

REPUBLIC



OF CYPRUS

41(I) of 1995
9(I) of 1997
69(I) of 1997
98(I) of 1998
68(I) of 2001
71(I) of 2003
198(I) of 2004.

**THE TOURISM AND TRAVEL OFFICES
AND TOURIST GUIDES LAWS
1995 TO 2004**

(English translation and consolidation)

**Office of the Law Commissioner
Nicosia,
September, 2005**

**Provisionally released by
the Office of the Law Commissioner**

ΓΕΝ (Α) – Λ.

NICOSIA

**THE TOURISM AND TRAVEL OFFICES
AND TOURIST GUIDES LAWS, 1995 TO 2004**

ARRANGEMENT OF SECTIONS

PART I.- PRELIMINARY PROVISIONS

Section

1. Short title
2. Interpretation

PART II.- TOURISM AND TRAVEL OFFICES

3. Description of Office
4. Licence to establish and operate an Office
5. Management of Office
6. Non-resident Offices
- 6A. Supply of services by established offices in other member state
7. Deposit of guarantee
8. Revocation of licence
9. Establishment of an Office
10. Name of an Office, register, obligation to submit number of particulars
to the Organization etc
11. Forfeiture of guarantee
12. Exercise of supervision
13. Relations between Offices and Hotels

PART III.- TOURIST GUIDES

- 14. Tourist guide's licence and its revocation
- 14A. Tourist guide-hostess, citizen of another member state
- 15. Duties of tourist guides and supervision thereof
- 16. School of Tourist Guides

PART IV – CRIMINAL PROVISIONS

- 17. Offences and penalties regarding the establishment and operation of an Office
- 18. Interim Order
- 19. Offences and penalties in relation to the practice of the tourist guide's occupation
- 20. Obstruction of officers of the Organization
- 21. Criminal liability of officers of legal persons

PART V – MISCELLANEOUS PROVISIONS

- 22. Regulations
- 23. Delegation of powers and competences of the Board of Directors
- 24. Repeals, reservations and transitional provisions

Number 41(I) of 1995

**A LAW TO PROVIDE FOR THE ESTABLISHMENT AND OPERATION
OF TOURISM AND TRAVEL OFFICES, FOR THE PRACTICE OF THE GUIDE'S
OCCUPATION AND RELATED MATTERS**

The House of Representatives enacts as follows:

PART I- PRELIMINARY PROVISIONS

41(I) of 1995
9(I) of 1997
69(I) of 1997
98(I) of 1998
68(I) of 2001
71(I) of 2003*
198 (I) of 2004.*

- Short title. 1. This Law may be cited as the Tourism and Travel Offices and Tourist Guides Laws, 1995 to 2004.
- Interpretation. 2. In this Law, unless the context otherwise requires-
- «Board of Directors» means the Board of Directors of the Organization;
- 2(a) of 71(I)/2003. «certificate» has the meaning assigned to it by the Second General System of Recognition of Academic Qualifications' Law, 2003;
- 2(a) of 71(I)/2003.
121(I) of 2003 «degree» has the meaning assigned to it by the Second General System of Recognition of Academic Qualifications' Law, 2003;
- «entrepreneur» means the natural or legal person, upon the name of whom the operation licence of the Office is issued;
- 2(a) of 71(I)/2003. «member state» means a member state of the European Union;
- «Minister» means the Minister of Commerce, Industry and Tourism;
- «national carrier» means the aviation company designated by the Council of Ministers as the national carrier;
- 2(a) of 71(I)/2003. «non –resident Office» means the Office which is not situated in the Republic;
- «Office» means the Tourism and Travel Office as prescribed by section 3, and includes a branch of such an Office;
- 54 of 1969
50 of 1977
48 of 1979
62 of 1979
66 of 1980
63 of 1981
16 of 1985
34(I) of 1995
3(I) of 1997
19(I) of 1999
35(I) of 2005. «Organization» means the Cyprus Tourism Organization, established under the Cyprus Tourism Organization Laws, 1969 to 2005;
- 2(a) of 71(I)/2003. «practical adaptation» has the meaning assigned to it by the Second General System of Recognition of Academic Qualifications' Law, 2003;

*The amending Laws L.71(1)2003 and L. 198(1)/2004 shall come into force on the date of accession of the Republic to the European Union.

