

**ATT TA' L-1999 DWAR SERVIZZI TA' L-IVVJAĠĠAR U
TAT-TURIŻMU GHAL MALTA**

Tqassim ta' l-Artikoli

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(L.S.)

GUIDO DE MARCO
President

13 ta' Lulju, 1999

ATT Nru. XII ta' l-1999

ATT sabiex jipprovdi għall-promozzjoni tat-turiżmu, biex jirregola s-servizzi u attivitajiet turistiċi, biex titwaqqaf awtorità b'setgħa għal dak il-għan, u għal hwejjeġ oħra li għandhom x'jaqsmu magħhom jew li huma inċidentali għalihom.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'liġi dan li ġej:-

TAQSIMA I

Preliminari

Titolu fil-qosor u bidu fis-sehh.

1. (1) Dan l-Att jista' jissejjaħ l-Att ta' l-1999 dwar Servizzi ta' l-Ivvjaġġar u tat-Turiżmu għal Malta.

(2) Dan l-Att għandu jiġi fis-sehh f'dik id-data li l-Ministru jista' jistabbilixxi b'avviż fil-Gazzetta; u dati differenti jistgħu jiġu hekk stabbiliti għal dispożizzjonijiet differenti u għal għanijiet differenti ta' dan l-Att.

Tifsir.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma teħtieġ xort' oħra -

“aġent ta' l-ivvjaġġar” tfisser persuna li, sew bhala prinċipali sew bhala aġent, tirraġġa, tagħti pariri dwar jew tiehu hsieb li tipprovdi lil turisti u persuni oħra, sew individwalmwnt sew fi gruppi, arrangamenti għall-ivvjaġġar għal barra minn Malta, inklużi l-alloġġ f'lukanda, *guest house*, *hostel*, postijiet għall-btala jew dar li tintuża biex jiġi provdut alloġġ lit-turisti; vjaġġi bl-ajru, fuq l-art jew bil-baħar; ġiti organizzati u l-affarijiet l-oħra kollha li normalment jew b'konswetudni huma konnessi ma' l-industrija tat-turiżmu; iżda ma tinkludix dirigent ta' lukanda, dirigent ta' *guest*

house, dirigent ta' postijiet għall-btala, persuna li tipprovdi allogġ lil turisti f'dar, gwida tat-turisti, persuna li tipprovdi servizzi ta' trasport fuq l-art, bil-baħar jew bl-ajru, aġenzija tat-turiżmu li ġej minn barra, *destination management company*, jew operatur ta' ġiti organizzati u "aġenzija ta' l-ivvjagġar" għandha tiftiehem bl-istess mod;

"aġent tat-turiżmu li ġej minn barra" tfisser persuna li, sew bħala prinċipal sew bħala aġent, tirranġa għal, tagħti pariri dwar jew tiehu hsieb li tipprovdi għal turisti u persuni oħra, sew individwalment sew fi gruppi, arrangamenti ta' vjaġġar dwar vjaġġar barra mill-pajjiż, inkluż l-allogġ f'lukanda, *guest house*, *hostel*, post għall-btala jew dar uzata biex tipprovdi allogġ lil turisti; l-ivvjagġar bl-ajru, fuq l-art jew bil-baħar; ġiti organizzati u l-hwejjeg l-oħra kollha li normalment jew b'konswetudni jkollhom x'jaqsmu ma' l-industrija tat-turiżmu, iżda ma tinkludix dirigent ta' lukanda, dirigent ta' *guest house*, dirigent ta' *hostel*, dirigent ta' post għall-btala, persuna li tipprovdi allogġ lil turisti f'dar, gwida tat-turisti, persuna li tipprovdi servizzi ta' trasport fuq l-art, bil-baħar jew bl-ajru, aġenzija ta' l-ivvjagġar, *destination management company*, jew operatur ta' ġiti organizzati u "aġenzija ta' turiżmu li ġej minn barra" għandha tiftiehem bl-istess mod;

"aġenzija tal-Gvern" tfisser korp ġuridiku mwaqqaf b'ligi jew kumpannija li fiha l-Gvern jew korp bħal dak, jew it-tnejn flimkien, ikollhom jedd ta' kontroll jew li tkun sussidjarja ta' kumpannija bħal dik;

"allogġ" tfisser kamra jew kmamar li jkunu hekk arredati u mghammra biex jipprovdu allogġ li persuna tista' tghix fih;

"allogġjant" tfisser persuna li tiġi provduta b'allogġ ġewwa lukanda, *guest house*, *hostel*, post għall-btala, post ta' allogġ jew dar li tintuża biex jiġi provdut allogġ lit-turisti, jew li jkollha dan l-allogġ provdut f'xi wieħed minn dawk il-postijiet;

"attività turistika" tfisser lukanda, *guest house*, *hostel*, post għall-btala, dar li tintuża biex jiġi provdut allogġ lit-turisti, stabbiliment li jipprovdi ikel, aġenzija ta' l-ivvjagġar, *destination management company*, aġenzija ta' turiżmu li ġej minn barra, operatur ta' ġiti organizzati, gwida tat-turisti, u servizzi oħra ta' turiżmu, sew jekk mogħti liċenza sew jekk le:

Iżda, għall-finijiet tas-subartikolu (2) ta' l-artikolu 48 ta' dan l-Att, il-frazi "attività turistika" ma tinkludix dar li tintuża biex jiġi provdut allogġ lit-turisti meta dik id-dar tkun tikkostitwixxi r-residenza permanenti tal-persuna li tipprovdi dak l-allogġ;

"avviż ta' infurzar" għandha t-tifsir mogħti lilha bl-artikolu 41 ta' dan l-Att;

“l-Awtorità” tfisser l-Awtorità tat-Turiżmu ta’ Malta mwaqqfa bl-artikolu 3 ta’ dan l-Att u tinkludi kull persuna li taġixxi f’isimha bis-sahha ta’ setghat delegati mill-Awtorità taht dan l-Att;

“il-Bord” tfisser il-Bord ta’ l-Appelli dwar it-Turiżmu mwaqqaf bl-artikolu 13 ta’ dan l-Att;

“dar” tfisser kull bini, ikun kif ikun deskritt, li ma jkunx lukanda, *guest house*, *hostel*, post għall-btala jew post ta’ allogġ, li jkun użat jew mahsub li jintuża, għal kollox jew f’parti minnu bhala abitazzjoni;

“*destination management company*” tfisser kull persuna li l-linja prinċipali tal-kummerċ tagħha, kemm bhala prinċipal jew aġent, hi l-holqien, ippjanar u attività ta’ programmi motivati u speċjalizzati għal turisti jew persuni oħra, sew individwalment kif ukoll fi gruppi, u liema programmi jinkludu li jipprovdu kollha jew xi whud minn dawn is-servizzi li ġejjin: allogġ f’lukanda jew f’xi stabbiliment ieħor xieraq; vjaġġ bl-ajru, bl-art jew bil-baħar; faċilitajiet għal konferenzi; ġiti; gwidi; interpreti; għajnuna teknika; divertiment u kull haġ’oħra li hi normalment konnessa ma’ programmi motivati, kongressi, laqgħat u konferenzi u *incentive travel*. Il-kliem “*destination management company*” ma jinkludux diriġent ta’ lukanda, diriġent ta’ *guest house*, diriġent ta’ postijiet għall-btala, persuna li ttiprovdi allogġ lil turisti f’dar, gwida tat-turisti, persuna li ttiprovdi servizzi ta’ trasport fuq l-art, fuq il-baħar jew fl-ajru, aġent tat-turiżmu li ġej minn barra, aġent ta’ l-ivvjaġġar jew operatur ta’ ġiti organizzati;

“id-Direttorati” tfisser id-Direttorat ta’ l-Infurzar u dawk id-direttorati eżekuttivi l-oħra hekk kif ikunu jew jistgħu jiġu stabbiliti taht l-artikolu 12 ta’ dan l-Att;

“Gazzetta” tfisser il-Gazzetta tal-Gvern ta’ Malta;

“ġita organizzata” tfisser kull ġita organizzata jew *tour* għal hames jew aktar turisti jew persuni oħra lejn wiehed jew aktar postijiet fi jew madwar Malta jew trasport fuq l-art, bil-baħar jew bl-ajru, iżda ma tinkludix servizz li jkun unikament intiż biex jipprovdi trasport; u “operatur ta’ ġiti organizzati” għandha tiftiehem bl-istess mod;

“*guest house*” tfisser kull bini, ikun kif ikun deskritt, iżda li ma jkunx lukanda, u li fiha jiġu provduti għall-pubbliku minn tmexxija komuni, allogġ, servizzi u faċilitajiet li għandhom x’jaqsmu ma’ allogġ; u “diriġent ta’ *guest house*” għandha tiftiehem bl-istess mod;

“gurnata stabbilita”, dwar id-dispożizzjonijiet ta’ l-artikoli 50, 51 u 52 ta’ dan l-Att, tfisser il-gurnata li fiha dawn l-artikoli jiġu fis-seħh;

“gwida tat-turisti” tfisser persuna li tipprovdi servizz ta’ gwida u li ssieheb persuni f’Malta u madwarha jew xi parti minnha, jew fi jew madwar mużewijiet, monumenti u postijiet oħra ta’ interess f’Malta;

“*hostel*” tfisser kull bini, jkun kif ikun deskritt, iżda li ma jkunx lukanda jew *guest house*, li fih jiġu provduti għall-pubbliku minn tmexxija komuni, alloġġ, servizzi u faċilitajiet li għandhom x’jaqsmu ma’ alloġġ li jkunu ta’ *standard* bażiku; u “dirigent ta’ *hostel*” għandha tiftiehem bl-istess mod;

“licenza” tfisser licenza mahruġa bis-sahha ta’ dan l-Att mill-Awtorità;

“lukanda” tfisser kull bini, ikun kif ikun deskritt, li fih ikun provdut għall-pubbliku minn direzzjoni komuni, alloġġ, servizzi u faċilitajiet li għandhom x’jaqsmu ma’ alloġġ, u jinkludi kull għadd ta’ bini bhal dak li jkun raggruppat flimkien; u “dirigent ta’ lukanda” għandha tiftiehem bl-istess mod;

“Ministru” tfisser il-Ministru responsabbli għat-turiżmu;

“operatur”, dwar attività turistika li ma tkunx gwida tat-turisti, tfisser persuna, li ma tkunx sid, li tkun intitolata li tħaddem dik l-attività turistika minn jeddha b’titolu li jitnissel, direttament jew indirettament, minn sid;

“pakkett ta’ l-ivvjagġar” tfisser it-tlaqqiġ flimkien irrangat bil-quddiem ta’ mhux inqas minn żewġ elementi minn dawn li ġejjin meta dawn jinbiegħu jew jiġu offeriti għall-bejgħ bi prezz inkluziv u meta s-servizz ikun ikopri perijodu ta’ iktar minn erbgħa u ghoxrin siegħa jew ikun jinkludi akkomodazzjoni matul il-lejl:

(a) trasport;

(b) akkomodazzjoni;

(c) servizzi oħra tat-turiżmu li ma jkunux anċillari mat-trasport jew l-akkomodazzjoni u li jkunu l-kawża ta’ proporzjon imdaqas mill-pakkett, u jkunu jinkludu dawkl il-kombinazzjonijiet irrangati bil-quddiem ukoll meta diversi komponenti tagħhom jinħarġilhom kont separat;

“post għall-btala” tfisser kull bini, ikun kif ikun deskritt, iżda li ma jkunx lukanda, *guest house*, *hostel* jew residenza ordinarja tas-sid jew tal-kerrej, skond il-każ, li fih jiġu provduti għat-turisti allogġ, servizzi, inklużi servizzi ta’ *self-catering*, u faċilitajiet li għandhom x’jaqsmu ma’ allogġ; u jinkludi kull għadd ta’ bini bħal dak li jkun raggruppat flimkien; u “dirigent ta’ post għall-btala” għandha tiftiehem bl-istess mod;

“preskritt” tfisser preskritt b’regolament, regola, ordni jew strument iehor magħmul taht xi waħda mid-dispożizzjonijiet ta’ dan l-Att li tagħti s-setgha li jsir dak l-istrument;

“reklam” tfisser l-għemil ta’ xbiha f’kull għamla li tkun, f’dak li għandu x’jaqsmu ma’ xi sengħa jew negozju sabiex tingieb ’il quddiem il-provvista ta’ oġġetti jew ta’ servizzi, inkluż l-għemil ta’ xbiha bħal dik, kull kelma, ittra, mudell, sinjal, kartellun, tabella, avviż, *brochure* jew disinn, sew jekk imdawlin sew jekk le, li jkollhom ix-xorta ta’ u li jkunu wżati għal kolloxx jew f’parti għal skop ta’ reklam, avviż jew direzzjoni, u kull tavlar jew struttura simili wżata jew addattata għall-użu ta’ wiri ta’ reklami; u “tirreklama” għandha tiftiehem bl-istess mod;

“sena finanzjarja” tfisser perijodu ta’ tmax-il xahar li jtemm fil-31 ta’ Diċembru ta’ sena li tkun:

Iżda l-ewwel sena finanzjarja ta’ l-Awtorità għandha tibda mad-dhul fis-seħh ta’ dan l-Att u ttemm fil-31 ta’ Diċembru tas-sena ta’ wara;

“sid”, dwar attività turistika li ma tkunx gwida tat-turisti, tfisser persuna li minn jeddha jew bħala aġent ta’ haddiehor ikollha dritt tirċievi l-kera ta’ l-attività fejn din tkun mikrija, jew, jekk din ma tkunx mikrija, li kien ikollha dak id-dritt li kieku dik l-attività kienet hekk mikrija;

Iżda meta attività turistika tkun suġġetta għall-użufrutt, il-frazi “sid” tinkludi s-sid tan-nuda proprjetà;

“stabiliment li jipprovdi ikel” tfisser kull bini, lokal jew stabiliment iehor, inkluż kull kjosk, ikun kif ikun deskritt, li jipprokura b’kumpens ikel u, jew, xorb inkluż kull inbid u spirti, għall-konsum;

“tikklassifika” tinkludi “tikklassifika mill-ġdid”, u “klassifikazzjoni” u “klassifikazzjoni mill-ġdid” għandhom jiftiehem skond hekk;

“turist” tfisser persuna li tivvjaġġa lejn post li ma jkunx dak tas-soltu ambjent tagħha għal inqas minn tmax-il xahar u li toqgħod għal mill-inqas lejl wiehed fil-post li żżur;

“uffiċjal pubbliku” għandha t-tifsir mogħti lilha bl-artikolu 124 tal-Kostituzzjoni;

“vjaġġatur” tfisser persuna li tidhol f’kuntratt ma’ attività turistika li jkollha liċenza għall-provdiment ta’ kull servizz dwar l-ivvjaġġar jew li jkollha x’taqsam ma’ l-ivvjaġġar ta’ xi xorta u ta’ kull xorta minn dik l-attività turistika li jkollha liċenza.

TAQSIMA II

Amministrazzjoni

Titolu 1 – L-Awtorità tat-Turiżmu ta’ Malta

3. (1) Qieghda b’dan tiġi mwaqqfa awtorità, li tkun magħrufa bħala l-Awtorità tat-Turiżmu ta’ Malta, li tkun magħmula minn hdax-il membru bil-jedd ta’ vot u minn Uffiċjal Eżekuttiv Ewlieni li *ex officio* jkun membru mingħajr vot.

Twaqqif ta’ l-Awtorità tat-Turiżmu ta’ Malta.

(2) Il-membri ta’ l-Awtorità li jkollhom vot ikunu:

(a) sitt persuni li jiġu mahtura mill-Ministru minn fost persuni li jkollhom għarfien u esperjenza fi hwejjeg li jkollhom x’jaqsmu ma’ l-ivvjaġġar u mat-turiżmu, u li wiehed minnhom għandu jkollu għarfien u esperjenza dwar dak li jiġri f’Għawdex; u

(b) persuna li tiġi mahtura mill-Ministru fuq rakkomandazzjoni ta’ dik l-assoċjazzjoni li jkollha għarfien mill-Ministru bħala li tkun l-aktar rappreżentattiva tas-settur tal-lukandi; u

(ċ) persuna li tiġi mahtura mill-Ministru fuq rakkomandazzjoni ta’ dik l-assoċjazzjoni li jkollha għarfien mill-Ministru bħala li tkun l-aktar rappreżentattiva tas-settur ta’ agenti tat-turiżmu u ta’ l-ivvjaġġar; u

(d) persuna li tiġi mahtura mill-Ministru fuq rakkomandazzjoni tal-linja ta’ l-ajru nazzjonali; u

(e) żewġ persuni li jiġu mahtura mill-Ministru fuq rakkomandazzjoni ta’ dawk l-assoċjazzjonijiet l-oħra li jkollhom l-għarfien tal-Ministru bħala li l-aktar jirrapreżentaw setturi oħra li jipprovdu servizzi ta’ l-ivvjaġġar u tat-turiżmu.

(3) Il-President ta' l-Awtorità ghandu jiġi hekk mahtur mill-Ministru minn fost dawk il-persuni li jkunu ġew mahtura minnu skond id-dispożizzjonijiet tal-paragrafu (a) tas-subartikolu (2) ta' dan l-artikolu. L-Uffiċjal Eżekuttiv Ewlieni ghandu jiġi mahtur mill-Awtorità li, għall-għanijiet ta' dik il-hatra, għandha titqies li tkun magħmula biss minn dawk il-membri li jkollhom vot.

(4) Ebda persuna ma tikkwalifika biex tiġi nominata, jew biex tibqa', membru ta' l-Awtorità jekk hija tkun membru tal-Kamra tad-Deputati.

(5) Il-membri ta' l-Awtorità għandhom jibqgħu fil-kariga għal żmien mhux iktar minn tliet snin. Kull membru jista', qabel ma jintemm il-perijodu tal-kariga tiegħu, jirriżenja b'ittra indirizzata lill-Ministru:

Iżda:

(a) il-membri ta' l-Awtorità jistgħu jitnehhew mill-kariga mill-Ministru qabel ma jiskadi l-perijodu tal-kariga tagħhom meta, fil-fehma tal-Ministru, ikunu hatja ta' mgieba hazina jew meta, fil-fehma tal-Ministru, ikunu inkapaċi li jaqdu d-dmirijiet tal-kariga tagħhom;

(b) persuna li tkun inhatret mill-Ministru fuq ir-rakkomandazzjoni ta' xi persuna ohra għandha ttejjem milli tibqa' f'dik il-kariga meta l-persuna li tkun għamlitilha r-rakkomandazzjoni tiddikjara lill-Ministru li tkun qiegħda tirtira r-rakkomandazzjoni tagħha dwar dik il-persuna.

(6) Persuna li ma tibqax membru ta' l-Awtorità tista', jekk tkun kwalifikata għal hekk, terġa' tiġi mahtura.

(7) Bla hsara għad-dispożizzjonijiet ta' qabel ta' dan l-artikolu, il-provvedimenti ta' l-Ewwel Skeda li tinsab ma' dan l-Att għandhom japplikaw għall-Awtorità u jirregolaw il-proċeduri tagħha.

Setgħat u
personalità ġuridika
ta' l-Awtorità.

4. (1) L-Awtorità tkun korp ġuridiku b'personalità ġuridika distinta u kapaċi, bla hsara biss għad-dispożizzjonijiet ta' dan l-Att, li tharrek u tiġi mħarrka, li tidhol f'kull kuntratt, li takkwista, iżzomm u tiddisponi minn proprjetà ta' kull xorta, sew mobbli sew immobbli, b'kull titolu jew taħt kull titolu u li tagħmel kull haġ'ohra jew li tagħmel kull transazzjoni tkun liema tkun.

(2) Ir-rappreżentanza ta' l-Awtorità tkun vestita fil-President:

Iżda l-Awtorità tista' tahtar wiehed jew aktar mill-membri taghha, jew wiehed jew aktar mill-uffiċjali taghha, biex jidhru f'isimha u f'lokha f'xi proċedimenti ġudizzjarji jew f'xi att, kuntratt, kitba jew dokument ieħor ikun liema jkun:

Iżda wkoll fejn xi whud mis-setgħat ta' l-Awtorità huma delegati skond is-subartikolu (3) ta' dan l-artikolu, ir-rappreżentanza ta' l-Awtorità tkun ukoll vestita f'dak l-uffiċjal eżekuttiv jew uffiċjali eżekuttivi hekk delegat jew delegati safejn ikun neċessarju biex jaqdu tajjeb is-setgħat lilhom mogħtija.

(3) L-Awtorità tista' tiddelega kull setgħa eżekuttiva taghha lil wiehed jew iżjed mill-uffiċjali eżekuttivi taghha taht dawk il-kondizzjonijiet li jidhriha xierqa:

Iżda s-setgħat ta' l-Awtorità li huma konnessi ma' *standards* u kontroll jistgħu jiġu biss delegati lid-Direttorat ta' l-Infurzar.

5. (1) Il-funzjonijiet ta' l-Awtorità jkunu:

Funzjoni ta' l-Awtorità.

(a) li tippromwovi u tiżviluppa Malta bhala destinazzjoni turistika;

(b) li tagħti pariri lill-Gvern dwar attivitajiet turistiċi u li toħroġ liċenzi taht dan l-Att;

(c) li tissorvelja, tikklassifika u tikkontrolla l-liċenzjar ta' u l-*istandards* li għandhom jiġu provduti fi, jew minn, attivitajiet turistiċi;

(d) li tikkontribwixxi lejn it-titjib tal-livell tar-riżorsi umani fl-industrija tat-turiżmu;

(e) li tagħti pariri lill-Gvern dwar l-ippjanar u l-iżvilupp ta' l-industrija tat-turiżmu kif ukoll dwar l-infrastruttura li ssostni l-industrija tat-turiżmu; u

(f) ġeneralment li tassisti u tagħti pariri lill-Gvern dwar kull haġa li għandha x'taqsam ma', jew li tolqot, it-turiżmu, u li tidhol għal, u torganizza, dawk l-attivitajiet u proġetti li tista' tqis li jkunu idonei mat-twettiq tal-funzjonijiet taghha.

(2) Fit-twettiq tal-funzjonijiet taghha, l-Awtorità taddotta u ssegwi l-politika u l-pjanijiet tal-Gvern u barra minn hekk taġixxi skond id-dispożizzjonijiet ta' dan l-Att u ta' kull liġi oħra li tapplika; u l-Awtorità tista' tagħmel dawk l-investimenti, kif jista' japprova l-

Ministru, u li jkunu meqjusa li jghinu fil-promozzjoni u l-avvanz ta' Malta bhala destinazzjoni turistika.

(3) Il-Ministru jista', skond kif jidhiru xieraq, minn zmien ghal zmien, jaghti bil-miktub u jippubblika dawk id-direttivi dwar il-politika u l-pjanijiet tal-Gvern li ghandhom jigu addottati u segwiti mill-Awtorità, u l-Awtorità ghandha, kemm jista' jkun malajr, taddotta u ssegwi dawk id-direttivi kollha.

Hatra ta' ufficjali.

