



KHYBER PAKHTUNKHWA

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THE KHYBER PAKHTUNKHWA CULTURE AND TOURISM AUTHORITY

NOTIFICATION

Dated Peshawar the 07.10.2021.

No.DD(Admn)/KPCTA/1-18/2021. In exercise of powers conferred by section 56 of the Khyber Pakhtunkhwa Tourism Act, 2019 (Khyber Pakhtunkhwa Act No. XXVIII of 2019) read with clause (n) in sub-section (1) of section (10) thereof the Khyber Pakhtunkhwa Culture and Tourism Authority is pleased to make the following regulations, namely:

THE KHYBER PAKHTUNKHWA HOSPITALITY AND TOURISM SECTOR (REGISTRATION, LICENSING AND CLASSIFICATION OF TOURISM PRODUCTS) REGULATIONS, 2021

Chapter-I (Preliminary)

1. **Short Title, Application and Commencement.**--- (1) These regulations may be called the Khyber Pakhtunkhwa Hospitality and Tourism Sector (Registration, Licensing and Classification of Tourism Products) Regulations, 2021.

(2) These regulations shall apply to all hotels, restaurants, guest houses, holiday cottages, home stay hotels, camping, campsites, tour operators, adventure tour operators, tourist guides, adventure tourist guides and travel agencies and rent-a-car services in the province of Khyber Pakhtunkhwa.

(3) These regulations shall come into force at once.

2. **Definitions.**--- (1) In these regulations, unless the context otherwise requires, -

a) "Act" means the Khyber Pakhtunkhwa Tourism Act, 2019 (Khyber Pakhtunkhwa Act No. XXVIII of 2019);

b) "Adventure Tourism" means the movement of the people from one to another place outside their comfort zone for exploration or travel to remote areas, exotic destination and possibly hostile areas and may include some form of unconventional means of transportation.

c) "Adventure Tourism Activity" includes:

- i) Trekking, Hiking, Mountaineering, Rock Climbing, Artificial Wall Climbing, Ice Climbing, Mountain Biking and Cycling, Motorcycle Touring, All Terrain Vehicles, Zip Lining, Motorcycle and Cycle Tours, Skiing and Snowboarding collectively called as land based activities;
- ii) Boating, Sailing, Rafting and Kayaking collectively called as water sports; and
- iii) Paragliding, Hang Gliding, Hot Air Ballooning collectively called aero sports;

- d) **“Adventure Tour Operator”** means an operator who is engaged in activities related to adventure tourism in Pakistan and may also include arrangements for transport and accommodation of adventure tourists;
- e) **“Adventure Tourist Guide”** means a person licensed as Adventure Tourist Guide under these regulations;
- f) **“Authority”** means the Khyber Pakhtunkhwa Culture and Tourism Authority established under the Act;
- g) **“Board”** means the Board of Directors of the Authority;
- h) **“Camping”** means an outdoor activity involving overnight stays, in natural environment away from home, in a shelter, including tent, in pursuit of recreation and includes camping with amenities and comforts such as beds, electricity and heating and cooling system.
- i) **“Campsite”** means any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of ten or more tents free of charge or for compensation but does not include scout camps, youth camps, industrial camps and public areas which are restricted in use to picnicking.
- j) **“Controller”** means an officer of the Authority authorized under these regulations and includes a Deputy Controller and an Assistant Controller and such other persons as may be authorized to perform all or any of the functions of the Controller;
- k) **“Committee”** means the Hospitality and Tourism Advisory Committee constituted under regulation (3);
- l) **“Customer”** means a person availing facilities offered in a restaurant on monetary consideration;
- m) **“Fair Rates”** means the rates fixed under regulation (31) and includes revised rates;
- n) **“Form”** means form appended to these rules;
- o) **“Government”** means the Government of the Khyber Pakhtunkhwa;
- p) **“Guest”** means a person who is in possession or enjoyment of accommodation provided to him in a hotel, guest house, home stay hotel, holiday cottage or a campsite on monetary consideration;
- q) **“Guest House”** means small hospitality operations, within residential districts or outside main urban centers, comprising of a maximum of nine rooms with structured operation involving multiple staff members offering standard guest services;
- r) **“Hard Adventure Activity”** means activity with high level of risk, requiring intense commitment and advanced skills and includes Caving, Mountain Climbing, Rock Climbing, Ice Climbing, Trekking and Sky Diving;
- s) **“Holiday Cottage”** means a small home used for holiday vacations or temporary housing rented by tourists often for less than ninety days for use as if it were their own home for the duration of their stay;
- t) **“Home Stay Hotel”** means an up to ten rooms-house with rooms converted into overnight accommodation facility with the owner usually staying on the premises and taking responsibility for serving breakfast and other operational help to guests;
- u) **“Hotel”** means a lodging or boarding and lodging establishment with a minimum of ten lettable bedrooms provided for tourists on monetary consideration, which conforms to any of the minimum criteria in these regulations, but does not include (i) a home or hostel which is exclusively or mainly used for the aged or invalid persons or students and is run by or under the control of a charitable or educational institution or (ii) any rest house, hostel or circuit house exclusively meant for visiting Government officials or officials of other organizations, though run on a commercial basis;