2(a) of 71(I)/2003. «proficiency probation period» has the meaning assigned to it by the Second General System of Recognition of Academic Qualifications Law, 2003;

«Regulations» means the Regulations made under this Law;

«resident Office» means the office which is situated in the Republic;

2(b) of 71(1)/2003. «tourist guide» means the person whose occupation is to escort local or foreign tourists or other visitors for the provision of special information and explanations on matters concerning history, archaeology, monuments and works of art, cultural development, natural beauties, sightseeing and generally any other matter that may promote Cyprus tourism;

«Tourist Guide School» means any school established under section 16.

PART II – TOURISM AND TRAVEL OFFICES

Description of Office.

3. -(1) Office, for the purposes of this Law, is any permanently organized office which by its available means and the services it provides undertakes professionally and on remuneration-

(a) The organization of any kind of travel, seminars and touring either locally or abroad; or

(b) the issue, or the arrangement on commission for the issue of travel tickets by any transportation means; or

(c) the securing of means of transport, guiding and accommodation of organized groups or persons; or

(d) any related work to facilitate the accommodation and transportation of tourists as well as the carriage of their luggage.

(2) An Office is also any Office, established and operating as a special branch of another business unit of more general activity, provided that the same shall have as the object thereof any of the activities mentioned in subsection (1).

3 of 71(I) of 2003. (3) (Repealed).

Licence to establish and operate an Office.

4. -(1) Unless there is a licence granted or renewed by the Board of Directors in accordance with the provisions of this Law and the Regulations, the establishment and operation of Offices in the Republic is prohibited.

4 of 71(I) of 2003.

(2) A licence to establish and operate an Office, as well as a renewal licence of operation of an existing Office shall be granted only to resident natural or legal persons or citizens of another member state or legal persons situated in another member state, after examination of the concurrence of the requirements prescribed under this Law and Regulations and upon payment of the prescribed fee and may include such terms which in the opinion of the Board of Directors are deemed necessary:

Provided that, upon the entry into force of this Law, foreign natural or legal persons who are licensed shall be exempted from the provisions of this subsection which concern only the renewal of their licence.

(3) The authority and the validity of the licence to operate an Office is directly linked both to the entrepreneur and to the establishment of the Office concerned. Regulations may prescribe a procedure for a temporary continuation of the activities of the Office in case of death of the licensee natural person or of dissolution of the licensee legal person.

(4) For the grant or renewal of the licence to establish and operate an Office, the applicant and, in the case of an applicant who is a legal person, all the members of the Board of Directors shall be required to have the qualifications provided for the manager in paragraphs (c) and (d) of subsection (3) of section 5.

(5) The operation licence shall be of one year duration or of a part thereof, and shall expire on the 31st of December of each year and may, provided that the provisions of this Law are observed, be renewed on the payment of the prescribed fee.

Management of
Office.

5. -(1) Every licensed Office must be managed by a manager, whose name shall be notified to the Organization upon the submission of the application for the granting of the licence for the establishment and operation of the Office:

Provided that, in the case of a licensed branch of an Office, manager is considered the manager of the licensed Office.

(2) Irrespective of the liability of any other person, the manager of the licensed Office shall be legally liable for the operation of the Office, in accordance with the provisions of this Law and the Regulations. The management of the licensed Office may be exercised by the entrepreneur as well, provided it concerns a natural person and has the qualifications required by subsection (3).

(3) The manager of an Office shall-

2(a) of 98(I)/98.

(a) (i) either be a graduate of a recognized higher School of Tourist Occupations or holder of a University degree on matters related to tourism and have at least one year experience in a tourist office;

2(b) of 98(I)/98.

(ii) either be a holder of a University degree and have at least three years experience in an office;

2(b) of 98(I)/98.

(iii) either be a holder of a leaving certificate of a six-class secondary school and have at least seven years practice in a tourist office or aviation or navigation company, in departments engaged mainly and directly with tourist and travel activities:

Provided that, upon the entry into force of this Law the managers of licensed Offices shall be exempted from the provisions of this paragraph;

(b) have a good knowledge apart from the official languages of the Republic, of at least one foreign language of those prevailing in the tourist industry;

(c) not be prohibited by reason of a judicial order from dealing with the property thereof; and

(d) not have been convicted of an offence which entails absence of honesty or moral turpitude or not have been convicted for a violation of any legislation for which the Organization has competence or of the legislation for the Control of Exchange:

Cap. 199*
53 of 1972.

