



GUYANA

ACT No. 18 of 1989

HOTELS (RECEIPT OF CHARGES IN SPECIFIED FOREIGN CURRENCY) ACT 1989

I assent.

H. D. HOYTE,
President.

1989—12—28.

ARRANGEMENT OF SECTIONS

SECTION

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AN ACT to make provision for the receipt and payment, in specified foreign currency of costs and charges in respect of the stay of foreign nationals in hotels in Guyana and for matters connected therewith.

A.D. 1989

Enacted by the Parliament of Guyana:—

Short title
and com-
mence-
ment.

1. This Act may be cited as the Hotels (Receipt of Charges in Specified Foreign Currency) Act 1989 and shall come into operation on such date as the Minister may, by order, appoint.

Interpreta-
tion.

2. (1) In this Act —

(a) “approved hotel” means a hotel approved by the Minister for the purposes of this Act under section 3 (1) and the approval has not expired or been suspended or revoked;

(b) “authorised dealer” has the same meaning as in the Exchange Control Act;

(c) “credit card” means a credit card, the amounts charged by virtue of which are payable in any specified foreign currency, and issued by a company recognised for the purposes of this Act by the Minister by notification in the **Gazette**;

(d) “foreigner” means a person who does not belong to Guyana;

(e) “foreign currency” means any currency other than Guyana dollars and includes a right

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to receive any currency other than Guyana dollars in respect of any credit or balance at a bank and a travellers' cheque or draft expressed in a currency other than Guyana dollars and drawn by a bank:

- (f) "hotel" includes a boarding house, guest house, inn and lodging house;
- (g) "member of the family", in relation to a foreigner, means his or her spouse and sons and daughters, and the spouse of any such son or daughter;
- (h) "owner" in relation to a hotel means the person who owns, or carries on the business of, the hotel;
- (i) "prescribed" means prescribed by regulations made by the Minister;
- (j) "specified foreign currency" means any foreign currency specified by the Minister by order for the purposes of this Act.

(2) For the purposes of this Act —

- (a) references to a son or daughter shall be deemed to include references to a step-son or adopted son or to a step-daughter or adopted daughter, as the case may be;
- (b) a person shall be deemed to belong to Guyana only if he is a citizen of Guyana or a dependant of any such citizen.

(3) Expressions used in this Act and not defined, but defined in the Immigration Act, shall have the meanings assigned to them in that Act.

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3. (1) The Minister may, with the consent of the owner of a hotel, approve the hotel for the purposes of this Act.

Approval of
hotels for
purposes of
Act.

- (2) The approval of a hotel under subsection (1) shall be —
 - (a) subject to the provisions of this Act, such conditions as may be prescribed and any other conditions that may be specified by the Minister while granting the approval;

- (b) valid, subject to the other provisions of this Act, for such period as may be specified by the Minister.
- (3) The Minister may revoke the approval of an approved hotel —

- (a) if he is satisfied that the owner of the hotel has contravened, or failed to comply with, any provision of this Act or any condition subject to which the approval was granted:

Provided that the approval of a hotel shall not be revoked under this paragraph unless the owner of the hotel has been given a reasonable opportunity to show cause against such revocation of approval:

- (b) if the owner of the hotel requests that the approval be revoked.

(4) The Minister may suspend the approval of an approved hotel pending investigation into any allegation that the owner of the approved hotel has contravened, or failed to comply with, any provision of this Act or any condition subject to which the approval was granted.

(5) The approval of a hotel under this section and the revocation or suspension of such approval shall be notified in the **Gazette**.

4. (1) The owner of an approved hotel shall claim and receive from a foreigner, and a foreigner shall pay to the owner of an approved hotel, the cost and all other charges, payable by a foreigner for, and in connection with, the stay in that hotel of himself and any member of his family accompanying him in specified foreign currency and such cost and other charges shall not be claimed or received, or paid, in any other currency.

(2) The cost and charges referred to in subsection (1) shall include the cost and charges for the supply, by an approved hotel of food and beverages to the foreigner, or any member of his family accompanying him, staying in that hotel, or to any guest of any such foreigner or member of his family.