- v) **“License”** means a license issued under these regulations;
- w) **“Manager”** means the person in charge of the management of a hotel, a restaurant, guest house, home stay hotel, holiday cottage or a campsite;
- x) **“Member”** means a member of the committee and includes the chairman;
- y) **“Organization”** means an organization which makes arrangement for lodging, transport or other services relating to travel of person or groups within Pakistan or arranges entertainment, sightseeing, group tour, trekking and mountaineering, parties excursion and guide services through licensed guides whether the arrangements are made on the basis of comprehensive all inclusive rates or on the basis of separate charges for each service provided.
- z) **“Owner”** means the person who holds title to a guest house, home stay hotel, holiday cottage, hotel, campsite or restaurant and is entitled to receive the whole or any part of the earnings received from a guest or customer on account of accommodation or services provided, and includes a keeper or assignee for the time being discharging the responsibility of the owner in respect of such establishment;
- aa) **“Province”** means the province of Khyber Pakhtunkhwa;
- bb) **“Public Room”** means a room in a guest house, home stay hotel, holiday cottage, hotel, or tent in a campsite which is meant for the common use of all guests;
- cc) **“Rent-a-Car Service”** means a transport service, operated by an individual or a company that provides transport on rent to tourists directly or through an operator of another tourism product and includes branches of such transport service
- dd) **“Restaurant”** includes a public eating house providing standard and variety of cuisines on monetary consideration to tourists;
- ee) **“Schedule”** means schedule appended to these regulations;
- ff) **“Service”** means any service provided in a guest house, home stay hotel, holiday cottage, hotel, campsite or a restaurant or by an adventure tour operator, tour operator, tourist guide or by a travel agency;
- gg) **“Soft Adventure Activity”** means activity with a perceived low level of risk, requiring minimal commitment and beginning skills and includes Backpacking, Camping, Canoeing, Eco-Tourism, Fishing, Hiking, Hunting, Kayaking, Scuba Diving, Skiing, Snowboarding and Surfing.
- hh) **“Tourist”** means a person whether residing inside or outside the Province or a citizen of other country who validly enters the Province and remains therein for not less than twenty-four hours and not more than six months in the course of any year for purposes such as touring, recreation, sports, health, study, business and religious pilgrimage and includes a person, whether a citizen of Pakistan or not, who stays overnight or more as a guest in a guest house, home stay hotel, holiday cottage, hotel, or campsite at a place other than his normal place of residence.
- ii) **“Tourist Guide”** means a person who is licensed under these regulations and helps and guides tourists and conducts group tours and sightseeing in Pakistan;
- jj) **“Tour Operator”** means a person or a corporate entity engaged in activities related to tourism in Pakistan namely, sightseeing trips of historical sites, archaeological sites, old cities and other places of cultural interest and general sightseeing tours including activities related to making arrangements for transport, accommodation and tour guides for tourists and taking responsibility for the tour package with a corresponding guarantee; and
- kk) **“Travel Agency or Travel Agent”** means a person, by whatever name called, who (i) makes, directly or indirectly, on commercial basis arrangements for the passage of the tourists, or use of transport, or transportation of their baggage or goods by sea, air, rail or

road; or (ii) makes arrangements for lodging, transport or other services relating to travel of persons within or outside the Province or arranges entertainment, sightseeing, excursion and guide services, whether the arrangements are made on the basis of comprehensive all inclusive rates or on the basis of separate charges for each service provided; or (iii) has been delegated general authority in respect of sales for the airlines or other carriers, either directly or through sub-contract.