6. (1) L-Awtorità ghandha tahtar dawk l-ufficjali u impjegati li l-Awtorità minn zmien ghal zmien tqis li huma mehtiega ghall-qadi tal-funzjonijiet taghha taht dan l-Att.

(2) L-Awtorità ghandha wkoll tahtar wiehed mill-ufficjali taghha biex jagixxi bhala s-segretarju ta' l-Awtorità.

(3) Minghajr pregudizzju ghad-dispozizzjonijiet tas-sub-artikolu (1) ta' dan l-artikolu l-Awtorità tista', bl-approvazzjoni tal-Prim Ministru, toffri lil kull ufficjal pubbliku li jkun qed iwettaq dmirijiet mad-dipartiment tat-turizmu impieg permanenti ma' l-Awtorità bil-beneficċji speċifikati fis-subartikolu (4) ta' dan l-artikolu.

(4) Kull ufficjal pubbliku li jacċetta impieg permanenti ma' l-Awtorità offert lili skond id-dispozizzjonijiet tas-subartikolu (3) ta' dan l-artikolu ghandu, ghall-finijiet kollha barra minn dawk ta' l-Ordinanza dwar il-Pensjonijiet, u ta' l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, jitqies li temm milli jkun fis-servizz tal-Gvern u jidhol fis-servizz ta' l-Awtorità b'seħħ mid-data li fiha jkun aċċetta l-offerta jew dik id-data aktar tard miftiehma bejnu u l-Awtorità; u ghall-finijiet ta' l-imsemmija Ordinanza u ta' l-imsemmi Att, servizz ma' l-Awtorità jitqies servizz mal-Gvern skond it-tifsir relattiv:

Kap. 93.
Kap. 58.

Izda ghall-ghanijiet ta' l-imsemmija Ordinanza dwar il-Pensjonijiet, l-emolumenti pensjonabbli ta' dak l-ufficjal meta jirtira ghandhom jitqiesu li jkunu l-emolumenti pensjonabbli li jithallsu lil xi ufficjal fis-servizz tal-Gvern fi grad u f'livell inkrementali li jikkorrispondi ghall-kariga u livell inkrementali li jkollu l-ufficjal meta jirtira minn ma' l-Awtorità.

(5) (a) Ghall-ghanijiet tal-proviso li hemm mas-subartikolu (4) ta' dan l-artikolu, il-karigi u l-gradj salarjali ta' l-Awtorità ghandhom ikunu klassifikati kemm jista' jkun b'mod korrispondenti ghall-gradj u livelli inkrementali fis-servizz mal-Gvern ta' Malta b'riferenza ghad-deskrizzjoni tal-kariga, hila fis-sengha, responsabbiltà u fatturi ohra bhal dawn.

(b) Il-klassifikazzjoni msemmija fil-paragrafu (a) ta' dan is-subartikolu ghandha ssir minn bord magħmul minn president li jiġi mahtur mill-Ministeru responsabbli għall-finanzi u minn żewġ membri oħra, wiehed mahtur mill-Ministeru centralment responsabbli għal affarijiet li għandhom x'jaqsmu mal-persunal fis-servizz pubbliku u wiehed mahtur mill-Awtorità. Il-klassifikazzjoni tkun suġġetta għall-approvazzjoni finali tal-Ministru responsabbli għall-finanzi.

(c) Dik il-klassifikazzjoni ghandha tintgħamel fi żmien tliet xhur minn kull aġġustament ta' salarji ta' impjegati fis-servizz tal-Gvern u, jew, ta' impjegati ta' l-Awtorità.

(d) Ebda kariga m'għandha tiġi klassifikata fi grad oghla minn dak ta' Grad 3 fis-servizz tal-Gvern jew f'dak il-grad li l-Ministru responsabbli għall-finanzi jista' minn żmien għal żmien jistabbilixxi b'avviż fil-Gazzetta.

(e) Mingħajr preġudizzju għall-artikolu 113 tal-Kostituzzjoni, hadd ma jista', wara klassifikazzjoni bħal dik imsemmija, ikollu jedd għal xi dritt taht l-imsemmija Ordinanza dwar il-Pensjonijiet li jkun inqas favorevoli minn dawk li kien ikollu jedd għalihom qabel dik il-klassifikazzjoni.

(6) L-Awtorità ghandha f'Jannar ta' kull sena thallas lill-Gvern id-differenza bejn in-nefqa ta' pensjonijiet u gratifikazzjonijiet li jithallsu fil-waqt ta' l-irtir mill-Awtorità u n-nefqa tal-pensjoni jew gratifikazzjoni skond il-każ, komputata fil-waqt tat-terminazzjoni tas-servizz ta' l-ufficjal mal-Gvern biex jiġi impjegat ma' l-Awtorità.

7. (1) L-Awtorità ghandha tingħata b'kapital inizjali l-ammont ta' mitejn u hamsin elf lira li jiġi mħallas mill-Gvern mill-Fond Konsolidat, mingħajr approprjazzjoni oħra barra minn dan l-Att, b'*warrant* taht il-firma tal-Ministru responsabbli għall-finanzi li jawtorizza lill-*Accountant General* biex jagħmel il-ħlas.

Dispożizzjonijiet
finanzjarji.

(2) Wara dan il-ħlas, l-Awtorità ghandha tithallas mill-Fond Konsolidat dawk is-somom li l-Kamra tad-Deputati tista' tapprova.

(3) Mingħajr hsara għad-dispożizzjonijiet ta' l-artikolu 47 ta' dan l-Att, il-Ministru jista', fuq ir-rakkomandazzjoni ta' l-Awtorità jagħmel regolamenti li jippreskrivu l-kontribuzzjonijiet li għandhom jithallsu lill-Awtorità minn attivitajiet turistiċi u minn dawk il-persuni oħra li l-Ministru jista' jiddikjara bhala benefiċjarji mill-industrija tat-turiżmu.

(4) L-Awtorità ghandha tara li jiġi mħejji f'kull sena finanzjarja, u mhux aktar tard minn erba' ġimgħat qabel l-gheluq ta'

dik is-sena taddotta, estimi tad-dhul u hrug ta' l-Awtorità ghas-sena finanzjarja li tiġi minnufih wara:

Izda dwar l-ewwel sena finanzjarja, l-Awtorità għandha tfejji u taddotta estimi mhux aktar tard minn tna-x-il gimgħa wara d-dhul fis-sehh ta' dan l-Att.

(5) L-estimi għandhom isiru f'dik l-għamla u għandu jkollhom dik l-informazzjoni u dawk il-paraguni ma' estimi ta' qabel hekk kif il-Ministru jista' jordna.

(6) Kopja ta' l-estimi ta' l-Awtorità għandha, malli dawn jiġu addottati mill-Awtorità, jintbagħtu minnufih lill-Ministru.

(7) Il-Ministru għandu, ma' l-ewwel opportunità u mhux aktar tard minn tmien gimgħat minn mindu jirċievi kopja ta' l-estimi ta' l-Awtorità, jew, jekk f'xi żmien il-Kamra tad-Deputati ma tkunx qed tiltaqa', fi żmien tmien gimgħat mill-bidu tas-sessjoni li tiġi minnufih wara, jara li dawk l-estimi jitqiegħdu quddiem il-Kamra flimkien ma' mozzjoni li l-Kamra tapprova dawk l-estimi. Għandha tingħata seduta ta' gurnata għad-diskussjoni fil-Kamra ta' dik il-mozzjoni; u kemm il-mozzjoni kemm l-approvazzjoni ta' l-estimi mill-Kamra jistgħu jkunu sew b'emendi sew mingħajr emendi għal dawk l-estimi.

(8) L-Awtorità ma tista' tidhol għal ebda spiża li ma tkunx ġiet approvata mill-Kamra tad-Deputati:

Izda:

(a) sakemm jgħaddu sitt xhur mill-bidu ta' sena finanzjarja jew sa l-approvazzjoni ta' l-estimi għal dik is-sena, l-Awtorità tista' tonfoq jew tidhol għal nefqa biex taqdi l-funzjonijiet tagħha taht dan l-Att li b'kollox ma tkunx akbar minn nofs l-ammont approvat ghas-sena finanzjarja ta' qabel;

(b) nefqa approvata dwar kap jew sotto-kap ta' l-estimi tista', bl-approvazzjoni tal-Ministru, issir dwar kap jew sotto-kap ieħor ta' l-estimi;

(c) jekk f'xi sena finanzjarja jinstab li l-ammont approvat mill-Kamra mhux biżżejjed, jew jekk tinqala' l-htieġa ta' nefqa għal għan mhux provdut fl-estimi, l-Awtorità tista' taddotta estimi supplimentari għall-approvazzjoni tal-Kamra u, sakemm tingħata dik l-approvazzjoni, izda sugġett għall-ghoti tagħha, l-Awtorità tista' f'ċirkostanzi speċjali bl-approvazzjoni tal-Ministru, tidhol għall-ispiża relattiva; u d-dispożizzjonijiet ta' dan l-Att applikabbli għall-estimi għandhom, sa fejn hu prattikabbli, japplikaw għall-estimi supplimentari:

Izda wkoll, dwar l-ewwel sena finanzjarja ta' l-Awtorità, dan is-subartikolu ghandu japplika bhallikieku n-nefqa totali li l-Awtorità tista' tonfoq jew tidhol ghalha, sakemm l-estimi ghal dik is-sena jigu approvati mill-Kamra, ma tistax tkun akbar minn nofs l-ammont muri f'dawk l-estimi.

(9) L-estimi u l-estimi supplimentari kollha approvati mill-Kamra ghandhom, kemm jista' jkun malajr, jigu ppubblikati fil-Gazzetta.

8. (1) L-Awtorità ghandha tara li jinzammu kontijiet u dokumentazzjoni ohra xierqa dwar il-hidma taghha u ghandha tara li jitlestha prospett ta' kontijiet dwar kull sena finanzjarja. Kontijiet u verifika.

(2) Il-kontijiet ta' l-Awtorità ghandhom jigu verifikati minn awditur jew awdituri mahtura minnha:

Izda l-Ministru responsabbli ghall-finanzi jista' jehtieg li l-kotba u dokumentazzjoni ohra ta' l-Awtorità jigu verifikati jew ezaminati mill-Awditur Ġenerali li, ghal dan il-għan, ikollu s-setgħa li jagħmel dik il-verifika fiżika u kull verifika ohra, u li jitlob dik l-informazzjoni, hekk kif jidhirlu li jkun meħtieġ.

(3) Wara l-għeluq ta' kull sena finanzjarja, fl-istess hin li r-rapport ta' hidma ta' l-Awtorità jintbagħat lill-Ministru skond l-artikolu 9 ta' dan l-Att, l-Awtorità ghandha tara li kopja tal-prospett ta' kontijiet verifikati kif dovut jigu mogħtija lill-Ministru flimkien ma' kopja ta' kull rapport magħmul mill-awditur jew awdituri dwar dak il-prospett jew dwar il-kontijiet ta' l-Awtorità.

(4) Il-Ministru ghandu jara li kopja ta' kull prospett u rapport bħal dak titqiegħed quddiem il-Kamra flimkien mal-mozzjoni mqiegħda quddiem il-Kamra taħt l-artikolu 9 imsemmi.

9. (1) L-Awtorità ghandha, mhux aktar tard minn tnax-il ġimgħa wara t-tmiem ta' kull sena finanzjarja, tagħmel u tibgħat lill-Ministru rapport tal-hidma tagħha matul dik is-sena, li jkun fih dik l-informazzjoni dwar il-funzjonijiet u l-proċeduri ta' l-Awtorità hekk kif il-Ministru jista' minn żmien għal żmien jehtieg flimkien mal-prospett tal-kontijiet verifikati kif provdut fl-artikolu 8. Rapport annwali.

(2) Il-Ministru ghandu jara li kopja ta' kull rapport bħal dak titqiegħed fuq il-Mejda tal-Kamra tad-Deputati fi żmien ġimgħatejn, jew, jekk f'xi żmien il-Kamra tad-Deputati ma tkunx qed tiltaqa' f'sessjoni, fi żmien ġimgħatejn mill-bidu ta' l-ewwel sessjoni li tigi minnufih wara.

Kuntratti ta' provvista jew xoghlijiet.

10. Hlief bl-approvazzjoni tal-Ministru, l-Awtorità m'għandhiex tagħmel kuntratt għall-provvista ta' oġġetti jew materjal jew għall-eżekuzzjoni ta' xoghlijiet jew għall-ġħoti ta' servizzi, lil jew favur l-Awtorità, li jkun stmat mill-Awtorità bħala li jinvolti spiża li teċċedi l-mitt elf lira jew kull ammont iehor li l-Ministru jista' minn żmien għal żmien jippreskrivi, hlief wara li jkun ġie pubblikat avviż dwar l-intenzjoni ta' l-Awtorità li tagħmel dak il-kuntratt u jkunu nharġu offerti kompetittivi.

Eżenzjoni minn taxxa.

11. L-Awtorità tkun eżenti minn hlas ta' taxxa fuq l-*income* jew taxxa fuq dokumenti li tkun minn żmien għal żmien dovuta f'Malta.

Titolu 2 — Id-Direttorati

L-Awtorità tista' tiddelega funzjonijiet eżekuttivi lid-direttorat.

12. (1) Għandu jkun hemm direttorat eżekuttiv li jkun magħruf bħala d-Direttorat ta' l-Infurzar li jkun magħmul minn:

(a) persuna, li tinħatar mill-Awtorità, li taġixxi bħala President; u

(b) żewġ persuni, li jinħatru mill-Ministru, fuq rakkomandazzjoni ta' l-Awtorità, u li wiehed minnhom ikun persuna li jkollu *warrant* li jeżerċita bħala avukat jew *warrant* li jeżerċita bħala prokuratur legali li jkun ilu jeżerċita għal mhux anqas minn hames snin.

(2) Għandu jkun hemm ukoll id-direttorati eżekuttivi elenkati fit-Tieni Skeda li tinsab ma' dan l-Att, li jkunu magħmula hekk kif jinsabu hemmhekk deskritti. Il-Ministru jista', wara konsultazzjoni ma' l-Awtorità, b'Ordni fil-Gazzetta, jabolixxi xi wiehed jew iktar minn dawk id-direttorati, jibdel l-għamla tagħhom kif ukoll jistabbilixxi dawk id-direttorati eżekuttivi l-oħra li huwa jista' minn żmien għal żmien iqis li jkunu xierqa. Kull direttorat li jiġi hekk stabbilit ikun magħmul minn president u minn dawk il-membri l-oħra hekk kif il-Ministru jista' jistabbilixxi, u dawn għandhom kollha jiġu mahtura minnu:

Iżda l-Ministru għandu jahtar lil dawk il-membri minn fost persuni li jkollhom l-għarfien u l-esperjenza fil-qasam tal-hidma ta' xi direttorat partikolari, u li wiehed minnhom għandu jkollu għarfien u esperjenza għar-rigward ta' Għawdex;

Iżda wkoll il-parti l-kbira minn dawk il-membri għandha tinħatar minn fost operaturi fis-settur tat-turiżmu.

(3) L-Awtorità tista' tiddelega lil dawk id-direttorati u tehtiegħom iwettqu dawk il-funzjonijiet tagħha li fost hwejjeg oħra jirrigwardaw *marketing* u promozzjoni, żvilupp ta' riżorsi umani, l-ippjanar u l-iżvilupp tal-prodott, servizzi ta' appoġġ fit-turiżmu, *standards*, u dawk il-hwejjeg oħra hekk kif hija tista' minn żmien għal żmien tqis li jkun xieraq; u kull delega tal-funzjonijiet tagħha bħal dik tista' ssir hekk kif suġġetta għal dawk il-kondizzjonijiet li l-Awtorità tista' tqis li jkunu xierqa u dik is-setgħa tista', f'kull waqt, tittiched lura, għalkollox jew f'parti minnha, mill-Awtorità.

(4) Id-deċizzjonijiet tad-direttorati, inklużi dawk dwar kull liċenza u klassifikazzjoni li huma jagħmlu, għandhom jitqiesu bhala, u għandu jkollhom l-istess saħħa u effett daqslikieku kienu, deċizzjonijiet ta' l-Awtorità, hlief dwar dawk il-hwejjeg li l-Awtorità tiriserva b' mod espress għaliha nnifisha jew tehtiegħ li jigu lilha riferiti biex tiehu deċizzjoni dwarhom.

(5) (a) L-Uffiċjal Eżekuttiv Ewlieni jista' jattendi għal kull laqgħa tad-direttorati minbarra f'dawk tad-Direttorat ta' l-Infurzar.

(b) Id-direttur eżekuttiv ta' direttorat jista' jattendi għal kull laqgħa ta' dak id-direttorat.

(6) Il-membri tad-Direttorat ta' l-Infurzar u tad-direttorati eżekuttivi, mwaqqfa bi jew taħt is-subartikolu (2) ta' dan l-artikolu, għandhom jibqgħu fil-kariga għal żmien mhux aktar minn tliet snin u għandhom, jekk ikunu xort'oħra kwalifikati, ikunu eligibbli għall-hatra mill-ġdid.

(7) Bla ħsara għad-dispożizzjonijiet ta' qabel ta' dan l-artikolu u għal kull regola li tista' tintgħamel mill-Awtorità, id-direttorati jistgħu jirregolaw il-proċeduri tagħhom infushom.

(8) Kull Ordni li jsir bis-saħħa tad-dispożizzjonijiet ta' dan l-artikolu jista' jiġi emendat, sostitwit jew revokat b'Ordni sussegwenti li jintgħamel bl-istess mod.

Titolu 3 – Il-Bord ta' l-Appelli dwar it-Turiżmu

13. (1) Għandu jkun hemm bord, li jkun magħruf bhala l-Bord ta' l-Appelli dwar it-Turiżmu, magħmul minn avukat li jkun ilu jipprattika għal mhux anqas minn seba' snin, li jippresjedi, u minn żewġ persuni esperti fl-ivvjaġġar u fit-turiżmu, li kull waħda minnhom tkun maħtura mill-Prim Ministru.

Hatra ta' Bord ta' l-Appelli dwar it-Turiżmu.

(2) Il-Prim Ministru jista' wkoll jahtar listi ta' membri u f'dan il-każ tkun responsabbiltà tas-segretarju tal-Bord li jiddeċiedi kif

ghandu jkun magħmul il-Bord biex jisma' xi appell wiehed jew aktar, u huwa għandu, sakemm ikun Prattiku, jiddeċiedi dwar din l-ghamla fuq bażi ta' rotazzjoni.

(3) Ebda persuna ma tikkwalifika biex tiġi mahtura, jew biex tibqa', membru tal-Bord jekk hija tkun:

(a) membru tal-Kamra tad-Deputati; jew

(b) uffiċjal pubbliku.

(4) Membru tal-Bord ikun skwalifikat milli jisma' appell f'dawk iċ-ċirkostanzi li jiskwalifikaw imhallet f'kawża ċivili; u f'kull każ bhal dak il-membru jiġi sostitwit b'persuna oħra mahtura mill-Prim Ministru għal dak l-ghan.

(5) Il-membri tal-Bord għandhom jibqgħu fil-kariga għal perijodu ta' tliet snin, u jkunu jistgħu jerġgħu jinhatru f'dik il-kariga.

(6) Membru tal-Bord jista' jitnehha mill-kariga mill-Prim Ministru minhabba f'negligenza gravi, konflitt ta' interessi, nuqqas ta' kompetenza, jew agir jew ommissjonijiet li ma jixirqux lil membru tal-Bord.

Funzjonijiet u
proċedura tal-Bord
ta' l-Appelli dwar
it-Turiżmu.

14. (1) Il-Bord ikun kompetenti:

(a) li jisma' u jiddeċiedi appelli magħmula minn xi persuna li thoss ruhha aggravata b'deċiżjoni ta' l-Awtorità li tiċhad milli tagħti jew igġedded, jew li tirrevoka, jew tissospendi, liċenza; jew li timponi kondizzjonijiet, limitazzjonijiet jew esklużjonijiet f'liċenza jew dwarha; u

(b) li jisma' u jiddeċiedi appelli magħmula minn xi persuna li thoss ruhha aggravata b'deċiżjoni ta' l-Awtorità fuq kull haġa li tirrigwarda il-klassifikazzjoni jew klassifikazzjoni mill-ġdid ta' attivitajiet tat-turiżmu u l-infurzar ta' kontroll:

Iżda l-kompetenza tal-Bord tkun limitata li tiżgura li l-politika tal-Gvern u d-dispożizzjonijiet ta' dan l-Att jew ta' xi liġi oħra applikabbli jkunu ġew implimentati jew applikati sew u li d-diskrezzjoni vestita fl-Awtorità ma tkunx ġiet użata b'mod mhux ragonevoli.

(2) Id-deċiżjonijiet tal-Bord ikunu konkluzivi hlief dwar punti ta' dritt deċiżi mill-Bord li minnhom ikun hemm appell quddiem il-Qorti ta' l-Appell.

(3) Id-deċiżjonijiet tal-Bord ikunu jorbtu jekk jittiehdu skond il-fehma ta' tnejn mill-membri tiegħu, u l-membri li ma jkunx jaqbel, jekk ikun hemm, jista' jagħti l-fehma tiegħu separata; u d-deċiżjonijiet kollha tal-Bord għandhom jinqraw fil-pubbliku u jiġu ppubblikati malajr kemm jista' jkun wara s-seduta li fiha jkunu nġataw.

(4) Għandu jingħata avviż minn qabel ta' mhux inqas minn erbatax-il jum ta' kull laqgħa tal-Bord b'dak il-mod li l-Bord jidhirlu xieraq jew kif jista' jiġi preskritt taħt l-artikolu 47 ta' dan l-Att. Il-Bord għandu jiltaqa' għall-ewwel smiġħ ta' l-appell mhux aktar tard minn xahar minn meta jkun ġie preżentat l-appell.

(5) Il-Bord jista' jaħtar esperti u jista' jeħtieġ kull dipartiment tal-Gvern jew aġenzija tal-Gvern li jagħtu lill-Bord dik l-informazzjoni jew parir li l-Bord jista' jqis li jkun meħtieġ għall-qadi xieraq tal-funzjonijiet tiegħu.

(6) Il-Bord għandu jkollu segretarjat amministrattiv indipendenti magħmul minn segretarju għall-Bord u dawk l-uffiċjali jew impjegati oħra li jistgħu jkunu meħtieġa biex il-kwistjonijiet li jaqgħu taħt il-kompetenza tiegħu jinqatgħu malajr u b'mod effiċjenti. Is-segretarjat jiġi magħżul u mahtur mill-Bord.

(7) Mingħajr preġudizzju għad-dispożizzjonijiet tas-subartikolu (6) ta' dan l-artikolu, l-appoġġ amministrattiv u tekniku meħtieġ mill-Bord biex jaqdi l-funzjonijiet tiegħu għandhom jiġu provduti mill-Awtorità.

(8) Bla ħsara għal dak imsemmi hawn aktar qabel, appelli lill-Bord u t-tmexxija tal-hidma tal-Bord għandhom isiru skond ir-regoli li hemm fit-Tielet Skeda li tinsab ma' dan l-Att; u fin-nuqqas ta' regoli bħal dawk dwar kull haġa li tkun, il-Bord jista' jirregola l-proċeduri tiegħu stess.

