

SUBSIDIARY LEGISLATION 409.07**TOURISM APPEALS BOARD REGULATIONS**

31st May, 2002

LEGAL NOTICE 127 of 2002.

- 1.** The title of these regulations is the Tourism Appeals Board Regulations. Citation.
- 2.** In these regulations unless the context otherwise requires: Interpretation.
"Act" means the Malta Travel and Tourism Services Act; Cap. 409.
"Authority" means the Malta Tourism Authority;
"Board" means the Tourism Appeals Board;
"appellant" means any person submitting an appeal to the Board;
"fees regulations" means any regulations prescribing fees to be paid in respect of appeals before the Tourism Appeals Board as may, from time to time, be in force;
"Secretary" means the person appointed by the Board to carry out the administrative function of the Board as provided for in article 14(6) of the Act.
- 3.** (1) The Authority shall allocate to the Board such funds as may be required by the Board for the performance of its functions including funds for administrative and technical support. Fund allocation.
(2) The Secretary shall be responsible for the preparation of estimates of income and expenditure in respect of each financial year and shall, not later than six weeks prior to the end of each year, submit to the Authority such estimates for the next financial year.
(3) The Secretary shall keep proper books of account and other records in respect of the operations of the Board as well as prepare statements of accounts in respect of each financial year.
(4) The accounts of the Board shall be audited by an auditor or auditors to be appointed by the same Board.
- 4.** (1) The Secretary shall be responsible for the day to day business of the Board and for such other duties as may be assigned to him by the Board from time to time. Secretary's functions.
(2) The Secretary of the Board shall have *mutatis mutandis* the same authority in relation to the Board as a Registrar has in relation to a Court of Law.
- 5.** The appellant shall, on the filing of the appeal, and the Authority shall at least one week prior to the hearing, submit to the Board a comprehensive statement of the facts and all documentary evidence relating to the case. Submission of evidence.

Evidence of witnesses. Cap. 12.	6. The evidence of witnesses in the appeal hearing shall be produced either <i>viva voce</i> or by affidavit. The provisions of the Code of Organization and Civil Procedure referring to the production of evidence before a court of civil jurisdiction, shall, <i>mutatis mutandis</i> , apply to the production of evidence by <i>viva voce</i> or by affidavit before the Board.
Hearing of appeal.	7. (1) The hearing of the appeal shall be held within the shortest time possible and in no case later than thirty days from the filing of such appeal. (2) The Board shall proceed to hear and decide on the appeal on the statements of facts and documentary evidence submitted by both parties in terms of regulations 5 and 6. (3) The Board shall, as far as practicable, decide the appeal in one sitting. It shall refrain from granting adjournments saving exceptional circumstances as the Board may deem appropriate.
Default.	8. If one of the parties, duly notified to appear at a hearing, fails to do so without showing sufficient and justified cause, the Board may, even in the absence of such party, proceed with the hearing of the appeal.
Communication to and from the Board.	9. (1) Any appeal, communication or other document, made or addressed to the Board, shall be filed with the Secretary of the Board. (2) Any notice, communication or other document, and any authorisation issued by the Board, shall be signed by the Chairman or by the Secretary.
Notice of service of documents.	10. Any document sent for service by the Board, shall be deemed to have been delivered and duly notified if it is physically delivered or sent by registered post to the addressee at his place of business, habitual residence or mailing address.
Appeal fees. S.L. 409.05	11. (1) The appellant shall, on filing of the appeal, pay the appropriate fee in an amount according to the Fees (Tourism) Regulations. (2) If the Board is unable to decide the appeal at its first hearing, and subsequent hearings are held, the appellant shall, besides the initial fee as required in subregulation (1), pay an additional fee for every subsequent hearing as set out in the Fees (Tourism) Regulations.
S.L. 409.05	
Board's decision on fees. S.L. 409.05	12. (1) If the Board finds for the appellant, the Board shall, in its decision, order the Authority to refund all fees paid by the appellant under the Fees (Tourism) Regulations in relation to the appeal. (2) The Board may apportion costs between the parties, in which case the Authority shall be ordered to refund such part of the fee so apportioned saving any previous order in respect of costs which the Board may have made.
Pending appeals.	13. The Board shall be competent to hear appeals filed after the coming into force of these regulations.