(2) Words and expressions used but not defined in these regulations shall, unless the context otherwise requires, have the meanings assigned to them in the Act or rules made there under.

Chapter-II (Provisions of General Application)

3. Hospitality and Tourism Advisory Committee, Structure and Functions.--- (1) There shall be a Hospitality and Tourism Advisory Committee consisting of the following members:

- i) One nominee of the Chief Minister /Chairman Provincial Tourism Strategy Board to be the chairman of the Hospitality and Tourism Advisory Committee;
- ii) Six members, including the Controller, nominated by the Board;
- iii) One member nominated by the Department;
- iv) Six members including one member each nominated by the respective registered Associations of Hotels, Restaurants, Tourist Guides and Adventure Tour Operators, Tour Operators and Travel Agencies and Rent-a-Car Services;
- v) Manager (Regulation) in the Authority as member cum secretary

(2) In case there is no registered Association or the Association fails to nominate its representative within fifteen days after receipt of notice from the Director General, the Authority shall nominate a license holder for the respective category of tourism products operators to represent the group till the time a registered Association nominates a representative.

(3) The Chairman shall hold office during the pleasure of the Chief Minister and on such terms and conditions as the Chief Minister may determine.

(4) The members nominated by the Authority and the Department shall hold office unless replaced by the Authority or, as the case may be, the Department.

(5) Members representing the Associations shall hold office for a period of two years commencing from the date of the first meeting after their nomination.

(6) The terms and conditions including the amount of honoraria payable to the members other than the Chairman shall be determined by the Authority.

(7) In its first meeting the committee shall elect one of its members to deputize the Chairman in his absence from a meeting.

4. Functions of the Committee.--- (1) The Committee may render assistance and advice to the Authority in matters relating to the implementation and administration of the Act and these regulations.

(2) The Committee shall assist in the:

- i) Classification of hotels;
- ii) Determination and revision of fair rates;
- iii) Annual review of the code of conduct for guest houses, home stay hotels, holiday cottages, hotels, campsites, restaurants, tourist guides, adventure tourist guides, tour operators, adventure tour operators and travel agencies;

(3) The Committee shall:

- i) Fix the rates of service charges of tourist guides, adventure tourist guides, tour operators, adventure tour operators and travel agencies in respect of various services rendered by them to the tourists;
- ii) The rate of rent for Rent-a-Car Services
- iii) Fix the annual rate of tourism levy payable by persons engaged in tourism products;
- iv) Perform such other functions as are in consonance with or ancillary to objectives of the Act and which the Authority may entrust to it.

(4) The Committee may:

- i) Advise the Authority from time to time in respect of license fees for guest houses, home stay hotels, holiday cottages, hotels, campsites, restaurants, tourist guides, adventure tourist guides, tour operators, adventure tour operators, travel agencies and rent-a-car services.
- ii) Inspect premises, registers and records of guest houses, home stay hotels, holiday cottages, hotels, campsites, restaurants and offices of travel agencies, tourist guides, adventure tourist guides, tour operators and adventure tour operators or any other license holder under these regulations against whom a complaint has been lodged if the committee considers that such inspection would facilitate proper disposal of the complaint.

5. Meetings of the Committee.--- (1) The committee shall have at least one meeting in every three months and a minimum of four meeting in every calendar year.

(2) Meetings of the committee shall be called by the chairman as and when considered necessary and at such times and places as he may deem fit.

(3) A written notice with respect to the time and place together with the agenda and the working paper of the meeting shall be sent by the secretary of the committee to all the members at least fifteen days before the day fixed for the meeting.

(4) Ten members shall constitute the quorum for a meeting of the committee.

(5) The proceedings of every meeting shall be circulated by the secretary of the committee among all the members and relevant offices as soon as possible after confirmation by the chairman.