(9) Appelli quddiem il-Qorti ta' l-Appell minn deċiżjonijiet tal-Bord kif provdut fis-subartikolu (2) ta' dan l-artikolu għandhom isiru fi żmien hmistax-il ġurnata minn meta tkun inġatat id-deċiżjoni; u dawk l-appelli għandhom jiġu regolati minn regoli tal-qradi magħmula bis-sahha ta' l-artikolu 29 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili. Kap. 12.

Titlu 4 – Dispożizzjonijiet komuni

15. Għall-ghanijiet tal-Kodiċi Kriminali u ta' kull dispożizzjoni ta' xorta penali f'kull liġi oħra, il-membri ta' l-Awtorità u ta' kull kumitat, bord, kummissjoni jew korp iehor imwaqqaf b'dan l-Att, u kull uffiċjal u impjegat tagħhom, għandhom jitqiesu li huma u jiġu trattati bħallikieku kienu uffiċjali pubbliċi.

Membri ta' l-Awtorità, eċċ., jitqiesu uffiċjali pubbliċi għal ċerti ghanijiet.

Kap. 9.

Pubblikazzjoni ta' l-ismijiet tal-membri ta' l-Awtorità, eċċ.

Turija ta' interess f'kuntratt.

16. L-ismijiet tal-membri kollha ta' l-Awtorità, u ta' kull kumitat, bord, kummissjoni jew korp ieħor imwaqqaf b'dan l-Att, inklużi l-listi li minnhom jiġi kostitwit il-Bord, u kull tibdil ieħor f'dawk il-membri, għandhom jiġu pubblikati fil-Gazzetta.

17. (1) Membru ta' l-Awtorità u ta' xi kumitat, kummissjoni jew korp ieħor imwaqqaf b'dan l-Att (minbarra l-Bord) li jkollu interess dirett jew indirett f'xi haġa partikolari li tiġi kkunsidrata jew li għandha tiġi kkunsidrata quddiem l-Awtorità jew dak il-korp ieħor, għandu jiddikara x-xorta ta' l-interess tiegħu jew fil-laqgħa fejn kwistjoni tiġi kkunsidrata għall-ewwel darba jew, jekk fid-data ta' dik il-laqgħa ma kienx interessat f'dik il-haġa, fl-ewwel laqgħa li jmiss wara li jkun sar hekk interessat.

(2) Membru illi jkun taht obbligu li jiddikjara l-interess tiegħu skond is-subartikolu (1) ta' dan l-artikolu ma għandux jivvota f'xi laqgħa dwar dik il-haġa partikolari li għandu interess fiha, u jekk jivvota l-vot tiegħu ma jingħaddx, u lanqas ma għandu jingħadd biex jiġi stabbilit il-*quorum* għal dik il-laqgħa.

TAQSIMA III

Allogg u Stabbilimenti li Jipprovdu Ikel

Liċenza biex tinżamm lukanda, *guest house*, *hostel*, postijiet għall-btala, stabbiliment li jipprovdi ikel jew dar li tintuża biex jiġi provdut allogġ lit-turisti.

18. (1) Hadd ma jista' jzomm jew imexxi lukanda, *guest house*, *hostel*, postijiet għall-btala jew stabbiliment li jipprovdi ikel jekk ma jkunx qabel akkwista u ma jkollux liċenza dwarhom.

(2) Hadd ma jista' jipprovdi allogġ f'dar lil turisti kemm-il darba ma jkunx qabel kiseb u ma jkollux liċenza dwarhom:

Izda dan is-subartikolu m'għandux ikun japplika għall-provdiment ta' akkomodazzjoni bħal dik lil qraba jew ħbieb ta' bonafidi meta dik l-akkomodazzjoni tiġi provduta bla ebda hlas.

(3) Ebda persuna ma tista' tikri lil turist jew thalli lil turist jokkupa taht xi titolu, xi dar f'Malta, u lanqas ma tista' tittrasferixxi lil xi turist xi jedd għal kiri, jew xi titolu ieħor għal okkupazzjoni, ta' xi dar bħal dik, u ebda turist ma jista' jikri jew taht xi titolu jokkupa dar f'Malta, lanqas ma jista' jakkwista xi jedd għal kiri jew xi titolu ieħor għal okkupazzjoni ta' xi dar bħal dik, kemm-il darba ma jkunx hemm dwar dik id-dar liċenza valida mahruġa mill-Awtorità li tawtorizza dak il-kiri, trasferiment jew okkupazzjoni.

(4) Sakemm ma jkunx gie provdut xort'ohra fil-liċenza jew sakemm ma tkunx giet revokata taht xi wahda mid-dispożizzjonijiet ta' dan l-Att, kull liċenza b'hal dik għandha tibqa' valida sal-wieġed u tletin ta' Diċembru li jahbat minnufih wara d-data tal-hruġ tagħha u tista', wara dak inhar, tiġi mġedda minn sena għal sena jew għal perijodu iehor jew perijodi oħra itwal kif jista' jiġi speċifikat.

(5) Minkejja d-dispożizzjonijiet tas-subartikolu (4), liċenza tista' f'ċirkostanzi speċjali tinghata fuq bażi temporanja għal perijodu ta' mhux aktar minn disghin ġurnata, liema perijodu jista', jekk tiġi muriġa raġuni valida, jiġi mġedded għal perijodu iehor jew perijodi oħra itwal li b'kollox ma jkunux ta' iżjed minn disghin ġurnata.

(6) Kull liċenza li tkun giet revokata jew li ma tkunx giet imġedda għandha tinghata lura lill-Awtorità.

(7) Liċenza tista' tinghata jew tiġi mġedda suġġetta għal dawk il-kondizzjonijiet, limitazzjonijiet u esklużjonijiet li l-Awtorità tista' tqis li jkunu xierqa.

(8) Fil-każ li lukandier jagħmel kuntratt jew xort'ohra jintrabat biex jipprovdni akkomodazzjoni u servizzi oħra, jekk ikun il-każ, fil-lukanda tiegħu u ma jzommx il-kuntratt jew ir-rabta, għaldaqstant, minghajr preġudizzju għal kull jedd jew rimedju iehor disponnibli lill-persuna li magħha l-lukandier ikun għamel il-kuntratt jew xort'ohra ntrabat u minghajr preġudizzju għal kull linja difensiva li l-lukandier ikollu disponnibli, il-lukandier għandu jara li t-turist jew it-turisti li lilhom, jew li dwarhom, l-akkomodazzjoni u servizzi oħra, jekk ikun il-każ, kellhom jiġu provduti, jinghataw akkomodazzjoni u servizzi simili, jekk ikun il-każ, f'lukanda oħra ta' l-istess kategorija jew ta' kategorija oghla li tkun tinsab kemm jista' jkun biswit il-lukanda tiegħu u l-lukandier ikun responsabbli għal u għandu jhallas għal kull differenza bejn il-prezz għall-akkomodazzjoni u għal servizzi oħra, jekk ikun il-każ, li kellhom jiġu provduti fil-lukanda tal-lukandier u l-prezz li jithallas f'dik il-lukanda l-oħra:

Izda meta turist jiġi akkomodat f'lukanda ta' kategorija iktar baxxa minn dik li fiha kellha tiġi provduta l-akkomodazzjoni sew għax hekk jagħzel li jagħmel sew għax il-lukandier ma jkunx jista' jsiblu lukanda alternattiva kif provdut f'dan is-subartikolu, il-lukandier għandu, salv kull rimedju iehor li jista' jkun disponnibli għat-turisti jew għall-persuna li tkun għamlet il-kuntratt mal-lukandier, minnufih iħallas lill-persuna li magħha jkun għamel il-kuntratt kull differenza bejn il-prezz għall-akkomodazzjoni u servizzi oħra, jekk ikun il-każ, li kellhom jiġu provduti fil-lukanda tal-lukandier u l-prezz imħallas fil-lukanda tal-kategorija iktar baxxa.

19. (1) Ma ghandha tinghata jew tiġi mġedda ebda liċenza għall-finijiet ta' l-artikolu 18 ta' dan l-Att hliet jekk:

(a) il-persuna li tapplika għaliha hi ta' kondotta tajba u hija persuna tajba u idonea biex tinghata liċenza għar-rigward ta' lukanda, *guest house*, *hostel*, postijiet għall-btala jew stabbiliment li jipprovdi ikel jew li tipprovdi allogġ lil turisti f'dar, skond il-każ; iżda jekk l-applikant ikun korp ġuridiku jew persuna li ma tkunx il-persuna li sejra tmexxi jew fil-fatt tmexxi l-lukanda, *guest house*, *hostel*, postijiet għall-btala jew stabbiliment li jipprovdi ikel jew li sejra tipprovdi allogġ f'dar, l-attributi msemmija f'dan il-paragrafu għandhom f'kull waqt ikunu addottati mill-persuna li tkun responsabbli għal dik it-tmexxija jew l-ghotja ta' dak l-allogġ jew dik il-persuna illi fil-fatt tesegwixxi dik it-tmexxija jew tipprovdi dak l-allogġ, u b'zieda l-persuna li tkun fil-fatt se tmexxi kif imsemmi qabel għandha tkun kwalifikata u, jew ikollha esperjenza li hekk tmexxi għas-sodisfazzjon ta' l-Awtorità;

(b) il-post li dwaru tkun saret l-applikazzjoni jkun xieraq u adegwat għall-użu bħala lukanda, *guest house*, *hostel*, post għall-btala, stabbiliment li jipprovdi ikel jew dar li tintuża biex jiġi provdut allogġ lit-turisti, skond il-każ;

(c) l-użu tal-post bħala lukanda, *guest house*, *hostel*, postijiet għall-btala, stabbiliment li jipprovdi ikel jew dar li tintuża biex jiġi provdut allogġ lit-turisti jkun użu mixtieq skond il-politika tal-Gvern fiż-żmien tal-konsiderazzjoni ta' l-applikazzjoni biex tinghata l-liċenza.

(2) Lukanda, *guest house*, *hostel*, postijiet għall-btala, stabbiliment li jipprovdi ikel jew dar li tintuża biex jiġi provdut allogġ lit-turisti ma għandhiex tuża isem li fil-fehma ta' l-Awtorità jkun wiehed mhux mixtieq, mhux xieraq jew qarrieqi.

20. Liċenza biex tinżamm jew tithaddem lukanda, *guest house*, *hostel*, postijiet għall-btala, stabbiliment li jipprovdi ikel jew dar li tintuża biex jiġi provdut allogġ lit-turisti tista', bil-kunsens bil-miktub ta' l-Awtorità li jiġi miksub minn qabel, tiġi trasferita lil kull persuna li fil-fehma ta' l-Awtorità għandha attributi msemmija fil-paragrafu (a) tas-subartikolu (1) ta' l-artikolu 19 ta' dan l-Att.

21. (1) Lukanda, *guest house*, *hostel*, postijiet għall-btala, stabbiliment li jipprovdi ikel li jkunu liċenzjati għandhom jinghataw dik il-klassifikazzjoni jew klassifikazzjoni mill-ġdid b'dak il-mod li, skond regolamenti li jistgħu jkunu fis-seħh minn żmien għal żmien, tkun tirrifletti l-istandard u l-livell ta' servizz provdut minn dik il-

lukanda, dik il-*guest house*, dak il-*hostel*, dawk il-postijiet għall-btala, jew dak l-istabiliment li jipprovdi ikel:

Iżda l-Awtorità ma tkunx obbligata li tikklassifika mill-ġdid lukanda, *guest house*, *hostel*, postijiet għall-btala, jew stabbiliment li jipprovdi ikel, qabel ma tghaddi sena mill-aħhar klassifikazzjoni li tkun tat.

(2) Meta l-Awtorità jkun jidhrilha, wara li tkun ghamlet dak l-istharrig li jidhrilha xieraq, li lukanda, *guest house*, *hostel*, postijiet għall-btala jew stabbiliment li jipprovdi ikel, ma jkunx qed jinżamm jew jitmexxa skond l-*istandard* mitlub minn lukanda, *guest house*, *hostel*, postijiet għall-btala jew stabbiliment li jipprovdi ikel, fil-kategorija illi għal dak iż-żmien ikun hekk klassifikat skond regolamenti li jkunu fis-sehh għal dak iż-żmien, l-Awtorità tista' tikklassifika mill-ġdid il-lukanda, *guest house*, *hostel*, postijiet għall-btala jew stabbiliment li jipprovdi ikel, f'kategorija inqas. Kull klassifikazzjoni mill-ġdid bħal dik għandha tiġi notifikata lid-detentur tal-liċenza relattiva u għandu jkollha effett minn dik id-data meta tiġi hekk notifikata.

(3) Meta, skond id-dispożizzjonijiet ta' l-artikolu 14 ta' dan l-Att, isir appell kontra klassifikazzjoni magħmula mill-Awtorità skond is-subartikolu (1) ta' dan l-artikolu, dik il-klassifikazzjoni ma tibdiex issehh qabel ma l-appell ikun ġie finalment deċiż.

(4) Kull ċertifikat ta' klassifikazzjoni li jkun ġie revokat jew sostitwit għandu jingħata lura lill-Awtorità.

22. Hadd ma jista' jagħmel reklam jew juri lukanda, *guest house*, *hostel*, postijiet għall-btala jew stabbiliment li jipprovdi ikel, bħala li jkunu ta' kategorija oghla minn dik li tagħhom attwalment ikunu skond il-klassifikazzjoni tagħhom, jew bħala li joffru faċilitajiet jew servizzi partikolari li fil-fatt ma jkunux jipprovdu fiż-żmien ta' dak ir-reklam jew wiri. Reklami u wiri.

23. Meta lukanda, *guest house* jew postijiet għall-btala, ihaddnu wiehed jew aktar stabbilimenti li jipprovdu ikel, li kollha kemm huma jkunu taħt l-istess direzzjoni, dawn jistgħu jingħataw liċenza waħda u klassifikazzjoni waħda: Liċenza u klassifikazzjoni flimkien.

Iżda l-Awtorità tista' tagħti lill-istabiliment jew stabbilimenti li jipprovdu ikel eżistenti f'dik il-lukanda, *guest house*, jew postijiet għall-btala, klassifikazzjoni jew klassifikazzjonijiet differenti jekk il-livell tas-servizz li hu provdut ikun hekk jehtieg jew jitlob.

24. Kull dirigent ta' lukanda, dirigent ta' *guest house*, dirigent ta' *hostel*, u dirigent ta' postijiet għall-btala, għandu jzomm registru fil- Registru ta' alloġġjanti.

forma preskritta li fih ghandu jara li kull allogġjant jikteb ismu flimkien ma' dawk il-partikolaritajiet l-oħra li jistgħu jiġu preskritti.

Ir-registru għandu jinqas jinfurta għall-ispezzjon tal-pulizija, eċċ.

25. Kull lukanda, *guest house*, *hostel* jew postijiet għall-btala, għandhom jipprezentaw dak ir-registru għall-ispezzjon kull meta jkun hekk mehtieg minn xi uffiċjal tal-pulizija mhux taht il-grad ta' spettur jew minn xi membru ta' l-Awtorità jew minn xi persuna awtorizzata għal hekk bil-miktub mill-President ta' l-Awtorità.

Applikabilità.

26. Bla ħsara għal dawk ir-regolamenti li l-Ministru jista' jagħmel, ebda haġa f'din it-Taqsima ta' dan l-Att ma għandha tapplika jew titqies li tapplika b'xi mod għal xi monasteru, kunvent, *boarding school* (li ma tkunx skola li tipprovi tagħlim f'islen jew ilsna barranin lil turisti), kulleġġ jew istitut ta' karità.

TAQSIMA IV

Aġenziji tat-turiżmu li ġej minn barra, aġenziji ta' l-ivvjagġar u *destination management companies*

Liċenza għat-tmexxija ta' aġenzija tat-turiżmu li ġej minn barra, aġenzija ta' l-ivvjagġar jew *destination management company*.

27. (1) Hadd ma jista' jmexxi, jew ikun responsabbli għat-tmexxija ta', negozju ta' aġenzija tat-turiżmu li ġej minn barra, aġenzija ta' l-ivvjagġar jew *destination management company* jekk ma jkunx qabel kiseb u ma jkollux liċenza relattiva.

(2) Sakemm ma tkunx giet revokata qabel taht xi waħda mid-dispożizzjonijiet ta' dan l-Att, kull liċenza bħal dik għandha tibqa' valida sal-wieħed u tletin ta' Diċembru li jahbat minnufih wara d-data tal-ħruġ tagħha u tista', wara dik id-data, tiġi mgedda minn sena għal sena jew għal dak il-perijodu jew dawk il-perijodi itwal kif jista' jiġi speċifikat.

(3) Kull liċenza li tkun giet revokata jew li ma tkunx giet imgedda għandha tingħata lura lill-Awtorità.

(4) Tista' tinħareġ jew tiġgedded liċenza kif sugġetta għal dawk il-kondizzjonijiet, limitazzjonijiet u esklużjonijiet li l-Awtorità tista' tikkonsidra xieraq.

Kondizzjonijiet li tahtom tingħata liċenza.

28. Ma għandha tinħareġ jew tiġgedded ebda liċenza għall-finijiet ta' l-artikolu 27 ta' dan l-Att hlief jekk:

(a) il-persuna li tapplika għaliha hi ta' kondotta tajba u hija persuna tajba u idonea biex tingħata liċenza għar-rigward tan-negozju ta' agent tat-turiżmu li ġej minn barra, agent ta' l-ivvjagġar

jew *destination management company* skond il-każ; iżda jekk l-applikant ikun korp ġuridiku jew persuna li ma tkunx il-persuna li fil-fatt tkun sejra tmexxi l-aġenzija jew kumpannija, il-persuna li tkun responsabbli għal dik it-tmexxija jew dik il-persuna illi fil-fatt tseggwixxi dik it-tmexxija għandha wkoll, minbarra l-attributi msemmija f'dan il-paragrafu, tkun kwalifikata u, jew ikollha esperjenza b'sodisfazzjon ta' l-Awtorità;

(b) il-persuna li tapplika għal dik il-liċenza jkollha post u mezzi xierqa għad-dispożizzjoni tagħha għat-tmexxija sew u effiċjenti tan-negozju ta' aġenzija tat-turiżmu li ġej minn barra, aġenzija ta' l-ivvjagġar jew *destination management company*, skond il-każ; u

(ċ) il-persuna li tapplika għal dik il-liċenza turi għas-sodisfazzjon ta' l-Awtorità li f'kull waqt ser ikollha assigurazzjoni adegwata skond il-htigiet ta' l-artikolu 31 ta' dan l-Att.

29. Aġent tat-turiżmu li ġej minn barra jew aġent ta' l-ivvjagġar jew *destination management company*, ma għandux jipprovdi xi servizz taht isem li fil-fehma ta' l-Awtorità jkun mhux mixtieq jew qarrieqi.

Isem ta' l-aġent tat-turiżmu li ġej minn barra, aġent ta' l-ivvjagġar jew *destination management company*.

30. (1) Liċenza biex jitmexxa n-negozju ta' aġenzija tat-turiżmu li ġej minn barra jew aġenzija ta' l-ivvjagġar jew *destination management company* tista', bil-kunsens bil-miktub ta' l-Awtorità miksub minn qabel, tiġi trasferita fl-isem ta' kull persuna li fil-fehma ta' l-Awtorità tissodisfa d-dispożizzjonijiet ta' l-artikolu 28 ta' dan l-Att.

Trasferiment ta' liċenza.

(2) Aġent tat-turiżmu li ġej minn barra u aġent ta' l-ivvjagġar u *destination management company* għandhom ihallu għall-wiri l-liċenza tagħhom f'post u b'mod prominenti fil-post tan-negozju tagħhom. Jekk aġent tat-turiżmu li ġej minn barra jew aġent ta' l-ivvjagġar jew *destination management company* ikunu jaħdmu minn iktar minn post wiehed ta' negozju, il-liċenza tagħhom għandha tiġi murija fil-post prinċipali tan-negozju tagħhom u kopja jew kopji tal-liċenza tagħhom, maħruġa u hekk ċertifikata mill-Ministru mal-hlas tad-dritt preskritt, għandha bl-istess mod tithalla għall-wiri f'kull post iehor tan-negozju li jkollhom barra mill-post prinċipali tan-negozju tagħhom.

Assigurazzjoni u fond għall-insolvenza.

31. (1) Kull attività turistica li tehtieg liċenza taht dan l-Att, hlief għal liċenza biex wiehed jagħmilha ta' gwida tat-turisti, għandha tissodisfa lill-Awtorità li f'kull waqt tkun koperta b'polza ta' l-assigurazzjoni dwar responsabbiltà lejn terzi persuni u, b'zieda ma' dan,

jekk l-Awtorità tkun hekk tehtieg, b'polza ta' assigurazzjoni addizzjonali ghal indennizz professjonali, u liema polza jew poloz ghandhom ikunu jindennizzaw lill-attività nnifisha, u lil kull persuna li tkun impjegata magħha, jew li tkun qieghda xort'ohra ta'gixxi ghal dik l-attività, f'dak l-ammont, b'dak il-mod u dwar dawk l-affarijiet hekk kif l-Awtorità tista' tiddeċiedi minn żmien ghal żmien.

(2) Kull attività turistika li tehtieg liċenza taht dan l-Att ghandha, b'seħh minn data li tiġi speċifikata mill-Awtorità, tikkontribwixxi lejn fond għall-insolvenza li l-Awtorità tista' tistabilixxi b'dak il-mod u għal dawk l-ammonti u taht dawk il-kondizzjonijiet, u l-fond ikun immexxi minn dawk il-persuni, hekk kif l-Awtorità tista' tiddeċiedi minn żmien ghal żmien; il-fond ikun jipprovdì kumpens lil kull vjaġġatur, attività turistika li jkollha liċenza jew turist għal djun li ma jkunx hemm kontestazzjoni dwarhom jew għal spejjeż inevitabbli iżda meħtieġa li jitnisslu mill-insolvenza ta' attività turistika li jkollha liċenza.

(3) L-Awtorità ghandha tara li dawk il-kontribuzzjonijiet li jkunu meħtieġa li jithallsu minn attivitajiet turistiċi li jkollhom liċenza u li l-kondizzjonijiet, esklużjonijiet u limitazzjonijiet tal-fond għall-insolvenza msemmi fis-subartikolu (2) ta' dan l-artikolu, għandhom jiġu pubblikati ta' kull sena u li dawn għandhom ikunu raġonevolment relatati mad-daqs u max-xorta ta' riskju li jkun qed jiġi aċċettat mill-fond minn kull attività turistika li jkollha liċenza partikolari; kull kumpens li jiġi offrut mill-fond għandu jiġi pubblikat fi żmien sitt xhur mill-insolvenza ta' l-attività turistika li jkollha liċenza.

TAQSIMA V

Ġiti Organizzati

Liċenza biex
jitmexxa n-negozju
ta' operatur ta' ġiti
organizzati.

