

BELIZE:

STATUTORY INSTRUMENT

No. 90 of 1999

REGULATIONS made by the Belize Tourist Board in exercise of the powers conferred upon it by section 15 of the Belize Tourist Board Act, Chapter 232A of the Laws of Belize, Revised Edition 1980-90, and all other powers thereunto it enabling.

(Gazetted 31st July, 1999.)

1. These Regulations may be cited as the

Short title.

**BELIZE TOURIST BOARD (TOUR OPERATORS)
REGULATIONS, 1999.**

2. (1) In these Regulations, unless the context otherwise requires:-

Interpretatio

"Board" means the Belize Tourist Board established under the Belize Tourist Board Act;

CAP. 232A.

"Committee" means the Tour Operators Committee established under Regulation 3 below;

"drug" means a controlled drug under the Misuse of Drugs Act;

No.22/1990.

"licence" means a licence issued under these Regulations and "licence holder" shall be construed accordingly;

"Minister" means the Minister responsible for Tourism;

"tour operator" means, subject to Regulation 6(2) below:

(a) a Belizean citizen, or permanent resident with the business of tour operator defined as his occupation on his permanent residency permit, who falls into one of the various categories set out in subregulation (2) below;

or

(b) an entity which is controlled by a majority of Belizeans or permanent residents of Belize, or a company whose majority shareholding is owned by Belizean citizens or permanent residents, which falls into one of the various categories set out in subregulation (2) below.

(2) The various categories referred to in the definition of "tour operator" in subregulation (1) above are:-

(a) an individual, company or entity that operates and markets tour packages internationally, and also executes complete tour packages of any nature to guests, including transportation within Belize, lodgings, meals, and guided tours to pre-selected tourist sites in Belize by air, sea or land, including guided dive and snorkeling tours to pre-selected tourist sites within the territorial waters of Belize;

(b) an individual, company or entity that executes countrywide tour packages of any nature to guests and offers lodgings, meals and guided tours to pre-selected tourist sites in Belize by air, sea or land;

(c) an individual, company, or entity that executes localized tour packages of any nature to guests

and offers lodgings, meals and guided tours to pre-selected tourist sites in Belize by air, sea or land;

- (d) an individual, company or entity (including without limitation all types of hotels and tourist accommodation as defined in the Hotels and Tourist Accommodation Act) that is involved in executing ground handling operation tour services, either of a complete nature or a segment thereof, and which works or represents international interests, or works with international tour individuals, companies or entities in partnership through satellite operations, strategic alliances or otherwise.

No. 12/1997

3. (1) For the purposes of these Regulations, there shall be and is hereby established a Committee to be known as the Tour Operators Committee (hereinafter referred to as "the Committee") which shall be constituted in the manner provided in subregulation (2) below.

Tour
Operators
Committee.

(2) The Committee shall consist of nine members appointed by the Minister as follows:-

- (a) three representatives nominated by the local Tour Operators Association recognised by the Board;
- (b) two representatives nominated by the Board;
- (c) one representative nominated by the Belize Tourism Industry Association;
- (d) one representative nominated by the Belize Hotel Association;
- (e) one representative nominated by a Tour Guide Association recognised by the Board;

and

- (f) one representative nominated by the Minister in his absolute discretion.

(3) In making any appointment under subregulation (2) above, the Minister shall first take into account, consider and have due regard to the geographical distribution of tour operators in order to ensure, where applicable, that all tourism destinations are adequately represented.

(4) Each member of the Committee shall hold office for a period not exceeding two years as may be specified in his instrument of appointment and shall be eligible for reappointment.

(5) The members of the Committee shall elect from among their number a suitable person to be the Chairperson of the Committee, and the Chairperson so elected shall have an original and a casting vote.

(6) A member of the Committee may at any time resign his office by instrument in writing addressed to the Chairperson of the Committee, and in the case of the Chairperson addressed to the Minister.

(7) The Minister may for good and sufficient cause revoke the appointment of a member of the Committee:-

- (a) upon the recommendation of the total membership of the Committee; or
- (b) where he thinks it expedient to do so:

Provided that in revoking the appointment of a member of the Committee under paragraph (b) above, the Minister shall only do so after consultation with, and with the majority consensus of, the whole Committee.

(8) The quorum at all meetings of the Committee shall be five members.

(9) Subject to these Regulations, the Committee may regulate its own procedure.

4. The functions of the Committee shall include:-

Functions of
the Committe

- (a) receiving, considering and determining applications for licences under these Regulations;
- (b) providing advisory information and other related services to licence holders;
- (c) assisting licence holders in any matters affecting the discharge of their functions;
- (d) performing any other functions for the better carrying out of the objects and purposes of these Regulations including but not be limited to defining policy guidelines for the tour operators industry, setting and revising on a continuous basis the licensing criteria for tour operators, and developing rules and regulations for the training of tour operators and other related activities.

