SUBSIDIARY LEGISLATION 409.09

TRAVEL OPERATORS AND ORGANISED EXCURSION OPERATORS REGULATIONS

31st May, 2002

LEGAL NOTICE 129 of 2002.

Citation.

1. The title of these regulations is the Travel Operators and Organised Excursion Operators Regulations.

Interpretation.

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

Cap. 409.

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

"allocation agreement" means the written agreement for accommodation units including any ancillary services and facilities provided against payment, in a tourism accommodation establishment, holiday premises or house intended for the accommodation of travellers, at a particular time or period and the conditions under which any reservation for such accommodation and services are made in accordance with the allocation agreement;

"communicated", unless otherwise provided to the contrary, means sent in writing by registered post, fax or electronic means, properly addressed to the office, or to the place of business or residence of the addressee;

"contracted price" means the price payable to the operator of a licensed tourism accommodation establishment, holiday premises or house licensed for the accommodation of travellers;

"general sales agent" means a person or body corporate who has been delegated general authority for the promotion and sale of passenger air or sea transportation on behalf of an airline or shipping line;

"licensee" means a person issued with a licence by the Authority either in one's own name or on behalf of the provider of a tourism operation;

"organised excursion" has the meaning as assigned to it in the Act and shall also include an organised excursion not limited to Malta even when such an excursion is of a duration not exceeding a period of twenty-four hours;

S.L. 409.01

"organiser" has the meaning as assigned to it in the Package Travel, Package Holidays and Package Tours Regulations;

S.L. 409.01

"retailer" has the meaning as assigned to it in the Package Travel, Package Holidays and Package Tours Regulations;

"tourism accommodation establishment" means a hotel, aparthotel, tourist village, guesthouse, hostel, holiday premises and house used for the accommodation of tourists and "tourism accommodation operator" shall be construed accordingly;

"tour operator" means a foreign principal, being a person or body corporate who organises package holidays to Malta;

"travel agent" has the meaning as assigned to it in the Act and it shall also include general sales agents;

"travel operator" means an incoming tourism agent, or a travel agent, or a destination management company and "travel operation" shall be construed accordingly.

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

Various travel services.

3. (1) A travel operator who provides various travel services shall, on application for a licence, identify his main activity and shall accordingly be registered and licensed under the said activity.

(2) Other travel activities, in addition to the main activity as provided in subregulation (1), shall also be included in the licence.

Restrictions on sale of tours by organisers.

4. It shall not be lawful for an organiser to make, or carry out an agreement with a retailer, which may impose any restriction, whether as to charges or other terms and conditions in respect of the supply or as to the offer of supply by the retailer of package holidays of another organiser.

Organised excursions.

5. (1) An organised excursion operator shall supply or communicate to a traveller any descriptive material concerning the organised excursion, including the price of the excursion and any applicable conditions.

(2) A brochure or any other material provided by the organised excursion operator to a traveller, shall indicate in a legible, comprehensive and accurate manner information at least about the following:

(*a*) the means, characteristics and categories of transport to be used during the organised excursion;

(*b*) the full itinerary of the excursion;

(*c*) any meal plan if applicable;

(*d*) the price, inclusive of taxes and any additional charges;

(*e*) the method of payment;

(*f*) when a minimum number of persons is required for the excursion to take place, the date by which the traveller should be informed in the event of cancellation;

(*g*) advice on appropriate dress code, if applicable;

(*h*) Visa / passport and other documents if required;

(*i*) details of insurance cover;

(3) No descriptive material shall contain any false or misleading information.

(4) No organised excursion operator or any other person shall organise an excursion unless the services of a licensed tourist guide

are provided for such excursion.

Allocation agreement.

6. When an allocation agreement is made between a travel operator and a tourism accommodation operator in respect of a tourism operation in Malta, such agreement shall comply with the provisions of these regulations.

Guarantee of booked services.

7. In the event of bookings made directly by a traveller with a travel operator or organised excursion operator, the operator shall issue the traveller with a voucher which shall be deemed to be a guarantee by the operator to the traveller of the services specified in such voucher.

Payments.

8. (1) In the case of an allocation contract between a tour operator and the tourism accommodation operator, the travel operator, specifically acting as agent to the tour operator, shall not be responsible for payment to the tourism accommodation operator for accommodation provided to the traveller booked by the aforementioned tour operator:

Provided that the provisions of this subregulation shall not apply when the travel operator enters into an allocation agreement directly with a tourism accommodation establishment.

(2) When a travel operator specifically acting as agent to the tour operator receives payment for accommodation provided, he shall remit forthwith such payments to the tourism accommodation operator and in no circumstances by any day later than thirty days from date of receipt of such payment.

(3) Upon receipt of payment for accommodation provided, a travel operator specifically acting as agent to a tour operator, shall not withhold any part of such payment unless so authorised in writing by the tour operator.

Standards.

9. Travel operators and organised excursion operators shall ensure that they comply with the standard requirements as may be established by the Authority.

Offences and penalties.

10. 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.

Saving.

11. Any licence issued under the Travel Agencies and Hotel Services Regulations, 1980, repealed by these regulations, and which is in force immediately before such repeal shall, subject to compliance with the provisions of the Act and to the regulations made thereunder, continue to be in force thereafter as if it where a licence granted under the Act and the regulations made thereunder.