



GUYANA

ACT No. 11 of 1985

SALE OF TRAVEL TICKETS ACT 1985

I assent.

H. D. HOYTE,
President.

1985 — 10 — 08

ARRANGEMENT OF SECTIONS

SECTION

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AN ACT to provide
travel tickets.

A.D. 1985 Enacted by the Parliament of Guyana:—

**Short title
and com-
mencement**

**Interpreta-
tion.**

(a) "authorised dealer" and "foreign currency" have the same meaning as in the Exchange Control Act;

(b) "authorised travel agent" means any person who has been granted a licence under this Act to sell travel tickets in Guyana;

"immigration officer" has the same meaning as in the Immigration Act;

(d) "prescribed" means prescribed by the Minister by regulations;

(e) "specified foreign currency" means such foreign currency as may, by order, be specified by the Minister for the purposes of this Act;

(f) "scheduled journey" means one of a series of journeys which are undertaken between two or more countries of which Guyana is one and which together amount to a systematic service operated in such a manner that the

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SALE OF TRAVEL TICKETS

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benefits thereof are available to members of the public from time to time seeking to take advantage of it;

- (g) "travel ticket" means any written instrument issued within or outside Guyana whereby a person on a journey from Guyana is entitled for that purpose to be provided with transportation by aircraft on a scheduled journey.

3. After the expiry of thirty days from the commencement of this Act, no person, other than an airline or an authorised travel agent, shall sell travel tickets in Guyana. **Regulation of sale of travel tickets.**

4. (1) Application for the issue of a licence to sell travel tickets in Guyana shall be made to the Minister in the prescribed form and shall be accompanied by the prescribed application fee. **Application for licence.**

(2) Where an application for the issue of a licence is made under subsection (1), the Minister, having regard to all relevant matters including the number of authorised travel agents already carrying on business in Guyana, the qualification and experience of the applicant in matters relating to the business of the sale of travel tickets and, where there are more applicants than one, the comparative merit of the applicants, may grant the applicant the licence on payment of the prescribed licence fee.

(3) A licence granted under subsection (2) shall be in such form and shall be subject to such conditions as may, from time to time, be prescribed and to such other conditions as may be specified in the licence, including any condition as to the furnishing of security, the amount and the forfeiture thereof, and the power of the Minister by written notice to vary the amount of the security from time to time.

5. (1) The Minister may revoke a licence granted to an authorised travel agent under this Act if the authorised travel agent — **Revocation and suspension of licence.**

- (a) has ceased to carry on his business for a period of not less than six months; or
- (b) has contravened, or failed to comply with, any of the conditions subject to which the licence was granted or any other provision of this Act.

(2) A licence granted under this Act may be suspended by the Minister for such period as may be specified by him on the ground that the authorised travel agent has contravened, or has failed to comply with, any of the conditions subject to which the licence was granted or the provisions of this Act or pending any investigation into

a complaint that the authorised travel agent is guilty of any such act or omission.

(3) The Minister shall not revoke or suspend a licence granted to an authorised travel agent under this Act unless he has given the authorised travel agent a reasonable opportunity of being heard.

Sale of travel tickets to persons not ordinarily resident in Guyana.

Cap. 80:01

Cap. 80:09

6. (1) No person shall sell to any person not ordinarily resident in Guyana a travel ticket for a scheduled journey, and no person shall buy a travel ticket for a scheduled journey by a person not ordinarily resident in Guyana, unless the price therefor and the taxes payable in accordance with the provisions of section 57 of the Tax Act and section 3 of the Travel Voucher Tax Act are paid in the specified foreign currency.

(2) For the purposes of this Act —

- (a) a person shall be deemed to be not ordinarily resident in Guyana if he was, during the period of three hundred and sixty-five days immediately preceding the date on which the travel ticket is purchased for a scheduled journey by him, living whether continuously or not, in any country, or one or more countries, other than Guyana for a period exceeding one hundred and eighty three days in the aggregate;
- (b) unless the contrary is proved, a person who is a citizen of, or has been granted permanent resident status in a country other than Guyana shall be deemed to be not ordinarily resident in Guyana.

(3) If any doubt or dispute arises as to whether a person is or is not ordinarily resident in Guyana for the purposes of this section, the airline or authorised travel agent, as the case may be, shall refer the matter to the Minister whose decision thereon shall be final.

Provided that the Minister shall give to the person seeking to purchase the travel ticket a reasonable opportunity of being heard.

(4) The Minister may, in writing, exempt any person or any class of persons not ordinarily resident in Guyana from the provisions of subsection (1), and such exemption may be general or subject to such conditions as the Minister may specify.

(5) Without prejudice to the provisions of subsection (4), where the Minister is satisfied that a scheduled journey by a citizen of Guyana, not ordinarily resident in Guyana, is for the purpose of —

- (a) medical treatment of the citizen; or
- (b) any course of study or research he seeks to undertake, being a course of study or research to undertake which he is adequately qualified,

and facilities for the medical treatment or the course of study or research, as the case may be, are not available in Guyana, and that the other circumstances of the case justify it, the Minister may, in writing, exempt that citizen from the provisions of subsection (1) in relation to that scheduled journey.

