

Holiday Sickness Claims Update

On Monday 16th April 2018, the Government published the long anticipated Pre-Action Protocol for Resolution of Package Travel Claims, having the previous week confirmed that such claims will be subject to fixed recoverable costs.

The key features that have been announced are:

- The Protocol will apply to all package holiday gastric illness claims (“any gastrointestinal illness arising from a breach of statutory duty or common law duty in respect of services, food and beverages provided in relation to a package holiday”);
- The changes will come into effect on 7th May 2018 and will apply to any claims notified after that date (irrespective of when the holiday or illness took place);
- It will apply to claims up to £25,000 in value;
- Costs will be fixed on the same scale as public liability claims, which can be found in Table D of CPR 45.29E;
- Claims will not need to be notified via the Claims Portal Co;
- The requirements of the letter of claim are set out in the Protocol;
- The Defendant must acknowledge the letter of claim within 42 days and will have a further 6 months to investigate and respond;
- As with previous Protocols, it contains sections addressing disclosure, negotiations, ADR and expert evidence;
- Expert evidence is expected to be provided by a GP where symptoms last less than 28 days.

[Richard Paige](#) leads our Travel Fraud team. Richard has a successful practice in personal injury and clinical negligence and now specialises in civil insurance fraud.

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