*Repealed by the Capital Movement Law, 2003 (L.115(I)/2003)

Provided that, the Board of Directors has an authority, with the approval of the Minister, not to insist on the application of the provisions of this paragraph, if it is otherwise satisfied as to the character and honesty of the applicant and due to the special circumstances of the case and the time that has lapsed and the conduct shown during that time, it is reasonable not to insist on the application of the said provisions.

(4) The exercise of managerial duties by the same person in more than one Office is prohibited.

Non-resident
Offices.
5 of 71(1)/2003.

6. -(1) No non-resident Office except those established in another member state, can operate in the Republic, on an organized or permanent basis, the activities referred to under section 3, unless represented by a resident Office:

Provided that, a non-resident Office shall be entitled to enter directly into negotiations and signature of a contract of lease or of reservation with owners of licensed hotel businesses, provided that this contract, under invalidity penalty, shall be also signed by the resident Office as the representative of the non-resident Office in the Republic:

Provided further that, the representing resident Office shall have no civil liability arising from the signing of a contract mentioned in the above proviso.

(2) The non-resident Office and the resident Office representing the same shall have an obligation to declare jointly to the Organization both the date of commencement and the date of expiration of their cooperation and to provide the Organization with any particulars which maybe requested concerning the arrival, transportation and place of accommodation of the tourists.

(3) The resident Office shall be jointly with the non-resident Office liable for any violation of the provisions of this Law and Regulations committed thereby, as if the violation has been committed by the resident Office.

(4) A resident office which represents a non-resident Office shall have the right to employ the necessary foreign personnel, if such personnel shall secure a residence and work permit under the provision of the Aliens and Immigration Law and the Regulations made thereunder.

Cap. 105.
2 of 1972
54 of 1976
50 of 1988
197 of 1989
100(1) of 1996
43(1) of 1997
14(1) of 1998
22(1) of 2001
164(1) of 2001
88(1) of 2002
220(1) of 2002
66(1) of 2003
178(1) of 2004.

Supply of services
by established
offices in other
member state.
2 of 198(1)/2004.

6A. -(1) An Office established in a member state outside the Republic, may temporarily carry out within the Republic, the activities mentioned in section 3 without the need of having a permanent established Office within the Republic.

(2) The provisions of subsections (1) and (2) of section 5 of this Law shall apply, mutatis mutandis, to Offices carrying out their activities within the Republic in accordance with the provisions of subsection (1).

Deposit of
guarantee.

7. -(1) For the grant of a licence to establish and operate an Office, a deposit of guarantee of twelve thousand pounds by the entrepreneur shall be required. For the renewal of an existing

operation licence, a guarantee of equal amount shall be required in accordance with the provisions of this section:

Provided that, in the case of a licensed Office which takes over the organization, the promotion and the execution of programs of organized excursions and tours abroad, by any means of transportation, the deposit of an additional guarantee of twelve thousand pounds shall be required.

2 of 69(I)/97.

(2) The guarantee may be deposited either in cash or by way of a letter of guarantee from a bank or a cooperative credit institution:

Provided that, in case where the guarantee is given by a letter of guarantee from a bank or a cooperative credit institution, the same shall be approved by the Organization, be valid for at least two years and renewed at least two months before the expiration thereof.

(3) For the grant or renewal of a licence to establish and operate a branch-office, the deposit of guarantee shall not be required.

Revocation of license.

8. The licence to establish and operate an Office might be revoked anytime before the expiration of the duration of its validity, if-

- (a) The entrepreneur or the manager of the Office has been convicted for any violation of the provisions of this Law or Regulations or has ceased to meet the requirements of section 4 or 5, as the case may be; or
- (b) any violation of the prescribed terms of the licence has been ascertained by the Organization; or
- (c) the Office has ceased to meet the requirements of sections 5, 7 and 9.

Establishment of an Office.