6. Method of Advice.--- The advice of the committee shall be expressed in the form of a resolution adopted either through consensus or in terms of the opinion of majority of members present and voting in its meeting.

7. Designating Officers of the Authority as Controller etc.--- (1) The General Manager (Culture and Tourism) in the Authority shall be the Controller for the purposes of these regulations.

(2) The Director General shall designate such number of officers to be Deputy Controllers and Assistant Controllers as may be necessary for the performance and discharge of such functions and duties as may be assigned to them and may, by general or special order, provide for the distribution or allocation of work to be performed by them.

(3) The Controller shall perform his functions and discharge his duties under the general supervision and control of the Director General.

(4) The Deputy Controller and Assistant Controllers shall perform their functions and discharge their duties under the general supervision and control of the Controller.

8. General Functions of the Controller.--- The Controller shall

- a) Address and resolve issues related to licensing and regulation;
- b) Regulate the standard of services and amenities in guest houses, home stay hotels, holiday cottages, hotels, campsites and restaurants;
- c) Regulate tourist guides, adventure tourist guides, tour operators, adventure tour operators, travel agencies and rent-a-car services;
- d) Determine whether the guest houses, home stay hotels, holiday cottages, hotels, campsites, restaurants, tourist guides, adventure tourist guides, tour operators, adventure tour operators, travel agencies and rent-a-car services adhere to standards pertaining to infrastructure, environmental impact assessment, health safety and security prescribed for them;
- e) Facilitate all tourism service providers to get valid licenses for conducting their business;
- f) Facilitate the process of licensing by providing adequate information and support;
- g) Develop an online licensing regime to allow guest houses, home stay hotels, holiday cottages, hotels, campsites, restaurants, tourist guides, adventure tourist guides, tour operators, adventure tour operators, travel agencies, rent-a-car services and operators of other tourism products to obtain and renew licenses with ease;
- h) Enforce licensing and registration regime in the province;
- i) Monitor and assess tourism products for adherence to sound principles and practices of sustainable and responsible tourism;
- j) Carry out inspections of tourism products, take corrective regulatory action; and
- k) Develop working papers, concept notes and policy papers for the Board and the committee to improve registration, licensing and revenue generation regime.

9. Action Taken in Good Faith.--- No suit, prosecution or other legal proceedings shall lie against the Government, the Authority, the Board, the Director General, the Controller, a Deputy Controller, an Assistant Controller, an officer or authority subordinate to Government, or a member of the committee in respect of anything which is in good faith done or intended to be done under the Act, the rules made there-under and these regulations.

10. Provisions of General Application Regarding Validity Period and Renewal of Licenses.---

(1) A license granted under these regulations shall, unless sooner suspended or canceled, remain in force for two years on payment of fee given in **Schedule-I**.

(2) A license granted under these regulations may be renewed for a period of two years at a time on payment of renewal fee given in **Schedule-I**; Provided that a license holder shall have the option to apply for renewal for a period of one year at a time and in that case the applicant shall pay fifty percent of the renewal fee given in **Schedule-I**.

(3) An application for the renewal of an existing license shall be made at least two months before the expiry date of the existing license.

(4) If an application for renewal of an existing license is made within the time in accordance with sub-regulation (3), the license shall continue in force until orders are passed on such application.

- (5) If the application for renewal of a license is made within three months after the expiry, the Controller may renew it on payment of a late fee of rupees ten thousand.
- (6) If the application for renewal of a license is made after three months of the expiry but within six months, the Controller may renew it on payment of a late fee of rupees twenty thousand.
- (7) In case of failure to apply for renewal of an existing license within six months after its expiry the license shall be treated as cancelled.

11. Provisions of General Application Regarding Suspension of Licenses.--- (1) A license issued under these regulations shall stand suspended on the death of the license holder and shall remain suspended till it is transferred in the name of legal successor after due process.

(2) In addition to specific grounds for suspension of licenses of tourism products, enumerated elsewhere in these regulations, a license under these regulations may be suspended if a license holder:

- a) is being investigated in relation to an offence under the Act; or
- b) is charged for misconduct or for contravening any provision of the Act and rules made there under; or
- c) is charged of having made a false declaration in his application; or
- d) has become defaulter of a financial institutions; or
- e) is declared insolvent by a court of law; or
- f) has become of unsound mind and, as such, incapable to operate the tourism product.

