

GUYANA

No. 17 of 2008

REGULATIONS

Made Under

GUYANA TOURISM AUTHORITY ACT 2002
(Act No. 3 of 2002)

IN EXERCISE OF THE POWERS CONFERRED UPON THE GUYANA TOURISM AUTHORITY BY SECTION 44 OF THE GUYANA TOURISM AUTHORITY ACT 2002, THE AUTHORITY, WITH THE APPROVAL OF THE MINISTER, MAKES THE FOLLOWING REGULATIONS:-

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Interpretation.
3. Conditions of licence.
4. Application for licence.
5. Refusal, revocation and extension of time.
6. Renewal of licence.
7. Knowledge of Act, and other relevant regulations.
8. Facilities. ✓
9. Responsibilities of a tour operator. ✓
10. Appearance. ✓
11. Motor vehicles, floating crafts and aircrafts.
12. Safety measures. ✓
13. Insurance.
14. Policy about dispute resolution process.

15. Honesty, fairness and professionalism. ✓
16. Skill, care and diligence.
17. High pressure tactics or harassment. ✓
18. False or misleading representation. ✓
19. Free goods or services.
20. Provision of goods and services included in travel package.
21. Offences.

SCHEDULE

Citation.

1. These Regulations may be cited as the Guyana Tourism Authority (Tour Operators) Regulations 2008.

Interpretation.

2. In these Regulations, unless the context otherwise requires-

“aircraft” means any mechanically propelled device that is capable of flight through the air;

“all inclusive” means the total cost of the tour including all other charges that may be incurred while on tour;

“destination management services” means service provided by a company which may include contracts with hotels, transportation companies or other suppliers to create a tour package for resale directly to the consumer or travel agents;

“floating craft” means a vessel that is propelled on water by an engine, oars or sail;

“motor vehicle” means any mechanically propelled vehicle intended or adapted for use on land;

“public liability insurance” means the type of insurance that covers a member of the public for loss, damage to property or injury to self;

“quality” means the total characteristics of a product that bear on its ability to satisfy expressed and implied needs;

“tour” means any pre-arranged journey to one or more destinations provided by a tourist guide or tour operator for remuneration;

“tourist guide” means an individual who is licensed by the Guyana Tourism Authority to guide a tour party, provide general information, interpret, indicate and inform on items of interest along the way to or at a tourist attraction;

“tour itinerary” means the itemized aspects of an arranged tour, which includes the routes and expected times of departure, places to be visited and the expected time of return or final stop of a tour party;

“tour operator” means an individual or a company that provides a range of tour services for the international or domestic tourism market;

“tour package” means a combination of several travel components provided by one or more suppliers which are sold to a consumer as a single product at a single price;

“tour party” means an individual or a group of individuals who are participants of a tour.

Conditions
of licence.

3. (1) Compliance with the provisions of the Act and these Regulations shall be deemed to be a condition, to which a licence to operate is subject, irrespective of whether or not reference to the Act and these Regulations is made in the licence itself.

Cap 90:05
Act 29 of 1991.

(2) Establishments shall operate with a business registration issued under the Business Names (Registration) Act, the Companies Act 1991 of Guyana or with the permission to operate as a business from the relevant local Authorities.

Application for
licence
Schedule

4. (1) An application for a licence shall be made to the Authority on the Form set out in the Schedule, along with the appropriate application fees.

Schedule

(2) Upon completion of the application process which shall include inspection and assessment of the operation, the appropriate licensing fees shall be paid as specified in the Application Form in the Schedule, before the issuance of a licence.

(3) Within twenty-one days of receipt of the completed application, an authorised officer from the Authority shall carry out an inspection and evaluation of the tour operation and shall submit a written report to the applicant listing areas of non-conformities, if any, to these Regulations.

Refusal,
revocation and
extension of
time

5 (1) The Authority may refuse to issue a licence, or may revoke a licence, at any time the Authority determines the tour operation is not in compliance with the Act and these Regulations.

(2) If at any time the Authority determines that a licensed tour operator or the applicant is not in compliance with the provisions of the Act and these Regulations, the Authority shall notify the licensed tour operator or the applicant of the operation in

writing, of the alterations or changes as may be deemed necessary to be in compliance with the Act and these Regulations.

(3) The tour operator shall be allowed a period of at least forty days following receipt of the notice, in order to correct non conformities specified by the Authority.

