

MEMORANDUM FOR THE CABINET  
BY THE  
HON. MINISTER OF EDUCATION, CULTURE AND TOURISM  
ON THE AMENDMENTS TO  
THE HOTELS AND CATERING ESTABLISHMENTS ACT, 1967

1. The said Act provides that it is to come into force on such date as the Minister responsible for Tourism may appoint by notice in the Government Gazette. It has been now found out that it is not possible to bring into force all the provisions of the said Act concurrently, since it is essential that certain provisions, such as the definitions provision (section 2), the provision concerning the constitution of the Hotels and Catering Establishments Board, (section 3) the provision in respect of the making of regulations (section 15) as well as the Transitory provisions referred to below, should come into operation before the remaining provisions of the Act.

2. In order that the said Board may in a first instance and initially make the classification of hotels and catering establishments, it is also proper that there should be provisions of a transitory nature enabling the Board to collect and check the necessary information before the whole Act comes into operation.

3. Finally, it is desirable that it be not compulsory for the Hon. Prime Minister to appoint the Chairman of the Board from amongst the members of the Malta Government Tourist Board and that the Minister be empowered to appoint a Secretary to the said Board and to amend the Act so as to provide that, where the unclean or insanitary condition of a hotel or catering establishment is such as to cause injury to health, the Board may specify for the removal of any such condition a period lesser than one month which at present is the minimum period which the Board can prescribe.

4. Hon. Ministers are required to approve that the Hotels and Catering Establishments Act, 1967, be amended so as to incorporate the requirements listed above.

25th July, 1969. \_\_\_\_\_

## A B I L L

entitled

AN ACT to amend the Hotels and Catering Establishments Act, 1967.

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 Hotels and Catering Establishments (Amendment) Act, 1969, and shall be read and construed as one with the Hotels and Catering Establishments Act, 1967, hereinafter referred to as "the principal Act".

Amendment of section 1 of the principal Act.

2. In section 1 of the principal Act, for the words "and shall come into force on such date as the Minister may prescribe by notice in the Government Gazette" there shall be substituted the words "and shall come into force on such date as the Minister may appoint by notice in the Government Gazette, so, however, that the Minister may appoint different dates in respect of different provisions".

Amendment of section 3 of the principal Act.

3. Section 3 of the principal Act shall be amended as follows:-

(a) in paragraph (a) of subsection (2) there shall be deleted the words "from amongst the members of the Malta Government Tourist Board";

(b) immediately after subsection (7) there shall be added the following new subsection:-

"(8) The Minister shall appoint a Secretary to the Board".

Amendment of section 7 of the principal Act.

4. In subsection (1) of section 7 of the principal Act for the words "not being less than one month" there shall be substituted the words "which except in urgent cases involving injury to health shall not be less than one month".

Addition of new provisions to the principal Act.

5. Immediately after section 18 of the principal Act there shall be added the following:-

"PART IV  
TRANSITORY PROVISIONS

Preliminary information.

19. (1) The Board shall have the power by notice published in the Government Gazette to require the licencees of hotels and of catering establishments

to furnish/...

to furnish within such time as is stated in the notice which in any case shall not be less than fifteen days from the publication of the notice, on a form issued to that effect by the Board such details and information as the Board may deem fit to require for the purpose of the classification of hotels and catering establishments under the provisions of this Act.

(2) The Board may, moreover, require the licensee of any hotel or catering establishment to furnish within a stated period such additional information as the Board may deem necessary in order to complete the information obtained under the last preceding subsection.

(3) Any member of the Board or any other person authorised in writing to that effect by the Chairman of the Board shall have at any reasonable time access to any hotel or catering establishment and shall have the right to inspect any part of the building of such hotel or catering establishment for the purpose of confirming or otherwise the information received under the foregoing provisions of this section and for any other purpose connected with the classification of hotels and catering establishments under the provisions of this Act.

Offences and  
punishments.

20. Any licensee who fails to comply with a request made by the Board under subsection (1) or (2) of the last preceding section or any person who denies or in any way obstructs the right of access or of inspection under subsection (3) of the said section shall be guilty of an offence and shall be liable on conviction to a fine (multa) of not less than five pounds and not more than fifty pounds and, in the case of a continuing offence, to a multa not exceeding five pounds for each day during which the offence continues.

Meaning of  
"licensee".

21. In this Part of this Act, "licensee" means the holder of a licence from the Commissioner of Police in respect of the premises where the hotel or catering establishment is operated and, if the holder of such licence is a company, the provisions of subsection (5) of section 3 of this Act shall apply "mutatis mutandis".

Period of  
operation of  
this part of  
the Act.

22. The provisions of this Part of this Act shall remain in force until the whole Act comes into operation."

Objects and Reasons

The object of this Bill is to amend the Hotels and Catering Establishments Act, 1967, so as to empower the Minister responsible for Tourism to bring into force the various provisions of the said Act at different dates and so as to ensure that the Hotels and Catering Establishments Board will have all the necessary information which the Board may require in order that the classification of hotels and catering establishments will be ready before the said Act comes into operation in its entirety.

Another amendment provides that the Chairman of the said Board need not necessarily be a member of the Malta Government Tourist Board.