12. Provisions of General Application Regarding Cancellation of Licenses.--- A license issued under these regulations shall be cancelled if the license holder is convicted of an offence under the Act or these regulations or if the license holder ceases to be qualified for the issuance of a license under the Act.

13. General Restriction on Suspension and Cancellation of Licenses.--- (1) A license issued under these regulations shall not be suspended or cancelled unless the license holder is given a minimum of fifteen days notice of the action proposed to suspend or cancel the license.

(2) Every license holder shall have right to be provided a reasonable opportunity and time period to correct the observations leading to suspension or cancellation of the license.

(3) A license holder, whose license has been suspended or cancelled, shall not engage in the tourism products, activities and services in respect of which the license was granted during the duration of suspension or after cancellation of the license.

14. General Provisions Regarding Transfer of Licenses.---(1) A license issued under these regulations to a tourist guide or adventure tourist guide shall be non-transferable.

(2) Subject to sub-regulation (1) a license issued under these regulations may be transferred only with express permission to this effect given by the Controller after fulfillment of all requirements given in these regulations.

(3) While allowing transfer of a license, the Controller shall specify the date on which the transfer of license shall take effect.

15. General Provisions Regarding Enquiries in Cases of Refusal to Register etc.--- (1) The Controller shall not refuse registration, or cancel or suspend a license issued under these regulations, except after holding an enquiry in the matter.

(2) For the purpose of holding an enquiry under sub-regulation (1) or any other enquiry which he may deem necessary for the purposes of these regulations, the Controller shall have the same powers as are vested in a civil court in respect of --

- a) proof of facts by affidavit;
- b) summoning and enforcing the attendance of any person and examining him on oath;
- c) compelling the production of documents and other material evidence; and
- d) issuing commissions for the examination of witnesses.

16. Confirmation of Certain Orders Regarding Licenses etc.---(1) The following orders of the Controller, Deputy Controllers or Assistant Controllers shall be subject to prior confirmation by the Director General before implementation:

- a) Suspension of licenses;
- b) Cancellation of licenses;
- c) Refusal to register and license a hospitality product as detailed in regulation (18);
- d) Refusal to classify a hotel;
- e) Refusal to grant license to a tour operator or adventure tour operator or rent-a-car service;
- f) Refusal to grant license to a tourism product as detailed in regulation (61); and
- g) Lowering classification of a hotel.

(2) It shall be mandatory for the Controller, Deputy Controller or, as the case may be Assistant Controller to submit a self-contained case with regard to matters mentioned in sub-regulation (1) for consideration of the Director General before intimating orders to the license holders or, as the case may be, applicants.

(3) While considering the reference under sub-regulation (2), the Director General shall afford an opportunity of hearing to the license holder or, as the case may be applicant who is going to be adversely affected by the action proposed in the reference

(4) The Director General shall have powers to alter the action proposed in the reference.

(5) The Director General shall decide the reference within thirty day.

(6) Any person aggrieved by an order passed or direction issued under these regulations may, within fifteen days of the date of the order, prefer an appeal under section (49) of the Act.

17. General Code of Conduct for License Holders.--- (1) Every license holder under the regulations shall:

- a) demonstrate enthusiasm for Pakistan and represent it objectively;
 - b) maintain good image of Pakistan;
 - c) adhere to the traditions of hospitality in Khyber Pakhtunkhwa;
 - d) safeguard his reputation as a responsible person;
 - e) show willingness at all times to provide optimum support and quality service to all customers, guests and clients;
 - f) remain impartial, unbiased and positive;
 - g) be concerned at all times for the safety of the guests and clients;
 - h) refrain from administering any medication to a guest or client without proper medical consultation;
 - i) report any incident of injury or death to the nearby tourism authority, tourism police or police station; and
 - j) shall always remain current with latest information and developments in tourism sector.
- (2) No person or corporate entity holding a license under these regulations shall in any way discriminate in rendering service to any guest or client on any basis including colour, caste, religion, gender, ethnicity, nationality, physical challenge and age.

