

**L.N. 307 of 2020**

**MALTA TRAVEL AND TOURISM SERVICES ACT  
(CAP. 409)**

**Apprentice Tourist Guide Regulations, 2020**

IN EXERCISE of the powers conferred by article 47 of the Malta Travel and Tourism Services Act, the Minister for Tourism and Consumer Protection, has made the following regulations:-

1. (1) The title of these regulations is the Apprentice Tourist Guide Regulations, 2020. Citation and commencement.

(2) These regulations shall come into force on the 1st August, 2020.

2. In these regulations, unless the context otherwise requires: Interpretation.

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

"apprentice tourist guide" means a person who is studying to obtain the necessary qualifications in tourist guiding through a recognised training institution;

" Authority", "organised excursion", "organised excursion operator" and "tourist guide" shall have the same meaning as assigned to them in the Act;

"European Credit Transfer and Accumulation System" or "ECTS credits" means the credit system for higher education used in the European Higher Education Area;

"identity document" means the identity document issued by the Authority in terms of regulation 8(1);

"Minister" means the Minister responsible for tourism;

"mentor" means either a tourist guide licensed in terms of the Act and who is also licensed to guide within Special Designated Locations, or an academic tutor who is engaged by a recognised training institution to provide training in tour guiding at Level 5 or higher better of the National Qualification Framework and who demonstrates to the satisfaction of the Authority that he is knowledgeable on the cultural and natural heritage as well as the environment of Special Designated Locations, who shall supervise the apprentice tourist guide

during an organised excursion being guided or conducted by the apprentice tourist guide;

"operator" means organised excursion operator;

"recognised training institution" means an academic institute, college or university which is accredited by the competent Government entity to provide Tourist Guiding courses at Level 5 or higher of the National Qualification Framework and is recognised as such by the Authority;

"register of apprentice tourist guides" or "register" means the register kept by the Authority in terms of regulation 3(2);

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"special designated location" means any one of the places shown in the Second Schedule to the Tourist Guide Regulations.

Licence to act as an apprentice tourist guide.

**3.** (1) No person shall act or provide services as an apprentice tourist guide or use the title apprentice tourist guide unless he is licensed or recognised to be licensed as such by the Authority in terms of these regulations.

(2) The Authority shall keep a register of persons who are licensed, or otherwise legally allowed to act as an apprentice tourist guide. Such register shall be made public by the Authority.

Licensing procedure.

**4.** (1) The Authority may grant an apprentice tourist guide licence to any person, upon the submission of a completed application form, which form must include:

(a) a recent certificate of conduct of the applicant from the country of origin;

(b) an application fee of twenty-five euro (€25) payable to the Authority; and

(c) a written declaration by a recognised training institution confirming that the applicant:

(i) has already obtained 60 ECTS credits of a Level 5 qualification in tourist guiding of the National Qualification Framework and which credits obtained prove that applicant has adequate knowledge of special designated areas; and

(ii) is still pursuing a course of studies in tourist guiding with the recognised training institution issuing the declaration, which studies amount to a maximum of 120

ECTS credits of a level 5 qualifications in tour guiding; and

(iii) the name of the mentor that shall be accompanying the applicant during organised excursions and such other information that the Authority may require in relation thereto.

(2) (a) The Authority shall, without delay, acknowledge receipt of the application and shall process the same within ten (10) working days from the date of receipt of a complete application:

Provided that in case of an incomplete application, the Authority shall, without delay, inform the applicant of the need to supply any additional information or documentation, and that the Authority shall not commence processing the application unless the Authority receives a complete application:

Provided further that an application shall not be deemed to be complete unless the Authority has received all the documentation required to be submitted under regulation 4 together with the required completed application form.

(b) The period mentioned in sub-regulation (2)(a) may, prior to its expiry, be extended by the Authority for one period of not more than thirty (30) days. Such extension and the reasons thereof shall be notified to the applicant without delay.

(3) In the event that the Authority has not determined an application on the expiration of the period referred to in sub-regulation 2(a), or on the expiration of the extended period mentioned in sub-regulation 2(b), the applicant shall be deemed to be licensed.

