

SUBSIDIARY LEGISLATION 409.04**TOURISM ACCOMMODATION ESTABLISHMENTS
REGULATIONS***

16th October, 2012

LEGAL NOTICE 351 of 2012 as amended by Legal Notice 407 of 2014.

1. The title of these regulations is the Tourism Accommodation Establishments Regulations. Citation.

2. (1) In these regulations, unless the context otherwise requires: Interpretation.
Amended by:
L.N. 407 of 2014.

"accommodation units" means guest bedrooms, suites or self-catering units;

"the Act" means the Malta Travel and Tourism Services Act; Cap. 409.

"agro-tourism", in the context of a special label, means premises of accommodation for tourists being an integral part of an operational farm or agricultural operation in a rural area, providing opportunities for participation in an operational farm or other agricultural operations forming part of the same farm or agricultural operation;

"bed and breakfast", in the context of a special label, means a one, two, three or four star hotel which is exempted from providing a restaurant and restaurant service, but is still required to provide a bar, a breakfast room and breakfast service and which is also exempted from providing a swimming pool;

"bunk beds" means a system of two beds placed over each other;

"Eco Certification" means the certificate issued by the Authority confirming that the hotel conforms to the requirements of the Eco Certification Scheme as established by the Authority;

"farmhouse", in the context of a special label, means any premises, used for the accommodation of tourists, being a self-contained unit with facilities for sleeping, cooking and dining, constructed and finished to represent a typical Maltese farmhouse, generally with rustic furnishings and located in a village or rural environment;

"guest house" has the same meaning as "guest house" in the Act, but in more specific terms, it means any building or part of a building having an independent entrance, provides accommodation in not more than thirty bedrooms but not in shared room accommodation, offers breakfast and limited reception services to the public, in accordance with the standards established in the Fifth Schedule;

"heritage", in the context of a special label, means a building having a heritage or historical significance, as certified by a competent person or entity;

*These regulations have been repealed by Legal Notice 92 of 2026.

"hostel" has the same meaning as in the Act, but in more specific terms, it means any building or part of a building, having an independent entrance, providing private or shared room accommodation and amenities of a basic standard to the public and offering breakfast in a breakfast room and limited reception service in accordance with the standards established in the Sixth Schedule;

"hotel" has the same meaning as in the Act, but in more specific terms, it means a building or part of a building or group of connected buildings, sited within a single and defined parcel of land, where ancillary services and amenities are provided to the public in accordance with the standards established by the First, Second and Third Schedules. Accommodation may consist of guest bedrooms, suites, self catering units or a mix of such units;

Cap. 552.

"the Planning Authority" means the Planning Authority established under the Development Planning Act and includes any body or other person acting on its behalf under powers delegated by the Planning Authority under the said Act;

"quality standards" means the standards established by the Authority in order to assess the quality aspects of the tangible elements of hotel and tourist village operations - guest bedrooms, guest bathrooms, exterior of hotel and all public areas;

"rural", in the context of a special label, means a rural locality as determined by the Authority;

"self-catering unit" means an accommodation unit within a tourism accommodation establishment for use by guests which, in addition to the facilities and furnishings of a hotel room, provides also kitchen, living and dining facilities in accordance with the standards indicated in the Second Schedule;

"special label" means the particular label assigned by the Authority to a hotel, tourist village, guesthouse or farmhouse, which label is granted by the Authority to further distinguish between the different types of accommodation according to their main use or character;

"tourism accommodation establishments" means hotels, tourist villages, guest houses, hostels, and any other tourism accommodation establishment as the Authority may from time to time determine;

"Tourism Compliance Certificate" means the preliminary compliance certificate issued by the Authority with regard to applications for new tourism establishments, extensions, modifications or redevelopments or for reclassification of existing tourism establishments under regulation 5;

"Tourism Design Guidelines Certificate" means the certificate issued by the Authority approving plans of a tourism accommodation establishment following applicant's consultation with the Planning Authority and prior to the issue of the Development Permit by the Planning Authority;

"tourist village" means any building howsoever described, which does not exceed the maximum height of three storeys, which is detached from any other building and is situated within an

extensive and defined parcel of land in which accommodation, ancillary services and amenities are provided by a common management, whereby the accommodation units consist in guest bedrooms or suites or self-catering units or a combination of the same, and in which sport and, or recreational activities are offered and other outdoor facilities are provided.