Chapter-III (Registration, Licensing and Classification of Hospitality Products)

18. Registration and Licensing of Hospitality Products.--- (1) For the purposes of this chapter hospitality products or product means and includes a guest house, a home stay hotel, a holiday cottage, a hotel, a campsite or, as the case may be, a restaurants.

(2) The owner of every hospitality product shall within a period of two months from the date on which the Act and these regulations become applicable to such product, whichever is earlier, apply to the Controller for registration of his product and for determination of fair rates in relation thereto and, in the case of a hotel, also for its classification, on payment of such fee as given in **Schedule-I**.

(3) No hospitality product shall be registered, unless:

- a) it conforms to the prescribed standard of health, hygiene and comfort, provided that the Controller may allow provisional registration subject to such conditions as he may deem fit and, for good and sufficient reasons, modify, alter or withdraw any such condition at any time;
- b) it furnishes at its expense certificates of medical fitness from a medical officer of the civil hospital of the area in respect of its staff in **Form "K"** in respect of the employees and staff of the hospitality product;
- c) its building, including a tent or temporary shelter, is structurally safe and adequately protected against fire or an accident arising out of electricity or gas and safety of the tourists is ensured.

(3) The Controller, or an officer authorized by him in this behalf, or a member of the Committee may, at any time, inspect the premises of a hospitality product and call for any information, plan or data in respect of any matter concerning such hospitality product or, at the cost of the owner, carry out or require the owner to carry out, test of any articles or appliances or foodstuff.

19. Standard of Health, Hygiene and Comfort for the Registration of a Restaurant.--- Following shall be mandatory conditions for registration of a restaurant:

- a) The restaurant shall be suitably located in good and clean environment.
- b) It shall have seating capacity for at least ten persons at a time at a minimum of three tables.
- c) A wash basin with soap and clean towel and a toilet for customers in clean and working condition with modern sanitary fittings shall be provided at all times.
- d) Kitchen of the restaurant shall be separate from the dining room.
- e) Kitchen shall be properly equipped, hygienically clean and well maintained with clean cooking utensils.

- f) Heating and cooling arrangements shall be available according to local conditions and the weather.
- g) Serving staff shall wear clean uniforms while on duty.
- h) The manager shall be professionally trained and have a working knowledge of English language.
- i) There shall be good quality crockery, cutlery, glassware, tableware and linen in the restaurant.

20. Standard of Health, Hygiene and Comfort for the Registration and Classification of a Hotel.--- Every hotel applying for registration and classification shall conform to the standard of health, hygiene and comfort set out as minimum criteria for one star, two stars, three stars, four stars or five stars hotel, as the case may be, in **Forms- "A", "B", "C", "D" and "E"** respectively in **Schedule-II**.

21. Standard of Health, Hygiene and Comfort for the Registration of Guest House, Home Stay Hotel, Holiday Cottage and Campsite.--- Every guest house, home stay hotel, holiday cottage and campsite shall conform to the standard of health, hygiene and comfort set out as minimum criteria for a guest house, a home stay hotel, a holiday cottage or, as the case may be, a campsite in **Forms- "F", "G", "H", and "I"** respectively in **Schedule-II**.

22. Application for Registration.--- Application for registration, determination of fair rates and classification of a hotel and registration of restaurant, a guest house, a home stay hotel, a holiday cottage or, as the case may be, a campsite shall be submitted in **Form-"J-1" to Form "J-6"** respectively together with a certificate of medical fitness in **Form-"K"** from a registered medical practitioner in respect of the employees and staff of the hospitality product.

23. Procedure for Registration.---(1) On receipt of an application under regulation (22), the Controller may, either himself or through an officer authorized by him, make such enquiries and seek such additional information as he may consider necessary and conduct inspection of the premises of the hospitality product for any purpose, including the ascertainment of the fact that it conforms to the reasonable standards of health, hygiene and comfort.

(2) During consideration of the application for registration and the course of inspection, the Controller or the officer authorized by him shall have regard to the protection of fragile environmental resources, eco-systems and the safety of tourists in the hospitality product applied for.

(3) The Controller shall, if satisfied that the hospitality product conforms to the standard of health, hygiene and comfort, direct the owner thereof in writing to deposit the registration, license and classification fees as specified in **Schedule-I** in a scheduled bank in designated account of the Authority and to submit the bank receipt to him within fifteen days of such direction.