5. An individual, company or entity desiring to operate as a tour operator in and within Belize from the commencement of these Regulations shall complete and submit an application form to the Committee in the form set out in the First Schedule to these Regulations.

Tour Operat
to be licensed
Application f
First Schem

6. (1) Subject to subregulation (2) below, the Board shall grant a licence to:-

Criteria for
licensing.

- (a) an individual who is a Belizean citizen or permanent resident with the business of "tour operator" defined as his occupation on the permanent residency permit;

- (b) an entity which is controlled by a majority of Belizeans or permanent residents of Belize, or a company whose majority shareholding is owned by Belizeans or permanent residents, and which possesses a valid trade licence;
- (c) applicants who have not, for the past five years, been convicted of an offence involving dishonesty, and who have not within that period been declared bankrupt;
- (d) applicants with all appropriate tour and safety equipment essential for the particular tour operation as set out in the Third Schedule hereto;
- (e) applicants with the ability and capability to package, market and/or operate tours and represent Belize, both within and without, in a professional manner;
- (f) individuals who are eighteen (18) years old and above;
- (g) applicants who submit, together with their application forms as set out in the First Schedule hereto:-
 - (i) proof of "tour operators" business registered under the laws of Belize; and
 - (ii) one written letter of recommendation from an individual within the tourism community of Belize of good standing recognised by the Committee; and
 - (iii) a non-refundable application fee of Belize two hundred and fifty dollars; and

er and Safety
ipment.

rd
chedule.

ication Form
t Schedule.

- (iv) two photographs of the interior and exterior of the place where they carry on the business of tour operators; and
- (v) in the case of a company, a copy of its memorandum and articles of association and certificate of registration; and
- (vi) professional details of persons employed or to be employed by the applicant, and the number of Belizean citizens or permanent residents so employed; and
- (vii) a description of the nature and category of tour packages offered, or to be offered, by the applicant, including the equipment operated by the tour operator, and the tourist sites or tourist activities associated with such tour packages.

((2) Tour Operators who have been operating as such for a period of at least one year before the commencement of these Regulations (including without limitation all types of hotels and tourist accommodation as defined in the Hotels and Tourist Accommodation Act) and who do not meet the licensing criteria specified in subregulation (1)(a) and (b) above may obtain a licence under these Regulations provided that they meet all the other licensing criteria specified in subregulation (1)(c) to (g) above and provided further that they submit to the Committee:-

No. 12/1997.

- (a) proof of continuous tour operations in Belize for a period of at least one year prior to the commencement of these Regulations, in the form of receipts, evidence of income and business tax returns or previous trade licences or any other evidence of a similar nature; and
- (b) proof that they are competent to conduct the business of tour operators; and

- (c) any other requirements which the Committee may stipulate as a condition precedent to the issue of the licence.

(3) Tour operators who do not fall under the categories specified in Regulation 2(2), or under subregulation (2) of this Regulation may only operate in Belize if they utilise the services of tour operators licensed under these Regulations and they submit to the Committee, in such detail as the Committee may require, the names and other particulars of such tour operators.

(4) Any foreign tour operator who conducts tour operations in Belize in contravention of subregulation (3) above commits an offence and shall be liable on summary conviction to a fine not exceeding Belize five thousand dollars or to imprisonment for a period not exceeding twelve months.

Licences.

7. (1) A licence issued by the Committee to a tour operator under these Regulations:-

- (a) shall expire on the 31st December in each year;
- (b) shall be issued upon payment to the Board of a non-refundable fee of Belize two hundred and fifty dollars by the applicant;

**Form of Licence.
Second
Schedule.**

- (c) shall be in the form set out in the Second Schedule to these Regulations;
- (d) shall, unless revoked by the Committee for just cause, be renewable by the Committee upon payment to the Board by the applicant thereof of a non-refundable fee of Belize two hundred and fifty dollars; and upon full compliance with all the conditions stipulated by the Committee;
- (e) may be revoked by the Committee if the licence holder contravenes any term or condition set out therein;

- (f) shall be non-transferable and non-assignable;
- (g) shall be subject to such terms and conditions as the Committee may think fit to impose.

(2) A licence issued under these Regulations shall not provide or cover for:-

- (a) work permits; and
- (b) any other permits required under any law in force in Belize for operating a business in Belize.

(3) Where a licence issued by the Committee to an applicant under these Regulations has been lost, destroyed, defaced or mutilated, the licence holder may apply to the Committee for a replacement copy thereof upon payment of a non-refundable fee of Belize twenty five dollars and such licence shall expire on the 31st December of the year in which it is issued.