(2) Words and expressions used in these regulations and which are also used in the Act have the same meaning as in the Act.

3. These regulations shall apply to hotels, tourist villages, guest houses, hostels, and other tourism accommodation establishments howsoever described. Applicability.

4. (1) The Minister may from time to time, following consultation with the Authority, issue tourism policy guidelines, which shall, however, not be imposed retrospectively. Policy guidelines.

(2) The Authority shall, in order to clarify or to explain such policies or regulations, issue explanatory notes in order to guide the industry on the implementation of these policies and regulations.

(3) Licensees shall ensure that their tourism accommodation establishments conform with the provisions of these regulations and to any policy guidelines that may be established from time to time.

5. (1) Where the applicant submits to the Authority - Tourism Compliance Certificate.
- (a) applications for new tourism accommodation establishments, or
 - (b) extensions, modifications or redevelopments of existing tourism establishments, or
 - (c) re-classification of existing establishments,

the Authority shall issue a Tourism Compliance Certificate to the applicant, provided that:

- (i) such development or re-classification conforms with the established tourism policy guidelines and regulations at the time; and
- (ii) the applicant submits to the Authority the requested documentation and information indicated in the appropriate application.

(2) The granting of a Tourism Compliance Certificate referred to in sub-regulation (1) shall not exonerate the applicant from obtaining a licence under regulation 6(1) and from any licence, permit or authorisation which may be required under any other law.

(3) When the plans, which are approved by the Authority according to the Tourism Compliance Certificate, are amended following the applicant's consultation with the Planning Authority, the applicant shall re-submit to the Authority such plans prior to the final decision on the application being taken by the Planning Authority. The Authority shall issue a Tourism Design Guidelines Certificate after ensuring that these plans still conform to current

tourism policy and design guidelines and with the structural specifications of its regulations. The Authority shall only issue the licence once it is satisfied that the building is compliant to the Planning Authority permit.

(4) The Tourism Compliance Certificate and the Tourism Design Guidelines Certificate shall have a validity period of three years from date of issue.

Application for and
issue of a licence.

6. (1) No person shall operate or allow the operation of a tourism accommodation establishment unless such person shall have previously applied for and obtained a valid licence issued by the Authority for this purpose in conformity with the Act, these regulations and any other regulations which may be in force from time to time.

(2) A licence for the operation of a hotel or tourist village shall include the operation of catering establishments forming part of the same premises:

Provided that the guests being accommodated within the accommodation establishment have access to these catering establishments and the catering establishments forming part of the hotel or tourist village are in compliance with the standard criteria specified under the First, Second and Third Schedules:

Provided further that the sale of wine and spirits within a tourism accommodation establishment would require a licence separate from the necessary licence required to operate a tourism accommodation operation to operate a hotel, or tourist village or catering establishment.

(3) (a) Licensees of hotels or tourist villages who require that catering establishment, forming part of their accommodation establishment, be included in the hotel's or tourist village's licence, in terms of sub-regulation (2), shall apply to the Authority for this purpose:

Provided that this shall apply only to catering establishments other than those that are to be provided on a mandatory basis in accordance with the First Schedule.

(b) Full details, including the name and location of the catering establishments required to be exempt from having a separate licence from that of the hotel or tourist village, are to be supplied to the Authority.

(4) The Authority shall consider such requests made in accordance with sub-regulation (3) and, provided it is satisfied that the catering establishment has the required permits for such use, and that it is in compliance with these regulations, it shall approve such request, and include the details of the catering establishment in the licence of the hotel, or tourist village, and inform the licensee accordingly.