5. An apprentice licence shall be granted for a period not exceeding three (3) calendar months, which period may be extended at the Authority's discretion for such further period or periods which shall not cumulatively exceed nine (9) calendar months:

Term of validity of licence.

Provided that such licence shall only be extended upon the Authority receiving written confirmation from the recognised training institution that the licence holder is still pursuing the course of studies referred to in paragraph (c) of sub-regulation (1) of regulation 4.

6. (1) The licence holder of an apprentice tourist guide licence shall only be permitted to guide and/or conduct organised excursions if accompanied by a mentor.

Apprentice tourist guide must be accompanied by a mentor.

(2) When the licence holder guides and/or conducts an organised excursion as referred to in the previous paragraph, the

licence holder shall lead the organised excursion at all times, whilst the mentor shall only supervise the licence holder.

Higher level  
requisites.

7. The Authority may, in consultation with the Minister, require that the level of training for apprentice tourist guides to be recognised by the Authority for the purposes of attaining a licence by applicants in terms of these regulations, be of a higher level:

Provided that such requirement shall be published in the Gazette at least six (6) months before it becomes applicable.

Identity  
document.

8. (1) The Authority shall issue an identity document to an apprentice tourist guide licensed under these regulations. The identity document shall contain a photograph of the apprentice tourist guide and such other information as the Authority may deem necessary. This shall include, *inter alia*, his name, registration number and term of validity.

(2) The identity document shall remain the property of the Authority and shall be returned to the Authority on the suspension or revocation of a licence issued under these regulations.

(3) An apprentice tourist guide shall at all times, while leading an organised excursion, wear the identity document in a conspicuous manner.

(4) Any person making use of any identity document issued to another person, or who fails to return the identification document when so requested by the Authority, shall be guilty of an offence against these regulations.

Responsibilities  
of apprentice  
tourist guide.

9. (1) It shall be the duty of an apprentice tourist guide to conduct or guide an organised excursion in a professional manner.

(2) An organised excursion shall be conducted in accordance with the itinerary set by the operator. An apprentice tourist guide may, after consulting with the mentor, in exceptional circumstances and for a valid reason, vary the itinerary.

(3) An apprentice tourist guide and their mentor shall, except when free time is allowed, accompany the organised excursion at all times.

(4) The Authority may, in consultation with the recognised training institutions or bodies representing tourist guides, establish codes of conduct or any other codes in order to ensure the advancement of quality of services offered by apprentice tourist guides.

**10.** (1) Operators shall provide apprentice tourist guides and mentors with: Facilities of apprentice tourist guide.

(a) free transportation on the vehicle or boat being used for the conduct of the organised excursion;

(b) a free meal when conducting a whole day organised excursion or an allowance to be agreed upon when lunch is not included in the full day tour;

(c) free entry to places of interest during the organised excursion.

(2) Operators shall, as far as practicable, make arrangements for an apprentice tourist guide to be called for and left in the vicinity of his residence at the commencement and termination of an organised excursion.

**11.** (1) Unless having a special permission in writing from the Authority, no apprentice tourist guide shall be in charge of a party of more than fifty-two (52) persons. Maximum number of persons to be guided.

(2) When an organised excursion is undertaken by coach, boat or other vehicle:

(a) only one apprentice tourist guide and one mentor shall be required for each coach, boat or other vehicle; and

(b) no apprentice tourist guide and mentor shall be in charge of more than one coach, boat or other vehicle or of more persons than permitted for an organised excursion undertaken by such coach, boat or other vehicle.

**12.** An operator may engage the services of an apprentice tourist guide, as accompanied by their mentor for any of the following excursions: Duration of organised excursion.

(a) a half-day excursion not exceeding four (4) hours;

(b) a whole day excursion not exceeding eight (8) hours (inclusive of the time allowed for lunch);

(c) a night excursion not exceeding five (5) hours; or

(d) an excursion from Malta to Gozo, or vice-versa, not exceeding nine (9) hours.

Apprentice  
tourist guide  
remaining in  
Gozo due to  
*force majeure*.