(3) Where any sum paid in specified foreign currency to the owner of an approved hotel, or deposited with him, by any foreigner, by virtue of the provisions of subsection (1), is required to be refunded to the foreigner by such owner under any law, or

Payment and receipt of cost, etc. of stay of foreigner in approved hotel only in specified foreign currency.

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contract relating to the stay of the foreigner, or any member of his family accompanying him, in the approved hotel, the refund shall be made in the currency in which the payment was made, in accordance with the procedure specified by the Minister by order.

5 (1) The foreign currency received by any person for, or in connection with, the stay of any foreigner or any member of his family in any approved hotel, or otherwise in the course of the business of the hotel, shall be offered, or caused to be offered, by such person, within three days from the date of the receipt thereof, for sale to an authorised dealer.

Foreign
currency to
be sold to
authorised
dealer.

(2) Notwithstanding anything contained in subsection (1), the Minister may, subject to such conditions as may be specified by him, consent to the retention by the owner of an approved hotel, out of the amount in foreign currency received by him in the course of the business of the hotel, such sum, for use for such purpose, and for such period when the hotel continues to be an approved hotel, as may be specified by the Minister:

Provided that the Minister may for good and sufficient cause extend the time specified by him under this subsection or revoke the consent, but such revocation shall not be made unless the owner of the approved hotel has been given a reasonable opportunity to show cause against such revocation.

(3) Where the Minister has revoked the consent given under subsection (2) for the retention of any sum of foreign currency by the owner of an approved hotel for use for any purpose, such owner shall, within three days from the date of the revocation of such consent, offer or cause to be offered for sale to an authorised dealer the sum of foreign currency so allowed to be retained and not used for the said purpose before the revocation of such consent.

(4) Where the Minister has consented to the retention by the owner of an approved hotel of any sum of foreign currency under subsection (2) for use for any purpose within a specified period and such owner does not use the whole or any part of such foreign currency for that purpose, within the period allowed therefor, subsection (3) shall apply in relation to the sum of foreign currency not so used as if the Minister had revoked his consent, for the retention and use thereof, immediately after the expiry of the said period.

6. The owner of a hotel, not being an approved hotel, shall not allow a foreigner or any member of the family of the foreigner accompanying him, to stay in the hotel unless such owner is satisfied that the foreigner has sold, after his arrival in Guyana on that occasion, to an authorised dealer an adequate sum of

Owner of
hotel, other
than ap-
proved hotel,
not to allow
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er to stay in
hotel in
certain
cases.

specified foreign currency, not being a sum which is less than the prescribed minimum sum.

Maintenance of register by owner of hotel.

7. The owner of every hotel shall keep a register, in such form as may be prescribed, wherein shall be entered the name, permanent address, nationality, and such other particulars as may be prescribed, of every person allowed to stay in the hotel.

Keeping of books and accounts by owner of approved hotel and issuing of receipts.

8. (1) The owner of an approved hotel shall, in addition to the register referred to in section 7 keep such books and accounts in respect of the business of the approved hotel, in such form and containing such particulars, as may be prescribed.

(2) The owner of an approved hotel shall give to a person staying in the hotel a receipt in such form and containing such particulars as may be prescribed and shall retain a duplicate of the receipt.

Quarterly returns to Minister by owner of approved hotel.

9. (1) The owner of an approved hotel shall make and furnish quarterly to the Minister a true and correct return in such form, and containing such particulars, as may be prescribed, of the business of the approved hotel in the preceding quarter.

(2) The return referred to in subsection (1), relating to any quarter shall be furnished to the Minister within such period, after the expiry of the quarter, as may be prescribed.

Production and examination of books, etc.

10. Any public officer authorised by the Minister in that behalf may, during any time when a hotel is open for admitting persons for stay therein or for allowing any person staying in the hotel to vacate the accommodation wherein he is staying, enter the premises of the hotel and —

- (a) request the owner or any other person employed in connection with the business of the hotel to produce the registers, accounts, books and other records and documents relating to the business of the hotel found there;
- (b) examine and take copies of registers, accounts, books and other records and documents referred to in paragraph (a);
- (c) question any such owner or other person in respect of the stay of any person in the hotel;

(d) verify the foreign currency or other sums of money or negotiable instruments found there, and any person to whom any request is made under paragraph (a) shall comply with the request and any person who is questioned under paragraph (c) shall answer the questions truthfully.