- (5) (a) Any person whose application for a hotel licence has been filed with the Authority after the coming into force of these regulations shall ensure that within six months from the issue of the licence, the property conforms to the requirements of the Eco Certification Scheme as established by the Authority.
- (b) Once licensed, the licensee shall inform the Authority of alterations, if any, affecting the establishment's operation. In the case of alterations that may or shall prejudice the classification assigned to the establishment, the licensee shall seek the Authority's prior approval.
- (6) Once licensed, the licensee shall inform the Authority of any alterations affecting the operation of the establishment:

Provided that in the case of alterations that prejudice the classification assigned to the establishment, the licensee shall seek the Authority's prior approval.

7. (1) Tourism accommodation establishments shall be classified according to the standard requirements as shown in the First Schedule in the case of hotels, the First Schedule and the Fourth Schedule in the case of tourist villages, the Fifth Schedule in the case of guest houses or the Sixth Schedule in the case of hostels.

Classification.

(2) The Authority shall classify tourism accommodation establishments as follows:

- (a) hotels in five different classes;
- (b) tourist villages in five different classes;
- (c) guest houses in two different classes; and
- (d) hostels in one class.

(3) Subject to sub-regulations (1) and (2), cells marked 'M' in the First Schedule indicate that the regulation is mandatory for the corresponding classification:

Provided that for the purpose of classification:

- (a) if the licensee of a tourism accommodation establishment fulfils a requirement, the full allotment of points in the fourth column of the First Schedule will be awarded;
- (b) if a requirement is only partially fulfilled, the licensee shall not receive any points;
- (c) the licensee of a One Star tourism accommodation has to attain and maintain ninety points to be classified as a One Star tourism accommodation;
- (d) the licensee of a Two Star tourism accommodation has to attain and maintain one hundred and seventy points to be classified as a Two Star tourism accommodation;
- (e) the licensee of a Three Star tourism accommodation

has to attain and maintain two hundred and fifty points to be classified as a Three Star tourism accommodation;

- (f) the licensee of a Four Star tourism accommodation has to attain and maintain three hundred and eighty points to be classified as a Four Star tourism accommodation;
- (g) the licensee of a Five Star tourism accommodation has to attain and maintain five hundred and seventy points to be classified as a Five Star tourism accommodation; and
- (h) in the case of licensees of tourism accommodation that manage to attain and maintain a total one hundred and seventy points in the case of One Star tourism accommodation, two hundred and fifty points in the case of Two Star tourism accommodation, three hundred and eighty points in the case of Three Star tourism accommodation, five hundred and seventy points in the case of Four Star tourism accommodation and six hundred and fifty points in the case of Five Star tourism accommodation, the licensee of each respective category will be awarded the 'Superior' label in addition to the basic classification of One, Two, Three, Four or Five Star, as the case may be.

(4) (a) Persons licensed by the Authority to operate tourism accommodation establishments shall at all times ensure that such tourism accommodation establishment complies with the requirements as provided in the First, Second and Third Schedules (Hotels), the Fourth Schedule (Tourist Villages), the Fifth Schedule (Guest Houses) and the Sixth Schedule (Hostels), as the case may be.

(b) Persons licensed by the Authority to operate hotels and tourist villages shall ensure that their tourism accommodation establishment complies with the quality standards as established by the Authority.

(5) No person shall have a right to claim compensation or redress from the Authority in respect of any decision taken by the Authority before the coming into force of these regulations.

Other categories.

8. When a tourism accommodation establishment does not qualify under any of the definitions provided in these regulations, the Authority may consider establishing a new category with appropriate criteria under which such tourism accommodation establishment shall be classified:

Provided that this regulation does not apply to any other establishment that does not meet the minimum requirements established in the First Schedule.

Quality standards.

9. (1) The Authority shall, by means of quality standards established by the Authority, assess the quality of the tangible elements of tourism accommodation establishments.