(4) Upon the expiration of the period of time allowed by the Authority, the Authority shall review the progress of the owner's attempts to be in compliance with these Regulations and may grant additional time for compliance.

(5) Upon the expiration of the time to comply with the regulation requirements, and any extensions thereof, the Authority may revoke or not renew the licence of the tour operator.

Renewal of
licence.
Schedule.

6. The renewal of a licence shall be done on a Form determined by the Authority and shall attract the fee stipulated in the Schedule.

Knowledge of
Act, and other
relevant
regulations.

Act 11 of 1996.

7. A tour operator shall have reasonable knowledge and understanding of the Act, these Regulations, any relevant regulations made under the Environmental Protection Act 1996 and all other relevant health and safety regulations in so far as they relate to the carrying on of the business of a tour operator.

Facilities.

8. The tour operator shall provide the following-

- (a) well maintained facilities with established means of communication between the potential customer and staff;
- (b) facilities for financial transactions;
- (c) clean washrooms;
- (d) sheltered seating;
- (e) a reception area and a receptionist to deal with enquiries; and
- (f) appropriate facilities for physically challenged persons, as far as is practicable.

Responsibilities
of a tour
operator

9. The tour operator shall be responsible for the following-

- (a) to plan the tour itinerary;
- (b) to advertise and market the tour;
- (c) to book all tours;
- (d) to ensure the availability of all necessary equipment in sufficient quantity for the tour party;
- (e) to ensure that the equipment to be used are in good working order;
- (f) to ensure that tourist guides and staff are adequately qualified to perform their duties;
- (g) to inform a responsible third party of the tour itinerary;
- (h) to establish a ratio of tour guides to the tour party relevant to the type of tour and ensure that the ratio does not exceed one tour guide to every thirty tourists under any circumstances;
- (i) to ensure that all legal requirements are met;
- (j) to make available evaluation forms for the tour party to provide response to the Authority upon the Authority's request;
- (k) to ensure that there are effective means of communication between tourist guides and base operation or other appropriate contact, to cater for situations of emergency; and
- (l) to deal with physically challenged persons as practically as possible.

Appearance.

10. Tour operators shall ensure that staff members are clearly identifiable as such they shall-

- (a) be appropriately attired while on duty; and
- (b) observe good personal hygiene practices at all times.

Motor
vehicles, floating
crafts and
aircrafts.

11. (1) Tour operators shall provide documentations for scrutiny by the authorised inspectors of the Authority with regards to all motor vehicles, floating crafts and aircrafts.

(2) Any person who owns a motor vehicle, floating craft or aircraft shall satisfy the legal and regulatory requirements including those relating to registration, insurance, safety equipment, road worthiness, sea worthiness or air worthiness (as appropriate) status based on inspections conducted by, or on behalf of the relevant authority.

(3) The Authority reserves the right to examine the relevant documents mentioned in paragraph (2) above.

Safety
measures.

12. All safety equipment used on a tour shall-

- (a) be subjected to inspections by the Authority or a duly qualified individual appointed by the Authority;
- (b) undergo checks based on a fixed inspection and maintenance schedule; and
- (c) be thoroughly examined prior to use on a tour for apparent defects, notwithstanding paragraph (b).

Insurance.

13. All tour operators shall have public liability insurance that covers the entire tour party.

Policy about
dispute
resolution
process.

14. (1) A tour operator shall have a written policy for resolving disputes between the tour operator and a tourist, and shall ensure that the policy—

- (a) allows a tourist to participate in a timely and appropriate dispute resolution process that has regard to a tourist's status as a person who temporarily resides in Guyana;
- (b) states, in a prominent way, that—
 - (i) a tourist may contact the Authority if he is concerned about the conduct of the tour operator; and
 - (ii) the dispute resolution process described in the policy does not stop a tourist from exercising his rights to other legal remedies.

(2) The tour operator shall inform each tourist, about the tour operator's policy, and if any tourist requests a copy of the policy, provide him with a copy.

Honesty, fairness
and
professionalism.

15. A tour operator shall act honestly, fairly and professionally in carrying on the business of a tour operator.

Skill, care and
diligence.

16. The tour operator shall exercise reasonable skill, care and diligence in carrying on the business of a tour operator.

High pressure
tactics or
harassment.