11. When a foreigner, to whom section 14 or any order made thereunder does not apply, leaves Guyana after a period of stay in Guyana, he shall, if so requested by an immigration officer, produce evidence to the satisfaction of such officer that during the aforesaid period of stay he has, so as to comply with the provisions of section 4 or 6, as the case may be, utilised —

Proof by foreigner of utilisation of adequate sum of specified foreign currency.

- (a) an adequate sum of specified foreign currency, to meet the cost and other charges referred to in section 4 in a case where that section applies; or
- (b) by sale to an authorised dealer, an adequate sum of specified foreign currency, not being a sum which is less than the prescribed minimum sum, in a case where section 6 applies.

12. Where any foreigner has in his possession a credit card in his name —

Compliance with section 4 or 6 by foreigner having credit card.

- (a) section 4 shall be deemed to have been complied with if the foreigner has charged to the company that issued the credit card, in any specified foreign currency, the cost and all other charges payable by the foreigner for, and in connection with, the stay in an approved hotel of himself and the members of his family accompanying him;
- (b) section 6 shall be deemed to have been complied with if the foreigner has charged to the company, that issued the credit card, in any specified foreign currency, a sum which is not less than the prescribed minimum sum, to make payments to meet the expenses in Guyana of the foreigner and the members of his family accompanying him.

13. Notwithstanding anything contained in the Exchange Control Act, an approved hotel shall not be authorised to act as an authorised dealer.

Approved hotel not to be appointed authorised dealer.
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Exemptions,

14. (1) The Minister may by order exempt any person or class of persons from all or any of the provisions of section 4, 6 or 11, having regard to the country of his or their nationality or the purpose of his or their arrival in Guyana.

(2) Without prejudice to the provisions of subsection (1), the following persons shall be exempt from the provisions of sections 4, 6 and 11 —

- (a) any person, being an employee of an international organisation of which Guyana is a member, arriving in Guyana in connection with his official functions, or any person arriving in Guyana to take up, to continue, or in connection with, any assignment by any such international organisation;
- (b) any person arriving in Guyana to take up or to continue any employment —
 - (i) in the public service, or with any public corporation, or any body corporate, owned by, or in which the controlling interest vests in, the State or any agency on behalf of the State; or
 - (ii) with any other employer, where the employment has been approved by the Minister;
- (c) any foreigner who has been granted permanent resident status in Guyana; and
- (d) any member of the family of any person exempted by paragraph (a), (b) or (c).

Penalties,

15. (1) The owner of any approved hotel who contravenes section 4 shall be liable, on summary conviction, to a fine of ten thousand dollars and imprisonment for one year.

(2) Any person who fails to sell to an authorised dealer foreign currency, required by section 5 to be sold to an authorised dealer, before the expiry of the time allowed therefor by that section, shall, on summary conviction, be liable to a fine which shall not be less than three times the value of such foreign currency or five thousand dollars, whichever is higher, and to imprisonment for three years and the court convicting the person shall forfeit the currency in respect of which the offence was committed.

(3) Any person is guilty of the contravention of any other provision of this Act, not being section 11, shall, on summary conviction, be liable to a fine of five thousand dollars and to imprisonment for one year.

16. (1) The Minister may make regulations for carrying out the purposes of this Act.

Power to
make
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 conditions subject to which a hotel is approved;
- (b) the minimum sum for the purposes of sections 6, 11 and 12;
- (c) the form of the register referred to in section 7 and the particulars that it shall contain;
- (d) the books and accounts that the owner of an approved hotel is required to keep under section 8 (1), the forms thereof and the particulars they shall contain;
- (e) the form of the receipt referred to in section 8 (2) and the particulars it shall contain;
- (f) the form of the quarterly return referred to in section 9 (1), the particulars it shall contain and the time within which it shall be furnished;
- (g) any other matter that is required to be, or may be, prescribed.

Passed by the National Assembly on 1989—11—24.

F. A. Narain,
Clerk of the National Assembly.