9. -(1) Every licensed Office shall-

- (a) have a complete, independent and a building establishment of such dimensions, appropriate furniture and equipment as prescribed by Regulations; and
- (b) be equipped with an appropriate and a satisfactory in number personnel:

Provided that, the minimum number of personnel of an Office shall be two persons, including the manager.

(2) No other business or work shall be carried out in the establishment used as an Office, except for the works related to the activities mentioned in subsection (1) of section 3.

Name of an Office, register, obligation to submit number of particulars to the Organization etc.

10. -(1) Subject to the provisions of any other law in force, every licenced Office shall have its own name, which shall be the one recognized by the licence to establish and operate the same:

Provided that, the Board of Directors may not accept any name which, in its opinion, is unsuitable or improper or confuses the Office with any other Office which is operating or with any Office which has ceased to operate within a period of eighteen months:

Provided further that, the use of the term "national" or any other similar or derivative term shall be absolutely prohibited.

(2) The Organization shall keep a register where the licences to establish and operate Offices as well as the transfers thereof shall be entered. Any such transfer of a licence shall, within a month, be notified to the Organization for the relevant registration to be made:

Provided that, the Organization shall reserve the right to refuse the approval of the registration of any such transfer, if the person to whom the transfer is made does not meet the requirements and the qualifications of an entrepreneur mentioned in section 4.

(3) The approval by the Organization and the registration according to the previous subsection shall create, in favour of the entrepreneur who is a holder of a licence of establishment and operation of an Office, a right of an ownership on the name. The abovementioned right of ownership shall be lost after the expiration of eighteen months from the termination of operation of the Office.

(4) The right of ownership of the name shall be transferable.

(5) For the transfer of the ownership of the name an agreement shall be made, between the owner of the name and the person acquiring same, that the ownership is transferred to him. This agreement shall be in writing and notified to the Organization within a month from its conclusion, in which time the transfer of the name shall be subject to the registration in accordance with subsection (2).

(6) Any alteration in the address of the Office or in the composition of the members of the board of directors of a legal person possessing a licence to establish and operate an Office must be notified to the Organization and, as the case may be, all the information and documents required under sections 5 and 7 shall be submitted thereto.

(7) In case the information and documents required under this section as well as sections 5 and 7 are not submitted within one month from the date of alteration or do not meet with the conditions and requirements of this Law and the Regulations, the licence may be revoked.

11. -(1) The guarantee deposited in accordance with section 7 shall not be subject to forfeiture or to the issue of an interim order subject to the provisions of the Civil Procedure Law or the Courts of Justice Laws and shall be exclusively used for the satisfaction of claims arising only from tourist transactions.

Forfeiture of
guarantee.

Cap. 6
11 of 1965
161 of 1989
228 of 1989
51(I) of 1999
134(I) of 1999
58(I) of 2003
66(I) of 2004.

14 of 1960
50 of 1962
11 of 1963
8 of 1969
40 of 1970
53 of 1972
1 of 1980
35 of 1982
29 of 1983
91 of 1983
16 of 1984
51 of 1984
83 of 1984
93 of 1984
18 of 1985
71 of 1985

89 of 1985
 96 of 1986
 317 of 1987
 49 of 1988
 64 of 1990
 136 of 1990
 149 of 1991
 237 of 1991
 42(I) of 1992
 43(I) of 1992
 102(I) of 1992
 26(I) of 1993
 82(I) of 1995
 102(I) of 1996
 4(I) of 1997
 53(I) of 1997
 90(I) of 1997
 27(I) of 1998
 53(I) of 1998
 110(I) of 1998
 34(I) of 1999
 146(I) of 1999
 41(I) of 2000
 32(I) of 2001
 40(I) of 2002
 80(I) of 2002
 140(I) of 2002
 206(I) of 2002
 17(I) of 2004
 165(I) of 2004
 268(I) of 2004.

(2) Forfeiture of guarantee shall be carried out by the Board of Directors only upon pronouncement of claims resulting from final and executory judicial judgments and judgment debt referred to therein.

(3) The pronouncement of a claim, in order to be valid and to produce its lawful result, must be necessarily accompanied by the submission of the necessary evidence and documents of the final and executory judicial judgment.