(2) The Authority has the power to carry out site visits at tourism accommodation establishments and carry out investigations in order to assess the quality standard of these establishments.

(3) Licensees of hotels and tourist villages shall ensure that their establishments obtain and remain in compliance with the minimum mandatory requirements applicable to their classification as provided in the First, Second and Third Schedules in the case of hotels and the Fourth Schedule in the case of tourist villages.

(4) Licensees whose hotel or tourist village fails to obtain the minimum mandatory requirements established in the First, Second and Third Schedules in the case of hotels and the Fourth Schedule in the case of tourist villages shall be given a timeframe by the Authority within which to rectify the shortcomings. If these shortcomings are not rectified within the given timeframe, the Authority may downgrade the classification of the establishment or suspend its operating licence as provided for under the Tourism Operations (General) Regulations until the shortcomings have been rectified to its satisfaction or impose fines as stipulated in the regulations.

S.L. 409.08.

10. (1) The Authority may, following a submission of the appropriate application by a licensee of a hotel, tourist village, guest house or farmhouse, assign a particular special label to the hotel, tourist village, guest house or farmhouse licensed under the Holiday Premises Regulations, if in the opinion of the Authority, such label best describes that tourism accommodation establishment or farmhouse.

Special labels.

S.L. 409.11.

(2) The special labels that may be assigned by the Authority according to the criteria for each label shown in the Seventh Schedule are: 'agro-tourism', 'B&B', 'heritage', 'resort', 'rural' and 'spa'. The Authority may, from time to time, add other special labels which it deems fit and appropriate.

(3) Licensees of a hotel, tourist village, guest house or farmhouse, as the case may be, may apply to the Authority for the assignment of a special label as described in sub-regulation (2).

(4) The Authority shall, on receipt of such application, consider the request and assign a special label if the hotel, tourist village, guest house or farmhouse is in conformity with the criteria of that particular label as shown in the Seventh Schedule.

(5) The Authority shall not assign more than three different special labels to the same hotel, tourist village, guest house or farmhouse, at any one time.

(6) The standards that qualify a hotel, tourist village, guest house or farmhouse for a special label are those indicated in the Seventh Schedule.

(7) The licensee of a hotel, tourist village, guest house or

farmhouse who has been assigned a special label by the Authority is bound to exhibit the special label when advertising, marketing and publicising the hotel, tourist village, guest house or farmhouse, as the case may be.

(8) The licensee of a hotel, tourist village, guest house or farmhouse who has been assigned a special label by the Authority, shall notify the Authority in writing when the special features by virtue of which the label had been originally assigned by the Authority are no longer in place at the hotel, tourist village, guest house or farmhouse.

(9) The Authority may withdraw the special label which it had previously assigned to a hotel, tourist village, guest house or farmhouse, if, following an investigation, it is confirmed that the description of the special label no longer appropriately applies to that particular hotel, tourist village, guest house or farmhouse.

(10) Any licensee of a hotel, tourist village, guest house or farmhouse who -

- (a) does not have the approval of the Authority for a special label, or
- (b) has had the special label withdrawn by the Authority, or
- (c) has had the special label withdrawn or not renewed by the licensee or operator,

shall not exhibit the special label and shall not advertise, market or promote the hotel, tourist village, guest house or farmhouse as having that particular special label.

(11) When a hotel, tourist village, guest house or farmhouse which has been assigned a special label has had its licence suspended or revoked by the Authority, the special label shall also be considered as suspended or revoked, as the case may be.

(12) Special labels granted by the Authority under these regulations shall be valid for two years. If, after the expiry of the special label, the licensee wants to renew the special label for a further period of two years, then the licensee shall file an application for renewal with the Authority at least two months before the expiry of the two year period.

- (13) (a) For hotels or guest houses assigned a special label of 'heritage', the requirements of the Seventh Schedule apply.
- (b) For hotels or guest houses assigned the special label of 'B&B' the requirements of the Seventh Schedule apply provided that the licensee or applicant for a licence for a three star hotel, who has been granted the exemption of a swimming pool, pays a one time payment as established by the Authority.