32. (1) Hadd ma jista' jmexxi, jew ikun responsabbli għat-tmexxija ta' negozju ta' operatur ta' ġiti organizzati, jekk ma jkunx qabel akkwista u ma jkollux liċenza relattiva.

(2) Sakemm ma tkunx ġiet revokata qabel taht xi waħda mid-dispożizzjonijiet ta' dan l-Att, kull liċenza bhal dik għandha tibqa' valida sal-wiehed u tletin ta' Diċembru li jahbat minnufih wara d-data tal-hruġ tagħha u tista', wara dik id-data, tiġi mġedda minn sena għal sena jew għal dak il-perijodu jew dawk il-perijodi itwal kif jista' jiġi speċifikat.

(3) Kull liċenza li tkun giet revokata jew li ma tkunx giet imġedda għandha tingħata lura lill-Awtorità.

(4) Tista' tingħata jew tiġġedded liċenza kif suġġetta għal dawk il-kondizzjonijiet, limitazzjonijiet u esklużjonijiet li l-Awtorità tista' tikkonsidra xierqa.

33. Ma għandha tinhareġ jew tiġġedded ebda liċenza għall-finijiet ta' l-artikolu 32 ta' dan l-Att hlief jekk:

Kondizzjonijiet li taħthom tingħata liċenza.

(a) il-persuna li tapplika għaliha hi ta' kondotta tajba u hija persuna tajba u idonea biex tingħata liċenza għar-rigward tan-negozju ta' operatur ta' ġiti organizzati; iżda jekk l-applikant ikun korp ġuridiku jew persuna li ma tkunx il-persuna li fil-fatt tkun sejra torganizza l-ġiti organizzati, il-persuna li tkun responsabbli għal dik l-attività jew dik il-persuna illi fil-fatt tesegwixxi dik l-attività għandha wkoll, minbarra l-attributi msemmija f'dan il-paragrafu, tkun kwalifikata u, jew ikollha esperjenza b'sodisfazzjon ta' l-Awtorità;

(b) il-persuna li tapplika għal dik il-liċenza jkollha l-mezzi xierqa għad-dispożizzjoni tagħha għat-tmexxija sew u effiċjenti ta' ġiti organizzati.

34. Operatur ta' ġiti organizzati m'għandu jipprovdi ebda servizz –

Provdiment ta' servizzi minn operatur ta' ġiti.

(a) taht isem li fil-fehma ta' l-Awtorità ma jkunx wiehed mixtieq jew xieraq jew ikun wiehed qarrieqi, u

(b) kemm-il darba ma jiġux provduti s-servizzi ta' gwida tat-turisti għal xi ġita bhal dik.

35. (1) Liċenza biex jitmexxa n-negozju ta' operatur ta' ġiti organizzati tista', bil-kunsens bil-miktub ta' l-Awtorità miksub bil-quddiem, tiġi trasferita fl-isem ta' kull persuna li fil-fehma ta' l-Awtorità tissodisfa d-dispożizzjonijiet ta' l-artikolu 33 ta' dan l-Att.

Trasferiment ta' liċenza.

(2) Operatur ta' ġiti organizzati għandu jhalli għall-wiri l-liċenza tiegħu f'post u b'mod prominenti fil-post tan-negozju tiegħu. Jekk operatur ta' ġiti organizzati jkun jaħdem minn iktar minn post wiehed ta' negozju, il-liċenza tiegħu għandha tiġi murija fil-post prinċipali tan-negozju tiegħu u kopja jew kopji tal-liċenza tiegħu, mahruġa u hekk ċertifikata mill-Awtorità mal-hlas tad-dritt preskritt, għandha bl-istess mod tithalla għall-wiri f'kull post iehor tan-negozju li jkollu barra mill-post prinċipali tan-negozju tiegħu.

TAQSIMA VI

Gwidi tat-Turisti

Licenza għal gwida tat-turisti.

36. (1) Ebda persuna ma għandha tagħmilha, jew tkun responsabbli bħala li qieghda tagħmilha, ta' gwida tat-turisti jekk ma tkunx qabel kisbet u ma jkollhiex licenza relattiva.

(2) Sakemm ma tkunx giet revokata qabel taht xi waħda mid-dispożizzjonijiet ta' dan l-Att, kull licenza bħal dik għandha tibqa' valida sal-wiehed u tletin ta' Diċembru li jahbat minnufih wara d-data tal-ħruġ tagħha u tista', wara dik id-data, tiġi mġedda minn sena għal sena jew għal dak il-perijodu jew dawk il-perijodi itwal kif jista' jiġi speċifikat.

(3) Kull licenza li tkun giet revokata jew li ma tkunx giet imġedda għandha tinghata lura lill-Awtorità.

(4) Tista' tinhareġ jew tiġġedded licenza suġġetta għal dawk il-kondizzjonijiet, limitazzjonijiet u esklużjonijiet li l-Awtorità tista' tikkonsidra xierqa.

Kondizzjonijiet li tahtom tinghata licenza.

37. Ma għandha tinhareġ jew tiġġedded ebda licenza għall-finijiet ta' l-artikolu 36 ta' dan l-Att hlief jekk:

(a) il-persuna li tapplika għaliha hi ta' kondotta tajba u hija persuna idonea, tajba u kwalifikata biex tagħmilha ta' gwida tat-turisti; u

(b) għar-rigward tal-ħruġ biss ta' licenza, dak il-ħruġ ikun hekk mixtieq skond il-politika tal-Gvern kif pubblikata fil-waqt tal-konsiderazzjoni ta' l-applikazzjoni biex tinhareġ il-licenza.

Isem tal-gwida tat-turisti.

38. Gwida tat-turisti għandha tipprovdi s-servizzi tagħha taht l-isem tagħha personali.

Trasferiment ta' licenza.

39. (1) Licenza biex tagħmilha ta' gwida tat-turisti ma tistax tiġi trasferita jew assenjata.

(2) Gwida tat-turisti għandha turi l-licenza tagħha għall-ispezzjon fuq talba ta' xi membru ta' l-Awtorità jew ta' xi persuna oħra li tkun giet awtorizzata bil-miktub għaldaqstant mill-Awtorità jew mill-Uffiċjal Eżekuttiv Ewlieni ta' l-Awtorità jew ta' xi persuna li tkun talbet is-servizzi tagħha jew li lilha jkunu ġew offruti s-servizzi tagħha.

TAQSIMA VII

Infurzar ta' Kontroll

40. L-Awtorità għandha tissorvelja u tikkontrolla kull attività turistika biex tiżgura li attivitajiet turistiċi huma mwettqin biss skond id-dispożizzjonijiet ta' dan l-Att u b'osservanza ta' kull deċiżjoni leġittima taht dan l-Att; u għall-għanijiet ta' dak is-sorveljar u kontroll il-President tad-Direttorat ta' l-Infurzar jew kull persuna minnu awtorizzata għaldaqshekk għandu jkollu l-jedd f'kull hin li jidhol u jispezzjona kull attività turistika, li ma tkunx gwida tat-turisti.

Sorveljar fuq
attivitajiet
turistiċi.

41. (1) Jekk l-Awtorità jidhrilha li xi attività turistika qiegħda titwettag minghajr il-liċenza mehtieġa għal hekk skond dan l-Att, jew li xi kondizzjonijiet li għalihom il-liċenza għal attività turistika tkun soġġetta ma jkunux qegħdin jigu mharsa, jew li xi attività turistika li jkollha liċenza tkun qiegħda titmexxa kontra xi dispożizzjonijiet ta' dan l-Att jew ta' xi regolamenti magħmula tahtu jew li graw ċirkostanzi li jiġġustifikaw ir-revoka ta' liċenza, l-Awtorità għandha tinnotifika l-isid ta' l-attività turistika jew, fil-każ ta' gwida tat-turisti, lill-gwida tat-turisti, b'avviż li jkun jehtieġ li l-attività turistika tieqaf minnufih, jew, f'dawk il-każijiet li ma jkunux jirrigwardaw attività turistika li ma jkollhiex liċenza, li dik l-attività turistika tieqaf minnufih jew li dik l-irregolarità tiġi korretta.

Notifika ta' avviż.

(2) Kopja ta' l-avviż mogħti taht is-subartikolu (1) ta' dan l-artikolu tista' tiġi notifikata wkoll lill-operatur ta' dik l-attività turistika u lil kull wiehed mill-impjegati f'dik l-attività turistika u kopja ta' l-avviż għandha titwahhal f'post prominenti fid-dhul ta' kull bini użat għal attività turistika jew li jkollu x'jaqsam ma' dik l-attività.

(3) Hlief kif provdut xort'ohra f'dan l-artikolu, avviż mogħti taht is-subartikolu (1) ta' dan l-artikolu (f'dan l-Att imsejjaħ ukoll "avviż ta' infurzar") għandu –

(a) dwar kull htieġa li twaqqaf jew tipprojbixxi t-twettiq ulterjuri ta' attività turistika, jiehu effett minnufih hekk kif l-avviż jiġi notifikat;

(b) dwar kull haġa oħra, jiehu effett minnufih hekk kif l-avviż jiġi notifikat jew ma' l-għeluq ta' dak iż-żmien li jista' jiġi speċifikat fl-avviż.

(4) Kull persuna li thossha aggravata b'avviż ta' infurzar lilha notifikat tista', fi żmien hmistax-il gurnata min-notifika ta' l-avviż, tappella kontra tiegħu quddiem il-Bord; u dwar kull appell bħal dak il-Bord:

(a) jekk ikun sodisfatt li liċenza kienet fis-seħh taht dan l-Att ghal dik l-attività turistika li għaliha jirreferi l-avviż ta' infurzar, jew li ma kienet mehtieġa ebda liċenza għaliha, skond il-każ, jew li l-kondizzjonijiet li għalihom dik il-liċenza kienet sugġetta ġew imħarsa, u li l-attività turistika li għaliha l-avviż ta' infurzar jirreferi kienet qieghda titmexxa skond id-dispożizzjonijiet ta'dan l-Att u ta' kull regolament magħmul tahtu, għandu jhassar l-avviż ta' infurzar li dwaru jkun sar l-appell jew dik il-parti minnu li dwarha l-Bord ikun sodisfatt kif hawn aktar qabel imsemmi;

(b) f'kull każ iehor, għandu jiċhad l-appell.

(5) Meta fiż-żmien imsemmi fis-subartikolu (4) ta' dan l-artikolu jsir appell kontra avviż ta' infurzar, l-avviż, għar-rigward ta' kull htieġa minbarra htieġa li titwaqqaf jew tiġi projbita t-komplija ta' attività turistika, għandu jiġi sospiż sakemm tinghata d-deċiżjoni finali fuq dak l-appell, u jekk l-appell jiġi milqugh l-avviż ta' infurzar għandu jieqaf mis-seħh.

(6) Meta l-appell ma jiġix milqugh, il-Bord jista' dwar kull htieġa, barra minn htieġa li twaqqaf jew tipprojbixxi kull tkomplija ta' attività turistika, jordna li l-avviż ma jibdiex isehh qabel dik id-data li l-Bord ikun jidhirli li tkun adatta.

Dispożizzjonijiet
supplimentari
dwar l-infurzar.

42. (1) Jekk xi passi jew azzjoni oħra, komprizi n-nuqqas ta' tkomplija, it-twaqqif jew htieġa oħra bħalhom, li għandhom jittiehdu b'avviż ta' infurzar, ma jkunux ittiehdu fiż-żmien speċifikat fl-avviż, jew minnufih jekk ikun hekk mehtieġ, l-Awtorità tista' tidhol fl-attività turistika, minbarra gwida tat-turisti, li dwarha dak l-avviż ta' infurzar ikun ġie notifikat u tiegħu dawk il-passi, inkluż minghajr limitazzjoni, l-għeluq ta' dik l-attività turistika jew azzjoni oħra kif mehtieġa miċ-ċirkostanzi, u tista' għal dak l-għan titlob l-għajnuna tal-pulizija li għal dak l-għan jistgħu jeżerċitaw dawk is-setgħat li għandhom biex jipprevjenu r-reati u biex jinfurzaw il-liġi u jzommu l-bonordni.

(2) Minkejja d-dispożizzjonijiet ta' kull liġi oħra, ebda mandat kawtelatorju jew ordni iehor m'għandu jinhareġ jew jinghata minn ebda qorti, li jzomm l-Awtorità milli teżerċita xi waħda mis-setgħat mogħtija lilha b'dan l-artikolu.

(3) L-ispejjeż kollha li tkun dahlet għalihom l-Awtorità biex tesegwixxi avviż ta' infurzar taht dan l-artikolu jkunu jistgħu jiġu rkuprati bhala dejn ċivili mill-Awtorità, minghand il-persuna li f'dak iż-żmien tkun is-sid ta' l-attività turistika jew, fil-każ ta' gwida tat-turisti, minghand il-gwida tat-turisti li għaliha jirreferi l-avviż ta' infurzar, bla hsara għall-jedd ta' dik il-persuna li tiġborhom minghand xi persuna oħra.

TAQSIMA VIII

Reati u Pieni

43. (1) Kull min –

Reati u pieni.

(a) minghajr ma jkun fil-pussess ta' licenza valida, imexxi xi attività turistica jew jippermetti li xi attività turistica tiġi mmexxija minn jew fi proprjetà li tagħha jkun is-sid jew komproprjetarju jew li minnha jew fiha jkun seta' mexxa dik l-attività li kieku kien fil-pussess ta' licenza valida; jew

(b) waqt li jkun fil-pussess ta' licenza valida, jonqos li jhares xi waħda mid-dispożizzjonijiet applikabbli ta' dan l-Att jew xi kondizzjoni, restrizzjoni jew limitazzjoni ohra li għaliha tkun suġġetta l-licenza; jew

(c) wara li jkun gie notifikat b'avviż ta' infurzar jew avviż iehor taht l-artikolu 41 ta' dan l-Att, jonqos milli jhares xi waħda mill-htigiet ta' dak l-avviż fiż-żmien speċifikat fih jew minnufih, skond il-każ; jew

(d) iżomm, jostakola, jimmoleta jew xort'ohra jfixkel, jew jipprova jzomm, jostakola, jimmoleta jew ifixkel, xi uffiċjal, impjegat jew aġent ta' l-Awtorità, jew xi uffiċjal tal-pulizija, fl-esekuzzjoni tad-dmirijiet tiegħu taht il-liġi, jew jonqos milli jagħmel dak li raġonevolment jiġi mitlub li jagħmel minn uffiċjal, impjegat, aġent jew uffiċjal tal-pulizija bħal dak jew xort'ohra milli jgħinhom fil-qadi ta' dawk id-dmirijiet tagħhom, jew li xjentement jagħti lil dak l-uffiċjal jew impjegat jew aġent jew uffiċjal tal-pulizija informazzjoni falza għall-għanijiet hawn aktar qabel imsemmija; jew

(e) xjentement jagħmel dikjarazzjoni għal xi għan partikolari ta' dan l-Att li tkun falza, qarrieqa jew mhux korretta f'xi aspekt materjali; jew

(f) jonqos li jhares id-dispożizzjonijiet ta' l-artikolu 31 ta' dan l-Att,

ikun hati ta' reat kontra dan l-Att u għandu, meta jinsab hekk hati, jehel multa ta' mhux anqas minn hames mitt lira u mhux aktar minn għaxart elef lira, u f'każ ta' reat taht il-paragrafu (b) ta' dan is-subartikolu, jew dwar reat taht il-paragrafu (c) ta' dan is-subartikolu, jekk il-hati jibqa' għaddej bir-reat għal aktar minn tliet xhur, ukoll għal prigunerija għal żmien ta' mhux anqas minn tliet xhur u mhux aktar minn tliet snin.

(2) Il-qorti, minbarra li taghti l-piena msemija fis-subartikolu (1) ta' dan l-artikolu, għandha tordna lill-hati biex inehhi l-kawzi tar-reat u li jregġa' lura kull haġa li tkun saret minghajr liċenza jew li jhares il-kondizzjonijiet imposti fil-liċenza, skond il-każ, fi żmien biżżejjed għal dak l-iskop, iżda f'ebda każ għal żmien itwal minn tliet xhur mid-data tas-sentenza, kif jiġi stabbilit mill-qorti; u, jekk il-hati jonqos milli jhares xi ordni bħal dak fiż-żmien hekk stabbilit, jehel multa ta' mhux anqas minn hames mitt lira u mhux aktar minn hamest elef lira, hekk kif il-qorti tista' tistabbilixxi, għal kull gurnata li n-nuqqas ikompli wara li jiskadi l-imsemmi żmien.

(3) Id-dispożizzjonijiet ta' l-Att dwar il-*Probation* ta' Hatjin ma japplikawx dwar reati msemija fis-subartikolu (1) ta' dan l-artikolu.

Kap. 152.

(4) Proċedimenti kontra persuna għal xi reat imsemmi fis-subartikolu (1) ta' dan l-artikolu għandhom jittiehdu quddiem il-Qorti tal-Maġistrati (Malta) jew il-Qorti tal-Maġistrati (Għawdex), skond il-każ, bħala qorti ta' ġudikatura kriminali skond id-dispożizzjonijiet tal-Kodiċi Kriminali:

Kap. 9.

Iżda, minkejja d-dispożizzjonijiet ta' l-artikolu 376 (1) (b) tal-Kodiċi Kriminali, il-qorti għandha, fuq talba tal-prosekuzzjoni jew ta' l-akkużat, tniżżel ix-xieħda mogħtija mix-xieħda bil-mod provdut jew fl-artikolu 390 (6) ta' l-imsemmi Kodiċi jew f'xi liġi oħra li tkun isseħħ f'dak iż-żmien.

(5) Fi prosekuzzjoni kontra persuna akkużata li tkun zammet jew mexxiet lukanda, *guest house*, *hostel*, jew postijiet għall-btala minghajr liċenza kif provdut fis-subartikolu (1) ta' l-artikolu 18, jew li tkun akkużata li pprovdiet allogġ lil turisti, li ma jkunux hbieb jew qraba ta' bona fide li jiġu provduti b'dak l-allogġ minghajr ebda hlas, minghajr liċenza kif provdut fis-subartikolu (2) ta' l-artikolu 18, ikun biżżejjed għall-prosekuzzjoni li tagħmel prova li l-akkużat kellu kontroll tal-fond li dwaru tkun qieghda ssir l-akkuża; u li meta sar spezzjoni f'dak il-fond, kienu nstabu fih xi turist jew turisti; li f'dak il-fond kien hemm faċilitajiet għall-irqad; li f'dak il-fond ikunu nstabu oġġetti personali ta' dak it-turist jew dawk it-turisti; u li l-fond ma kellux liċenza kif dovut, u ma jkunx meħtieġ li jinġiebu bħala xieħda dak it-turist jew dawk it-turisti jew dawk l-oġġetti personali bi prova, u l-Qorti għandha tqis dik l-akkuża bħala wahda ppruvata kemm-il darba l-akkużat ma jġibx prova li dak it-turist jew dawk it-turisti kienu debitament allogġati ġewwa fond liċenzjat jew li dak it-turist jew dawk it-turisti kienu hbieb jew qraba ta' bona fide.

(6) Fi prosekuzzjoni kontra persuna li tiġi akkużata bħala komplici f'xi reat wieħed jew aktar minn dawk elenkati fis-subartikolu (5) ta' dan l-artikolu, ikun biżżejjed għall-prosekuzzjoni

li tagħmel prova li l-fond li dwaru tkun qiegħda ssir l-akkuza ma kienx debitament liċenzjat kif hemm provdut fis-subartikolu (1) jew (2) ta' l-artikolu 18, skond il-każ; li, meta sar spezzjon f'dak il-fond, kienu nstabu fih xi turist jew turisti; li f'dak il-fond kien hemm faċilitajiet għall-irqad; li f'dak il-fond ikunu nstabu oġġetti personali ta'dak it-turist jew dawk it-turisti; u li l-akkomodazzjoni fil-fond tkun inkisbet minn jew għal dik il-persuna jew dawk il-persuni permezz ta' l-intervent, isir kif isir, tal-persuna imputata, u l-prosekuzzjoni m'għandhiex tkun meħtieġa li gġib bħala xhieda lil dak it-turist jew dawk it-turisti jew bħala prova dawk l-oġġetti personali, u l-Qorti għandha tqis dik l-akkuza bħala ppruvata kemm-il darba l-imputat iġib prova li qabel ma daħal biex jikseb dik l-akkomodazzjoni, għamel stħarriġ diliġenti dwar il-liċenzjar tal-fond jew li, fiċ-ċirkostanzi, huwa ma setax b'mod raġonevoli jkun mistenni li jaf li l-fond ma kellux liċenza kif dovut.

44. F'kull proċediment jew prosekuzzjoni taht dan l-Att, kopja ta'kull ordni, avviz, deċiżjoni jew dokument iehor li juri li jkun sar taht dan l-Att u li juri li jkun gie ffirmat mill-President ta' l-Awtorità jew mill-Uffiċjal Eżekuttiv Ewlieni ta' l-Awtorità, għandha tiġi aċċettata bħala prova ta' l-ordni, avviz, deċiżjoni jew dokument iehor, u tal-fatti li jidhru fiha, mingħajr il-htieġa ta' ebda prova oħra.

Kopji ċertifikati ta' ċerti dokumenti.

45. (1) Minkejja kull liġi oħra li tipprovdi għal proċedimenti u pjeni dwar reati, meta l-Awtorità jkollha tassew għaliex taħseb li persuna tkun ikkommettiet reat kontra dan l-Att, barra minn reat taht il-paragrafu (ċ) tas-subartikolu (1) ta' l-artikolu 43 ta' dan l-Att, l-Awtorità tista' tagħti lil dik il-persuna avviz bil-miktub fejn tiddekrivi r-reat li dik il-persuna tkun qiegħda tiġi akkuzata dwaru u tindika l-passi li għandhom jittiehdu sabiex jiġi rimedjat dak ir-reat u l-penali li hi għandha tħallas dwar dak ir-reat:

Proċedura speċjali.

Iżda l-Awtorità ma tistax titlob il-hlas ta' penali ta' aktar minn elf lira.

(2) Meta jkun inghata avviz taht dan l-artikolu, il-persuna msemija fl-avviz tista', fi żmien wiehed u għoxrin ġumata min-notifika ta' l-avviz, taċċetta responsabbiltà għar-reat speċifikat fl-avviz u f'dak l-istess żmien, jew dak iż-żmien ulterjuri li l-Awtorità tista' tippermetti, tirrimedja għar-reat u tħallas, jew tintrabat bil-miktub li tħallas, il-penali indikata fl-avviz jew dik il-penali li l-Awtorità tista' taċċetta minflokha, u f'kull każ bħal dak:

(a) il-persuna msemija fl-avviz titqies li tkun għamlet ir-reat u li tkun ammettiet il-htija tagħha dwaru, u l-penali mħallsa, jew li tkun intrabtet li tħallas, għandha tkun dik il-penali li hija kellha tħallas;

(b) jekk ir-reat jiġi rimedjat u l-penali tithallas f'dak iż-żmien, jew f'dak iż-żmien kif imsemmi qabel, ebda proċedimenti oħra ma jkunu jistgħu jittiehdu kontra dik il-persuna dwar l-istess fatti;

(c) jekk il-penali ma tithallasx f'dak iż-żmien ulterjuri kif imsemmi qabel, din għandha titqies bhallikieku kienet multa ordnata biex tithallas mill-qorti li kien ikollha kompetenza li tisma' l-każ dwar ir-reat, u jistgħu isiru proċedimenti skond hekk bhal li kieku kienet ordni ta' dik il-qorti.