(4) The discharge of the claims, which are pronounced, shall be made by the Board of Directors in order of the date of their notification to the Organization:

Provided that, in case of submission on the same date of more than one pronouncement of claims and where the available amount of the guarantee is not enough to fully satisfy the claims, the satisfaction of the concurring beneficiaries shall be made in proportion to the amount of their claims:

Provided further that, the Organization shall not be liable to compensate anyone in relation to any loss incurred by his act or omission during the procedure of the forfeiture of the guarantee, unless a bad intention or fraud by the Organization or its officers is proved.

(5) Where the amount of the guarantee is decreased for any reason the entrepreneur shall within thirty days from the date of its decrease, make up the same:

Provided that, in case where the decrease of the guarantee is greater than the half of the total amount or if it is exhausted, the making up or re-depositing shall be effected within fifteen days.

(6) In case the entrepreneur does not comply with the time limits mentioned in subsection (5), the licence shall be revoked and the further operation of the Office shall be prohibited.

(7) Where a licence to establish an Office is revoked or the operation thereof is for any reason terminated or the guarantee is not renewed in accordance with section 7, the remaining guarantee, in whole or in part shall be forfeited for the benefit of the Organization and the amount thereof shall remain blocked for one year after the revocation of the licence, after the termination of the activities of the Office or the non-renewal of the guarantee, as the case may

be, for the purpose of satisfying any claims resulting exclusively from tourist transactions. In every case, any balance resulting after the satisfaction of these claims shall be returned to the entrepreneur or to any of his heirs or successors:

Provided that, the Board of Directors may, instead of the forfeiture of the guarantee for the benefit of the Organization, accept a bank's letter of guarantee of a duration of one year from the date of the revocation of the licence or the termination of the operation of an Office.

(8) Where a licence of an Office is revoked due to failure to make up or re-deposit the guarantee, a new licence for an Office shall not be issued to the former holder of a licence under any name or surname before the lapse of at least one year, unless a guarantee of twenty-four thousand pounds or forty-eight thousand pounds, as the case may be, is deposited, subject to the provisions of subsection (1) of section 7, for the first two years from the re-grant of the licence.

(9) For the purposes of this section «tourist transactions» means the actions arising from the activities of the Office mentioned in subsection (1) of section 3.

Exercise of supervision.

12. -(1) The Organization shall supervise, in the prescribed manner, the operation of the Offices for the purpose of observing the compliance with the provisions of this Law and of the Regulations and the terms of the licence, as well as the various activities of the Offices in order to avoid bad reputation of the Republic or a damaging effect on the tourist trade thereof.

(2) The Offices shall submit, whenever it is required by the Organization-

- (a) The drafts of every advertising leaflet, issue of programs or any other printed matter, not including prices, which are about to be circulate, for purposes of their approval by the Organization; and
- (b) any statistical information concerning the activities of the Offices.

Relations between Offices and Hotels.

13. -(1) The relations between the Offices, as well as the fees to be imposed and received for the services provided by them, may be prescribed.

(2) The relations between Offices and Hotels or other tourist occupations may be regulated by Regulations made by virtue of this Law and within the scope of the accepted terms between the respective international professional organizations.

PART III – TOURIST GUIDES

Tourist guide licence and its revocation.

14. -(1) For the exercise of the occupation of a tourist guide, a licence shall be required which shall be granted by the Board of Directors in accordance with the prescribed forms, terms and procedure and on payment of the prescribed fee, as well as in accordance with such terms as prescribed by the licence:

Provided that, the provisions of this section shall not apply to guiding without remuneration by officers of the Department of Antiquities or by Officers of the Organization.

(2) The tourist guide's licence shall be for a duration of one year or part of it and shall expire on the 31st of December of each year and may be renewed by the payment of the prescribed fee.

(3) The Organization shall keep a Register where the licences and the names of the tourist guides shall be entered.

6(a) of 71(I)/2003. (4) Any person shall be entitled to a tourist guide licence or renewal who-

(a) he is a citizen of a member state;

(b) has not been convicted of a crime which involves lack of honesty or moral turpitude or has not been convicted for systematic contravention of the tourist or hotel legislation or the legislation relating to the control or the protection of foreign exchange:

Provided that, the Board of Directors has the power not to insist on the application of the provisions of this paragraph, if it is otherwise satisfied as to the character and honesty of the applicant and that due to special circumstances of the case and the period which intervened and the conduct shown during this period, it would be reasonable not to insist on the application of the said provisions;

(c) he speaks very well the Greek language and at least one foreign language;

(d) he is a holder of a title of studies of the Tourist Guide School or any other recognized Tourist Guide School or diploma or certificate or has practiced the occupation in another member state, in accordance with the prescribed in sections 4 and 7 of the Second General System of Recognition of Academic Qualifications' Law, 2003; and

(e) he knows the history and art of Cyprus and the archaeological and historical sights, the natural environment and the modern life of the Republic.