- (6) Where the whole or part of —
 - (a) the price of a travel ticket for a scheduled journey; or
 - (b) the tax payable in accordance with the provisions of section 57 of the Tax Act or section 3 of the Travel Voucher Tax Act,

paid in a specified foreign currency, is required to be refunded under any law, or contract relating to the purchase of the travel ticket, the refund shall be made in the currency in which the payment of the price of the travel ticket or of the tax was made, in accordance with the procedure specified by order by the Minister assigned responsibility for finance.

7. Notwithstanding anything in any other law to the contrary, where foreign currency is received by any airline or authorised travel agent from the sale of travel tickets, the airline or authorised travel agent, as the case may be, shall offer the foreign currency, or cause it to be offered, for sale within three days of the receipt thereof to an authorised dealer.

8. (1) Every airline and authorised travel agent shall keep separately the following accounts —

- (a) an account to be called the Travel Tickets (Foreign Currency) Account in which shall be recorded all sales of travel tickets in foreign currency with the name and address of the persons to whom the travel tickets were sold by the airline or authorised travel agent, as the case may be; and
- (b) an account to be called the Sale of Foreign Currency Account in which shall be recorded all foreign currency received and sold by the

Foreign
currency to
be sold to
an author-
ised dealer.

Keeping of
accounts
and issuing
of receipts.

airline or authorised travel agent, as the case may be, to an authorised dealer.

(2) Every airline or authorised travel agent shall give to a person who purchases a travel ticket with foreign currency, a receipt for such foreign currency and shall attach to the travel ticket a duplicate of the receipt on which shall be written or printed the full name and address of the airline or authorised travel agent, the name of the purchaser and the amount paid in foreign currency for the ticket.

(3) The accounts to be kept and the receipts to be issued under this section shall be in such form as may be prescribed.

Quarterly returns by airline and authorised travel agent to Bank of Guyana.

9. (1) Every airline and authorised travel agent shall make and furnish quarterly to the Governor of the Bank of Guyana a true and correct return containing the following particulars —

- (a) the name and address of every person, and the amount of foreign currency received from every person who has bought a travel ticket in foreign currency from the airline or authorised travel agent;
- (b) the date of the sale of every travel ticket sold in foreign currency by the airline or the authorised travel agent;
- (c) the name and address of the authorised dealer to whom the foreign currency was sold by the airline or authorised travel agent, and the date of such sale; and
- (d) the amount of refunds, if any, made in foreign currency by the airline or authorised travel agent.

(2) In addition to the particulars referred to in subsection (1), the return shall contain such other particulars and shall be in such form as the Minister responsible for finance may, from time to time, prescribe.

Presentation of travel tickets to immigration officer.

10. (1) Where a person on leaving Guyana as a passenger on an aircraft presents his travel ticket to an immigration officer for inspection by him at the place where that person is commencing his journey from Guyana the immigration officer, unless he is satisfied —

- (a) in the case of a person not ordinarily resident in Guyana, that attached to his travel ticket, is the duplicate receipt referred to in section

8 (2), or that the person is exempt from the provisions of section 6(1); and

- (b) in any other case, that the person holding the travel ticket is a person to whom section 6(1) does not apply,

may refuse to grant permission for such person to leave Guyana and for the purpose of enforcing his refusal, may take any necessary measures, including the use with any assistance of such force as is reasonably justifiable in the circumstances.

(2) The immigration officer shall detach from the travel ticket the duplicate receipt and deliver it in such manner and at such time as the Minister may specify to the Governor of the Bank of Guyana or any officer of the bank authorised by the Governor to receive it.

11. Any public officer authorised by the Minister in that behalf may, during the hours the premises of any airline or authorised travel agent are ordinarily open for business, enter thereon and request the production of, examine and take copies of, accounts, books, records and documents relating to the business as are found therein. ^{Production and examination of books.}

12. (1) Any person who contravenes the provisions of section 3 or fails to comply with any of the requirements of section 7 or 8(1) or (2) or 9(1), or who obstructs any public officer in discharging any of his functions under section 11 shall be liable on summary conviction to a penalty of ten thousand dollars and imprisonment for one year. ^{Penalties.}

(2) Any person who fails to comply with any of the requirements of section 6(1) or any order made under section 6(6) shall be liable on summary conviction to a penalty of fifteen thousand dollars together with imprisonment for two years.

13. (1) The Minister may make regulations for the carrying out of the purposes of this Act. ^{Regulations.}

(2) Without prejudice to the generality of the provisions of subsection (1) such regulations may in particular provide for all or any of the following matters —

- (a) the forms needed for the administration of this Act;

- (b) the fees to be charged; and
- (c) the conditions subject to which a licence may be granted.

Passed by the National Assembly on 1985—09—24


F. A. Narain.

Clerk of the National Assembly.

(Bill No. 10/1985)

(No. MT: 3/2/1/3)