(4) The controller shall, on receiving the bank receipt under sub-regulation (3) grant a registration certificate in **Form-"L-1" to "Form-L-6"** respectively and issue a license in **Form-"M-1" to Form-"M-6"** for the respective hospitality product.

(5) Where the Controller is of the opinion that a hospitality product does not conform to the standard of health, hygiene and comfort, he shall record his reasons and refuse to register such hospitality product; Provided that such refusal shall not debar the applicant from seeking registration a fresh after conformation to the standard of health, hygiene and comfort.

24. Record of Registration and Licenses.---The Controller shall maintain register for hospitality products, throughout the province, in the **Form-"N-1" to Form-"N-6"** and containing particulars of the registration and licenses of hospitality products respectively.

25. Classification of Hotels in General.--- Subject to such general or particular directions as the Authority may issue, the Controller shall according to the minimum criteria classify hotels, according to the star classification system as:

- a) one star hotels, being hotels which conform to the prescribed minimum criteria of hotels of that class, but do not conform to the prescribed minimum criteria of a higher star class hotel;
- b) two star hotels, being hotels which conform to the prescribed minimum criteria of hotels of that class, but do not conform to the prescribed minimum criteria of a higher star class hotel;
- c) three star hotels, being hotels which conform to the prescribed minimum criteria of hotels of that class, but do not conform to the prescribed minimum criteria of a higher star class hotel;
- d) four star hotels, being hotels which conform to the prescribed minimum criteria of hotels of that class, but do not conform to the prescribed minimum criteria of a hotel; and
- e) five star hotels, being hotels which conform to the prescribed minimum criteria of hotels of that class.

26. Forms for Classification of Hotels.--- (1) A hotel conforming to any of the minimum criteria set out in Form-"A", "B", "C", "D" and "E" in Schedule-II shall be classified as one star, two stars, three stars, four stars or five stars hotel, respectively.

(2) A hotel which conforms to the minimum criteria of the class applied for shall be classified as such by the Controller and shall be issued a star sign shield of the design set out in Form-"O" to be conspicuously displayed in the reception hall or lounge of the hotel.

(3) If a hotel does not conform to the minimum criteria of the classification applied for, the Controller may classify the hotel according to the classification to which it conforms and issue a star sign shield as laid down in sub-regulation (2).

27. Change of Classification.--- (1) If at any time in the opinion of the Controller a hotel has failed to maintain the standard of classification assigned to it he may lower the classification of such hotel.

(2) No action under sub-regulation (1) shall be taken unless the owner is served with a notice directing him to carry out within a reasonable period such renovations or improvements as the Controller may consider necessary for the maintenance of the classification assigned to it.

(3) In case the owner of the hotel carries out the renovations or improvements as contained in the notice under sub-regulation (2) within the specified period the Controller shall withdraw the notice.

28. Licensing of Hospitality Products.--- (1) Every owner shall, after registration of his hospitality product, obtain a license from the Controller on payment of such fee as given in Schedule-I.

(2) No owner of a hospitality product shall carry on his business or, in the case of a hotel, use the classification star sign, without first getting the hospitality product registered and obtaining a license under these regulations.

29. Grounds for Refusal to Register, Suspension and Cancellation of Licenses.--- (1) Subject to the requirements of regulation (16) the Controller may refuse to register a hospitality product if it does not conform to the minimum criteria prescribed in these regulations.

(2) The registration and license of a hospitality product may be cancelled or suspended or the star classification of a hotel may be lowered, if:

- a) its business is wholly or partly discontinued or suspended without the approval of the Controller, except where such suspension or discontinuance is for the purposes of making repairs, improvements, renovations or expansion or, in the case of seasonal business, for the period of the slack season, and the fact of such suspension or discontinuance in each case has been duly reported to the Controller in advance;
- b) its owner or any person acting on his behalf contravenes any of the provisions of these regulations or orders made there under;
- c) it ceases to conform to the requirements of registration or, in the case of a hotel, to the prescribed minimum criteria for the class assigned to it; or
- d) in the case of a hospitality product other than a restaurant, its owner fails to enter the names and other particulars of guests in the register of guests as given in Form-"P".