6(b) of 71(I)/2003. (5) The Board of Directors may request in addition to the requirements set out by sub-section (4) practical exercise adjustment or a proficiency probation period in accordance with the requirements set out in sections 5 and 6 of the Second General System Recognition of Academic Qualifications' Law, 2003.

6(b) of 71(I)/2003. (6) The licence to guide shall be granted to the language that the applicant knows very well.

6(b) of 71(I)/2003. (7) The tourist guide licence may be revoked before its expiry, if the holder has been convicted for a violation of any of the provisions of this Part of the Law or of the Regulations or has ceased to satisfy the conditions under sub-section (4) or has violated any of the conditions of the licence.

6(b) of 71(I)/2003. (8) In case of discontinuance of the practice of the tourist guide's occupation for a continuous period exceeding one year, the Organization may terminate his licence, unless he succeeds in oral or written examinations, as the Organization may require.

Tourist guide –
hostess, citizen of
another member
state.
7 of 71(I)/2003.

14A. -(1) A tourist guide, citizen of another member state, who accompanies a group of tourists coming from a member state for an organized tour of a certain duration and of a prescribed route to places, except museums and historical monuments, and returns together with the group to his country of origin, shall be entitled to render tourist guide's services within the Republic for the purposes of this trip.

(2) A tourist guide who exercises the right under sub-section (1) above shall have-

(a) A license to practice the occupation, granted to him in accordance with the legislation of the member state of descent or of origin.

3 of 198(I)/2004.

(b) (Repealed).

3 of 198(I)/2004.

(3) (Repealed).

(4) The tourist guide mentioned in sub-section (1) must secure official translation of the above documents from the member state of origin or descent, which he shall present at any time he is so requested by the Board of Directors.

Duties of tourist guides and supervision thereof.

15. -(1) Subject to the provisions of any other Law in force, the tourist guides shall, during the exercise of their occupation, comply with the provisions of this Part of the Law and of the Regulations, as well as with the general or special directions of the Organisation and the local administrative or antiquities authorities:

2 of 68(I)/2001.

Provided that, the Council of Ministers shall make regulations for regulating disciplinary matters and Code of Ethics for tourist guides.

(2) Further obligations of the tourist guides, the manner of exercising of their occupation and the fees to be imposed and collected thereby, shall be prescribed.

(3) The Organization shall, in the prescribed manner, supervise the exercise of the tourist guide's occupation.

School of Tourist Guides.

16. -(1) The Organization may operate a Tourist Guide School for the training of tourist guides.

2 of 9(I)/97.

(2) For the aforesaid purpose, the Organization shall appoint the administrative Committee of the Tourist Guide School, which shall have the responsibility to prescribe-

- (a) The frequency and period of operation of the School.
- (b) The curriculum.
- (c) The syllabus and the educational period.
- (d) The matters related to teaching and granting of certificates of studies.
- (e) The teaching personnel.
- (f) Any other detail.

(3) The Administrative Committee shall be composed of the President appointed by the Board of Directors of the Organization, and by four members as follows:

- (a) A representative of the Ministry of Commerce, Industry and Tourism.
- (b) A representative of the Organization.
- (c) A representative of the Cyprus Travel Agents Association.
- (d) A representative of the Cyprus Tourist Guides Association.

(4) The term of office of the members of the Board of Directors shall be three years.

(5) The Organization shall have administrative responsibility of the School operation and with the decision of the Board of Directors may prescribe-

- (a) The tuition fees.
- (b) The remuneration for the services of the teaching personnel.
- (c) Any other detail.

4 of 69(I)/97.

(6) The Organization may organize post-graduate tutorials for tourist guides, whom it may call for supplementary training.

