L.N. 126 of 2002

MALTA TRAVEL AND TOURISM SERVICES ACT (CAP. 409)

Malta Tourism Authority (Special Procedure) Regulations, 2002

IN exercise of the powers conferred by article 47, of the Malta Travel and Tourism Services Act, hereinafter referred to as "the Act", the Minister for Tourism acting on the recommendation of the Malta Tourism Authority, hereinafter referred to as "the Authority" has made the following regulations:

Citation.

1. The title of these regulations is the Malta Tourism Authority (Special Procedure) Regulations, 2002.

Special procedure.

2. For the purposes of article 45 of the Act, the fines that may be imposed for the offences shown in the First Column of the Schedule to these regulations shall be those shown in the Second Column of the said Schedule.

Interpretations

3. (1) In these regulations unless the context otherwise requires:–

"certificate of classification" means the certificate issued by the Authority certifying the classification assigned to the hotel, guest house, hostel, holiday premises or catering establishment;

"register" means the record of guests kept by the keeper of a hotel, guest house, hostel and holiday premises which show the name and other particulars of every guest staying in the hostel, guest house, hostel or holiday premises;

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

Schedule

First Schedule Contravention	Article	Second Schedule Fine
1. Managing or operating a hotel, guest house, hostel, holiday furnished premises or catering establishment without a licence issued for such purpose by the Authority.	Article 18 (1)	Lm1000
2. Providing accommodation in a house to tourists without a licence issued for such purpose by the Authority.	Article 18 (2)	Lm500
3. Granting on lease to a tourist or allowing a tourist to occupy a house in Malta under any title or transfering any right of lease to a tourist or other title to occupation, of any such house, to a tourist without a licence issued for that purpose by the Authority.	Article 18 (3)	Lm500
4. Failure to return a licence to the Authority, when such a licence issued by the Authority has been revoked or not renewed by the Authority.	Article 18 (6)	Lm100
5. Failure to provide alternative accommodation to contracted persons in cases of over booking.	Article 18(8)	Lm100 (for every person)
6. Using a name of a hotel, guest house, hostel, holiday furnished premises, catering establishment or house used for the accommodation of tourists, which name, in the opinion of the Authority, is considered as undesirable, unsuitable or misleading.	Article 19(1)(2)	Lm 100

	First Column Contravention	Article	Second Column Fine
7.	Failure to keep a hotel, guest house, hostel, holiday premises or catering establishment up to the standard required of its category and classification and as a result of which the hotel, hostel, holiday premises or catering establishment is classified into a lower category.	Article 21 (2)	Lm 100
8.	Failure to return a certificate of classification to the Authority, when such certificate has been revoked or substituted by the Authority.	Article 21 (4)	Lm 100
9.	Advertising or representing a hotel, guest house, hostel, holiday premises or catering establishment:-	Article 22	
	(a) as belonging to a different category or classification from that officially categorised or classified by the Authority		Lm 1000 (for default under 9(a)
	AND/OR		
	(b) as offering particular amenities and/or services when such facilities and/or services are not available at the time when such advertising and representation are made.		Lm 500 (for default under 9(b)
10.	Failure to keep a register in the prescribed form wherein the name and other particulars of each guest are to be recorded.	Article 24	Lm 500

First Column Contravention	Article	Second Column Fine
11. Failure to present such register of guests, whenever so requested, by any police officer not below the rank of inspector or by any member of the Authority or by any other person authorised in writing for the purpose by the Chairperson of the Authority.	Article 25	Lm 100
12. Managing or operating an incoming tourism agency, a travel agency or destination management company without having previously obtained and being in possession of a licence issued for such purpose by the Authority.	Article 27 (1)	Lm 1000
13. Failure to return a licence of an incoming tourism agency, travel agency or destination management company to the Authority, when such licence has been revoked or not renewed by the Authority.	Article 27 (3)	Lm 100
14. Providing a service of an incoming tourism agent or travel agent or destination management company under a name which, in the opinion of the Authority, is undesirable, unsuitable or misleading.	Article 29	Lm 100
15. Failure to exhibit the licence of an incoming tourism agency, travel agency or destination management company in a prominent place in premises where such business is carried out (including the principal place of business and	Article 30 (2)	Lm 100

	First Column Contravention	Article	Second Column Fine
	any branches, if applicable).		
16.	Managing or operating an organised excursion operation without having previously obtained and is being in possession of a licence issued for such purpose by the Authority.	Article 32 (1)	Lm 1000
17.	Failure to return a licence of an organised excursion operator to the Authority when such licence has been revoked or has not been renewed by the Authority.	Article 32 (3)	Lm 100
18.	Providing a service of an organised excursion operator under a name which, in the opinion of the Authority, is undesirable, unsuitable or misleading.	Article 34 (a)	Lm 200
19.	Organising an excursion without the services of a tourist guide.	Article 34 (b)	Lm 500
20.	Failure to exhibit the licence of an organised excursion operator in a prominent place in the premises where such business is scarried out (including the principal place of business and any branches, if applicable)	Article 35(2)	Lm 100
21.	Acting or holding oneself out as acting, as a tourist guide without having previously obtained and being in possession of a licence issued for such a purpose by the Authority	Article 36 (1)	Lm 500

	First Column Contravention	Article	Second Column Fine
22.	Failure to return a licence of a tourist guide to the Authority when such licence has been revoked or has not been renewed by the Authority.	Article 36 (3)	Lm 100
23.	Providing the services of a tourist guide in a name other than one'sown.	Article 38	Lm 100
24.	Failure to produce the licence of a tourist guide when so requested by a member of the Authority or by any other person authorised in writing for the purpose by the Authority or by the Chief Executive of the Authority or by any person who requests the tourist guide's service or to whom such services have been offered.	Article 39 (2)	Lm 100
25.	Allowing the carrying on of a tourism operation (other than that of a tourist guide) in one's own property when such operation is not licensed by the Authority.	Article 43 (1)(a)	Lm 100
26.	Being in possession of a valid licence but failing to comply with any applicable provision of the Act or with any condition, restriction or other limitation to which the licence is subject including that the premises is used solely as licensed and for no other purpose.	Article 43(1)(b)	Lm 500
27.	Knowingly making a declaration for any purpose of the Act, which is false, misleading or	Article 43 (1)(e)	Lm 500

	First Column Contravention	Article	Second Column Fine
	incorrect in any material respect.		
28.	Hindering, obstructing, molesting or interfering with or attempting to hinder, obstruct, molest or interfere with any officer, employee or agent of the Authority, or any police officer, in the execution of his duties under the law or failing to comply with any reasonable requirement demanded of him by an officer, employee, agent or police officer as aforesaid, or otherwise failing to assist him in the carrying out of his duties, or knowingly furnishing such officer, or employee or agent or police officer with false information which such officer, employee, agent or police officer has requested for the purpose aforesaid.	Article 43 (1)(d)	Lm 1000
29.	Committing an offence of the same nature against the provisions of the Act and/or of the Regulations under the Act made or kept in force thereunder a second or subsequent time within aperiod of one year from the first offence.	CAP 409	Lm1000
30.	Any other breach against the Act or against any regulations made or kept in force thereunder, not specifically indicated in this Schedule.	Article 53(2)	Not less than Lm25 and not more than Lm200

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