

MEMORANDUM BY THE MINISTER OF JUSTICE

The attached is a Bill to provide for the organisation and regulation of a tourist guide service in Malta.

Until the enactment of the Tourist Development Act, 1958, persons carrying on the calling of guides required a licence under section 200 of the Code of Police Laws. Section 201 of that Code empowered the Governor to make regulations respecting guides. The reference to guides in these two sections of the Code was repealed by the Tourist Development Act, 1958, but the proviso to section 5 of that Act expressly saved the regulations and the tariff. It so happened, however, that the Tourist Development Act, 1958, was repealed by the Malta Government Tourist Board Ordinance, 1958 and, as no reservations were made for the old regulations and tariff, these ceased to have effect. This was done before the constitution of the Executive Council.

The attached Bill makes new provisions for the whole matter.

The provisions of the Bill -

- a) prohibits any person to act as a guide except under licence;
- b) lays down the conditions under which a licence may be granted;
- c) requires licensed guides to produce the licence for inspection by officials of the Tourist Board and a copy of the tariff to persons applying for the services of a guide;
- d) lays down the penalties for certain infringements; and empowers the Board to suspend or cancel a licence with the right of appeal to the Minister of Industrial Development and Tourism on the fact of guides who may feel aggrieved by a Board's decision; and
- e) empowers the Minister to make regulations under the Act.

Hon Ministers are invited to recommend.

20th October, 1965.

A B I L L  
entitled

AN ACT to provide for the organization and regulation of a Tourist Guide Service.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the House of Representatives of Malta, in this present Parliament assembled, and by the authority of the same, as follows:-

Short title. 1. This Act may be cited as the Tourist Guide Service Act, 1965.

Interpretation. 2. In this Act, unless the context otherwise requires -

Ordinance  
No. III of  
1958.

"Board" means the Malta Government Tourist Board established by the Malta Government Tourist Board Ordinance, 1958;

"tourist guide" or "guide" means any person to whom a licence has been issued under the provisions of section 3 of this Act;

"prescribe" or "prescribed" means prescribe or prescribed by regulations made under this Act;

"licence" means a licence to act as a tourist guide issued by the Malta Government Tourist Board under the provisions of section 3 of this Act;

"Malta" has the same meaning as is assigned to it by section 126 of the Constitution of Malta;

"Minister" means the Minister responsible for tourism;

"services", in relation to a tourist guide, means the services of accompanying and providing guidance to Maltese or foreign persons in tours in Malta or any part thereof or to museums, monuments or other places of interest in Malta;

"tourist" includes residents of Malta and associations of persons in Malta or outside Malta promoting tourist traffic to Malta;

Tourist guide  
to be licensed

3. (1) No person shall offer his services as a tourist guide or perform such services for a remuneration or reward unless he is in possession of a licence, and any such licence may specify the area or areas where, and the language or languages in which, his services as a guide may be offered or performed and may be subject to such other conditions as the Board may impose.

(2) Every such licence shall be in the form set out in the Schedule to this Act, shall bear a photograph of the licensee and shall expire on the thirty-first day of December next following the date of issue.

(3) Subject to the provisions of section 7 of this Act, any person who offers his services as a tourist guide or performs such services for a remuneration or reward without a licence issued under subsection (1) hereof or not in accordance with any conditions imposed in any such licence shall be guilty of an offence and liable, on conviction, to imprisonment for a term not exceeding three months or to a fine (multa) not exceeding twenty-five pounds or both such imprisonment and such fine.

Board may  
fix maximum  
number of  
licences.

4. The Board may from time to time fix the maximum number of licences which may be issued under this Act and determine the distribution of such number or part thereof among categories of licences to be established by reference to the area or areas where, and the language or languages in which, the services as a guide are to be performed.

Conditions  
under which  
the licence  
shall be  
granted.

5. (1) No licence shall be granted by the Board unless the person applying therefor satisfies the Board that -

- (a) he is of good character and is a fit and proper person to act as a guide; and
- (b) he is medically fit and not suffering from any disability which, in the opinion of the Board, is likely to interfere with the performance of his services as a guide.

(2) The Board may require any person applying for licence to sit for and qualify in an examination before granting such licence.



Transfer of  
licence.

6. Licences shall not be transferable and any person who transfers a licence or who makes use of a licence issued in the name of another person or makes use of any other document for the purpose of representing himself falsely to be a tourist guide shall be guilty of an offence under this Act and liable, on conviction, to imprisonment for a term not exceeding three months or a fine (multa) not exceeding fifty pounds or both such imprisonment and such fine.

