

L.N. 46 of 2021

**MALTA TRAVEL AND TOURISM SERVICES ACT
(CAP. 409)**

Licensed Accommodation Regulations, 2021

IN EXERCISE of the powers conferred by article 47 of the Travel and Tourism Services Act, the Minister for Tourism and Consumer Protection has made the following regulations:

Citation and
commencement.

1. (1) The title of these regulations is the Licensed Accommodation Regulations, 2021.

(2) These regulations shall come into force on the 9th February, 2021 and shall continue to remain in force until the 28th February, 2021.

Interpretation.

2. (1) In these regulations, unless the context otherwise requires:

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"Act" means the Malta Travel and Tourism Services Act;

"holiday premises" shall have the same meaning as given to "holiday premises" under the Act;

S.L. 409.08.

"tourism accommodation establishments" shall have the same meaning as assigned to "tourism accommodation establishments" under regulation 2 of the Tourism Operations (General) Regulation.

(2) Words and expressions used in these regulations and which are also used in the Act, shall have, unless the context otherwise requires, the same meaning as in the Act.

Conditions of
licence.

3. The number of persons occupying a tourism accommodation establishment duly licensed by the Authority or a room or an accommodation unit within a tourism accommodation establishment duly licensed by the Authority shall not exceed the number of licensed beds as indicated in the licence issued by the Authority:

Provided that where a licence of a holiday premises issued by the Authority does not specify the number of beds, no more than ten persons shall occupy the licenced holiday premises:

Provided further that where a licence of a tourism accommodation establishment, not being a holiday premises, does not

specify the number of beds per room or accommodation unit, then no more than two persons shall occupy such room or accommodation unit within the tourism accommodation establishment.

4. (1) Any person who is found to be:

Offences and penalties.

(a) occupying a tourism accommodation establishment not licensed by the Authority or a room or accommodation unit within a tourism accommodation establishment not licensed by the Authority; or

(b) occupying a tourism accommodation establishment licensed by the Authority or a room or accommodation unit within a tourism accommodation establishment licensed by the Authority, where in such tourism accommodation establishment or room or accommodation unit within a tourism accommodation establishment more persons than the maximum number of persons allowed, as referred to in regulation 3, are found occupying the same,

shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) of one hundred euro (€100).

(2) Any licensees and, or operators found to be:

(a) providing a holiday premises to more persons than the maximum persons allowed according to regulation 3 shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) of two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37); or

(b) providing a room or accommodation unit within a tourism accommodation establishment, not being a holiday premises, to more persons than the maximum allowed according to regulation 3 shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) of two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37) for each room or accommodation unit found to be occupying more persons than the maximum number of persons allowed according to regulation 3:

Provided that and for the avoidance of any doubt, any other applicable fines stipulated in the Act and any regulations made thereunder, in particular but not limited to article 43(1)(b) of the Act, shall not apply in the case of the offences provided for under this sub-regulation and it is only the fines indicated in this sub-regulation that shall apply.

(3) In any such instances contemplated in this regulation, the Authority may relocate all such persons found occupying the tourism accommodation establishment or a room or accommodation unit within the tourism accommodation establishment, irrespective as to whether the tourism accommodation establishment is licenced or not, in an alternative premises or to their ordinary residence.

(4) Any such relocation of persons shall be at the expenses of:

(a) the persons referred to in sub-regulation (1); and

(b) (i) in the case that more persons than the maximum allowed were found occupying a licensed tourism accommodation establishment or a room or accommodation unit within a licensed tourism accommodation, the licensee and the operator; or

(ii) in the case that persons were found occupying an unlicensed tourism accommodation establishment, the owner of and the person providing the tourism accommodation establishment or a room or accommodation unit within the tourism accommodation.

(5) The expenses incurred by the Authority in the relocation of persons under these regulations shall be recoverable as a civil debt by the Authority from any or all such persons referred to in sub-regulation (4), who such persons referred to in sub-regulation (4) shall be deemed as jointly and severally liable between them towards the Authority for such civil debt.
