

Travel Services

TRAVEL SERVICES REGULATIONS, 1983

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Travel Services

Cap 373A.

TRAVEL SERVICES REGULATIONS, 1983

1983/88.
1985/211.

Authority: These regulations were made on 25th April, 1983 by the Minister under section 27 of the *Travel Services Act*.

Commencement: 25th April, 1983.

1. These Regulations may be cited as the *Travel Services Regulations, 1983*.

Short title.

2. (1) A person who on 1st June 1983 is carrying on business as a travel agent shall before the end of December, 1983 apply to the Registrar for a licence to carry on that business.

Travel
agents to
be licensed.

(2) The categories of travel agents for the purposes of these regulations are:

- (a) persons who sell airline tickets;
- (b) persons who package tour programmes for sale; and
- (c) persons who perform facilitation services in Barbados on behalf of a foreign client.

3. An application for the grant or renewal of a licence shall be made in the form set out in the *First Schedule* and the licence shall be in the form set out in the *Second Schedule*.

Form of
applica-
tions and
licences.
First
Schedule.
Second
Schedule.

4. The grant or renewal of a licence is subject to the following conditions:

Conditions
respecting
licences.

- (a) a licence is, unless sooner cancelled or revoked, valid for a period of 12 months from the date of its issue or renewal;
- (b) a licenced travel agent shall make such returns and provide such information relating to his business as the Registrar may require; and
- (c) a licenced travel agent shall, during the period of the validity of his licence, maintain a policy of insurance

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against his liability to pay damages arising out of loss or damage to the property of, or personal injury to, his clients.

Contraven-
tion of
conditions
of licence.

Cap. 373A.

5. Without limiting or affecting regulation 4, and for the purposes of section 23 of the Act, a person contravenes the conditions subject to which a licence is granted if he

- (a) contravenes the *Travel Services Act*, or the regulations;
- (b) misrepresents facts in dealing with passengers or fraudulently solicits business;
- (c) misappropriates or misuses funds held on trust by him under the Act;
- (d) cancels security without prior written notice to the Registrar;
- (e) fails to maintain proper accounts and to submit financial information to the Registrar as required under sections 20(1) and 20(2) of the Act; or
- (f) fails to allow the inspection of premises as provided for under section 21 of the Act.

Surrender
of licence.

6. Every licensed travel agent shall, upon cancellation of the licence, immediately surrender the licence to the Registrar.

Provision
of security.

Third
Schedule.

7. Every licensed travel agent shall provide security in an amount not less than the minimum amount specified in Part I of the *Third Schedule*; and shall maintain the security for as long as he is licensed under the Act or, as the case may be, for as long as he has a liability towards his customers.

Discontin-
uance of
security.

8. (1) Where a licensed travel agent proposes to discontinue maintaining security he shall so notify the Registrar at least 10 working days, before so doing.

(2) Where a notice of intention to cancel a security is served on the Registrar under paragraph (1) and the security is cancelled on or before the date stated in the notice, the registration of the travel agent ceases to be valid unless prior to the date stated in the notice a replacement security is received by the Registrar.

Types of
security.
1985/211.

9. (1) Security for the purposes of section 16 of the Act may be provided by licensed travel agents as follows:

- (a) an individual guarantee policy;
- (b) a collective guarantee policy;
- (c) a deposit of cash;
- (d) a certified cheque or money order payable to the order of the Accountant General;
- (e) a deposit of a bearer bond issued or guaranteed by the Government the market value of which must be equal to the appropriate amount specified in Part I of the *Third Schedule*; or Third Schedule.
- (f) a bond executed and guaranteed by an insurance company, a bank registered under the *Banking Act* or any other like financial institution. 1985/211.
Cap. 322.

(2) The Minister may refuse to accept any security provided for the purposes of section 16 of the Act and this regulation if he is satisfied that such security is unsatisfactory.

10. Subject to regulation 16, every licensed travel agent shall, for the purposes of section 19 of the Act, at all times establish and maintain a trust account in Barbados, at a bank registered under the *Banking Act*, in which he shall deposit all moneys of which he is trustee or which he has collected for the account of a customer to be remitted to a third party. Provision
of trust
account.

Cap. 322.

11. Moneys collected by a travel agent for services rendered or disbursements to be made shall be immediately deposited into the trust account referred to in regulation 10. Deposit of
moneys in
trust
account.

12. (1) A travel agent may only withdraw from the trust account Withdrawals
from trust
account.

- (a) moneys to be remitted to a customer or in the name of the customer;
- (b) moneys required to cover disbursements and costs for services incurred in the customer's name, which costs must be the object of a statement appropriately drawn up and rendered to the customer and accepted by him; or
- (c) moneys directly transferred to another trust account and held in the customer's name.

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(2) Moneys withdrawn from the trust account pursuant to paragraph (b) of regulation 12 must be withdrawn only

- (a) by cheque made to the order of a travel agent; or
- (b) by a transfer to a bank account, other than a trust account, in the name of the travel agent.

Limitations
or with-
drawals
from trust
account.

13. Moneys withdrawn by a travel agent from the trust account, for or in the name of the customer shall not exceed the total amount of the moneys held in the trust account for that customer; and in no case shall moneys held in a trust account be used to service business accounts or personal accounts of a travel agent.

Right of
recourse
of trust
funds.

14. A travel agent has at all times a right of recourse through privilege, compensation or otherwise, in respect of the sums deposited in trust.