Production of  
licence and  
tariff.

7. (1) Every guide shall produce his licence for inspection on the demand of the Board or any person authorised by the Board in that behalf or of any tourist who has applied for his services or to whom his services have been offered.

(2) Every guide shall produce for inspection on the demand of any tourist who has applied for his services or to whom his services have been offered a copy of the tariff of the prescribed charges for such services.

Charges for  
tourist guide  
services.

8. No guide shall, in respect of his services, directly or indirectly ask for or stipulate a remuneration or reward which is higher than the prescribed charges for such services or ask for or stipulate a remuneration or reward which is lower than such prescribed charges.

Suspension or  
cancellation  
of licences.

9. Where, after such inquiry as it deems fit, the Board is satisfied that a guide -

- (a) has behaved in an improper manner towards a tourist; or
- (b) has done something which is prohibited by this Act or any regulation made thereunder or has failed to do something which he is required to do by this Act or any regulations made thereunder; or
- (c) has been convicted of an offence under this Act or any regulations made thereunder or of any other offence which in the opinion of the Board renders him unfit to continue to act as a guide or reflects adversely on the status of a guide,

the/....

the Board may, having regard to the circumstances of the case, either suspend or cancel the licence issued to such guide:

Provided that -

- (a) the suspension or cancellation of such licence shall not take effect until the expiration of ten days from the date on which notice thereof has been communicated to such guide; and
- (b) where an appeal has been made against the suspension or cancellation of such licence in accordance with the provisions of section 10 of this Act, such suspension or cancellation shall not take effect until the expiration of two days from the date on which the decision of the Minister thereon has been communicated to the appellant in accordance with the provisions of that section.

Appeals.

10. (1) Any person who is aggrieved by -

- (a) the refusal of the Board to grant a licence under this Act, except by reason of the total maximum number of licences or of all the licences in the category applied for, as the case may be, having already been issued;
- (b) the suspension or cancellation by the Board of a licence granted to him under this Act

may, within ten days from the date of the communication to him of such refusal, suspension or cancellation, as the case may be, appeal against such decision in writing to the Minister.

(2) The Minister shall consider such appeal and, after such inquiry as he may deem fit, he shall confirm, reject or modify the decision of the Board in the light of what he believes to be the best interests of the good and efficient working of a tourist guide service in Malta.

(3)/....

(3) The decision of the Minister in accordance with the provisions of subsection (2) of this section shall be final and conclusive and, unless it shall have rejected the decision of the Board, shall become effective two days after it is communicated to the appellant.

Regulations.

11. (1) The Minister may by regulations make provision generally for carrying into effect the purposes of this act and for the good and efficient working of a tourist guide service in Malta and, without prejudice to the generality of this power, -

- (a) for prescribing the conditions of service of guides, the charges which may be made by guides for their services and the reports to be made by guides;
- (b) for preventing collusion between guides and other persons to the detriment of tourists;
- (c) for regulating the behaviour of guides towards tourists; and
- (d) for prescribing the penalties, which shall in no case exceed a fine (multa) of fifty pounds, to which any offender against any regulations made under this act shall be liable.

(2) Any regulations made under this section shall be laid before the House of Representatives as soon as may be after they are made, and if, within the next twenty days beginning with the day on which any such regulations are so laid before it, the House of Representatives resolves that the regulations be annulled, they shall thenceforth be void, but without prejudice to anything previously done thereunder or to the making of any new regulations:

Provided that there shall not be included in the computation of the said twenty days any period of four or more consecutive days intervening between any two consecutive sittings of the House of Representatives.

SCHEDULEThe Tourist Guide Service Act, 1965.

\_\_\_\_\_ of \_\_\_\_\_  
 \_\_\_\_\_ is hereby authorised  
 to act as a guide in \_\_\_\_\_  
 Photograph in accordance with the provisions of the Tourist  
 of Guide Service Act, 1965.

Guide This licence expires on the 31st day of  
 December, 19\_\_.

Dated the \_\_\_\_\_  
 day of \_\_\_\_\_  
 19\_\_.

Chairman  
 Malta Government Tourist  
 Board

Objects and Reasons

The object of this Bill is to provide for the organisation and regulation of a tourist guide service in Malta on a sound basis. It seeks to ensure the good and efficient working of such service with a view to fostering the growth of international tourism in these Islands.