Kap. 9.

(3) Jekk persuna li lilha jinghata avviż taht is-subartikolu (1) ta' dan l-artikolu ma taċċettax responsabbiltà għar-reat jew, wara li tkun aċċettat dik ir-responsabbiltà, tonqos milli tirrimedja r-reat fiż-żmien hawn aktar qabel imsemmi, għandhom jinbdew kontriha l-proċedimenti ordinarji skond id-dispożizzjonijiet tal-Kodiċi Kriminali, ta' dan l-Att u ta' kull liġi oħra applikabbli għal dak ir-reat.

(4) Minkejja d-dispożizzjonijiet tal-Kodiċi Kriminali, l-Avukat Ġenerali għandu dejjem ikollu dritt ta' appell quddiem il-Qorti ta' Appelli Kriminali minn kull sentenza mogħtija fi proċedimenti li johorġu minn dan l-Att jew minn kull regolamenti, regoli jew ordnijiet magħmulin tahtu.

TAQSIMA IX

Supplimentari

Setgħa li tagħmel regolamenti tinkludi s-setgħa li tirrevoka, eċċ.
Kap. 249.

46. Mingħajr hsara għad-dispożizzjonijiet ta' l-Att dwar l-Interpretazzjoni, kull setgħa mogħtija b'dan l-Att għall-hruġ ta' liċenzi, l-ghoti ta' kull klassifikazzjoni jew klassifikazzjoni mill-ġdid, l-ghemil ta' regolamenti, regoli, ordnijiet, listi, skedi u kull strument ieħor ta' xorta bhal dik tinkludi s-setgħa li minn żmien għal żmien kull strument bhal dak jista' jiġi revokat, sospiż, sostitwit, emendat, mibdul, jew ikollu xi haġa miżjuda miegħu jew imhassra minnu.

Setgħa li jsiru regolamenti.

47. (1) Il-Ministru jista', bir-rakkomandazzjoni ta' l-Awtorità, jagħmel regolamenti biex jirregola jew xort' oħra jipprovdi dwar hwejjeg li għandhom x'jaqsmu ma' attivitajiet turistiċi sabiex jagħti effett aktar shih lid-dispożizzjonijiet ta' dan l-Att u, b'mod partikolari, iżda mingħajr preġudizzju għall-ġeneralità ta' dak hawn aktar qabel imsemmi, jista' b'dawk ir-regolamenti:

(a) jirregola l-istandards, il-livell ta' servizzi u faċilitajiet f'attivitajiet turistiċi, kif ukoll kull haġ' oħra li għandha x'taqsam

magħhom, billi titqies kull konsiderazzjoni rilevanti, inkluża l-politika dwar it-turiżmu minn żmien għal żmien, il-klassifikazzjoni, is-saħha u s-sanità;

(b) jeħtieġ li xi kategorija jew klassi ta' impjegati f'xi hidma tat-turiżmu għandu jkollha dawk il-liċenzi jew għandu jkollha dawk iċ-ċertifikati ta' kompetenza hekk kif jista' jiġi preskritt;

(c) jirregola l-promozzjoni ta' *time-sharing resorts*, u servizzi provduti minnhom;

(d) jirregola kull provdiment dwar servizzi ta' pakkett ta' l-ivvjagġar;

(e) jippreskrivi l-ghamla ta' kull avviż, ordni jew dokument iehor li dan l-Att jawtorizza jew jeħtieġ li jsir jew li jiġi notifikat jew li jinghata;

(f) jippreskrivi l-mod kif id-dritt għal liċenza jew hlas iehor dovut skond dan l-Att għandu jiġi stabbilit, magħmul, kontrollat, miġbur, allokat jew xort'ohra trattat;

(g) sakemm mhux provdut xort'ohra, jippreskrivi l-proċedura li xi korp imwaqqaf b'dan l-Att għandu jsegwi, u jemenda, iżid ma' jew xort'ohra jibdel kull haġa li hemm fl-iskedi li jinsabu ma' dan l-Att;

(h) jippreskrivi d-drittijiet li għandhom jithallsu lill-Awtorità għas-servizzi provduti minnha, jew dwar xi haġa li dwarha huwa meqjus li għandu jithallas dritt;

(i) jistabbilixxi kodiċijiet ta' etika u ta' kondotta għal attivitajiet turistiċi: iżda, meta tkun qiegħda tagħmel ir-rakkomandazzjonijiet tagħha lill-Ministru, l-Awtorità għandha tikkonsulta u, sakemm ikun jaqbel u possibbli, taddotta dawk ir-rakkomandazzjonijiet li tirċievi minghand l-assoċjazzjonijiet rikonoxxuti mill-Ministru bhala li jirrapprezentaw is-setturi diversi b'interess fit-turiżmu;

(j) jippreskrivi x'ikunu dawk il-poloż ta' assigurazzjoni li d-detenturi ta' liċenzi taht dan l-Att għandhom ikunu koperti bihom;

(k) jipprovdi dwar kull għan li dwaru huma awtorizzati jew meħtieġa li jsiru regolamenti minbarra dawk li jsiru mill-Awtorità nnifisha.

(2) Kull regolament magħmul taht dan l-Att jista' jipprovdi dwar kull haġa li għandha x'taqsam mar-responsabbiltà għat-tharis ta' dawk ir-regolamenti, u għall-persuni li jistgħu jkunu hekk responsabbli, u għal kull haġa li għandha x'taqsam ma' l-infurzar ta' l-imsemmija regolamenti, inkluż, iżda mhux limitat għal, provvedimenti dwar multa ta' mhux aktar minn elf lira għal kull ksur jew nuqqas ta' tharis tad-dispożizzjonijiet ta' dawk ir-regolamenti.

Għotja ta' servizzi minn aġenzija tal-Gvern.

48. (1) Ebda servizz li jikkonsisti fil-provvista ta' ilma, elettriku, telefon, *telex*, *facsimile*, jew f'xi servizz ieħor jew f'xi utilità, ma għandu jingħata lil attività turistika ġdida, minbarra gwida tat-turisti, minn aġenzija tal-Gvern jekk dik l-attività turistika ma jkollhiex ċertifikat maħruġ mill-Awtorità li jkun jiddikjara li dik l-attività turistika hi wahda approvata u li l-kondizzjonijiet kollha tal-liċenza li għandha tinħargilha huma, fid-data taċ-ċertifikat, imwettqa. F'dan is-subartikolu "attività turistika ġdida" tfisser attività turistika li tibda jew tinbeda wara d-data li fiha dan l-Att jiġi fis-sehh.

(2) Kull servizz li jikkonsisti fil-provvista ta' ilma jew elettriku provdut minn aġenzija tal-Gvern lil xi attività turistika, minbarra gwida tat-turisti, jista' jiġi sospiż jew irtirat jekk dik l-attività turistika ma jkollhiex liċenza jew, jekk ikollha liċenza, ikun hemm avviż ta' infurzar fis-sehh kontriha.

Notifika ta' avviżi.

49. (1) Meta xi avviż jew strument jew dokument ieħor, ikun x'ikun, huwa mehtieg jew awtorizzat sabiex jiġi notifikat jew mogħti skond jew taht dan l-Att, dan jista' jiġi notifikat jew mogħti f'kull wiehed mill-modi li ġejjin:

(a) billi jingħata f'idejn il-persuna li għandha tiġi notifikata jew li lilha għandu jingħata; jew

(b) billi jithalla fil-post fejn soltu toqgħod, jew fejn l-aħħar kienet toqgħod, dik ill-persuna jew, jekk dik il-persuna tkun tat indirizz bil-għan ta' notifika, f'dak l-indirizz; jew

(ċ) billi jintbagħat b'ittra reġistrata indirizzata lil dik il-persuna fil-post ta' abitazzjoni jew fl-indirizz bil-għan ta' notifika kif hawn aktar qabel imsemmi; jew

(d) fil-każ ta' korp ġuridiku jew għaqda oħra ta' persuni, billi jingħata f'idejn uffiċjal jew impjegat tagħhom fl-uffiċċju reġistrat jew prinċipali, jew billi jintbagħat b'ittra reġistrata indirizzata lil dak il-korp hawn aktar qabel imsemmi f'dak l-uffiċċju; jew

(e) f'kull każ li fih ma jkunx raġonevolment possibbli li ssir notifika b'xi wiehed mill-modi hawn qabel imsemmija, sew lil kull waħda mill-persuni li lilhom għandha ssir in-notifika jew jingħata l-avviż, sew lil xi waħda jew aktar minnhom, billi d-dokument li għandu jiġi notifikat jew mogħti jitwawwal f'post prominenti ġewwa l-fond li jkun jirreferi għalih u jinżamm hekk imwawwal għal żmien mhux anqas minn sebat ijiem tax-xogħol u billi jiġi ppubblikat il-kontenut tiegħu fil-Gazzetta.

(2) Meta l-avviż jew dokument iehor huwa meħtieġ jew awtorizzat li jiġi notifikat jew mogħti lil xi persuna bħala li għandha xi interess f'attività turistika, u l-isem ta' dik il-persuna ma jkunx jista' jiġi aċċertat wara li jsir stħarriġ raġonevoli jew huwa meħtieġ jew awtorizzat li jiġi notifikat lil operatur ta' attività turistika, l-avviż jitqies bħala li ġie notifikat jew mogħti kif imiss jekk jiġi notifikat jew mogħti f'xi wiehed mill-modi msemmija fis-subartikolu (1) ta' dan l-artikolu u indirizzat lill-persuna li għandha interess fl-attività turistika deskritta bħala "sid" jew "operatur", jew "sidien" jew "operaturi", skond il-ħtieġa tal-każ.

50. (1) B'seħħ mill-ġurnata stabbilita kull proprjetà li, minnufih qabel il-ġurnata stabbilita, kienet vestita fi jew kienet proprjetà ta' l-Organizzazzjoni Nazzjonali tat-Turiżmu għandha, bis-saħħa ta' dan l-Att u mingħajr aktar assikurazzjoni, tiġi trasferita lil u tiġi vestita fl-Awtorità taht l-istess titolu li bih kienet miżmuma mill-Organizzazzjoni Nazzjonali tat-Turiżmu minnufih qabel dik il-ġurnata.

Trasferiment ta' proprjetà lill-Awtorità.

(2) Dak it-trasferiment għandu jestendi għal dawk il-proprjetajiet kollha, mobbli u immobbli, attiv, setgħat, drittijiet, kemm reali kif ukoll personali, privileġġi u jeddijiet ta' azzjoni miżmuma jew posseduti in konnessjoni magħhom jew li għandhom x'jaqsmu magħhom.

51. Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, kull liġi, regola, regolament, ordni, sentenza, dokument, mandat jew arrangament dwar xogħol, li kienu jeżistu minnufih qabel il-ġurnata stabbilita, li jolqtu jew li għandhom x'jaqsmu ma' xi waħda mill-proprjetajiet trasferiti, għandu jkollhom saħħa u effett shiħ kontra jew favur l-Awtorità, u għandhom jiġu esegwiti għalkollox u effettivament bħallikieku, minflok l-Organizzazzjoni Nazzjonali tat-Turiżmu, l-Awtorità kienet imsemmija fihom jew kienet parti fihom, skond il-każ.

Ftehim ta' liġijiet eżistenti, kuntratti, eċċ.

52. (1) Meta xi haġa tkun inbdiet minn jew taht l-awtorità ta' l-Organizzazzjoni Nazzjonali tat-Turiżmu qabel il-ġurnata stabbilita, u dik il-haġa tkun dwar xi proprjetà trasferita jew xi dritt jew responsabbiltà trasferiti minn jew taht dan l-Att, dik il-haġa tista' titkompla u tiġi mitmuma minn jew taht l-awtorità ta' l-Awtorità.

Dispożizzjonijiet transitotji.

(2) Meta fil-gurnata stabbilita xi proċedura legali li fiha l-Organizzazzjoni Nazzjonali tat-Turiżmu tkun jew ikollha l-jedd li tkun parti tkun ghadha pendenti, u dik il-proċedura jkollha riferenza għal xi proprjetà trasferita jew għal xi dritt jew obbligu trasferit minn jew taht dan l-Att, l-Awtorità għandha tidhol f'dak il-proċediment minflok l-Organizzazzjoni Nazzjonali tat-Turiżmu jew ikollha l-jedd li hekk tidhol.

(3) Il-Ministru jista' b'ordni jagħmel kull provvediment incidentali, konsegwenzjali u supplimentari li jista' jkun mehtieġ jew spedjenti sabiex jiżgura u jaghti effett shih għat-trasferiment ta' kull proprjetà, dritt jew obbligu lill-Awtorità skond jew taht dan l-Att u jista' jagħmel dawk l-ordnijiet li jistgħu jkunu mehtieġa sabiex xi setgħat u dmirijiet eżercitati mill-Organizzazzjoni Nazzjonali tat-Turiżmu, dwar xi proprjetà trasferita, isiru eżercitabbli minn jew f'isem l-Awtorità.

Thassir u riżerva.
Kap. 190.
Kap. 197.
Kap. 240.
Kap. 264.
Kap. 310.

53. (1) L-Att dwar is-Servizzi ta' Gwidi tat-Turisti, l-Att dwar il-Lukandi u l-Istabbilimenti li Jipprovdu Ikel, l-Att dwar il-*Guest Houses* u Postijiet *Furnished* għall-Btala, l-Att dwar l-Aġenziji ta' l-Ivvjaġġar u Servizzi tal-Lukandi u l-Att dwar l-Organizzazzjoni Nazzjonali tat-Turiżmu, huma b'dan imhassra.

(2) Ir-regolamenti magħmula taht l-Atti msemmija fis-subartikolu (1) ta' dan l-artikolu, kif murija fir-Raba' Skeda ta' dan l-Att, għandhom, sakemm isir provvediment iehor taht jew bis-saħħa ta' dan l-Att, jibqgħu fis-seħh u jibqa' jkollhom effett bħallikieku magħmula taht dan l-Att u, minkejja kull haġa li tinsab f'dawk ir-regolamenti u fl-Atti hawn aktar qabel imsemmija dwar reati, pieni u proċedimenti kriminali, id-dispożizzjonijiet ta' l-artikoli 43, 44 u 45 ta' dan l-Att għandhom, *mutatis mutandis*, japplikaw għal dawk ir-regolamenti.

(3) Kull liċenza, permess jew awtorità oħra mogħtija skond xi liġi jew xi provvediment tagħha, imhassra b'dan l-Att, u li kienet għadha fis-seħh minnufih qabel dak it-thassir, għandhom jibqgħu fis-seħh wara dak it-thassir bħallikieku kienu liċenza, permess jew awtorità mogħtija taht provvediment korrispondenti ta' dan l-Att, skond il-htieġa tal-każ; u kull liċenza, permess jew awtorità bħal dawk kif hawn aktar qabel imsemmi għandhom jiġu trattati u jsir dwarhom skond hekk.

SKEDI

L-EWWEL SKEDA

Aritkolu 3 (7)

Provvedimenti dwar il-proċedimenti ta' l-Awtorità

1. L-Awtorità tista' tagixxi minkejja kull vakanza fost il-membri tagħha, iżda jrid ikun hemm *quorum* preżenti għal-laqgħa.

2. Il-*quorum* ta' l-Awtorità għandu jikkonsisti fil-President jew viċi-president, li, fl-assenza tal-President għal xi laqgħa partikolari, għandu jiġi mahtur mill-membri preżenti għal-laqgħa, u minn mhux anqas minn hames membri ohra li jivvutaw li jagħmlu l-Awtorità fil-hin tal-laqgħa.

3. Il-laqgħat ta' l-Awtorità jissejhu mill-President jew fuq inizjattiva tiegħu jew fuq talba ta' xi tliet membri ta' l-Awtorità, u għandha tiġi speċifikata xi tkun l-aġenda; u l-Awtorità għandha tiltaqa' wkoll f'dawk iż-zminijiet li tiddeciedi hi nnifisha.

4. Il-President, jew viċi-president li jkun qed jaġixxi floku, ikollhom vot originali, u meta l-voti jkunu maqsumin indaqs, vot ieħor jew *casting vote*.

5. Membru ta' l-Awtorità li għandu interess dirett jew indirett f'xi haġa li tiġi quddiem l-Awtorità biex tiġi kkunsidrata minnha għandu, hekk kif ikun sar jaf biċ-ċirkostanzi rilevanti, juri x-xorta ta' l-interess tiegħu. Dan il-kxif għandu jitnizzel fil-minuti tal-laqgħa u l-membru –

(a) m'għandux jiehu sehem f'xi diskussoni jew deċiżjoni ta' l-Awtorità dwar dik il-haġa; u

(b) m'għandux jingħadd għall-ghan li jiġi stabbilit il-*quorum* għal dik id-diskussjoni jew deċiżjoni.

6. Kull att magħmul b'bonafidi minn persuna bħala membru ta' l-Awtorità jkun validu u jkollu effett bhal li kieku kienet membru wkoll jekk wara jinstab li kien hemm xi difett fill-kwalifika tagħha għall-hatra.

7. Minghajr preġudizzju ghad-dispożizzjonijiet ta' l-artikolu 44 ta' dan l-Att, kull dokument li juri li hu strument magħmul jew mahruġ mill-Awtorità u ffirmat mill-President ta' l-Awtorità jew mill-Uffiċjal Eżekuttiv Ewlieni f'isem l-Awtorità għandu jiġi aċċettat bhala prova u għandu, sakemm ma jiġix pruvat il-kuntrarju, jitqies li hu strument magħmul jew mahruġ mill-Awtorità.

8. Bla hsara għad-dispożizzjonijiet ta' dan l-Att, inkluża din l-Iskeda, l-Awtorità tista' tirregola l-proċeduri tagħha nnifisha.

IT-TIENI SKEDA

Artikolu 12 (2)

Direttorati Eżekuttivi

Bla hsara għas-setgħat li għandu l-Ministru taht l-artikolu 12 ta' dan l-Att, u b'zieda mad-Direttorat ta' l-Infurzar, għandu jkun hemm dawn it-tliet direttorati eżekuttivi li ġejjin, li jkunu magħrufa bhala d-Direttorat tal-*Marketing* u Promozzjoni, id-Direttorat ta' *Servizzi ta' Appoġġ*, u l-*Utilizzazzjoni* u *Taħriġ ta' Riżorsi Umani*, u d-Direttorat ta' *Product Planning* u *Żvilupp*. Id-direttorati jkunu magħmula kif ġej:-

(a) id-Direttorat tal-*Marketing* u Promozzjoni, ikun magħmul minn:

(i) erba' persuni mahtura mill-Ministru minn fost persuni li jkollhom konoxxenza u esperjenza fil-*marketing* u fil-promozzjoni, li wiehed minnhom għandu jkollu dik il-konoxxenza u esperjenza kif japplikaw għal Ghawdex, u li tnejn minnhom għandhom ikunu minn fost operaturi fis-settur tat-turiżmu. Il-Ministru għandu jahtar lil wiehed minn dawk l-erba' persuni biex ikun President;

(ii) persuna mahtura mill-Ministru bir-rakkomandazzjoni ta' l-assoċjazzjoni li tkun rikonoxxuta mill-Ministru bhala dik rappreżentattiva tas-settur tal-lukandi;

(iii) persuna mahtura mill-Ministru bir-rakkomandazzjoni ta' l-assoċjazzjoni li tkun rikonoxxuta mill-Ministru bhala dik rappreżentattiva tas-settur ta' agenti tat-turiżmu u ta' l-ivvjagġar; u

(iv) persuna mahtura mill-Ministru fuq ir-rakkomandazzjoni tal-linja nazzjonali ta' l-ajru;

(b) id-Direttorat ta' Servizzi ta' Appoġġ, u l-Utilizzazzjoni u Tahrig ta' Rizorsi Umani, ikun magħmul minn:

(i) hames persuni mahtura mill-Ministru minn fost persuni li jkollhom konoxxenza u esperjenza fl-iżvilupp ta' rizorsi umani, li wiehed minnhom għandu jkollu dik il-konoxxenza u esperjenza kif japplikaw għal Ghawdex, u li tnejn minnhom għandhom ikunu minn fost operaturi fis-settur tat-turiżmu. Il-Ministru għandu jahtar lil wiehed minn dawk il-hames persuni biex ikun President;

(ii) persuna mahtura mill-Ministru bir-rakkomandazzjoni ta' l-assoċjazzjoni li tkun rikonoxxuta mill-Ministru bħala l-aktar rappreżentattiva ta' l-akbar għadd ta' lukandi u stabbilimenti li jipprovdu l-ikel; u

(iii) persuna mahtura mill-Ministru bir-rakkomandazzjoni ta' l-assoċjazzjoni li tkun rikonoxxuta mill-Ministru bħala li tiġbor flimkien lill-klassi professjonali fit-tmexxija ta' lukandi u stabbilimenti li jipprovdu l-ikel;

(iv) persuna mahtura mill-Ministru bir-rakkomandazzjoni ta' l-assoċjazzjoni rikonoxxuta mill-Ministru bħala dik rappreżentattiva ta' agenti tat-turiżmu li ġej minn barra; u

(v) persuna mahtura mill-Ministru bir-rakkomandazzjoni ta' dawk l-assoċjazzjonijiet l-oħra li jkunu rikonoxxuti mill-Ministru bħala dawk rappreżentattivi ta' setturi oħra li jipprovdu servizzi tat-turiżmu.

(ċ) id-Direttorat ta' *Product Planning* u *Żvilupp*, ikun magħmul minn:

(i) sitt persuni mahtura mill-Ministru minn fost persuni li jkollhom konoxxenza u esperjenza fil-*product planning*, fl-iżvilupp, u fis-servizzi ta' appoġġ, li wiehed minnhom għandu jkollu dik il-konoxxenza u esperjenza kif japplikaw għal Ghawdex. Il-Ministru għandu jahtar lil wiehed minn dawk is-sitt persuni biex ikun President;

(ii) persuna mahtura mill-Ministru bir-rakkomandazzjoni ta' l-assoċjazzjoni li tkun rikonoxxuta mill-Ministru bħala dik rappreżentattiva tas-settur tal-lukandi;

(iii) persuna mahtura mill-Ministru bir-rakkomandazzjoni ta' l-assoċjazzjoni li tkun rikonoxxuta mill-Ministru bħala dik rappreżentattiva tas-settur ta' agenti tat-turiżmu u ta' l-ivvjagġar;

(iv) persuna mahtura mill-Ministru bir-rakkomandazzjoni ta' l-assoċjazzjoni li tkun rikonoxxuta mill-Ministru bhala dik rappreżentattiva tas-settur tat-trasport;

(v) persuna mahtura mill-Ministru bir-rakkomandazzjoni ta' dawk l-assoċjazzjonijiet l-oħra li jkunu rikonoxxuti mill-Ministru bhala dawk rappreżentattivi ta' setturi oħra li jipprovdu servizzi tat-turiżmu; u

(vi) persuna mahtura mill-Ministru bir-rakkomandazzjoni tal-linja nazzjonali ta' l-ajru.