(7) In case of unjustified refusal to attend the post-graduate tutorials or unsuccessful attendance of the teaching thereof, the licence granted may be revoked.

PART IV-CRIMINAL PROVISIONS

Offences and penalties regarding the establishment and operation of an Office.

17. -(1) Any person who-

- (a) establishes, maintains or operates an Office or in any other manner acts in violation of the provisions of sections 4, 5, 6 and 9(2) or of any of the terms of the licence that has been granted for this purpose or omits to comply with the above mentioned provisions of sections or terms; or
- (b) whilst he is not a holder of a valid licence that has been granted under section 4, he advertises or uses the term "Office of Tourism and Travel" or the term "Tourist Office" or any other derivative or related term or a similar name or description; or
- (c) executes in any manner activities which fall within the scope of section 3, without a licence of establishment and operation which is granted by virtue of the provisions of this Law,

shall be guilty of an offence and shall be liable, on conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred pounds or to both such penalties. Further more the Court may, independently of the provided as above maximum limit of the fine, impose an additional fine of an amount not exceeding fifteen pounds for each day during which the violation continues.

(2) In addition to any other penalty provided for under subsection (1), the Court may order the termination of the operation of the Office or of the activities in relation to which the offence has been committed within such period of time and for such time limit as it may think fit to prescribe by its order.

(3) If any person, against whom an order was made in accordance with the provisions of subsection (2), omits to comply with such order within the period prescribed in the order, the Chief of Police shall execute the order and shall claim, from the person against whom the order was made, the payment of the costs resulting from the execution of the order. Such costs shall be deemed to be a penalty within the meaning of the Criminal Code and their imposition and collection shall be made in all respects in accordance with the provisions of the Criminal Procedure Law.

Cap. 154.
3 of 1962
4 of 1963
41 of 1964
69 of 1964
70 of 1965
5 of 1967
58 of 1967
5 of 1972
92 of 1972
29 of 1973
59 of 1974
3 of 1975
13 of 1979
10 of 1981
46 of 1982
36 of 1983
136 of 1986
111 of 1989
236 of 1991
6(I) of 1994
3(I) of 1996
99(I) of 1996
36(I) of 1997
40(I) of 1998

45(I) of 1998
 15(I) of 1999
 37(I) of 1999
 38(I) of 1999
 129(I) of 1999
 30(I) of 2000
 43(I) of 2000
 77(I) of 2000
 162(I) of 2000
 169(I) of 2000
 181(I) of 2000
 27(I) of 2001
 12(I) of 2002
 85(I) of 2002
 144(I) of 2002
 145(I) of 2002
 25(I) of 2003
 48(I) of 2003
 84(I) of 2003
 164(I) of 2003
 124(I) of 2004.

Cap. 155.
 93 of 1972
 2 of 1975
 12 of 1975
 41 of 1978
 162 of 1989
 142 of 1991
 9 of 1992
 10(I) of 1996
 89(I) of 1997
 54(I) of 1998
 96(I) of 1998
 14(I) of 2001
 185(I) of 2003
 219(I) of 2004.

(4) Any person who does not comply with an order made under the provisions of subsection (2) shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one thousand pounds or to both such penalties.

Interim Order.

18. -(1) The Court, in which a charge has been brought before against a person for an offence that has been committed in violation of subsection (1) of section 17, may, after filing an ex-parte application, order the suspension of every activity regarding the establishment, maintenance or operation of an Office, until the final adjudication of the case with regard to which the charge has been brought:

Provided that, the issue of such order is subject to the provisions of the Civil Procedure Law, of the Courts of Justice Laws and of the Civil Procedure Rules.

Cap. 6.

14 of 1960
 S.L. Volume 11
 Page 120
 Official Gazette,
 Supplement III(I):
 20.5.54
 21.6.56
 8.5.58.

Official Gazette,
 Supplement II(I):
 14.10.65
 23.12.65
 29.1.69
 24.10.69
 6.10.72
 18.1.74
 4.6.76
 23.5.80
 3.9.82
 31.12.83
 25.4.86
 12.2.88
 29.10.90

12.3.93
 2.4.93
 19.11.93
 24.2.95
 2.2.96
 23.2.96
 5.7.96
 19.7.96
 18.10.96
 1.11.96
 11.12.96
 4.4.97
 30.5.97
 13.6.97
 25.7.97
 31.12.97
 6.2.98
 8.5.98
 29.5.98
 3.7.98
 27.11.98
 23.12.99
 29.12.2000
 12.1.2001
 1.6.2001
 30.11.2001
 21.12.2001.