(14) (a) When the Authority approves a hotel, tourist village,

guest house or farmhouse for a special label, it shall issue an appropriate plaque according to a style and design as may be established by the Authority indicating that the hotel, tourist village, guest house or farmhouse is authorised to promote itself with that particular label.

- (b) The licensee and operator of a hotel, tourist village, guest house or farmhouse which has been assigned a plaque by the Authority denoting such recognition, shall exhibit such plaque in a prominent place on the facade of his establishment.

(15) The assigned special label may be withdrawn by the Authority if any of the standards under the criteria of that particular label, as shown in the Seventh Schedule, is no longer in existence.

(16) When the assigned special label has been withdrawn by the Authority or by the licensee or when the validity period of the special label has expired and has not been renewed, the Authority may reclassify the tourism accommodation establishment in accordance with the schedules to these regulations without considering any exemptions.

11. It shall be the responsibility of any licensee of any tourism accommodation establishment to ensure that any offer of services or amenities to persons other than guests, shall not prejudice the provision of such services or amenities to guests residing in the premises.

Amenities and services offered to non-guests.

12. The Authority may allow for limited variations in the figures of the spatial standards as set out in the schedules to these regulations.

Limited flexibility.

13. The Authority may consult with other competent authorities prior to the issue or renewal of the licence to operate a tourism accommodation establishment.

Certificates of compatibility from competent authorities.

14. All permits and certificates relating to the operation of a tourism accommodation establishment shall be available on the premises of the tourism accommodation establishment at all times.

Availability of permits and certificates.

15. Any licensee of a tourism accommodation establishment shall ensure that accommodation rates and tariffs, menus, price lists and other charges, including telephone charges, shall be prominently displayed and shown on demand to any guest or other person making use of, or intending to make use of, any part of the premises of the tourism accommodation establishment or of any amenities or services available within the premises.

Display of rates, menus, price lists and other charges.

16. When a licensee of a tourism accommodation establishment requests the Authority to change the name of the establishment, the Authority shall consider such request and if approved, may impose such conditions as it may deem necessary including, but not limited to, an obligation by the licensee to indicate clearly the previous name of such tourism accommodation establishment in addition to

Change of name of tourism accommodation establishment.

the new name, in all the advertising and promotion of the said establishment for a period of six months from the date of such approval. This shall not apply to tourism accommodation establishments whose upgrading of their classification has been approved by the Authority.

Maintenance of premises, facilities and equipment.

17. Any licensee of a tourism accommodation establishment shall ensure that the whole premises, facilities and equipment are properly maintained and cleaned at all times.

Conditions of licence.

18. (1) Compliance with the provisions of these regulations shall be deemed to be a condition to which a licence to operate any tourism accommodation establishment is subject, irrespective of whether reference to these regulations is made in the licence itself.

(2) Any person who fails to comply with any of the provisions of these regulations shall be guilty of an offence and shall be liable to the fines and penalties as indicated in articles 43 and 45 of the Act.