Id-dispożizzjonijiet tas-subartikolu (5) ta' l-artikolu 3 ta' dan l-Att, inklużi d-dispożizzjonijiet tal-proviso li hemm mieghu, għandhom ikunu japplikaw, *mutatis mutandis*, għall-membri tad-direttorati eżekuttivi.

IT-TIELET SKEDA

Artikolu 14 (8)

Proċedimenti quddiem il-Bord ta' l-Appelli dwar it-Turiżmu, u appelli minn deċiżjonijiet ta' dak il-Bord

1. Kull persuna li thoss ruhha aggravata minn deċiżjoni ta' l-Awtorità, kif provdut fis-subartikolu (1) ta' l-artikolu 14 ta' dan l-Att, tista' tappella quddiem il-Bord ta' l-Appelli dwar it-Turiżmu, flimkien mal-ħlas tad-dritt preskritt, fi żmien hmistax-il ġurnata mid-data meta d-deċiżjoni li fuqha jsir l-appell tiġi komunikata lill-persuna konċernata.

2. L-applikazzjoni għandha tiddikjara x'ikunu r-raġunijiet għal dak l-appell u t-talba ta' l-appellant, u kopja tagħha għandha tiġi komunikata lill-Awtorità qabel ma jinstema' l-appell.

3. L-appellant jidher quddiem il-Bord jew personalment jew rappreżentat minn agent fil-ġurnata u l-hin appuntati għas-smiġh, jagħmel is-sottomissjonijiet tiegħu u jipproduċi dawk il-provi li l-Bord jippermetti:

Izda l-Bord jista' jipposponi s-smiġh ta' l-appell jekk ikun sodisfatt li l-appellant ma setax jidher quddiemu minhabba f'mard jew għax kien barra minn Malta jew minhabba f'xi haġ' oħra simili u raġonevoli.

4. Il-Bord ghandu jaghti lill-Awtorità l-opportunità li taghmel is-sottomissjonijiet taghha biex tiġġustifika d-deċiżjonijiet taghha, u li ġġib dawk il-provi li l-Bord jista' jqijs li jkunu mehtieġa.
5. Il-Bord ikollu s-setgħa li jharrek xhieda u li jaghti l-ġurament lil kull min jidher quddiemu.
6. Il-Bord ikollu s-setgħa li jikkonferma, iħassar jew ibiddel deċiżjoni li kontra taghha jkun sar appell u li jaghti dawk id-direttivi li jidhirlu xierqa.
7. Id-deċiżjonijiet tal-Bord ikunu finali u ma jkun hemm ebda appell minnhom hlief fuq punti ta' liġi biss.
8. Jekk l-appellant jew l-Awtorità, skond il-każ, ma jaqblux ma' xi punt ta' liġi deċiż mill-Bord, huma jistgħu jappellaw quddiem il-Qorti ta' l-Appell b'rikors preżentat kif provdut fis-subartikolu (9) ta' l-artikolu 14 ta' dan l-Att.
9. Is-seduti kollha tal-Bord għandhom jinżammu bil-miftuh u d-deċiżjonijiet kollha tal-Bord għandhom jingħataw bil-miftuh.
10. Bla ħsara għad-dispożizzjonijiet ta' hawn aktar qabel ta' din l-Iskeda u għad-dispożizzjonijiet ta' dan l-Att, il-Bord għandu jirregola l-proċeduri tiegħu nnifsu.

IR-RABA' SKEDA

Artikolu 53 (2)

Regolamenti li jibqghu fis-sehh

Regolamenti ta' l-1972 dwar il-Lukandi u l-Istabbilimenti li Jipprovdu Ikel.	Avviż Legali 67 ta' l-1972 kif sussegwentement emendat bl-Avvizi Legali: 85 ta' l-1978; 20 ta' l-1979; 16 ta' l-1980; 26 ta' l-1981; 19 ta' l-1986; 94 ta' l-1988; 13 u 57 ta' l-1989; 17, 21, 117 u 135 ta' l-1990; 100 ta' l-1991; 47 ta' l-1992; u 197 ta' l-1996.
Regolamenti ta' l-1976 dwar il- <i>Guest Houses</i> u Postijiet <i>Furnished</i> għall-Btala.	Avviż Legali 134 ta' l-1976 kif sussegwentement emendat bl-Avvizi Legali: 16 u 67 ta' l-1978; 13 u 57 ta' l-1980; 17 u 106 ta' l-1981; 16 ta' l-1984; 58 ta' l-1989; 14 ta' l-1990; 12 ta' l-1993; 66 ta' l-1994; u 24 ta' l-1995.
Regolamenti ta' l-1976 dwar id-Drittijiet għal Licenzi, Ċertifikati u Appelli dwar <i>Guest Houses</i> u Postijiet <i>Furnished</i> għall-Btala.	Avviż Legali 135 ta' l-1976 kif sussegwentement emendat bl-Avvizi Legali: 17 u 68 ta' l-1978; u 22 ta' l-1979.
Regolamenti ta' l-1980 dwar l-Aġenziji ta' l-Ivvjaġġar u Servizzi tal-Lukandi.	Avviż Legali 41 ta' l-1980 kif sussegwentement emendat bl-Avvizi Legali: 60 ta' l-1982; u 11 ta' l-1993.
Regolamenti ta' l-1984 dwar il-Kontribuzzjonijiet għall-Organizzazzjoni Nazzjonali tat-Turiżmu.	Avviż Legali 64 ta' l-1984 kif sussegwentement emendat bl-Avviz Legali 171 ta' l-1990.
Regolamenti ta' l-1989 dwar is-Servizzi ta' Gwidi tat-Turisti.	Avviż Legali 127 ta' l-1989.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 132 tas-7 ta' Lulju, 1999.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

MALTA TRAVEL AND TOURISM SERVICES ACT, 1999

Arrangement of Sections

Section

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2. Interpretation.

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4. Powers and legal personality of the Authority.
5. Functions of the Authority.
6. Appointment of officers.
7. Financial provisions.
8. Accounts and audit.
9. Annual report.
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12. Authority may delegate executive functions to directorates.

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Fourth Schedule – Regulations kept in force.

I assent.

(L.S.)

GUIDO DE MARCO
President

13th July, 1999

ACT No. XII of 1999

AN ACT to make provision for the promotion of tourism, for the regulation of tourism services and operations, for the establishment of an authority with powers to that effect and for matters connected therewith or ancillary thereto.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:–

PART I

Preliminary

Short title and commencement.

1. (1) This Act may be cited as the Malta Travel and Tourism Services Act, 1999.

(2) This Act shall come into force on such date as the Minister may by notice in the Gazette appoint; and different dates may be so appointed for different provisions or different purposes of this Act.

Interpretation.

2. In this Act, unless the context otherwise requires –

“accommodation” means a room or rooms furnished and equipped to provide living accommodation to a person;

“advertisement” means the making of a representation in any form in connection with a trade or business in order to promote the supply of goods or services, including the making of any such representation, any word, letter, model, sign, placard, board, notice, brochure or device, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement,

announcement or direction, and any boarding or similar structure used or adapted for use for the display of advertisements; and “advertise” shall be construed accordingly;

“agency of Government” means a body corporate established by law or a company in which the Government or such a body corporate, or a combination thereof, has a controlling interest or which is a subsidiary of such a company;

“appointed day”, in relation to sections 50, 51 and 52 of this Act means the day on which the said sections will come into force;

“the Authority” means the Malta Tourism Authority established by section 3 of this Act and includes any person acting on its behalf under powers delegated by the Authority under this Act;

“the Board” means the Tourism Appeals Board established under section 13 of this Act;

“catering establishment” means any building, premises or other establishment, including kiosks, howsoever described, purveying for reward food and, or, beverages including wines and spirits, for consumption;

“classify” includes “reclassify”, and “classification “ and “reclassification” shall be construed accordingly;

“destination management company” means any person whose principal line of business, whether as principal or agent, is the creation, planning and operation of motivational and specialised programmes for tourists and other persons, whether singly or in groups, and which programmes include the provision of all or any of the following services: accommodation in a hotel or other suitable establishment; travel by air, land or sea; conference facilities; excursions; guides; interpreters; technical support; entertainment and all other matters normally connected with motivational programmes, congresses, meetings and conference and incentive travel. The term “destination management company” does not include a hotel keeper, guest house keeper, keeper of holiday premises, a person who provides accommodation to tourists in a house, a tourist guide, a person who provides transport services by land, sea or air, an incoming tourism agent, a travel agent or an organised excursion operator;

“the Directorates” means the Enforcement Directorate and such other executive directorates as are or may be established under section 12 of this Act;

“enforcement notice” has the meaning assigned to it by section 41 of this Act;

“financial year” means the period of twelve months ending on the 31st December of any year;

Provided that the first financial year of the Authority shall commence on the coming into force of this Act and end on the 31st December of the following year;

“Gazette” means the Malta Government Gazette;

“guest” means a person who is provided with accommodation at a hotel, guest house, hostel, holiday premises, lodging house or house used for the provision of accommodation to tourists or who has such accommodation placed at his disposal in any such place;

“guest house” means any building, howsoever described, but not being a hotel, in which accommodation, ancillary services and amenities are provided for the public by a common management; and “guest house keeper” shall be construed accordingly;

“holiday premises” means any building, howsoever described, but not being a hotel, guest house, hostel or the ordinary residence of the owner or tenant thereof, as the case may be, in which accommodation, ancillary services, including self-catering services, and amenities are provided for tourists; and includes any number of such buildings which are grouped together; and “keeper of holiday premises” shall be construed accordingly;

“hostel” means any building, howsoever described, but not being a hotel or a guest house, in which accommodation, ancillary services and amenities of a basic standard are provided for the public by a common management; and “hostel keeper” shall be construed accordingly;

“hotel” means any building, howsoever described, in which accommodation, ancillary services and amenities are provided for the public by a common management and includes any number of such buildings which are grouped together, and “hotel keeper” shall be construed accordingly;

“house” means any building, howsoever described, not being a hotel, guest house, hostel, holiday premises or lodging house, used or intended to be used, whether wholly or in part, for habitation;

“incoming tourism agent” means any person who, whether as principal or agent, arranges for, advises on or undertakes to

provide to tourists and other persons, whether singly or in groups, travel arrangements in respect of incoming travel, including accommodation in a hotel, guest house, hostel, holiday premises or house used for the provision of accommodation to tourists; travel by air, land or sea; organised excursions and all other matters normally or by custom connected with the tourism industry, but does not include a hotel keeper, guest house keeper, hostel keeper, keeper of holiday premises, a person who provides accommodation to tourists in a house, a tourist guide, a person who provides transport services by land, sea or air, a travel agency, a destination management company, or an organised excursion operator and “incoming tourism agency” shall be construed accordingly;

“licence” means a licence issued hereunder by the Authority;

“Minister” means the Minister responsible for tourism;

“operator”, in relation to a tourism operation other than a tourist guide, means a person, other than an owner, who is entitled to operate it in his own right under a title derived directly or indirectly from an owner;

“organised excursion” means any organised excursion or tour for five or more tourists or other persons to one or more places in or around Malta or transport by land, sea or air but excludes any service intended solely to provide transport; and “organised excursion operator” shall be construed accordingly;

“owner”, in relation to a tourism operation other than a tourist guide, means a person who in his own right or as agent for another person is entitled to receive the rent in respect thereof where it is granted on lease or, where it is not let, would be so entitled if it were let:

Provided that where the tourism operation is subject to usufruct the expression “owner” shall include the bare owner;

“prescribed” means prescribed by regulation, rule, order or other instrument made under any of the provisions of this Act empowering the making of any such instrument;

“public officer” has the meaning assigned to it by section 124 of the Constitution;

“tourism operation” means a hotel, guest house, hostel, holiday premises, house used for the provision of accommodation

to tourists, catering establishment, travel agency, destination management company, incoming tourist agency, organised excursion operator, tourist guide, and other tourism services, whether licensed or not:

Provided that for the purposes of subsection (2) of section 48 of this Act, the term “tourism operations” shall not include a house used for the provision of accommodation to tourists when the house constitutes the permanent residence of the person who provides such accommodation;

“tourist” means any person who travels to a place other than that of his usual environment for less than twelve months and who stays at least one night in the place visited;

“tourist guide” means any person who provides the service of guiding and accompanying persons in or around Malta or any part thereof or in or around museums, monuments and other places of interest in Malta;

“travel agent” means any person who, whether as principal or agent, arranges for, advises on or undertakes to provide to tourists and other persons, whether singly or in groups, travel arrangements in respect of outgoing travel, including accommodation in a hotel, guest house, hostel, holiday premises or house used for the provision of accommodation to tourists; travel by air, land or sea; organised excursions and all other matters normally or by custom connected with the tourism industry; but does not include a hotel keeper, guest house keeper, keeper of holiday premises, a person who provides accommodation to tourists in a house, a tourist guide, a supplier of transport services by land, sea or air, an incoming tourism agency, a destination management company or an organised excursion operator and “travel agency” shall be construed accordingly;

“travel package” means the pre-arranged combination of not fewer than two of the following when sold or offered for sale at an inclusive price and when the service covers a period of more than twenty four hours or includes overnight accommodation:

- (a) transport;
- (b) accommodation;

(c) other tourist services not ancillary to transport or accommodation and accounting for a significant proportion of the package, and shall include such pre-arranged combinations even when various components thereof are billed separately;

“traveller” means any person who contracts with a licensed tourism operation for the provision of any travel or travel related service of any and every kind by such licensed tourism operation.

PART II

Administration

Title 1 – The Malta Tourism Authority

3. (1) There is hereby established an authority, to be known as the Malta Tourism Authority, which shall consist of eleven voting members and of the Chief Executive who shall *ex officio* be a non-voting member. Establishment of the Malta Tourism Authority.

(2) The voting members of the Authority shall be:

(a) six persons appointed by the Minister from among persons with knowledge of and experience in matters relating to travel and tourism; one of whom shall have knowledge and experience relating to Gozo; and

(b) one person appointed by the Minister on the recommendation of the association recognised by the Minister as being representative of the hotel sector; and

(c) one person appointed by the Minister on the recommendation of the association recognised by the Minister as being representative of the tourism and travel agents sector; and

(d) one person appointed by the Minister on the recommendation of the national airline; and

(e) two persons appointed by the Minister on the recommendation of such other associations recognised by the Minister as representing other sectors providing travel and tourism services.

(3) The Chairperson of the Authority shall be so appointed by the Minister from among the persons appointed by him in terms of paragraph (a) of subsection (2) of this section. The Chief Executive shall be appointed by the Authority which, for the purposes only of such appointment, shall be deemed to consist only of the voting members.

(4) A person shall not be qualified to be appointed as, or to remain, a member of the Authority if he is a member of the House of Representatives.

(5) The members of the Authority shall hold office for a period not exceeding three years. Any member may, before the expiration of his term of office, resign by letter addressed to the Minister:

Provided that:

(a) the members of the Authority may be removed from office by the Minister prior to the expiry of their term of office where, in the opinion of the Minister, they have been guilty of misconduct or where they are, in the opinion of the Minister, unable to perform the duties of their office;

(b) a person who has been appointed by the Minister on the recommendation of any other person shall cease to hold office where the person making the recommendation declares to the Minister that he is withdrawing his recommendation with respect to that person.

(6) A person who has ceased to be a member of the Authority shall, if he is otherwise qualified, be eligible for re-appointment.

(7) Subject to the foregoing provisions of this section, the First Schedule to this Act shall apply to and regulate the proceedings of the Authority.

Powers and legal
personality
of the Authority.

4. (1) The Authority shall be a body corporate having a distinct legal personality and capable, subject only to the provisions of this Act, of suing and being sued, of entering into any contract, of acquiring, holding and disposing of property of any kind both movable and immovable, and by or under any title, and of doing any other thing or entering into any transaction whatsoever.

(2) The representation of the Authority shall vest in the Chairperson:

Provided that the Authority may appoint one or more of its members, or any one or more of its officers, to appear in its name and on its behalf in any judicial proceedings or in any act, contract, instrument or other document whatsoever:

Provided further that where any of the powers of the Authority are delegated in terms of subsection (3) of this section, the representation

of the Authority shall also vest in the executive or executives so delegated to the extent necessary for the proper exercise of their powers.

(3) The Authority may delegate any of its executive powers to any one or more of its executives under such conditions as it may deem appropriate:

Provided that the Authority's powers in connection with standards and control may only be delegated to the Enforcement Directorate.

5. (1) The functions of the Authority shall be:

Functions of
the Authority.

(a) to promote and advance Malta as a tourist destination;

(b) to advise Government on tourism operations and to issue licences under this Act;

(c) to monitor, classify and control the licensing of and standards provided in or by tourism operations;

(d) to contribute towards the improvement of the level of human resources in the tourism industry;

(e) to advise Government on the planning and development of the tourism industry as well as on the infrastructure supporting the tourism industry; and

(f) generally to assist and advise Government on any matter relating to or affecting tourism, and to undertake and organise such activities and projects as it may consider appropriate in connection with the performance of its functions.

(2) In the performance of its functions the Authority shall adopt and follow the policies and plans of the Government and otherwise act in conformity with the provisions of this Act and any other applicable law; and the Authority may make such investments, as the Minister may approve, and as are calculated to assist in the promotion and advancement of Malta as a tourist destination.

(3) The Minister may, from time to time, as he may deem appropriate, give in writing and publish such directives as regards the policies and plans of the Government to be adopted and followed by the Authority, and the Authority shall, as soon as practicable, adopt and follow all such directives.

6. (1) The Authority shall appoint such officers and employees as it may from time to time deem necessary to carry out its functions under this Act.

Appointment
of officers.

(2) The Authority shall also appoint one of its officers to act as secretary of the Authority.

(3) Without prejudice to subsection (1) of this section, the Authority may, with the approval of the Prime Minister, offer to any public officer performing duties in the department of tourism permanent employment with the Authority with the benefits contemplated in subsection (4) of this section.

(4) Every public officer who accepts permanent employment with the Authority offered to him pursuant to subsection (3) of this section shall, for all purposes other than those of the Pensions Ordinance and of the Widows' and Orphans' Pensions Act, cease to be in the service of the Government and shall enter into service with the Authority with effect from the date of his acceptance of the offer, or such later date agreed between him and the Authority; and for the purposes of the said Ordinance and of the said Act service with the Authority shall be deemed to be service with the Government within the meaning thereof:

Cap. 93.
Cap. 58.

Provided that for the purposes of the said Pensions Ordinance the pensionable emoluments of such officer on retirement shall be deemed to be the pensionable emoluments payable to an officer in Government service in a grade and at an incremental level corresponding to the post and incremental level at which the officer retires from the Authority.

(5) (a) For the purposes of the proviso to subsection (4) of this section posts and salary grades with the Authority shall be classified in the most nearly corresponding grades and incremental levels in the service under the Government of Malta by reference to job description, skills, responsibilities and other analogous factors.

(b) The classification referred to in paragraph (a) of this subsection shall be carried out by a board composed of a chairman appointed by the Ministry responsible for finance and two other members, one appointed by the Ministry responsible centrally for personnel policies in the public service and one appointed by the Authority. The classification shall be subject to the final approval of the Minister responsible for finance.

(c) Such classification shall take place within three months of any adjustment of salaries of employees in Government service and, or, of employees of the Authority.

(d) No post shall be classified in a grade higher than that of Grade 3 in the service of the Government or such other

grade that the Minister responsible for finance may from time to time by notice in the Gazette determine.

(e) Without prejudice to section 113 of the Constitution, no person may, following a classification as aforesaid, be entitled to rights under the said Pensions Ordinance less favourable than those to which he would have been entitled prior to such classification.

(6) The Authority shall in January of each year pay to the Government the difference between the cost of pensions and gratuities payable at the time of retirement from the Authority and the cost of the pension or gratuity as the case may be, computed at the time of termination of the service of the officer with the Government to take up employment with the Authority.

7. (1) The Authority shall be endowed with an initial capital of two hundred and fifty thousand Maltese liri which shall be paid by the Government out of the Consolidated Fund, without further appropriation other than this Act, by warrant under the hand of the Minister responsible for finance authorising the Accountant General to make the payment. Financial provisions.

(2) Thereafter the Authority shall be paid out of the Consolidated Fund such sums as the House of Representatives may approve.

(3) Without prejudice to the provisions of section 47 of this Act the Minister may, on the recommendation of the Authority, make regulations prescribing the contributions payable to the Authority by tourism operations and by such other persons as may be declared by the Minister to be beneficiaries of the tourism industry.

(4) The Authority shall cause to be prepared in each financial year, and shall not later than four weeks prior to the end of such year adopt, estimates of the income and expenditure of the Authority for the next following financial year:

Provided that, in respect of the first financial year, the Authority shall prepare and adopt estimates not later than twelve weeks after the coming into force of this Act.

(5) The estimates shall be made in such form and shall contain such information and such comparisons with previous estimates as the Minister may direct.

(6) A copy of the estimates of the Authority shall, upon their adoption by the Authority, be sent forthwith to the Minister.

(7) The Minister shall, at the earliest opportunity and not later than eight weeks after he has received a copy of the estimates of the Authority, or, if at any time the House of Representatives is not in session, within eight weeks from the beginning of the next following session, cause such estimates to be laid before the House together with a motion that the House approve the said estimates. One sitting day shall be allotted for the debate in the House on such motion; and both the motion and the approval of the estimates by the House may be with or without amendment to the estimates.

(8) No expenditure shall be incurred by the Authority that has not been approved by the House of Representatives:

Provided that:

(a) until the expiration of six months from the beginning of a financial year or until the approval of the estimates for that year, the Authority may make or incur expenditure for carrying out its functions under this Act not exceeding in the aggregate one half of the amount approved for the preceding financial year;

(b) expenditure approved in respect of a head or sub-head of the estimates may, with the approval of the Minister, be incurred in respect of another head or sub-head of the estimates;

(c) if in respect of any financial year it is found that the amount approved by the House is not sufficient, or if a need has arisen for expenditure for a purpose not provided for in the estimates, the Authority may adopt supplementary estimates for approval by the House and, pending such approval, but subject to its being given, the Authority may in special circumstances and with the approval of the Minister, incur the relative expenditure; and the provisions of this Act applicable to the estimates shall, as near as practicable, apply to the supplementary estimates:

Provided further that in respect of the first financial year of the Authority, this subsection shall apply as if the total expenditure that may be made or incurred by the Authority until the approval of the estimates for that year by the House may not exceed one half of the amount shown in such estimates.

(9) All estimates and supplementary estimates approved by the House shall, as soon as practicable, be published in the Gazette.

8. (1) The Authority shall cause to be kept proper books of account and other records in respect of its operation and shall cause to be prepared a statement of accounts in respect of each financial year. Accounts and audit.