Books,
registers
and
accounts.

15. A travel agent shall keep his books, registers, accounts and accounting system up to date in respect of his business activities and in which shall be noted

- (a) all moneys received by him in trust;
- (b) all disbursements made by him from his trust account;
- (c) the balance of moneys held by him in total and for each customer;
- (d) the assests and liabilities of his business; and
- (e) all other transactions affecting the financial position of his business.

Exemp-
tions by
the
Minister.

Third
Schedule.
1985/211.

16. (1) The Minister may, by order, exempt any category of travel agent from the requirements of sections 16 and 19 of the Act, and may require any such category of travel agent to obtain comprehensive indemnity insurance in the amount specified in Part II of the *Third Schedule*.

- (2) A travel agent who
 - (a) holds membership of the International Air Transport Association; and

- (b) satisfies the Minister that he is utilising the Bank Settlement Plan as established by the International Air Transport Association

is exempt from the requirements of regulation 10, but where any such travel agent ceases to utilise the Bank Settlement Plan he shall

- (c) immediately inform the Minister in writing; and
(d) comply with the requirements of regulation 10 within such time as the Minister determines.

17. (1) A travel agent shall, when advertising his business in a printed form, display his licence number as part of the advertisement.

Conditions
respecting
advertising
by travel
agents.

(2) In all printed forms of advertising relating to travel there shall be included thereon, in bold print, the following statement, "Special terms and conditions may apply to a contract of carriage".

(3) A travel agent shall, on request, make available to a party to a contract of carriage a copy of any special terms and conditions, referred to in paragraph (2), that are applicable to that contract.

18. The Registrar may, at any time, request from a travel agent printed or written material used for purposes of advertising and may, with the approval of the Minister, require the withdrawal of any material that in his view is misleading or offensive.

Request
for
advertising
material.

19. A person licensed to carry on business as a travel agent shall not carry on any business other than as a travel agent within the same premises of his operation.

Limitation
on business
premises
of travel
agent.

20. Section 25 of the Act applies to appeals against decisions made under these regulations as it does to appeals against decisions made under the Act.

Appeals.

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FIRST SCHEDULE

(Regulation 3)

APPLICATION FOR TRAVEL SERVICES LICENCE UNDER THE
TRAVEL SERVICE ACT, CAP. 373A

1.
 - a. Full name of applicant.....
 - b. Address of applicant.....
 - c. Address (es) of any branch office (s)
2. Type of business for which licence is required.....
3. New application [] Renewal []
4. Indicate the category of your business by checking one of the following:
 - a. Travel Agent under the *Travel Services Act, Cap. 373A* []
 - b. Agency [] Corporation []
Partnership []
5. Security
 Individual [] Collective []
Mode
6. Date of registration/incorporation in Barbados.....
7.

Authorised Capital	Subscribed Capital	Paid-up Capital
.....
8. Full names, addresses, nationality and where necessary immigrant status of directors and partners and associates together with the capital share subscribed by each
.....
.....
.....
.....

9. Specify for management and staff details of involvement in the travel business including training, qualifications, years of experience and other consultancy work completed.....
.....
.....
10. a. Name and address of bankers
.....
.....
.....
- b. Name and address of auditors
.....
.....
.....
- c. Name and address of financial institution managing the trust company
.....
.....
11. Full names and addresses of persons authorised to sign all documents relating to the trust account.....
.....
.....
12. During the last fiscal year the office for which a licence is being requested
- a. Handled (number) _____ of visitors and represented the following agencies/business by destination e.g. air, shipping, tour agencies.
- | <i>Name of company</i> | <i>No. of persons handled</i> |
|------------------------|-------------------------------|
| (i) | |
| (ii) | |
| (iii) | |
| (iv) | |
| (v) | |
- b. Had total sales volume of \$
and Gross Income of \$.....
13. State whether you have financial or other interest in a travel services business other than the one for which this application is made
.....

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If yes, state the name of the firm under which it operates

.....
.....

14. State whether the applicant, partners, associates or staff has/have within the seven years immediately preceding this application been

- (a) convicted of bankruptcy
(b) involved in any business which was subject to liquidation or other winding up procedures
.....

Note: This application should be accompanied by the following documents. *indicates these documents are not required when making application for a renewal of licence.

*Certificate of character

*Certificate of Incorporation

SECOND SCHEDULE

(Regulation 3)

MINISTRY RESPONSIBLE FOR TOURISM

Travel Services Act, Cap. 373A

LICENCE

This licence is hereby granted to carry on the following types of business:

.....
.....
.....
.....

Date of issue:.....

Date of Expiry:.....

Fee paid:.....

Receipt number:.....

Note: This licence is issued subject to the provisions of the *Travel Services Act, Cap. 373A* and to all rules, regulations and other Statutory Instruments made thereunder.

.....
Registrar

Affix
Official
Stamp
here.

THIRD SCHEDULE

PART I

AMOUNT OF SECURITY

1985/211.

(Regulation 7)

SECURITY PROVISIONS	TOUR OPERATOR OR GROUND TOUR OPERATOR	TRAVEL AGENTS
Amount of Security to be provided		
(a) by new applicant for a licence; or		
(b) on renewal of a licence	...	
	\$10,000	\$100,000

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PART II

(Regulation 16)

AMOUNT OF INSURANCE COVERAGE

Insurance coverage equivalent to 5% of the gross business turnover of the preceding year.