**13. (1)** In the case of an apprentice tourist guide conducting an organised excursion from Malta to Gozo or vice versa, where the return journey on the conclusion of the excursion cannot be made because of unavailability of transport, the apprentice tourist guide and the mentor shall be provided with adequate board and lodging for the overnight stay. The apprentice tourist guide and the mentor shall also be paid additional remuneration as contracted beforehand between the apprentice tourist guide, the mentor and the operator, for the overnight stay.

(2) In the cases referred to in sub-regulation (1), an apprentice tourist guide who has been engaged for an organised excursion on the following day and who, because of the overnight stay, cannot honour his commitment, shall immediately inform the relative operator of the said event. In such cases, no cancellation fees shall apply.

Commencement  
and end of  
organised  
excursion.

**14.** An organised excursion shall be deemed to start at the time the apprentice tourist guide is requested to report to commence his duties and is deemed to end when the last passenger leaves the organised excursion.

Report by  
apprentice  
tourist guide.

**15.** An apprentice tourist guide shall, at no charge and when so requested by the person engaging his services, submit a detailed written report on the organised excursion within one week from the excursion, or within such other longer period as may be agreed with the operator.

Collusion.

**16.** When, in the course of an organised excursion, reasonable free time is allowed, no apprentice tourist guide and no mentor may show a preference for any retail outlet, or direct tourists under their charge to any particular retail outlet.

Withdrawal of  
licence.

**17.** The licence shall be immediately withdrawn upon the Authority being informed by the recognised training institution that the licence holder is no longer pursuing the course of studies referred to in paragraph (c) of sub-regulation (1) of regulation 4 or for any other justifiable reason.

Suspension or  
withdrawal of  
licence of an  
apprentice  
tourist guide.

**18. (1)** Without prejudice to regulation 17, where the Authority is satisfied that an apprentice tourist guide:

(a) behaved in an improper manner not befitting the duties and responsibilities of an apprentice tourist guide; or

(b) acted in contravention of any of the provisions of the Act, or of these regulations, or has failed to do something which he is required to do by the Act or by these regulations; or

(c) been convicted of an offence under the Act or under these regulations, or of any other offence which in the opinion of the Authority renders him unfit to continue to act as an apprentice tourist guide or reflects adversely on the status of an apprentice tourist guide,

the Authority shall, having regard to the circumstances of the case, revoke the licence issued to such apprentice tourist guide, giving such reasons for such revocation of licence.

(2) In the case of any revocation, as is referred to in sub-regulation (1), such revocation shall be for a period of five (5) years.

(3) Where the licence of an apprentice tourist guide has been revoked in terms of sub-regulation (1), the apprentice tourist guide shall not be eligible to apply for any other licence, issued by the Authority before the lapse of the said period.

**19.** Before refusing to grant or renew a licence or before revoking any licence in accordance with the provisions of the Act and of these regulations, the Authority shall inform the applicant or the licensee, as the case may be, of its decision and shall give him an opportunity to lodge an appeal from such a decision in accordance with the provisions of the Third Schedule to the Act, on payment of the fee set out in the Fees (Tourism) Regulations.

Representations  
by applicant.

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Provided that in the case of any licence withdrawn by the Authority in terms of regulation 17, the Authority is not required to inform the applicant prior to withdrawing the said licence. In such instance, the Authority shall inform the licensee that the licence has been withdrawn and that he has the right to lodge an appeal from such a decision in accordance with the provisions of the Third Schedule to the Act, on payment of the fee set out in the Fees (Tourism) Regulations.

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**20.** (1) Compliance with the provisions of these regulations shall be deemed to be a condition to the licence of an apprentice tourist guide is subject, irrespective of whether reference to these regulations is made in the licence itself.

Fines and  
penalties.

(2) The Authority may grant or renew an apprentice tourist guide licence as subject to such other requirements, conditions, limitations and exclusions as the Authority may consider necessary, appropriate and proportionate in accordance with the Act and its regulations.

(3) Any person who fails to comply with any of the provisions of these regulations and/or the requirements, conditions, limitations

and exclusions imposed by the Authority, such person 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.

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