L.N. 41 of 1980

TRAVEL AGENCIES AND HOTEL SERVICES ACT, 1976 (ACT NO. XXIII OF 1976)

Travel Agencies and Hotel Services Regulations, 1980

IN exercise of the powers conferred by section 14 of the Travel Agencies and Hotel Services Act, 1976, the Minister of Tourism, with the concurrence of the Minister of Finance, Customs and People's Financial Investments, has made the following regulations:

Citation.

1. These regulations may be cited as the Travel Agencies and Hotel Services Regulations, 1980.

Interpretation.

2. In these regulations, unless the context otherwise requires —

"Act" means the Travel Agencies and Hotel Services Act, 1976;

"agency" means any place from where a person holding a valid licence for the purpose, carries on the business of travel agent irrespective of whether such person is so operating in his own name or on behalf of another person;

"inspecting officer" means any person acting under the written authority of the Minister in terms of section 11 of the Act.

Application form.

3. Applications for the grant or renewal of a licence under the Act shall be made to the Minister on the form set out in the First Schedule to these regulations on payment of the relative fee as specified in Part I of the Third Schedule to these regulations.

Licence.

4. Every licence shall be in the form set out in the Second Schedule to these regulations and shall invariably expire on the thirty-first day of December next following the date of issue or renewal.

Fees.

5. (1) There shall be paid to the Minister in respect of every licence issued or renewed under the Act and in accordance with these regulations, the relative fee as specified in Part II of the Third Schedule to these regulations.

(2) There shall also be paid to the Minister in respect of certified copies of a licence issued for the purpose of section 7(2) of the Act, the relative fee as specified in Part III of the Third Schedule to these regulations.

Other permits.

6. It shall be an implied condition for the granting of such licence that applicant shall have obtained and be in possession of any other permits or licences required to be issued and held under any other law for the time being in force.

Change of circumstances.

7. If, at any time during the validity period of a licence, any circumstance which determined the granting of such a licence ceases to exist, the licence holder shall immediately notify the Minister in writing to that effect, returning at the same time the licence for cancellation and withdrawal or replacement as the case may be.

Advertisements.

8. In every advertisement of whatever kind, or in any publication, leaflet, brochure or broadcast and in any reference whatsoever to an agency, the licence holder shall invariably cause it to be clearly stated that such agency is duly licensed by the Minister to operate as such.

Use of agency's services.

9. No licence holder shall unreasonably refuse any request made by a *bona fide* person to use the services of the agency, nor shall he attach any unreasonable condition to the provision of such services.

Bills and receipts.

10. (1) Customers making use of the services of a licence holder shall be furnished with a bill showing services rendered as per agreed terms and, on settlement of the bill, with a receipt properly dated and signed.

(2) For the purpose of the last preceding paragraph, every bill so made and every receipt so given shall be deemed to have been so made and so given by or on behalf of the licence holder.

Records to be kept.

11. Besides proper books of account as laid down in section 10 of the Act, and such other records as are normally expected to be kept by virtue of the functions of a travel agency, it shall be the duty of a licence holder to keep —

(a) a duplicate of each and every allocation form relating to services contracted and to which reference is made in section 19 of the Act; and

(b) a duplicate of each and every bill and receipt issued as stated in paragraph (1) of the last preceding regulation,

and to make such documents readily available for inspection at any time as may be reasonably required by the Minister in terms of section 11 of the Act.

Inspections.

12. A licence holder or his representative shall afford to an inspecting officer every reasonable facility required by him for the proper exercise of the powers mentioned in section 11(1) of the Act:

Provided that a licence holder shall not be required to comply with the provisions of the preceding paragraph unless the inspecting officer produces the Minister's written authorisation and his Identity Card.

Collusion.

13. No person shall act in collusion with a person engaged in the business of hotelier, guest house keeper, holiday premises keeper, tour operator, or with any other person, in any matter relating to such business, to the prejudice of a person making use of the services of an agency.

Offences and punishment.

14. Saving any higher punishment which is provided under the Act, any person —

(a) who contravenes regulation 12 of these regulations shall be guilty of an offence and shall be liable, on conviction, to a fine (*multa*) not exceeding one hundred pounds or to imprisonment not exceeding three months, or to both such fine and imprisonment;

(b) who contravenes any other provision of these regulations shall be guilty of an offence and shall be liable, on conviction, to a fine (*multa*) of not less than two hundred pounds but not exceeding five hundred pounds or to imprisonment not exceeding one month, or to both such fine and imprisonment.

FIRST SCHEDULE

(Regulation 3)

TRAVEL AGENCIES AND HOTEL SERVICES ACT, 1976

(ACT NO. XXIII OF 1976)

Travel Agencies and Hotel Services Regulations, 1980

Application for the Grant/Renewal of a Travel Agency Licence

Part I — Application

1. This application is being made in accordance with and subject to the provisions of the Travel Agencies and Hotel Services Act, 1976 and the regulations made thereunder.

Part II — Particulars of Applicant

2. (i) Full name and surname —

.....

(ii) Date of Birth .....

(iii) Father's name .....

(iv) Residential address —

.....

.....

(v) Nationality .....

