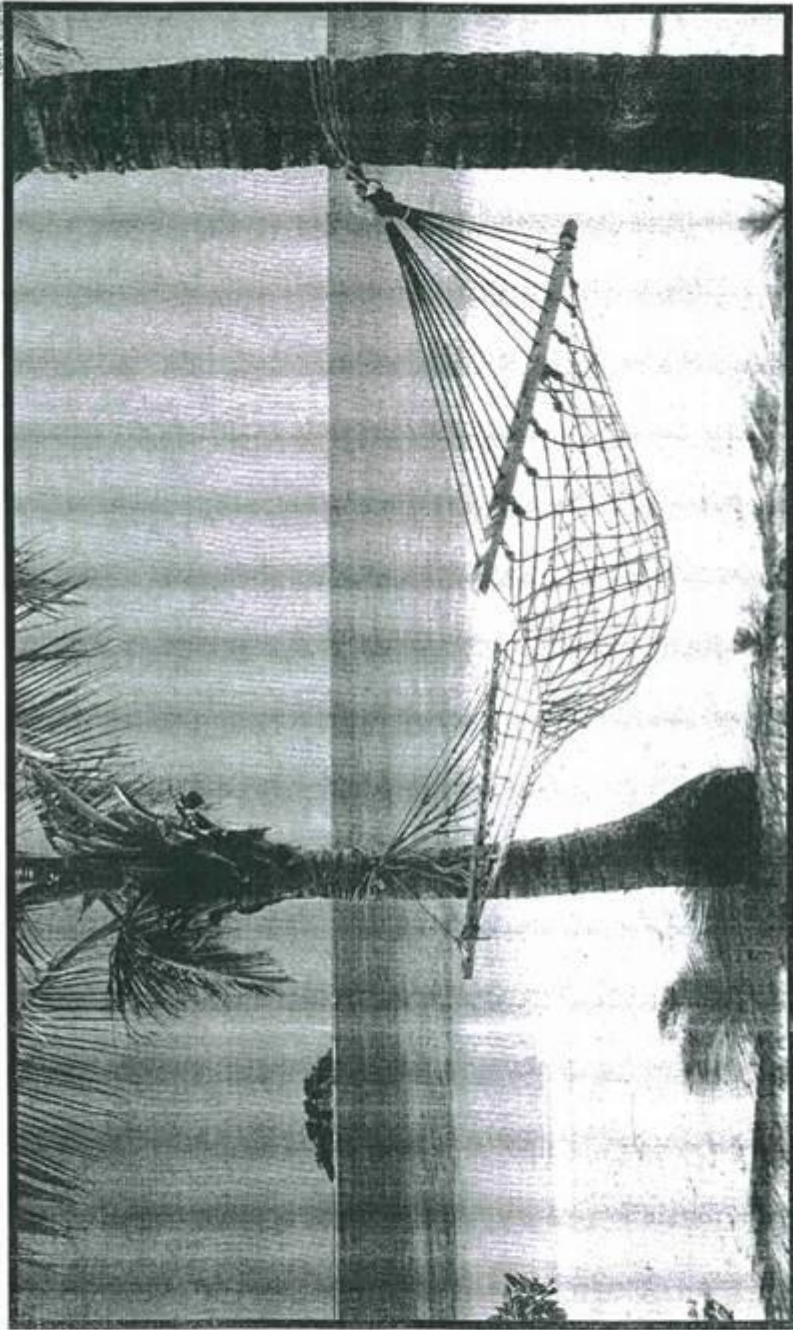


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Holidays: risks of the trade

British tour operators must be regulated, says **Stephanie Trotter**



TONY STONE

A beach resort may look like the answer to your wish for a relaxing holiday. But has your tour operator discovered any potential pitfalls?

This is the time of year when we dream of holidays in the sun. But the last week has cast a brutal shadow on the notion of white sand, tropical seas and palm trees. Should holiday-makers take responsibility for choosing dangerous destinations? Does the fact that British tour operators organise holidays imply that they are safe? In the case of Yemen, was it enough that a warning had been issued of a high risk of kidnapping (although until then nobody had been killed)?

If we leave aside the tricky question of a possible cause of action against the Yemeni Government for alleged failure to pass on a message that British nationals were to be targeted, could the Foreign Office be sued if it acted negligently? The Crown Proceedings Act 1947, Section 2, allows actions to be brought in tort, but there is no apparent evidence of negligence.

New Johnson of the Foreign Office says: "The Foreign Office issues advice. We cannot actually stop people from travelling, but we will word it as strongly as possible. In Cherdonya, for example, we say, 'Don't go in any circumstances'. With Florida, we state that British tourists have been targeted for muggings there, but it is the only American state where we give advice.

"We never get involved with insurance. The prime information we use comes from our posts overseas. They advise us about how and when advice should be changed, and then we look at it in the broader perspective."

Package tours give the traveller a sense of security; the feeling that everything has been checked out, plus

which increases the risk of illness. The Package Travel Regulations 1992 enable holidaymakers to sue the tour operator for breach of the holiday contract, leaving the tour operator to recover against suppliers abroad —

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Agents, excludes personal injuries. The Package Travel Regulations 1992 enable holidaymakers to sue the tour operator for breach of the holiday contract, leaving the tour operator to recover against suppliers abroad —

such as hoteliers. The combination of these regulations, which came into force six years ago, conditional fees ("no win, no fee") and the proliferation of video cameras, possibly explain the recent increase in litigation.

Brenda Wall of Holiday Travel Watch claims that about £60 million in compensation was paid out last year and that many more claims

are being processed or initiated. Will the holiday industry survive this level of attrition? Will lawyers continue to profit from these sad cases?

The easiest remedy is to stop obvious dangers. For example, tour companies could select safer hotels, by cutting out accommodation with locked or blocked fire exits.

If rigorous selection can reduce risk, an independent holiday safety body should be set up to monitor holidays. Such a body could also advise consumers, recommend experts, operate a constant emergency helpline, investigate complaints and ensure that tour operators abide by a code of conduct. Funding could be from a modest levy.

This body could also press for safety measures. European directives, for example, on fire regulations and proper enforcement, and liable

with the Foreign Office. The Advertising Standards Authority ensures that advertisements are legal, decent, honest and truthful. Funded by a voluntary levy on industry, it works by publicising the trade's misdemeanours — a penalty that could also work in the media-sensitive travel trade.

If the co-operation needed to raise holiday safety standards failed, then mandatory licensing and the setting-up of an "Ofcom" with a regulator for holiday safety, could be imposed by statute.

But this should not be necessary. There should be an independent, funded body to make sure that unpleasant, sometimes life-threatening, holidays are stopped at source wherever possible. Responsible tour operators should be crying out for it.

● The author is barrister and president of CO-Gest Safety, a subsidiary of Consumer Safety International.