17. A tour operator shall not, in dealing with a person in relation to a travel package arranged by the tour operator –

- (a) use high-pressure tactics or harass the person;
- (b) encourage or engage another person to use high-pressure tactics or harass the person; or
- (c) condone the use of high-pressure tactics or harassment of the person by any other person.

False or
misleading
representation.

18. (1) A tour operator shall not, when dealing with a tourist participating in a tour arranged by a tour operator –

- (a) make a false or misleading representation to a tourist;
- (b) encourage or engage another person to make a false or misleading representation to a tourist; or
- (c) condone the making of a false or misleading representation to a tourist by any person.

(2) Without limiting paragraph (1), a tour operator shall not make, encourage or engage another person to make, or condone the making of, a false or misleading representation about any of the following relating to the package –

- (a) the mode and standard of transport used for transfers and sightseeing;
- (b) the existence or location of, or access to, a place or attraction;
- (c) the time required or route used to go to a place or attraction;
- (d) the standard, style or price of accommodation;
- (e) the standard or price of food or beverages;
- (f) guiding services;

- (g) the price of entry to tourist attractions, tours, entertainment or other activities including, for example, whether the price is included in the travel package;
- (h) restrictions that apply to the travel package including, for example, restrictions about baggage, children, seat allocation or smoking;
- (i) conditions about reservations, payment, refunds or cancellations; or
- (j) the management of tours included in the travel package.

(3) In addition a tour operator shall ensure -

- (a) that a quotation given by the tour operator for goods or a service included in a travel package or tour discloses the total cost of the goods or service;
- (b) that an advertisement or promotional materials about goods and services included in a travel package arranged by the tour operator disclose any conditions or restrictions applying to the supply of the goods or service; and
- (c) that tours are not dominated by shopping.

Free goods
or services.

19. The tour operator shall not charge for goods or services that are available free of charge to the public.

Provision of
goods and
services included
in travel package.

20.(1) A tour operator shall ensure that goods or service included in a travel package or tour arranged by the tour operator are provided in accordance with any representation about the goods or service made in an itinerary, quotation or promotional material for the package or tour.

(2) Notwithstanding the provisions of paragraph (1), where due to circumstances reasonably beyond the tour operator's control, goods or service are unavailable when required to be provided under the package, the tour operator shall -

- (a) provide, as far as reasonably practicable, goods or service of a similar type, value and quality as the unavailable goods or service; or
- (b) if the tour operator cannot reasonably comply with paragraph (a), the tour operator shall refund the cost of the unavailable goods or service.

(3) However, if goods or service of a similar type, value and quality are unavailable, a tour operator may, with the informed consent of the tourist who purchased the travel package or tour, substitute other goods or another service of equivalent value.

Offences.

21. (1) Any person who fails to comply with regulations 8, 9, 11(1) and (2), 13, 14, 17, 18, 19 and 20 commits an offence.

(2) A person who commits an offence under these Regulations shall be liable on summary conviction to a fine of fifty thousand dollars.

SCHEDULE

regs. 4 (1)& (2), 6.

TOUR OPERATORS LICENCE APPLICATION FORM



GUYANA TOURISM AUTHORITY

Name of Business:

Name and address of owner:

Business Address:

Telephone #: Fax #

Website e-mail

Date registered:

Tour packages	Price (please specify in GYS or US \$)

Tour itineraries and other information can be supplied on a separate sheet

I hereby declare that the information supplied with this application is true and correct to the best of my knowledge.

Signature of Owner or Manager.....Date.....Business Stamp

Tour Operator's Application

Applicants shall submit together with their application the following:

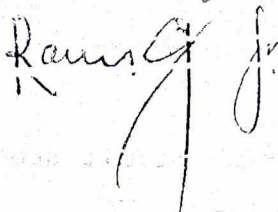
- (a) proof of the tour operator's business registered under the laws of Guyana;
- (b) in the case of a company, a copy of its Memorandum or Articles of Association and certificate of registration;
- (c) a description of the nature and categories of tour packages offered;
- (d) detailed list of equipment used to carry out tours;
- (e) copies of boat and vehicles registration and valid insurance certificates;
- (f) a copy of the operation plan, including the emergency plan.

Application fee: all operators \$2000.00


Licensing Fees: all operator \$25000.00

Yearly renewal of Licence will attract a fee of \$25000.00

Made this 21st day of October, 2008.

 Chairman of the Authority

Approved this day of October, 2008.


Minister of Tourism, Industry and Commerce.