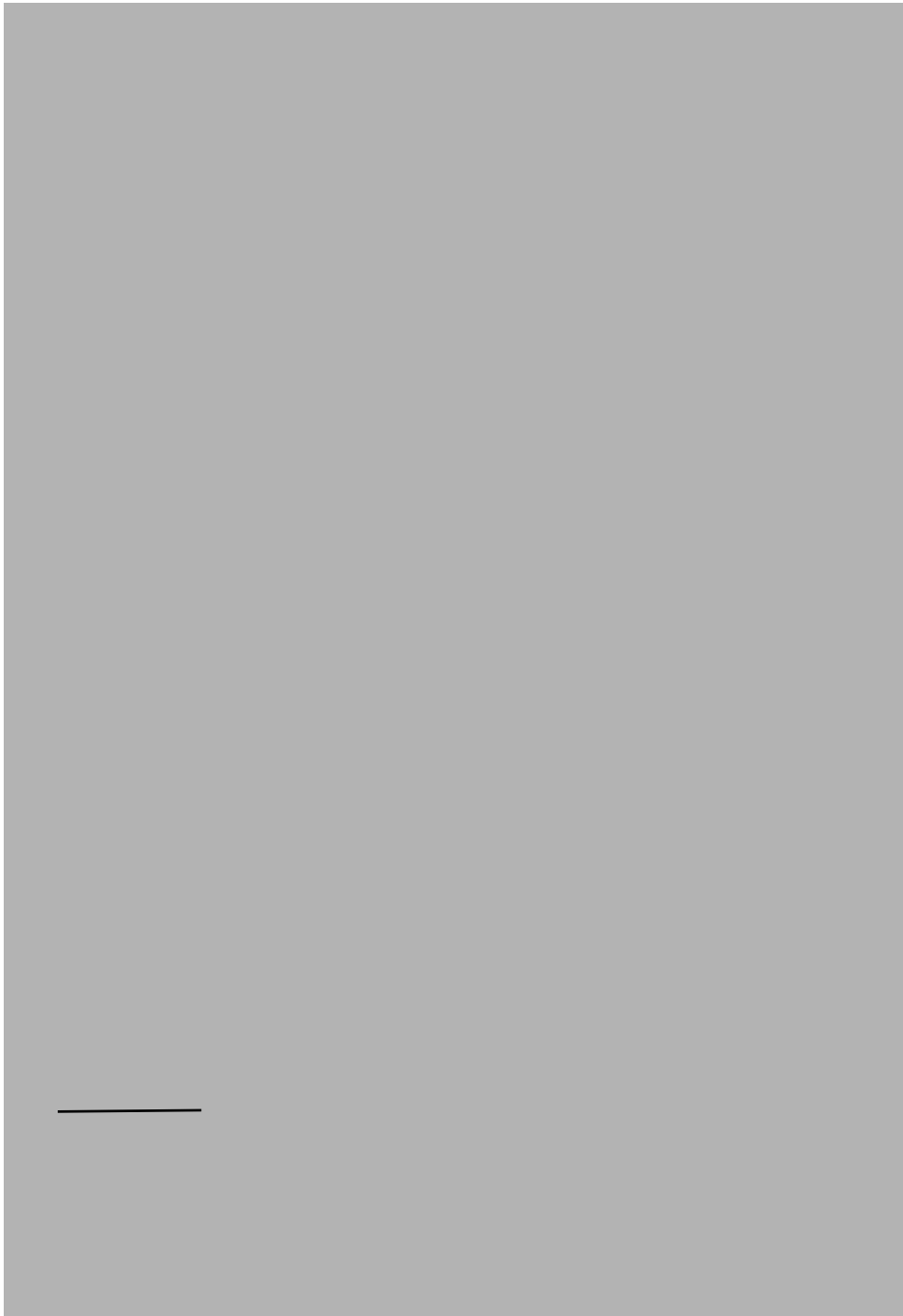




































Third Schedule

Amended by:
L.N. 407 of 2014**HOTELS SPATIAL AND STRUCTURAL REQUIREMENTS**

(A) - Column A is applicable to new developments, re-developments, extensions or upgrading of hotels/aparthotels (i) whose application for a Tourism Compliance Certificate is filed with the Authority after the coming into force of these Regulations; or (ii) whose application for a Tourism Compliance Certificate, with regard to new development, redevelopment, extensions or upgrades, was approved by the Authority before the coming into force of these Regulations

(B) - Column B is applicable to hotels/aparthotels which were either operating with a licence originally issued by the Hotels and Catering Establishments Board or approved by the Authority prior to the issue of a Tourism Compliance Certificate