(2) The accounts of the Authority shall be audited by an auditor or auditors to be appointed by it:

Provided that the Minister responsible for finance may require the books and other records of the Authority to be audited or examined by the Auditor General who shall for this purpose have power to carry out such physical checking and other verifications, and may require such information, as he may deem necessary.

(3) After the end of each financial year, at the same time as a copy of the annual report of the Authority is forwarded to the Minister in accordance with section 9 of this Act, the Authority shall cause a copy of the statement of accounts duly audited to be transmitted to the Minister together with a copy of any report made by the auditor or auditors on that statement or on the accounts of the Authority.

(4) The Minister shall cause a copy of every such statement and report to be laid before the House of Representatives together with the motion laid before the House under the said section 9.

9. (1) The Authority shall, not later than twelve weeks after the end of each financial year, make and transmit to the Minister a report of its activities during that year, containing such information relating to the functions and to the proceedings of the Authority as the Minister may from time to time require together with the audited accounts as provided in section 8. Annual report.

(2) The Minister shall cause a copy of every such report to be laid on the Table of the House of Representatives within two weeks, or, if at any time the House of Representatives is not in session, within two weeks from the beginning of the next following session.

10. Except with the approval of the Minister, the Authority shall not enter into any contract for the supply of goods or materials or for the execution of work or for the rendering of services, to or for the benefit of the Authority, which is estimated by the Authority to involve an expenditure exceeding one hundred thousand liri or such other amount as the Minister may from time to time prescribe, except after notice of the intention of the Authority to enter into such contract has been published and competitive tenders have been issued. Contracts of supply or works.

11. The Authority shall be exempt from any liability for the payment of any tax on income or duty on documents for the time being in force in Malta. Exemption from tax.

Title 2 – The Directorates

Authority may delegate executive functions to directorates.

12. (1) There shall be an executive directorate to be known as the Enforcement Directorate which shall be composed of:

(a) one person, appointed by the Authority, who shall act as Chairperson; and

(b) two persons, appointed by the Minister, on the recommendation of the Authority, one of whom shall be a person holding a warrant to practise as an advocate or a warrant to practise as a legal procurator who has been practising for not less than five years.

(2) There shall also be the executive directorates as listed in the Second Schedule to this Act, which shall be composed as described therein. The Minister may, after consulting the Authority, by Order in the Gazette, abolish any one or more of the said directorates, vary their composition and establish such other executive directorates as he may from time to time deem appropriate. Each directorate so established shall be composed of a chairperson and such other members as the Minister may determine, all of whom shall be appointed by him:

Provided that the Minister shall appoint such members from among persons with knowledge and experience in the field of operation of the directorate concerned, one of whom shall have knowledge and experience relating to Gozo:

Provided further that a majority of such members shall be appointed from among operators in the tourism sector.

(3) The Authority may delegate to such directorates and require them to perform such of its functions with respect, among other matters, to marketing and promotion, human resource development, product planning and development, tourism support services, standards, and to other matters as it may from time to time deem appropriate; and any such delegation of its functions may be made subject to such conditions as the Authority may deem appropriate and may, at any time, be withdrawn, wholly or in part, by the Authority.

(4) The decisions of the directorates, including any licences issued and classifications made by them, shall be deemed to be, and shall have the same force and effect as, decisions of the Authority, except in respect of matters which the Authority expressly reserves to itself or requires to be referred to it for determination.

(5) (a) The Chief Executive may attend all meetings of the directorates other than the Enforcement Directorate.

(b) The executive director of a directorate may attend all meetings of that directorate.

(6) The members of the Enforcement Directorate and of the executive directorates, established by or under subsection (2) of this section, shall hold office for a period not exceeding three years and shall, if otherwise qualified, be eligible for re-appointment.

(7) Subject to the foregoing provisions of this section and to any rules that may be made by the Authority, the directorates may regulate their own procedures.

(8) Any Order made under the provisions of this section may be amended, substituted or revoked by a subsequent Order made in the same manner.

Title 3 - The Tourism Appeals Board

13. (1) There shall be a board, to be known as the Tourism Appeals Board, consisting of an advocate who has been practising for not less than seven years, who shall preside, and another two persons versed in travel and tourism, each of whom shall be appointed by the Prime Minister.

Appointment of
the Tourism
Appeals Board.

(2) The Prime Minister may also appoint panels of members and in such case the composition of the Board for any one or more appeals to be heard by it shall be the responsibility of the secretary who shall, as far as is practicable, determine the composition on the basis of rotation.

(3) A person shall not be qualified to be appointed as, or to remain, a member of the Board if he:

- (a) is a member of the House of Representatives; or
- (b) is a public officer.

(4) A member of the Board shall be disqualified from hearing an appeal in such circumstances as would disqualify a judge in a civil suit; and in any such case the member shall be substituted by another person appointed for the purpose by the Prime Minister.

(5) The members of the Board shall hold office for a period of three years, and shall be eligible for reappointment.

(6) A member of the Board may be removed from office by the Prime Minister on the grounds of gross negligence, conflict of

interest, incompetence, or acts or omissions unbecoming a member of the Board.

Functions and
procedure of
Tourism
Appeals Board.

14. (1) The Board shall have jurisdiction:

(a) to hear and determine all appeals made by any person aggrieved by any decision of the Authority not to grant or renew, or to revoke, or to suspend a licence; or to impose conditions, limitations or exclusions therein or therefore; and

(b) to hear and determine all appeals made by any person aggrieved by any decision of the Authority on any matter concerning the classification or reclassification of tourism operations and the enforcement of control:

Provided that the jurisdiction of the Board shall be limited to ensuring that the policy of the Government and the provisions of this Act or any other applicable law have been properly implemented or applied and that the discretion vested in the Authority has not been used in an unreasonable manner.

(2) The decisions of the Board shall be final except with respect to points of law decided by the Board from which an appeal shall lie to the Court of Appeal.

(3) The decisions of the Board shall be binding if they are supported by the opinion of two of its members, and the dissenting member, if any, may express his opinion separately; and all decisions of the Board shall be delivered in public and shall be published as soon as practicable after the sitting at which they are given.

(4) Advance notice of not less than fourteen days shall be given of the meetings of the Board in such manner as the Board may deem appropriate or as may be prescribed under section 47 of this Act. The Board shall hold a first hearing of the appeal within one month of the day of filing of the appeal.

(5) The Board may appoint experts and may require any department of Government or agency of the Government to provide the Board with such information or advice as the Board may deem necessary for the proper execution of its functions.

(6) The Board shall have an independent administrative secretariat consisting of a secretary to the Board and such other officers or employees as may be necessary for a prompt and efficient determination of the matters within its jurisdiction. The secretariat shall be chosen and appointed by the Board.

(7) Without prejudice to the provisions of subsection (6) of this section, the administrative and technical support required by the Board for the performance of its functions shall be provided by the Authority.

(8) Subject to the above, appeals to the Board and the conduct of the business of the Board shall be made in accordance with the rules contained in the Third Schedule to this Act; and in the absence of such rules on any matter, the Board may regulate its own procedure.

(9) Appeals to the Court of Appeal from decisions of the Board as provided in subsection (2) of this section shall be made within fifteen days from the day the decision is delivered and such appeals shall be regulated by rule of court made under section 29 of the Code of Organization and Civil Procedure. Cap. 12.

Title 4 - Common Provisions

15. For the purposes of the Criminal Code and of any provision of a penal nature in any other law, the members of the Authority and of any committee, board, commission or other body established by this Act, and every officer or employee thereof, shall be deemed to be and be treated as public officers. Members of the Authority, etc. to be deemed public officers for certain purposes. Cap. 9.

16. The names of all the members of the Authority, and of any committee, board, commission or other body established by this Act, including the panels from which the Board is constituted, and any other change in such membership, shall be published in the Gazette. Publication of names of members of the Authority, etc.

17. (1) Any member of the Authority and of any committee, commission or other body established by this Act (other than the Board) who is in any way, directly or indirectly, interested in any particular matter considered or to be considered by the Authority or by such other body shall declare the nature of his interest either at the meeting at which the matter is first considered or, if he was not at the date of that meeting interested in the matter, at the next meeting after he shall have become so interested. Disclosure of interest in contract.

(2) A member under a duty to declare interest in terms of subsection (1) of this section shall not vote at any meeting in respect of the particular matter in which he is interested, and if he shall do so his vote shall not be counted, nor shall he be counted in the quorum present at the meeting.

PART III

Accommodation and Catering Establishments

Licence to keep hotels, guest house, hostel, holiday premises, catering establishment or house used for the provision of accommodation to tourists.

18. (1) No person shall run or operate a hotel, guest house, hostel, holiday premises or catering establishment unless he shall have previously obtained and is in possession of a licence in respect thereof.

(2) No person shall provide accommodation in a house to tourists unless he shall have previously obtained and is in possession of a licence in respect thereof:

Provided that this subsection shall not apply to the provision of such accommodation to *bona fide* relatives or friends when such accommodation is provided without any payment.

(3) It shall not be lawful for any person to give on lease to a tourist or to allow a tourist to occupy under any title, a house in Malta, or to transfer to any tourist any right of lease, or other title to occupation, of any such house, and for any tourist to take on lease or under any title to occupy a house in Malta, or to acquire any right of lease or other title to occupation of any such house, unless there is in respect of any such house a valid licence issued by the Authority authorising such lease, transfer or occupation.

(4) Unless provided in the licence or unless earlier revoked under any of the provisions of this Act, every such licence shall remain valid until the thirty-first day of December next following the date of issue and may, thereafter, be renewed from year to year or for such further period or periods as may be specified.

(5) Notwithstanding the provisions of subsection (4), a licence may in special circumstances be granted on a temporary basis for a period not exceeding ninety days which period may, on good cause being shown, be extended for a further period or periods not exceeding ninety days in the aggregate.

(6) Any licence which has been revoked or which has not been renewed shall be returned to the Authority.

(7) A licence may be granted or renewed as subject to such conditions, limitations and exclusions as the Authority may consider appropriate.

(8) In the event that a hotel keeper contracts or otherwise undertakes to provide accommodation and other services, if any, in his hotel and dishonours the contract or undertaking, then, without prejudice

to any other right or remedy available to the person with whom the hotel keeper contracted or to whom the undertaking was made and without prejudice to any defence available to the hotel keeper, the hotel keeper shall cause the tourist or tourists to whom, or in respect of whom, the accommodation and other services, if any, had to be provided, with accommodation and similar services, if any, in another hotel of the same or of a higher category and situated as near as possible to his hotel and the hotel keeper shall be responsible for and shall pay any difference between the price for the accommodation and other services, if any, which were to be provided in the hotel keeper's hotel and the price charged in such other hotel:

Provided that where a tourist is accommodated in a hotel of a lower category than that in which the accommodation had to be provided either because he so chooses or because the hotel keeper cannot find him an alternative hotel as provided in this subsection, the hotel keeper shall, saving any other remedies which may be available to the tourist or to the person who contracted with the hotel keeper, immediately pay to the person with whom he contracted, any difference between the price for the accommodation and other services, if any, which were to be provided in the hotel keeper's hotel and the price charged in the hotel of the lower category.

19. (1) A licence shall not be granted or renewed for the purpose of section 18 of this Act unless:

Conditions under which licence is granted.

(a) the person applying therefor is of good character and is fit and proper to be granted a licence in relation to a hotel, guest house, hostel, holiday premises or catering establishment or to provide accommodation to tourists in a house, as the case may be; provided that if the applicant is a body corporate or a person other than the person who will operate or in fact operates the hotel, guest house, hostel, holiday premises or catering establishment or who will provide accommodation in a house, the attributes in this paragraph shall at all times have to be satisfied by the person who will be responsible for such operation or provision of accommodation or who in fact effects such operation or provides such accommodation, and in addition the person who will in fact operate as aforesaid will be qualified and, or experienced to so operate to the satisfaction of the Authority;

(b) the premises in respect of which the application is made are suitable and adequate for use as a hotel, guest house, hostel, holiday premises, catering establishment or house for the provision of accommodation to tourists, as the case may be;

(c) the use of the premises as a hotel, guest house, hostel, holiday premises, catering establishment or house for the provision of accommodation to tourists is desirable in accordance with Government policy at the time of the consideration of the application for the grant of the licence.

(2) A hotel, guest house, hostel, holiday premises, catering establishment or house used for the accommodation of tourists shall not use a name which in the opinion of the Authority is undesirable, unsuitable or misleading.

Transfer of licence. **20.** A licence to keep or operate a hotel, guest house, hostel, holiday premises, catering establishment or house used for the accommodation to tourists may, with the consent in writing of the Authority previously obtained, be transferred to any person who in the opinion of the Authority has the attributes mentioned in paragraph (a) of subsection (1) of section 19 of this Act.

Classification. **21.** (1) A licensed hotel, guest house, hostel, holiday premises or catering establishment shall be given such classification or reclassification as, in accordance with such regulations as may be in force from time to time, reflects the standard and level of service provided by such hotel, guest house, hostel, holiday premises or catering establishment:

Provided that the Authority shall not be obliged to reclassify a hotel, guest house, hostel, holiday premises or catering establishment before the lapse of one year from its last classification.

(2) Where it appears to the Authority, after such inquiry as it may deem fit, that a hotel, guest house, hostel, holiday premises or catering establishment is not being kept or managed up to the standard required by a hotel, guest house, hostel, holiday premises or catering establishment of the category in which it is then classified in accordance with the regulations in force at that time, the Authority may reclassify the hotel, guest house, hostel, holiday premises or catering establishment into a lower category. Any such reclassification shall be notified to the holder of the relative licence and shall have effect as from the date on which it is so notified.

(3) Where, in accordance with the provisions of section 14 of this Act, an appeal is entered against a classification made by the Authority under subsection (1) of this section, such classification shall not become effective until the appeal is finally determined.

(4) Any certificate of classification which has been revoked or substituted shall be returned to the Authority.

22. No person shall advertise or represent a hotel, guest house, hostel, holiday premises or catering establishment as belonging to a category higher than that to which it actually belongs according to its classification, or as offering particular amenities or services which it does not in fact provide at the time of such advertisement or representation.

Advertisement and representation.

23. Where a hotel, guest house or holiday premises comprise one or more catering establishments all of which are under the same management, they may be given one licence and one classification:

Joint licence and classification.

Provided that the Authority may give the catering establishment or establishments comprised in such hotel, guest house or holiday premises a different classification or different classifications if the level of service provided so warrant or require.

24. Every hotel keeper, guest house keeper, hostel keeper, and keeper of holiday premises shall keep a register in the prescribed form wherein he shall cause every guest to write his name together with such other particulars as may be prescribed.

Register of guests.

25. Every hotel, guest house, hostel or holiday premises shall present such register for inspection whenever so requested by any police officer not below the rank of inspector or by any member of the Authority or any person authorised in writing for the purpose by the Chairperson of the Authority.

Register to be kept open for inspection by police, etc.

26. Subject to such regulations as may be made by the Minister, nothing in this Part of this Act shall apply or be deemed to apply in any way to any monastery, convent, boarding school (not being a school providing tuition in a foreign language or languages to tourists), college or charitable institution.

Applicability.

PART IV

Incoming tourism agencies, travel agencies and destination management companies

27. (1) No person shall carry on, or hold himself out as carrying on, the business of an incoming tourism agent, a travel agent or of a destination management company unless he shall have previously obtained and is in possession of a licence in respect thereof.

Licence to operate as incoming tourism agency, travel agency or destination management company.

(2) Unless earlier revoked under any of the provisions of this Act, every such licence shall remain valid until the thirty-first day of December next following the date of issue and may, thereafter, be renewed from year to year or for such further period or periods as may be specified.

(3) A licence which has been revoked or which has not been renewed shall be returned to the Authority.

(4) A licence may be granted or renewed as subject to such conditions, limitations and exclusions as the Authority may consider appropriate.

Conditions under which licence is granted.

28. A licence shall not be granted or renewed for the purposes of section 27 of this Act unless:

(a) the person applying therefor is of good character and is fit and proper to be granted a licence in relation to the business of an incoming tourism agent or a travel agent or of a destination management company, as the case may be; provided that if the applicant is a body corporate or a person other than the person who will in fact manage the agency or company, the person who will be responsible for such management or who in fact effects such management shall also, apart from the attributes mentioned in this paragraph, be qualified and, or experienced to the satisfaction of the Authority;

(b) the person applying therefore has suitable premises and means at his disposal for the proper and efficient running of the business of an incoming tourism agency, a travel agency or of a destination management company, as the case may be; and

(c) the person applying therefore shows to the satisfaction of the Authority that he shall at all times have adequate insurance in accordance with the requirements of section 31 of this Act.

Name of tourism agent, travel agent or destination management company.

29. An incoming tourism agent or a travel agent or a destination management company shall not provide any service under a name which in the opinion of the Authority is undesirable, unsuitable or misleading.

Transfer of licence.

30 (1) A licence to carry on the business of an incoming tourism agency or a travel agency or of a destination management company may, with the consent in writing of the Authority previously obtained, be transferred to any person who in the opinion of the Authority satisfies the provisions of section 28 of this Act.

(2) An incoming tourism agent and a travel agent and a destination management company shall exhibit his or its licence in a prominent place in his or its place of business. If an incoming tourism agent or a travel agent or a destination management company operates

from more than one place of business his or its licence shall be exhibited in his or its principal place of business and a copy or copies of his or its licence, issued and certified as such by the Minister on payment of the prescribed fee, shall likewise be exhibited in all his or its places of business other than his or its principal place of business.

31. (1) Every tourism operation requiring a licence under this Act, except a licence to act as a tourist guide, shall satisfy the Authority that it has at all times in its favour a policy of third party liability insurance and, in addition, if required by the Authority, an additional policy of professional indemnity insurance, which policy or policies shall indemnify it, and any person employed by it, or otherwise acting for it, to such amount, in such manner and in respect of such matters as the Authority may from time to time determine.

Insurance and
insolvency fund.

(2) Every tourism operation requiring a licence under this Act shall, with effect from a date to be specified by the Authority, contribute to an insolvency fund which the Authority may establish in such manner and for such amounts and under such conditions, and shall be managed by such persons, as may from time to time be determined by the Authority; the fund will provide compensation to any traveller, licensed tourism operation or tourist for undisputed debts or for unavoidable but necessary expenses arising from the insolvency of a licensed tourism operation.

(3) The Authority shall ensure that contributions required to be paid by licensed tourism operations and the conditions, exclusions and limitations of the insolvency fund referred to in subsection (2) of this section shall be published annually and be reasonably linked to the size and degree of risk being accepted by the fund from each licensed tourism operation; any compensation offered by the fund shall be published within six months of the insolvency of the licensed tourism operation.

PART V

Organised Excursions

32. (1) No person shall carry on, or hold himself out as carrying on, the business of an organised excursion operator unless he shall have previously obtained and is in possession of a licence in respect thereof.

Licence to carry on
business of
organised excursion
operator.

(2) Unless earlier revoked under any of the provisions of this Act, every such licence shall remain valid until the thirty-first day of December next following the date of issue and may, thereafter, be

renewed from year to year or for such further period or periods as may be specified.

(3) A licence which has been revoked or which has not been renewed shall be returned to the Authority.

(4) A licence may be granted or renewed as subject to such conditions, limitations and exclusions as the Authority may consider appropriate.

Conditions under which licence is granted.

33. A licence shall not be granted or renewed for the purposes of section 32 of this Act unless:

(a) the person applying therefor is of good character and is fit and proper to be granted a licence in relation to the business of an organised excursion operator; provided that if the applicant is a body corporate or a person other than the person who will in fact organise the organised excursions, the person who will be responsible for such organisation or who in fact effects such organisation shall also, apart from the attributes mentioned in this paragraph, be qualified and, or experienced to the satisfaction of the Authority;

(b) the person applying therefor has suitable means at his disposal for the proper and efficient organisation of organised excursions.

Provision of services by excursion operator.

34. An organised excursion operator shall not provide any service –

(a) under a name which in the opinion of the Authority is undesirable, unsuitable or misleading, and

(b) unless the services of a tourist guide are provided for any such excursion.

Transfer of licence.

35. (1) A licence to carry on the business of an organised excursion operator may, with the consent in writing of the Authority previously obtained, be transferred to any person who in the opinion of the Authority satisfies the provisions of section 33 of this Act.

(2) An organised excursion operator shall exhibit his licence in a prominent place in his place of business. If an organised excursion operator operates from more than one place of business his licence shall be exhibited in his principal place of business and a copy or copies of his licence, issued and certified as such by the Authority on payment of the prescribed fee, shall likewise be exhibited in all his places of business other than his principal place of business.

PART VI

Tourist Guides

36. (1) No person shall act, or hold himself out as acting, as a tourist guide unless he shall have previously obtained and is in possession of a licence in respect thereof. Licence to act as tourist guide.

(2) Unless earlier revoked under any of the provisions of this Act, every such licence shall remain valid until the thirty-first day of December next following the date of issue and may, thereafter, be renewed from year to year or for such further period or periods as may be specified.

(3) A licence which has been revoked or which has not been renewed shall be returned to the Authority.

(4) A licence may be granted or renewed as subject to such conditions, limitations and exclusions as the Authority may consider appropriate.

37. A licence shall not be granted or renewed for the purposes of section 36 of this Act unless: Conditions under which licence is granted.

(a) the person applying therefor is of good character and is fit, proper and qualified to act as a tourist guide; and

(b) in respect of the grant of a licence only, the grant is desirable in accordance with published Government policy at the time of the consideration of the application for the grant of the licence.

38. A tourist guide shall provide his services under his personal name. Name of tourist guide.

39. (1) A licence to act as a tourist guide shall not be transferable or assignable. Transfer of licence.

(2) A tourist guide shall produce his licence for inspection on the demand of any member of the Authority or of any person authorised in writing for the purpose by the Authority or by the Chief Executive of the Authority or of any person who shall have requested his services or to whom his services shall have been offered.

PART VII

Enforcement of Control

Monitoring of
tourism operations.

40. The Authority shall monitor and review all tourism operations to ensure that tourism operations are carried out only in accordance with the provisions of this Act and in compliance with the decisions lawfully taken under this Act; and for the purposes of such monitoring and review the Chairperson of the Enforcement Directorate or any person authorised by him to that effect shall have the right at all reasonable times to enter and inspect any tourism operation, other than a tourist guide.

Serving of notice.

41. (1) If it appears to the Authority that any tourism operation is being carried on without the licence required in that behalf under this Act, or that any conditions subject to which a licence was granted in respect of any tourism operation are not being complied with or that a licensed tourism operation is being run in violation of any of the provisions of this Act or of any regulations made hereunder or that circumstances have arisen which justify the revocation of the licence, the Authority shall serve a notice on the owner of the tourism operation or, in the case of a tourist guide, on the tourist guide, requiring the tourism operation to be stopped forthwith or, in cases not involving an unlicensed tourism operation, that the tourism operation be stopped forthwith or that the irregularity be rectified.

(2) A copy of the notice given under subsection (1) of this section may also be served on the operator of the tourism operation and on any of the employees in the tourism operation and a copy shall be fixed at a point of entry into each of the premises used for or in connection with the tourism operation.

