

THE OFFICIAL GAZETTE – 27TH JULY, 1985 LEGAL SUPPLEMENT – C

PARLIAMENT OFFICE,
Public Buildings,
Georgetown,
Guyana.

1985—07—17.

The following Bill which will be introduced in the National Assembly is published for general information.

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



GUYANA

BILL No. 10 of 1985

SALE OF TRAVEL TICKETS BILL 1985

ARRANGEMENT OF SECTIONS

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A BILL

Intituled

AN ACT to provide for the regulation of the sale and purchase of travel tickets.

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

Short title
and com-
mencement.

1. This Act may be cited as the Sale of Travel Tickets Act 1985 and shall come into operation on such date as the Minister may appoint by order.

Interpreta-
tion.

2. In this Act —

Cap. 36:01

(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;

Cap. 14:02

(c) “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 manner that the

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 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.

Foreign currency to be sold to an authorised dealer.

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 —

Keeping of accounts and issuing of receipts.

- (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 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.

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 —

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

- (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 sub-section (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.

Production
and examina-
tion of
books.

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.

Penalties.

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.

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

Regulations.

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

(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.

14. (1) Payment by way of refunds of the price of an unused ^{Refunds.} or a partly used travel ticket sold under section 6 of this Act or taxes in relation to the ticket paid under section 57 of the Tax Act of section 3 of the Travel Voucher Tax Act shall be made only in Guyana dollars : Cap. 80:01
Cap. 80:09

Provided that the Minister assigned responsibility for finance may, on application made therefor, direct that refunds under this section be made in the currency in which the ticket was bought.

(2) For the purpose of determining under subsection (1) the amount of the refund in Guyana dollars, the rate of exchange shall be the selling rate of exchange prevailing on the date of purchase of the travel ticket as determined by the Bank of Guyana for banks.

EXPLANATORY MEMORANDUM

This Bill seeks to provide that travel agents who wish to sell travel tickets in Guyana may make application to the Minister for a licence to do so. The Bill also intends to provide that persons who are not resident in Guyana and who want to purchase travel tickets in Guyana shall pay in specified foreign currency the cost of the ticket and the taxes in relation thereto. The airline or authorised travel agent, as the case may be, receiving the foreign currency by virtue of the sale of the travel ticket must sell such currency to an authorised dealer within three days of receiving it. The airline and authorised travel agent are also expected to file quarterly returns of the sale of travel tickets to the Bank of Guyana. These returns should contain specified particulars and such other particulars as may be prescribed.

The Bill also seeks to provide for the revocation or suspension of the licence of an authorised travel agent and for empowering the Minister to make regulations to carry out the purposes of the Act. There are also in this Bill provisions prescribing penalties for a contravention of its provisions.

Seeram Prashad,
Minister of Transport
within the Vice-Presidency of
Social Infrastructure.

(Bill No. 10/1985)

(No. M T : 3/2/1/3)