(4) All fees paid pursuant to these Regulations shall be credited to the account of the Board.

8. It shall be the duty of all licence holders under these Regulations:-

- (a) to utilise only licensed tour guides and tour operator;
- (b) to maintain valid, licensed and insured tour and safety equipment as set out in the Third Schedule to those Regulations;
- (c) to be in possession of valid passenger liability insurance on all equipment at all times;
- (d) to take all necessary steps to safeguard the environmental, moral, historical and cultural integrity of Belize;

Duties of
licence holders.

Tour and Safety
Equipment.
Third Schedule.

- (e) to maintain at all times appropriate personal appearances and ensure that their employees do the same;
- (f) to cooperate with the Committee whenever this is necessary for the development of tourism in Belize.

Offences and penalties.

9. (1) Any licence holder who:-
- (a) insults, abuses or harasses without just cause a tourist under his care; either through word or deed; or
 - (b) induces or encourages a tourist under his care to do anything contrary to the laws of Belize which goes against good customs and morals; or
 - (c) carries out or attempts to carry out his functions under these Regulations while under the influence of alcohol or illicit drugs; or
 - (d) offers for sale or otherwise any illicit drugs or illegal commodity to tourists; or
 - (e) engages in any activity detrimental to the environmental integrity or archaeological or cultural heritage of Belize;

commits an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a period not exceeding six months, or to both such fine and period of imprisonment.

(2) Any person who operates, advertises or holds himself out as a tour operator without first obtaining a licence

issued under these Regulations, or having been issued with a licence, operates in contravention of any term or condition contained in the licence, commits an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a period not exceeding six months, or to both such fine and period of imprisonment.

(3) All fines paid under these Regulations shall be credited to the account of the Board.

(4) Without prejudice to any penalties which may be prescribed by any other law, if a tour operator engages in any conduct which is not specifically prohibited under these Regulations but which in the opinion of the Committee places the profession in disrepute, the Committee may impose on such tour operator any of the following disciplinary measures, namely:-

- (a) a reprimand; or
- (b) suspension of the licence of the tour operator for such period as the Committee may determine; or
- (c) refusal to renew a licence of the tour operator for such period as the Committee may determine; or
- (d) revocation of the licence of the tour operator.

10. (1) Upon the commencement of these Regulations, the Belize Tourist Board (Tour Operators) Regulations shall stand repealed, but such repeal shall not affect the validity of any licence issued thereunder which will be in force after the commencement of these Regulations.

Repeals and
commencement
S.S. 21/1997.

(2) These Regulations shall come into force on the
day of _____, 1999.

MADE by the Belize Tourist Board this _____ day of
_____ 1999.

Acting (Chairman)
Belize Tourist Board

APPROVED by the Minister of Tourism this 12th day
of May, 1999.

(MARK ESPAT)
Minister of Tourism

FIRST SCHEDULE (REGS. 5 AND 6)

BELIZE TOURIST BOARD

(TOUR OPERATORS) REGULATIONS, 1999

APPLICATION FORM

Name of Applicant (Company _____

(Entity _____

(Individual _____

(Owner/Manager _____

Business Address _____

Telephone _____ Fax: _____

Home Address _____

Telephone _____

Date legally registered _____

Ownership of company/Entity _____

Name _____

Address _____

Telephone/Fax/E-Mail/Website/

DATE

SIGNATURE

FOR OFFICIAL USE ONLY

Recommendations

SECOND SCHEDULE (REG. 7)

BELIZE TOURIST BOARD

(TOUR OPERATORS) REGULATIONS

FORM OF LICENCE

NOT TRANSFERRABLE/ASSIGNABLE

LICENCE NO.

(INSERT FULL NAME AND ADDRESS OF LICENSEE)

being qualified to operate as a tour operator, and having paid the fee of _____ dollars, is hereby licensed under the Belize Tourist Board (Tour Operators) Regulations, 1999 to operate as a **TOUR OPERATOR** _____ in Belize until the _____ day of _____

(specify type of activities allowed)

(specify expiry date)

(specify expiry month)

 (specify expiry year)

DATED this _____ day of _____, _____

(date)

(month)

(year)

CHAIRPERSON
Tour Operator Committee

THIRD SCHEDULE (REG. 6 AND 8)**BELIZE TOURIST BOARD****(TOUR OPERATORS) REGULATIONS, 1999****TOUR AND SAFETY EQUIPMENT**

1. Fire Extinguisher
2. First Aid Kits
3. Seat Belts
4. Life Jackets
5. Flares/Reflectors/Lights
6. Fire Axe (optional)
7. Communication Device
8. Tow Cable
9. Tool Box
10. Flash Light
11. Adequate sealed drinking water.