

DECISION 2018- 03 - 19
TRAVEL AGENCY COMMISSIONER – AREA 3

Jo Foged
685 Remuera Road
Remuera, Auckland 1050
New Zealand

Applicant:

Blue Ocean Travels (Pvt) Ltd. (“the Agent”)
IATA Code 07- 3 0226
Colombo, Sri Lanka

Respondent:

Agency Administrator, International Air Transport Association (“IATA”)
Singapore.

The Case and Decision:

The Agent had been declared in default due to an accumulation of irregularities. The second Notice (NoI) resulted from an overdue remittance due on 2 March 2018 for which payment was received on 7 March 2018.

In its summary of events IATA advised that the Agent had submitted two Bank letters neither of which met the "*bona fide* bank error " terms detailed in Attachment “A” to Resolution 818g. The Agent had also submitted a letter to IATA advising that the reason for the overdue remittance was that the Agent's employee charged with making the payment had met with an accident on the way to the bank and IATA had advised the Agent to appeal to this Office with a request that the NoI be withdrawn.

As at 13 March 2018 IATA stated that LKR 104,168 (USD 667.25) of BSP sales was owed together with an IATA invoice for USD 130.17. A completed Agency Status Form was also to be submitted.

On 16 March 2018 the Agent advised that it had made arrangements to settle the BSP amount and the IATA invoice. The Agency Status Form had also been completed and dispatched to IATA.

In considering this matter I have been influenced by IATA's suggestion to the Agent to seek a TAC review which supports the Agent's statement that had its employee not met with an accident the BSP settlement would have been made on the due date.

The Parties have met the terms of Resolution 820e and were placed on notice that in the writer's judgement an oral hearing was not necessary and that this decision would be based on the written information submitted.

Based on the foregoing therefore, it is hereby decided as follows:

1. The second Notice of Irregularity is to be expunged and subject to paying any further IATA fees and charges the Agent's ticketing authority is to be reinstated.

This Decision is effective as of today.

Decided this 19th day of March 2018 in Auckland.

Jorgen Foged
Travel Agency Commissioner Area 3

The following sub paragraph of Resolution 820e is brought to the attention of the Parties:

"2.10 - within 15 days after the receipt of the decision, a party, with notice to the other parties, may request that the Commissioner gives an interpretation of the decision or correct in the decision any error in computation, any clerical or typographical error, or any error or omission of a similar nature. If the Commissioner considers that the request is justified, he shall make the interpretation or correction within 15 days of receipt of the request. The interpretation or correction shall form part of the decision."

In this particular case the 15-day time frame expires on 3 April 2018.

If after having pursued this process a Party still considers itself aggrieved by this Decision the Party has the right to seek review by arbitration as detailed in Resolution 824, Section 14.

Finally, I seek your authority for this Decision to be posted on the private pages of the Travel Agency Commissioner website which can only be accessed by the 3 TACs and the 12 members of the Passenger Agency Programme Global Joint Council. In the absence of advice to the contrary by 4 April 2018 I will assume that there is no objection to that action being taken.