(3) Except as otherwise provided in this section, a notice given under subsection (1) of this section (in this Act also referred to as an “enforcement notice”) shall:

(a) in respect of any requirement stopping or prohibiting the further carrying on of a tourism operation, take effect immediately upon service of the notice;

(b) in respect of any other requirement, take effect immediately upon service of the notice or at the expiration of such period as may be specified.

(4) Any person who feels himself aggrieved by any enforcement notice served on him may, within fifteen days from the service of the notice, appeal against it to the Board; and in any such appeal the Board:

(a) if satisfied that a licence was in force under this Act for the tourism operation to which the enforcement notice relates or that no such licence was required in respect thereof, as the case may be, or that the conditions subject to which such licence was granted were complied with and that the tourism operation to which the enforcement notice relates was being run in accordance with the provisions of this Act and of any regulations made hereunder, shall quash the enforcement notice to which the appeal relates or such part thereof in respect of which Board is satisfied as aforesaid;

(b) in any other case, shall dismiss the appeal.

(5) When within the period mentioned in subsection (4) of this section an appeal is entered against an enforcement notice, the notice, in respect of any requirement other than a requirement stopping or prohibiting the further carrying on of a tourism operation, shall be suspended pending the final determination of the appeal, and if the appeal is upheld the enforcement notice shall cease to have effect.

(6) When an appeal is dismissed, the Board may direct that, in respect of any requirement, other than a requirement stopping or prohibiting the further carrying on of a tourism operation, the enforcement notice shall not come into force until such date as the Board thinks fit.

42. (1) If any steps or other action, including any discontinuance, stoppage or similar requirement to be taken by an enforcement notice have not been taken within the time specified therein, or forthwith if so specified, the Authority may enter the tourism operation, other than a tourist guide, to which the enforcement notice relates and take such steps, including without limitation the closure of the tourism operation or other action as required by circumstances and may for such purpose request the assistance of the police which shall for such purpose exercise such powers as are vested in them for the prevention of offences and the enforcement of law and order.

Supplementary provisions as to enforcement.

(2) Notwithstanding the provisions of any other law, no precautionary warrant or other order shall be issued or made by any court restraining the Authority from the exercise of any of the powers conferred upon it by this section.

(3) All expenses reasonably incurred by the Authority to carry out an enforcement notice under this section shall be recoverable as a civil debt by the Authority from the person who is then the owner of the tourism operation or, in the case of a tourist guide, from the tourist guide, to which the enforcement notice relates, without prejudice to such right of recovery such person may have against any other person.

PART VIII

Offences and Penalties

Offences and penalties.

43. (1) Any person who:

(a) not being in possession of a valid licence, carries on any tourism operation or allows any tourism operation to be carried on from or in property of which he is the owner or a co-owner or from or in which he could have carried on such operation if he were in possession of a valid licence; or

(b) being in possession of a valid licence fails to comply with any applicable provision of this Act or with any condition, restriction or other limitation to which the licence is subject; or

(c) having been served with an enforcement notice or other order under section 41 of this Act, fails to comply with any of the requirements of such notice within the time therein specified or forthwith as the case may be; or

(d) hinders, obstructs, molests or interferes with, or attempts to hinder, obstruct, molest, or interfere with, any officer, employee or agent of the Authority, or any police officer, in the execution of his duties under the law, or fails to comply with any reasonable requirement demanded of him by any such officer, employee, agent or police officer as aforesaid, or otherwise to assist him in the carrying out of the said duties, or knowingly furnishes such officer or employee or agent or police officer with false information required for the purpose aforesaid; or

(e) knowingly makes a declaration for any of the purposes of this Act which is false, misleading or incorrect in any material respect; or

(f) fails to comply with the provisions of section 31 of this Act,

shall be guilty of an offence against this Act and shall be liable on conviction to a fine (*multa*) of not less than five hundred liri and not more than ten thousand liri, and in the case of an offence under paragraph (b) of this subsection, or in respect of an offence under paragraph (c) of this subsection, if the offender persists in the offence for more than three months, also to imprisonment for a term of not less than three months and not more than three years.

(2) The court, besides awarding the punishment referred to in subsection (1) of this section, shall order the offender to remove the causes of the offence and to undo anything which was done without a licence or to comply with the conditions imposed in the licence, as the case may be, within a time sufficient for the purpose, but in any case not exceeding three months from the date of the judgement, to be fixed by the court; and if the offender fails to comply with any order within the time so fixed, he shall be liable to a fine (*multa*) of not less than five hundred and not more than five thousand liri, as the court may fix, for every day the default continues after the expiration of the said time.

(3) The provisions of the Probation of Offenders Act shall not apply in relation to the offences mentioned in subsection (1) of this section. Cap. 152.

(4) Proceedings against any person for any offence as is mentioned in subsection (1) of this section shall be taken before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the case may be, as courts of criminal judicature in accordance with the provisions of the Criminal Code: Cap. 9.

Provided that, notwithstanding the provisions of section 376 (1) (b) of the Criminal Code, the court shall, at the request of the prosecution or of the accused, take down evidence given by the witnesses in the manner provided for either in section 390 (6) of the said Code or in any law for the time being in force.

(5) In any prosecution against a person charged with running or operating a hotel, guest house, hostel, or holiday premises without a licence as is provided for in subsection (1) of section 18, or charged with providing accommodation to tourists, other than *bona fide* friends or relatives who are provided with such accommodation without any payment, without a licence as provided for in subsection (2) of section 18, it shall be sufficient for the prosecution to prove that the accused had control of the premises to which the charge relates; that, upon inspection of the premises, a tourist or tourists were found thereon; that such premises had sleeping facilities; that personal effects of such tourist or tourists were found on such premises; and that the premises were not duly licensed, and it shall not be required to produce such tourist or tourists as witnesses or such personal effects as evidence, and the Court shall deem such charge to be proved unless the accused proves that such tourist or tourists had been duly accommodated in licensed premises or that such tourist or tourists were *bona fide* friends or relatives as aforesaid.

(6) In any prosecution against a person charged with being an accomplice in any one or more of the offences listed in subsection

(5) of this section it shall be sufficient for the prosecution to prove that the premises to which the charge relates were not duly licensed as is provided for in subsection (1) or (2) of section 18, as the case may be; that, upon inspection of the premises, a tourist or tourists were found thereon; that such premises had sleeping facilities; that personal effects of such person or persons were found on the premises; and that the accommodation in the premises was procured by or for such person or persons through the intervention, however effected, of the accused, and the prosecution shall not be required to produce such tourist or tourists as witnesses or such personal effects as evidence, and the Court shall deem such charge to be proved unless the accused proves that prior to intervening in the procurement of the accommodation he had made diligent inquires as to the licensing of the premises or that, in the circumstances, he could not reasonably have been expected to know that the premises were not duly licensed.

Certified copies of certain documents.

44. In any proceeding or prosecution under this Act, a copy of any order, notice, decision or other document purporting to have been made under this Act and purporting to have been signed by the Chairperson of the Authority or by the Chief Executive of the Authority, shall be accepted as evidence of the order, notice, decision or other document and of the facts appearing therein, without further proof.

Special procedure.

45. (1) Notwithstanding any other law providing for the trial and punishment of offences, where the Authority believes that a person has committed an offence against this Act, other than an offence under paragraph (c) of subsection (1) of section 43 of this Act, the Authority may give notice in writing to such person describing the offence of which the person is accused, indicating the steps to be taken to remedy the offence and the fine which he is required to pay in respect of that offence:

Provided that the Authority may not require the payment of a fine higher than one thousand liri.

(2) Where a notice under this section has been given, the person named in the notice may, within twenty-one days of the service of the notice, accept responsibility for the offence specified in the notice and within the same period, or such further period as the Authority may allow, remedy the offence and pay, or undertake in writing to pay, the fine indicated in the notice or such fine as the Authority may accept in lieu, and in any such case:

(a) the person named in the notice shall be deemed to have committed the offence and to have admitted his guilt in respect

thereof, and the fine paid, or agreed to be paid, shall be the fine to which he became liable to pay;

(b) if the offence is remedied and the fine is paid within the period, or further period as aforesaid, no further proceedings may be taken against the said person in respect of the same facts;

(c) if the fine is not paid within the period, or further periods as aforesaid, it shall be treated as if it were a fine (*multa*) ordered to be paid by the court which would have had jurisdiction to take cognisance of the offence, and proceedings may be taken accordingly as if it were an order of that court.

(3) Where the person to whom notice is given under subsection (1) of this section does not accept responsibility for the offence or, having accepted such responsibility, fails to remedy the offence within the time aforesaid, ordinary proceedings may be taken against him in accordance with the provisions of the Criminal Code, of this Act and of any other law applicable to the offence. Cap. 9.

(4) Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have a right of appeal to the Court of Criminal Appeal from any judgement given in proceedings arising out of this Act or of any regulations, rules or orders made hereunder.

PART IX

Supplemental

46. Without prejudice to the provisions of the Interpretation Act, any power conferred by this Act to issue licences, to give classifications, or reclassifications, to make regulations, rules, orders, lists, schedules and any other instrument of like nature, includes the power from time to time to revoke, suspend, replace, amend, alter, add to or delete from any such instrument as aforesaid. Power to make regulations includes power of revocation, etc. Cap. 249.

47. (1) The Minister may, on the recommendation of the Authority, make regulations to regulate or otherwise provide for any matter relating to tourism operations in order to give fuller effect to the provisions of this Act, and, in particular, but without prejudice to the generality of the aforesaid, may by such regulations: Power to make regulations.

(a) regulate standards, levels of service and amenities in tourism operations, as well as any other matter relating thereto, taking account of all relevant considerations, including tourism policy from time to time, classification, health and sanitation;

(b) require that any category or class of employees in any tourism operation shall be in possession of such licences or shall be in possession of such certificates of competence as may be prescribed;

(c) regulate the promotion of and the services provided by time-sharing resorts;

(d) regulate the provisions of travel package services;

(e) prescribe the form of any notice, order or other document authorised or required by this Act to be made, served or given;

(f) prescribe the manner in which a licence fee or other charge made under this Act is to be established, made, reviewed, collected, utilised or otherwise dealt with,

(g) to the extent not otherwise provided, prescribe the procedure to be followed by any body established by this Act, and to amend, add to or otherwise alter anything contained in the schedules to this Act;

(h) prescribe the fees payable to the Authority for any service provided by it, or in respect of any matter for which it is considered that a fee should be payable;

(i) establish codes of ethics and conduct for tourism operations: provided that, in making its recommendations to the Minister, the Authority shall consult and, so far as is advisable and possible, adopt such recommendations as it shall receive from the associations recognised by the Minister as representative of the various sectors interested in tourism;

(j) prescribe such insurance cover that must be held by licencees under this Act;

(k) provide for any purpose for which regulations are authorised or required to be made otherwise than by the Authority.

(2) Any regulation made under this Act may provide for any matter relating to liability for the observance of such regulations, and the persons who may be liable, and for any matter relating to the enforcement of the said regulations, including, but not limited to, the imposition of a fine (*multa*) not exceeding one thousand liri in respect of any contravention of, or failure to comply with, the provisions of such regulations.

48. (1) No service consisting in the supply of water, electricity, telephone, telex, facsimile or other service or utility shall be provided to any new tourism operation, other than a tourist guide, by any agency of Government unless there is in respect of such tourism operation a certificate issued by the Authority stating that the tourism operation is approved and that all the conditions of the licence to be granted are, at the date of the certificate, satisfied. In this subsection "new tourism operation" means any tourism operation which is commenced or is to commence after the date of the coming into force of this Act.

Provision of services by Government agency.

(2) Any service consisting in the supply of water or electricity provided by an agency of Government to any tourism, operation, other than a tourist guide, may be suspended or withdrawn if the tourism operation is unlicensed or, if it is licensed, if an enforcement notice is in effect in respect thereof.

49. (1) Where any notice or other instrument or document whatsoever is required or authorised to be served or given by or under this Act, it may be served or given in any of the following manners:

Serving of notices.

(a) by delivering it to the person on whom it is to be served or to whom it is to be given; or

(b) by leaving it at the usual or last known place of abode of that person or, if such person has furnished an address for service, at that address; or

(c) by sending it by registered mail addressed to that person at the place of abode or the address for service aforesaid; or

(d) in the case of a body corporate or other body of persons, by delivering it to an officer or employee thereof at the registered or principal office, or sending it by registered mail addressed to the body aforesaid at that office; or

(e) in any case in which it is not reasonably possible to effect service in any of the foregoing manners whether on all or on any one or more of the persons on whom service is to be made or notice is to be given, by affixing the document to be served or given in a conspicuous place on the premises to which it relates and keeping it so affixed for a period of not less than seven working days and by publishing the contents thereof in the Gazette.

(2) Where the notice or other document is required or authorised to be served or given to any person as having an interest in a tourism operation, and the name of that person cannot be ascertained after reasonable inquiry, or is required or authorised to be served on an

operator of a tourism operation, the notice shall be deemed to be duly served or given if it is served or given in any of the manners indicated in subsection (1) of this section and addressed to the person having an interest in the tourism operation by the description of "owner" or "operator", or "owners" or "operators", as the case may require.

Transfer of Property.

50. (1) With effect from the appointed day all property which, immediately before the appointed day, was vested in or belonged to the National Tourism Organization shall, by virtue of this Act and without further assurance, be transferred to and shall vest in the Authority under the same title by which they were held by the National Tourism Organization immediately before that day.

(2) Such transfer shall extend to the whole of such property, movable and immovable, assets, powers, rights, both real and personal, privileges and causes of action held or enjoyed in connection therewith or appertaining thereto.

Construction of existing laws, contracts, etc.

51. Subject to the provisions of this Act, all laws, rules, regulations, orders, judgements, documents, warrants and working arrangements, subsisting immediately before the appointed day, affecting any of the transferred property, shall have full force and effect against or in favour of the Authority, and shall be enforceable as fully and effectually as if, instead of the National Tourism Organization, the Authority had been named therein or been a party thereto, as the case may be.

Transitory provisions.

52. (1) Where anything has been commenced by or under the authority of the National Tourism Organization prior to the appointed day, and such thing is in relation to any of the transferred property or any right or liability transferred by or under this Act, such thing may be carried on and completed by or under the authority of the Authority.

(2) Where on the appointed day any legal proceeding is pending to which the National Tourism Organization is a party or is entitled to be a party, and such proceeding has reference to any of the transferred property or any right or liability transferred by or under this Act, the Authority shall be substituted in such proceeding for the National Tourism Organization or shall be entitled to be so substituted.

(3) The Minister may by order make such incidental, consequential and supplemental provision as may be necessary or expedient for the purpose of securing and giving full effect to the transfer of any property, right or liability to the Authority by or under this Act and may make such orders as may be necessary to make any powers and duties exercised by the National Tourism Organization, in relation to any of the transferred property, exercisable by and on behalf of the Authority.

53. (1) The Tourist Guide Service Act, the Hotels and Catering Establishments Act, the Guest Houses and Holiday Furnished Premises Act, the Travel Agencies and Hotel Services Act, and the National Tourism Organization Act, are hereby repealed.

Repeals and
savings.
Cap. 190.
Cap. 197.
Cap. 240.
Cap. 264.
Cap. 310.

(2) The regulations made under the Acts mentioned in subsection (1) of this section, as shown in the Fourth Schedule to this Act, shall, until other provision is made under or by virtue of this Act, continue in force and have effect as if made under this Act and, notwithstanding anything contained in those regulations and in the Acts abovementioned with regard to offences, penalties and criminal proceedings, the provisions of sections 43, 44 and 45 of this Act shall, *mutatis mutandis*, apply to those regulations.

(3) Any licence, permission or other authority granted under any enactment or any provision thereof, repealed by this Act, and still in force immediately before such repeal, shall continue in force thereafter as if it were a licence, permission or authority granted under a corresponding provision of this Act, as the case may require; and any such licence, permission or authority as aforesaid shall be treated and dealt with accordingly.

SCHEDULES

FIRST SCHEDULE

Section 3 (7)

Provisions with respect to the proceedings of the Authority

1. The Authority may act notwithstanding any vacancy amongst its members, provided there is a quorum present at the meeting.

2. The quorum of the Authority shall consist of the Chairperson or deputy chairperson, who, in the absence of the Chairperson for any particular meeting, shall be appointed by the members present, and not less than five other voting members constituting the Authority at the time of the meeting.

3. The meetings of the Authority shall be called by the Chairperson either on his own initiative or at the request of any three members of the Authority, specifying the agenda; and the Authority shall also meet at such times as it may itself decide.

4. The Chairperson, or the deputy chairperson acting in his place, shall have an original vote, and where the votes are equally divided, a second or casting vote.

5. A member of the Authority who has a direct or indirect interest in any matter coming before the Authority for consideration shall, as soon as the relevant circumstances have come to his knowledge, disclose the nature of his interest. Such disclosure shall be recorded in the minutes of the meeting and the member –

(a) shall not take part in any discussion or decision of the Authority with respect to that matter; and

(b) shall be disregarded for the purpose of constituting a quorum for any such discussion or decision.

6. All acts done by any person in good faith as a member of the Authority shall be valid and effective as if he were a member even if some defect in his qualification for appointment is subsequently discovered.

7. Without prejudice to the provisions of section 44 of this Act, any document purporting to be an instrument made or issued by the Authority and signed by the Chairperson of the Authority or by the Chief Executive on its behalf shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by the Authority.

8. Subject to the provisions of this Act, including this Schedule, the Authority may regulate its own procedure.

SECOND SCHEDULE

Section 12 (2)

Executive Directorates

Subject to the Minister's powers under section 12 of this Act, there shall, in addition to the Enforcement Directorate, be the following three executive directorates, to be known as the Marketing and Promotion Directorate, the Support Services, Human Resource Utilisation and Training Directorate, and the Product Planning and Development Directorate. The directorates shall be composed as follows:—

(a) the Marketing and Promotion Directorate shall be composed of:

(i) four persons appointed by the Minister from among persons with knowledge of and experience in marketing and promotion, one of whom shall have such knowledge and experience relating to Gozo, and two of whom shall be from among operators in the tourism sector. The Minister shall nominate one of such four persons to be the Chairperson;

(ii) one person appointed by the Minister on the recommendation of the association recognised by him as being representative of the hotel sector;

(iii) one person appointed by the Minister on the recommendation of the association recognised by him as representative of the tourism and travel agents sector; and

(iv) one person appointed by the Minister on the recommendation of the national airline;

(b) the Support Services, Human Resource Utilisation and Training Directorate shall be composed of:

(i) five persons appointed by the Minister from among persons with knowledge of and experience in human resource development, one of whom shall have such knowledge and experience relating to Gozo, and two of whom shall be from among operators in the tourism sector. The Minister shall nominate one of the said five persons to be the Chairperson;

(ii) one person appointed by the Minister on the recommendation of the association recognised by him as mostly representing the largest number of hotels and catering establishments; and

(iii) one person appointed by the Minister on the recommendation of the association recognised by him as grouping professionals in hotel and catering management;

(iv) one person appointed by the Minister on the recommendation of the association recognised by him as representative of incoming tourism agents; and

(v) one person appointed by the Minister on the recommendation of such other associations recognised by him as representative of other sectors providing tourism services.

(c) the Product Planning and Development Directorate shall be composed of:

(i) six persons appointed by the Minister from among persons with knowledge of and experience in product planning, development and support services, one of whom shall have such knowledge and experience relating to Gozo. The Minister shall nominate one of the said six persons to be the Chairperson;

(ii) one person appointed by the Minister on the recommendation of the association recognised by him as representative of the hotel sector;

(iii) one person appointed by the Minister on the recommendation of the association recognised by him as representative of the tourism and travel agents sector;

(iv) one person appointed by the Minister on the recommendation of the association recognised by him as representative of the transport sector;

(v) one person appointed by the Minister on the recommendation of such other associations recognised by him as representative of other sectors providing tourism services; and

(vi) one person appointed by the Minister on the recommendation of the national airline.

The provisions of subsection (5) of section 3 of this Act, including the provisions of the proviso thereto, shall apply, *mutatis mutandis*, to the members of the executive directorates.

THIRD SCHEDULE

Section 14 (8)

Proceedings before the Tourism Appeals Board, and appeals therefrom

1. Any person who feels aggrieved by a decision of the Authority, as provided in subsection (1) of section 14 of this Act, may appeal to the Tourism Appeals Board, on payment of the prescribed fee, within fifteen days from the date the decision on which the appeal is entered is communicated to the person concerned.

2. The application shall state the grounds for the appeal and the request of the appellant, and a copy of it shall be communicated to the Authority before the appeal is heard.

3. The appellant shall appear before the Board either in person or by agent on the day and at the time fixed for the hearing, make his submissions and produce such evidence as the Board may allow:

Provided that the Board may postpone the hearing of the appeal if it is satisfied that the appellant was prevented from appearing before it owing to illness or absence from Malta or other similiar reasonable cause.

4. The Board shall give the Authority an opportunity to make it submissions in justification of its decisions, and bring such evidence as the Board may consider necessary.

5. The Board shall have the power to summon witnesses and to administer the oath to any person appearing before it.

6. The Board shall have power to confirm, revoke or alter the decision appealed against and give such directions as it may deem appropriate.

7. The decisions of the Board shall be final and no appeal shall lie therefrom except on a question of law only.

8. If the appellant or the Authority, as the case may be, are dissatisfied with any point of law decided by the Board, they may appeal to the Court of Appeal by an application filed as provided in subsection (9) of section 14 of this Act.

9. All hearings of the Board shall be held in public and all decisions of the Board shall be given in public.

10. Subject to the foregoing provisions of this Schedule and to the provisions of this Act, the Board shall regulate its own procedure.

FOURTH SCHEDULE

Section 53 (2)

Regulations kept in force

Hotels and Catering Establishments Regulations, 1972	Legal Notice 67 of 1972 as subsequently amended by Legal Notices: 85 of 1978; 20 of 1979; 16 of 1980; 26 of 1981; 19 of 1986; 94 of 1988; 13 and 57 of 1989; 17, 21, 117 and 135 of 1990; 100 of 1991; 47 of 1992; and 197 of 1996.
Guest Houses and Holiday Furnished Premises Regulations, 1976	Legal Notice 134 of 1976 as subsequently amended by Legal Notices: 16 and 67 of 1978; 13 and 57 of 1980; 17 and 106 of 1981; 16 of 1984; 58 of 1989; 14 of 1990; 12 of 1993; 66 of 1994; and 24 of 1995.
Guest Houses and Holiday Furnished Premises (Licences, Certificates and Appeals) (Fees) Regulations, 1976	Legal Notice 135 of 1976 as subsequently amended by Legal Notices: 17 and 68 of 1978; and 22 of 1979.
Travel Agencies and Hotel Services Regulations, 1980	Legal Notice 41 of 1980 as subsequently amended by Legal Notices: 60 of 1982; and 11 of 1993.
National Tourism Organization (Contributions) Regulations, 1984	Legal Notice 64 of 1984 as subsequently amended by Legal Notice 171 of 1990.
Tourist Guide Service Regulations, 1989	Legal Notice 127 of 1989.

Passed by the House of Representatives at Sitting No. 132 of 7th July, 1999.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives