L.N. 78 of 2024

MALTA TRAVEL AND TOURISM SERVICES ACT (CAP. 409)

Tourism and Hospitality Skills Pass Regulations, 2024

IN EXERCISE of the powers conferred by article 47 of the Malta Travel and Tourism Services Act, the Minister responsible for tourism, on the recommendation of the Malta Tourism Authority, has made the following regulations:-

Citation, scope and commencement.

1. (1) The title of these regulations is the Tourism and Hospitality Skills Pass Regulations, 2024.

(2) The scope of these regulations is to establish the requirements which any person working in the tourism and hospitality sector shall possess and to provide for the minimum skills and knowledge required, and the conditions for obtaining a Skills Pass.

(3) These regulations shall be read in conjunction with any other laws and regulations that require persons working in the tourism and hospitality sector to obtain any other licences and, or qualifications and to satisfy any other requirements applicable to their role.

(4) These regulations shall come into force within two (2) months from their date of publication in the Gazette.

Interpretation.

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

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

"Authority" means the Malta Tourism Authority as established by article 3 of the Act;

"holiday premises" shall have the same meaning as assigned to it in the Act;

"Institute" means the Institute of Tourism Studies as established by the Institute of Tourism Studies Act; Cap. 566.

"Member State" means any State which is a member of the European Union;

"Minister" means the Minister responsible for tourism;

"Skills Pass" means the certification as referred to in regulation 4;

"tourism and hospitality courses" means the courses organised by the Institute as set out in the First Schedule;

"tourism and hospitality establishment" means any hotel, guest house, hostel, holiday premises and any other similar tourism establishment, which provides accommodation to tourists and, or any catering establishments as licensed by the Authority;

"tourism and hospitality operator" means any licensee and, or operator of a tourism and hospitality establishment and, or any other person responsible for a tourism and hospitality establishment;

"tourism and hospitality worker" means any person working in a tourism and hospitality establishment, including those directly and, or indirectly employed with the said establishment;

"third country national" means a person who is not a citizen of Malta or of a Member State.

(2) Unless otherwise defined in these regulations or unless the context otherwise requires, words and expressions used in these regulations shall have the same meaning as assigned to them in the Act or any regulations made thereunder and any other applicable legislation.

Applicability.

3. Any person who is, or is deemed to be a tourism and hospitality worker shall obtain a Skills Pass to work within a tourism and hospitality establishment as from the following dates:

(a) from the date of the coming into force of these regulations in the case of any person being a third country national who has not yet commenced working with a tourism and hospitality establishment in Malta:

Provided that in the case of any person being a third country national who by the date of coming into force of these regulations has already submitted and paid the required fee for an employment licence or permit with the relative competent government entities, paragraph (b) shall apply;

(b) from the 1st January 2025 it shall apply to all tourism and hospitality workers who, before, on and, or after the coming

into force of these regulations, are and, or shall be working within a tourism and hospitality establishment in Malta and who shall be seeking to renew any applicable work permits with the relative competent government entities; and

(c) from the 1st January 2026 it shall apply to all tourism and hospitality workers not referred to in paragraphs (a) and (b), who on and, or after the coming into force of these regulations are and, or shall be working within a tourism and hospitality establishment.

Skills Pass.

4. (1) The Institute shall issue a Skills Pass to any person who:

(a) is at least sixteen (16) years of age;

(b) has filed the appropriate application form with the Institute and paid any applicable fees;

(c) has attended the applicable tourism and hospitality courses for the role that the applicant intends to undertake within a tourism and hospitality establishment; and

(d) has passed all obligatory assessments and interviews of the applicable tourism and hospitality courses:

Provided that the persons referred to in Part II of the Second Schedule shall not be required to satisfy the requisites of paragraphs (c) and (d) in order to obtain a Skills Pass.

(2) The persons referred to in Part I of the Second Schedule shall not be required to satisfy the requisites of sub-regulation 1(c) and (d) in order to obtain a temporary Skills Pass. Such temporary Skills Pass issued in accordance with this sub-regulation shall only be valid for six (6) consecutive months.

