L.N. 147 of 2025

MALTA TRAVEL AND TOURISM SERVICES ACT (CAP. 409)

Trainee Tourist Guides Regulations, 2025

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:-

1. The title of these regulations is the Trainee Tourist Guides Regulations, 2025. Citation.

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

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

"Authority" shall have the same meaning as assigned to it 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;

"identification document" means the document issued by the Authority in accordance with regulation 7(1);

"Minister" means the Minister responsible for tourism;

"operator" means organised excursion operator;

"organised excursion" shall have the same meaning as assigned to it in the Act;

"organised excursion operator" shall have the same meaning as assigned to it in the Act;

"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 Qualifications Framework and is recognised as such by the Authority;

"register of trainee guides" or "register" means the register kept by the Authority in accordance with regulation 3(2);

S.L. 409.12.

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

"tourist guide" shall have the same meaning as assigned to it in the Act;

"trainee guide" means a person who is enrolled with a recognised training institution and is actively pursuing the qualifications required to become a licensed tourist guide.

Licence to act as a trainee guide.

3. (1) No person shall act or provide services as a trainee guide or use the title trainee guide unless he is licensed or recognised to be licensed as such by the Authority in accordance with these regulations.

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

Licensing procedure.

4. (1) The Authority may grant a trainee guide licence to any person upon the submission of a completed application form, which form shall include:

(a) a recent conduct certificate 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 sixty (60) ECTS credits of a Level 5 qualification of the National Qualifications Framework in tourist guiding, or has completed at least fifty percent (50%) of the relative course in tourist guiding:

Provided that in either case, the credits or course components obtained shall indicate that the applicant has adequate knowledge of special designated locations, together with a clear indication of the special designated locations in which the applicant is able to guide; 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 one

hundred and twenty (120) ECTS credits of a Level 5 qualification in tour guiding.

(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 in accordance with 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.

Term of validity of licence.

5. A trainee guide licence shall be issued for a period commencing on the 1st April to the 31st October of the same calendar year, and shall be valid solely during such period. The licence may be issued covering the same period for subsequent years until the trainee guide successfully completes his course of studies:

Provided that the licence may only be renewed if the Authority receives written confirmation from the recognised training institution that the licence holder is still actively pursuing the course of studies referred to in regulation 4(1)(c):

Provided further that if the licence holder ceases to pursue the course of studies for any reason during the term of validity of the licence, the recognised training institution shall immediately notify the Authority in order that the Authority may proceed with the revocation of the said licence in accordance with regulation 16.

Higher level requisites.

6. The Authority may, in consultation with the Minister, require that the level of training for trainee guides to be recognised by the Authority for the purposes of attaining a licence in accordance with

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.

Identification document.

7. (1) The Authority shall issue an identification document to each trainee guide licensed in accordance with these regulations. The said identification document shall include a photograph of the trainee guide, a list of the special designated locations in which the trainee guide is authorised to operate and the languages in which he is authorised to provide guiding services. The said document shall also contain such other information as the Authority may consider necessary, including but not limited to, the trainee guide's full name, registration number and the period of validity of the licence.

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

(3) A trainee guide shall at all times, while leading an organised excursion, wear the identification document in a conspicuous manner.

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

Responsibilities of a trainee guide.

8. (1) It shall be the duty of a trainee guide to lead the organised excursion at all times and conduct or guide an organised excursion in a professional manner.

(2) An organised excursion shall be conducted in accordance with the itinerary established by the operator. A trainee guide may in exceptional circumstances and for a valid reason vary the itinerary.

(3) An trainee guide 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 trainee guides.

Facilities of a trainee guide.

9. (1) Operators shall provide trainee guides:

(a) free transportation by car or boat used in the conduct of the organised excursion;

(b) a free meal when conducting a whole day organised excursion or an allowance which shall 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 a trainee guide to be picked up from and left in the vicinity of his residence at the commencement and termination of an organised excursion.

Maximum number of persons that may be guided.

10. (1) Unless having a special permission in writing from the Authority, no trainee guide shall be responsible for a group of more than fifty-two (52) persons.

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

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

(b) no trainee guide shall be responsible for 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.

Duration of organised excursion.

11. An operator may engage the services of a trainee guide for any of the following excursions:

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

(b) a whole day excursion not exceeding eight (8) hours (inclusive of the time allocated 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.

Trainee guide remaining in Gozo or Malta due to *force majeur.*

12. (1) In the case of a trainee guide conducting an organised excursion from Malta to Gozo or *vice versa*, where the return journey at the end of the excursion cannot be made because of unavailability of transport, the trainee guide shall be provided with adequate meals and accommodation for the overnight stay. The trainee guide shall also be paid additional remuneration as contracted beforehand between the trainee guide and the operator for the overnight stay.

(2) In the cases referred to in sub-regulation (1), a trainee guide

who has been engaged for an organised excursion on the following day and who because of the overnight stay cannot honour his commitments, shall immediately inform the relative operator of the said event. In such cases, no cancellation fees shall apply.

Commencement and end of an organised excursion.

13. An organised excursion shall be deemed to commence at the time the trainee guide is requested to report to commence his duties and is deemed to end when the last passenger leaves the organised excursion.

Report by trainee guide.

14. A trainee 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 (1) week from the excursion, or within such other longer period as may be agreed with the operator.

Collusion.

15. When in the course of an organised excursion, reasonable free time is allowed, no trainee guide may show a preference for any retail outlet, or direct tourists under his charge to any particular retail outlet.

Withdrawal of licence.

16. 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 regulation 4(1)(c) or for any other justifiable reason.

Suspension or revocation of licence.

17. (1) Without prejudice to regulation 16, where the Authority is satisfied that a trainee guide:

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

(b) breached 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) has 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 a trainee guide or reflects adversely on the status of a trainee guide,

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

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

(3) Where the licence of a trainee guide has been revoked in

accordance with sub-regulation (1), the trainee guide shall not be eligible to apply for any other licence issued by the Authority before the lapse of the period referred to in sub-regulation (2).

Appeal by applicant.

18. 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 licence holder, as the case may be, of its decision and shall give him an opportunity to appeal such a decision in accordance with the provisions of the Third Schedule to the Act, on payment of the fee established in the Fees (Tourism) Regulations. S.L. 409.05.

Provided that in the case of any licence revoked by the Authority in accordance with regulation 16, the Authority shall not be required to inform the applicant prior to the revocation the said licence. In such case, the Authority shall inform the licence holder that the licence has been revoked and that he has the right to appeal from such a decision in accordance with the provisions of the Third Schedule to the Act, on payment of the fee established in the Fees (Tourism) Regulations.

Fines and punishments.

19. (1) Compliance with the provisions of these regulations shall be deemed to be a condition to the licence to which a trainee guide shall be subject to, irrespective of whether reference to these regulations is made in the licence itself.

(2) The Authority may grant or renew a trainee 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 the regulations made thereunder.

(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, shall be guilty of an offence, and shall be liable to the fines and punishments as established in articles 43 and 45 of the Act.

Repeal and saving. S.L. 409.20.

20. The Apprentice Tourist Guide Regulations are hereby repealed without prejudice to anything done or omitted to be done thereunder.

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