(vi) Identity Card Number .....

(vii) Work Book Number .....

and date of issue .....

Part III — Other Particulars

3. (i) Trade name of agency

.....

(ii) Principal place of business:

(a) Address .....

.....

(b) Telephone No. .....

(c) Annual rental value of premises £.....

(iii) Other additional places of business:

No.	Full Address	Telephone Number	Annual Rental Value
1			£
2			
3			
4			
5			

(Note: May be continued on separate sheet if necessary)

(iv) Licence last issued:

No. ..... Date .....

4. Number of employees:

Category	Self-Employed	Others	
		Full Time	Part Time
(i) Managerial			
(ii) Clerical			
(iii) Couriers			
(iv) Guides			
(v) Unskilled			
(vi) Other			
Total			

Part IV — Declaration by Applicant

5. I, the undersigned, declare for all intents and purposes of the law that this application is being made —

(a)* in my own name and on my own behalf;

(b)* on behalf and as the authorised representative of (name and address)

.....

.....

and in whose name the licence is to be issued;

and that to the best of my knowledge and belief the particulars given above are correct.

....

Date Signature of Applicant

* Delete as necessary

(Note: In the case of (b), if the application is made in the name and on behalf of a commercial partnership, a certificate of registration issued by the Registrar of Partnerships is to be produced with the first application for the grant of the licence. In the case of subsidiaries, the name of the holding Company is also to be stated).

Stamp Duty 2c5

FOR OFFICE USE

1. For completion by Cashier —

Fee Paid	Amount £	Date	Receipt Number	Cashier's Signature
With first application for issue of licence *				
For licence issued *				
With application for renewal of licence *				
For renewal of licence *				

2. Ministerial Approval —

The issue*/renewal* of licence as requested by applicant is hereby authorised.

....
Date Minister

3. Entry in Records —

Licence issued/renewed on (date) .....

under Registration Number ..... and office records endorsed accordingly.

....
Date Signature of Recording Officer

* Delete as necessary

SECOND SCHEDULE

(Regulation 4)

TRAVEL AGENCIES AND HOTEL SERVICES ACT, 1976
(ACT NO. XXIII OF 1976)

Travel Agencies and Hotel Services Regulations, 1980

Licence for a Travel Agency

Registration No. ..... Date of Issue .....

Fee Paid: ..... Receipt No. .....

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1. ..... son of .....

and residing at .....

is hereby licensed in his own name/on behalf and in representation of .....

..... to carry on the business of a Travel Agent at the place/s indicated hereunder, subject to the provisions of the Travel Agencies and Hotel Services Act, 1976 and of the regulations made thereunder from time to time and with which the licence holder is at all times presumed to be conversant.

2. This licence is neither transferable nor assignable; its validity expires on the 31st December, ..., and does not exempt the licence holder from obtaining any other permits or licences required to be issued and held under any other law for the time being in force.

3. The licence covers the following premises only; the first listed is the one declared by the licence holder as being the principal place of business wherefrom he operates:

(a) ....

(b) ....

(c) ....

(d) ....

(e) ....

.....
Minister

THIRD SCHEDULE

(Regulation 5)

TRAVEL AGENCIES AND HOTEL SERVICES ACT, 1976
(ACT NO. XXIII OF 1976)

Travel Agencies and Hotel Services Regulations, 1980

Application and Licence Fees payable in respect of Travel Agencies

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Part I — Application Fees

A — For each application for the grant of a licence	...	...	£1.50,0
B — For each application for the renewal of a licence	...	...	£1.00,0

Part II — Fees due on first issue of a licence and on renewal thereof annually thereafter

Scale No.	LICENSED PREMISES						
	Where the declared annual rental value of the premises	LOCALITY					
		Category A PACEVILLE ST. JULIANS SLIEMA VALLETTA		Category B BUĠIBBA MELLIEĦA ST. PAUL'S BAY		Category C OTHER LOCALITIES (including Gozo)	
		Rate of Licence Fee for each premises					
		Per centum of Rental Value	Minimum	Per centum of Rental Value	Minimum	Per centum of Rental Value	Minimum
1	does not exceed £100	—	£10	—	£10	—	£10
2	Exceeds £100 but not £200	Ten	£15	Eight	£10	Six	£10
3	Exceeds £200 but not £300	Ten	£25	Eight	£20	Six	£10
4	Exceeds £300 but not £400	Ten	£35	Eight	£30	Six	£20
5	Exceeds £400 but not £500	Ten	£45	Eight	£40	Six	£30
6	Exceeds £500 but not £600	Ten	£55	Eight	£45	Six	£35
7	Exceeds £600 but not £800	Ten	£70	Eight	£60	Six	
8	Exceeds £800	Ten	£85	Eight	£75	Six	£55

Part III — Fees for Certified copies of a licence

A. For the first two copies ... ... £1 per copy

B. For each additional copy ... ... 50c per copy

Ippubblikat mid-Dipartiment ta' l-Informazzjoni — *Published by the Department of Information*
Stampat fl-U.C.S. — Stamperija tal-Gvern — *Printed at the C.O.S — Government Printing Press*
Prezz 4c — *Price 4c*