(3) A tourism and hospitality operator may apply on behalf of a tourism and hospitality worker working within, or who is or shall be working within its tourism and hospitality establishment and who he believes has the required skills and, or specialised knowledge, which skills and, or knowledge exceed the requirements for the issuance of the Skills Pass in accordance with sub-regulation (1). When the applicant successfully passes all relative assessments and interviews, the Institute may decide that the applicant is not required to attend all modules forming part of the applicable tourism and hospitality course:

Provided that where the tourism and hospitality worker fails one or more relative assessments and interviews, he shall undergo

all the courses in accordance with regulation 4(1)(c) and the relative assessments and interviews in accordance with regulation 4(1)(d).

(4) A Skills Pass as issued by the Institute shall only be valid for the role for which the worker had applied and successfully undergone relative courses and assessments and interviews.

Obligations of tourism and hospitality operators.

5. (1) All tourism and hospitality operators shall ascertain that all tourism and hospitality workers working within their tourism and hospitality establishments are in possession of a valid Skills Pass.

(2) Tourism and hospitality operators shall maintain a record of every Skills Pass obtained by the tourism and hospitality workers working within their tourism and hospitality establishment and of any other document relating to the engagement of such tourism and hospitality workers, such as any document pertaining to the tourism and hospitality workers' remuneration, contracts of engagement, time-sheets and proof of payment and, or other similar documents.

Enforcement.

6. (1) Any government department or entity, including the Authority, or any other person so authorised by the same, may request any person to provide evidence in paper or electronic form of the tourism and hospitality workers who obtained the necessary Skills Pass.

(2) It shall be the duty of the tourism and hospitality operator to submit to any government department or entity, including the Authority, or any other person so authorised by the same, copies of any necessary documents when so requested:

Provided that the tourism and hospitality operator shall submit the documentation by any means as shall be indicated by the relative government department or entity or any person so authorised by the same within such date specified in such communication.

(3) Without prejudice to any other provision in any law, the Authority may exchange information and documentation that is in its possession with any other government department or entity for the purposes of enforcement.

FIRST SCHEDULE
Tourism and hospitality courses

1. The Institute shall provide tourism and hospitality courses, together with the relative assessments. Upon the coming into force of these regulations, the following courses and assessments shall be provided by the Institute:

(a) an English proficiency test;

(b) a basic customer care course and assessment;

(c) a basic Maltese tourism product course and assessment;

(d) a basic essential English course and assessment; and

(e) a skills assessment for any one of the following job categories and their respective National Occupational Standards as approved by the Malta Further and Higher Education Authority, as established by article 3 of the Further and Higher Education Act: Cap. 607.

(i) bar staff;

(ii) front office staff;

(iii) restaurant staff;

(iv) housekeeping staff;

(v) kitchen staff.

2. The nomenclature used for the job categories abovementioned is for reference only and it shall not exclude tourism and hospitality workers and, or tourism and hospitality operators utilising alternative nomenclatures from being subjected to the relative assessment.

3. Any person applying for any role with a tourism and hospitality activity, which role is not included in the job categories referred to in item 1(e) shall undergo the courses and assessments referred to in items 1(a) to 1(d):

Provided that if the Malta Further and Higher Education Authority publishes any National Occupational Standards covering the relative role not included in the job categories referred to in item 1(e), such person shall be obliged to undergo any courses and, or

assessments and interviews covering such National Occupational Standards.

4. The Institute may from time to time modify and vary the list of tourism and hospitality courses and job categories referred to in item 1 to better reflect the needs of the tourism and hospitality sector in Malta.

5. The Institute shall direct applicants to the appropriate courses as indicated in this Schedule or such other courses as the Institute may organise, which align with the applicant's role and responsibilities within the tourism and hospitality operation.

SECOND SCHEDULE
(regulation 4)

PART I

The following persons shall not be required to satisfy the requisites set out in paragraphs (c) and (d) of regulation 4 to obtain a temporary Skills Pass valid for six (6) consecutive months:

1. Full-time students enrolled with any recognised Maltese educational institution; and

2. Students enrolled in an English language learning course in Malta with a licensed English language teaching school:

Provided that if any such persons require a Skills Pass for more than six (6) consecutive months they shall satisfy all the requisites set out in regulation 4.

PART II

The following persons are not required to satisfy the requisites set out in paragraphs (c) and (d) of regulation 4 to obtain a Skills Pass:

1. Students enrolled in tourism and hospitality related courses offered by the Institute, excluding the courses listed in the First Schedule; and

2. Students enrolled in tourism and hospitality-related courses provided by recognised licenced educational institutions within a Member State, who shall be taking part in an internship with a tourism and hospitality operation in Malta.

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