(2) If any person against whom an order was made by virtue of the provisions of subsection (1) does not comply or omits or neglects to comply within the time prescribed in it, it shall be lawful for the Chief of Police to execute this order and to claim the payment of the execution costs from the person against whom the order was made. Such costs shall be deemed to be a penalty within the meaning of the Criminal Procedure Law and shall be received accordingly on behalf of the Board.

(3) Any person, against whom an order was made by virtue of subsection (2) and who denies or omits to comply with this order shall be guilty of an offence, irrespective of whether the Chief of Police has proceeded with the execution of such order, and shall be liable, on conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred and fifty pounds or to both such penalties.

Offences and penalties in relation to the exercise of the tourist guide's occupation.

19. Any person who, without being a holder of a valid tourist guide licence, granted or renewed by virtue of section 14, practices in any way the occupation of a tourist guide or, while he is the holder of such a licence, violates or omits to comply, during the practice of his occupation, with a condition of his licence or with any obligation or claim imposed by virtue of section 15 or of the Regulations, shall be guilty of an offence and be liable, on conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred and fifty pounds or to both such penalties.

Obstruction of officers of the Organization.

20. Any person who obstructs or interferes with the work of any officer of the Organization, authorized to supervise the officers or the guides in accordance with the provisions of this Law or of the Regulations, or unjustifiably denies to cooperate or facilitate this supervision or the work of the authorized officers of the Organization, shall be guilty of an offence, and on conviction shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred and fifty pounds or to both such penalties.

Criminal liability of officers of legal persons.

21. Where it is proved that an offence under this Law, which has been committed by a legal person, has been committed with the consent or the tolerance or due to negligence of any managing advisor, director, secretary or other similar officer of the legal person or of any other person who appeared to act on such capacity, this person as well as the legal person shall be guilty of such offence and, on conviction, shall be liable to the penalties provided for by this Law for the specific offence.

PART V - MISCELLANEOUS PROVISIONS

Regulations.

22. -(1) The Council of Ministers may make Regulations for the better implementation of the provisions of this Law and for prescribing any matter, which shall or may be prescribed.

(2) Regulations made under this Law may provide that omission to comply therewith shall constitute an offence punishable with imprisonment for a term not exceeding three months or a fine not exceeding one hundred and fifty pounds or with both such penalties.

Delegation of powers and competences of the Board of Directors.

23. The Board of Directors may, by its decision, delegate any of its competences under the provisions of this Law to the Director-General or other Officers of the Organization.

Repeals, reservations and transitional provisions.
5 of 1980
28 of 1984
86 of 1991.

24. -(1) The Tourist Occupations and Associations Laws, 1980 to 1991 are hereby repealed.

(2) Notwithstanding the repeal under subsection (1) of the Tourist Occupations and Associations Laws, 1980 to 1991 (in this subsection referred to as «the repealed Laws»)-

- (a) Every licence issued under the repealed Laws and which is valid on the date immediately before the coming into operation of this Law shall continue to be valid until its expiration as if it had been issued under the respective provisions of this Law and every matter concerning its revocation or renewal shall be regulated thereafter by the provisions of this Law;
- (b) any registers kept under the repealed Laws shall be deemed to constitute part of the registers which shall be kept under this Law;
- (c) every right, privilege, obligation or liability that has been acquired or incurred under the repealed Laws shall maintain its validity, irrespective of the abovementioned repeal;
- (d) any investigation or criminal procedure regarding the committing of an offence in violation of the provisions of the repealed Laws or civil procedure regarding the implementation or exercise of any right, privilege, obligation or liability, as mentioned above, shall not be affected and may be instituted, initiated, continued or imposed as if this Law had not been entered into force; and
- (e) any regulations, acts or decisions that have been made or taken under the repealed Laws and which could have been made or taken under corresponding provisions of this Law shall continue, provided they are in force immediately before the date of entry into force of this Law, to be in force as if they had been made or taken under the above mentioned corresponding provisions of this Law.