(C) A shaded cell indicates that it is mandatory for that category

1	EXTERIOR/FACADE									
		Column A								
		1*	2*	3*	4*	5*	2*	3*	4*	5*
1.1	The exterior of the hotel, including entrances, outdoor and car park areas, shall be well maintained, clean, well lighted and do not pose any health and safety hazard to the guests, the employees and the public									
1.2	The hotel shall have its own independent entrance.									
1.3	A service entrance, suitably located for the reception of goods, shall be available separate from the guests entrance									
2	Floor space and Site area per Room									
		Column A					Column B			
		1*	2*	3*	4*	5*	2*	3*	4*	5*
2.1	Proportion of building to site area of hotel in an Outside Development Zone expressed as a percentage. Allowable variation not to exceed 5%	NA	NA	30	30	25				

2.2	Site area per room of hotel in an Outside Development Zone expressed in square metres. Allowable variation not to exceed 5%. (e.g. A 3-star hotel with site area of 1000 sq m equals 19 rooms maximum.)	NA	NA	52	55	58				
3	Landscaping									
		Column A								
		1*	2*	3*	4*	5*				
	Proportion of site area of hotel within Development Zone required to be landscaped (%). Allowable variation not to exceed 10%.	NA	NA	5	10	15				
	Proportion of site area of hotel Outside Development Zone required to be landscaped (%). Allowable variation not to exceed 10%.		NA	40	40	45				
4	Corridors, staircases and other public areas									
		Column A					2*	3*	4*	5*
	minimum width in metres of the corridors	1.5	1.5	1.5	1.8	1.8				

5	MINIMUM FLOOR AREA OF GUEST BEDROOM									
Minimum floor area for room (bedroom + bathroom + entrance)										
	Description of Room	Column A					Column B			
		1*	2*	3*	4*	5*	2*	3*	4*	5*
5.1	Double room of built hotel expressed in square metres. Provided that in the case of extensions to 3, 4 and 5 star hotels which were operating with a licence and where structural limitations related to load bearing walls do not permit the room sizes as indicated in this sub-regulation, the Authority may accept a variation to these room sizes that does not exceed 5% in the case of 3 star hotels, 10% in the case of 4 star hotels and 15% in the case of 5 star hotels. Provided further that any such variation does not render the floor area of the room less than 20sq.m in the case of a 3 Star hotel, 25sq.m in the case of a 4 star hotel and 30 sq.m in the case of a 5 star hotel	17	17	21	28	35	14	16	19	23
5.2	Single room of a built hotel expressed in square metres. Allowable variation not to exceed 5%						12	14	16	17
5.3	Suites or similar premises (if available). Allowable variation not to exceed 5%	175% of minimum size of double room								
5.4	Minimum internal clear room width of double room. Allowable variation not to exceed 5%	3.25 metres								

6	ROOMS WITH OPEN VIEWS									
		Column A								
		1*	2*	3*	4*	5*	2*	3*	4*	5*
	Hotel within Development Zone: (%). Allowable variation of 5% ONLY in 2 and 3 -star establishments	NA	70	75	100	100				100
	Hotel Outside Development Zone:(%). Allowable variation of 5% ONLY in 2 and 3 -star establishments	NA	70	75	100	100				100
	Open views DO NOT INCLUDE views onto internal shafts.	NA								
7	MINIMUM FLOOR AREA OF SELF CATERING UNIT	21	21	28	35	42	16	19	23	25
7.1	Room area for two persons expressed in square metres. Provided that in the case of extensions to 3, 4 and 5 star hotels which were operating with a licence and where structural limitations related to load bearing walls do not permit the room sizes as indicated in this sub-regulation, the Authority may accept a variation to these room sizes that does not exceed 5% in the case of 3 star hotels, 10% in the case of 4 star hotels and 15% in the case of 5 star hotels. Provided further that any such variation does not render the floor area of the room less than 26 sq.m in the case of a 3 Star hotel, 31 sq.m in the case of a 4 star hotel and 36 sq.m in the case of a 5 star hotel									
7.2	Minimum internal clear room width of unit for two persons	3.25 metres								

[illegible]



