30. Assignment and Devolution of a Hospitality Product.---Where a hospitality product registered and licensed under these regulations is assigned to, or devolves upon, any person, it shall be incumbent upon that person to report, within one month of its taking effect, to the Controller the fact of such assignment or devolution and obtain fresh license under these regulations.

31. Fixation of Fair Rates.--- (1) The Controller may fix fair rates to be charged for boarding, lodging and other services provided in a hospitality product at such amount as, having regard to the principles governing fair rates and the classification of hotels, he deems just.

(2) The Controller may either fix a consolidated rate for lodging, boarding and service or for lodging and service only or fair rates separately for--

- a) lodging with reference to the nature of the accommodation and the number of guests to be accommodated;
- b) partial or full boarding; and
- c) other services.

(3) Fair rates may be fixed separately for daily and monthly guests. (*Explanation:* A guest who agrees to reserve accommodation, or for whom accommodation is reserved, for a period of one month or more shall be deemed to be a monthly guest, provided he actually stays for one month or more or has actually paid in advance for one month; and where the reservation is not for any specified period or is for a period less than a month, the guest shall be deemed to be a daily guest.)

(4) The Controller may fix fair rates to be charged for boarding and other services provided in a restaurant at such amount, as, having regard to the prescribed principles governing fair rates and to other the circumstances he deems just.

(5) The Controller may from time to time revise the fair rates fixed by him.

(6) An order fixing or revising fair rates shall take effect on the first day of such month following the month in which the order is made as may be specified therein.

(7) Until such time as fair rates are fixed in relation to any hospitality product, the rate, if any, charged by such hospitality product, immediately before these regulations become applicable to it, for lodging, boarding or service provided, shall be deemed to be the fair rates fixed under these regulations.

32. Factors and Principles Governing Fair Rates.---(1) While fixing fair rates to be charged for boarding, lodging and any other services provided in a hospitality product, the Controller shall have regard to the following factors and principles:

- a) Location of the hospitality product;
- b) Standard of facilities, amenities and services available at the hospitality product;
- c) Classification of the case of a hotel;
- d) Business activities limited to a particular season;
- e) Taxes levied by the Government on boarding, lodging and services; and
- f) General index of prices prevailing in the locality; Provided that the Controller may fix minimum fair rates in excess of ten percent of the minimum rates for a particular class of hospitality products in a particular area and allow the owner of a hospitality product to adopt rates within that range.

(2) While fixing fair rates for food, drinks and any other services provided in a restaurant the Controller shall have regard to the following factors and principles-

- a) Location of the restaurant;
- b) Standard and variety of food, drinks and services provided in the restaurant;
- c) Taxes levied by the Government on the sales and services of the restaurant; and
- d) General index of prices prevailing in the locality; Provided that the Controller may fix fair rates for each item of food, drinks and services available at the restaurant or a consolidated rate for the full menu of courses and dishes inclusive of service charges.

(3) The Controller may fix minimum and maximum fair rates in respect of restaurants having common standard of food, drinks and services in a particular area.

(4) The fair rates once fixed shall remain in force until revised by the Controller.

33. Revision of Fair Rates.--- (1) The Controller may, at any time if he is satisfied that special circumstances requiring revision of fair rates have arisen or exist, revise the fair rates of all or any particular hospitality product.

(2) the Controller may, on an application made to him by owner or manager of a hospitality product stating the reasons for the revision of fair rates in respect of such hospitality product and being satisfied of the necessity for such revisions, revise the fair rates of that hospitality product.

34. Prohibition of Charges in Excess of Fair Rates.--- (1) Notwithstanding any agreement to the contrary no owner of a hospitality product shall charge a guest or customer any amount in excess of the fair rates.

(2) Any agreement for the payment of any charges in excess of the fair rates shall be void to the extent of such excess, and shall be construed as if it were an agreement for payment of the fair rates.

(3) Any sum paid by a guest in excess of the fair rates shall be recoverable at any time within a period of six months from the date of payment from the owner or the manager of the hospitality product to whom it was paid or from the legal representative of either of these persons, and without prejudice to any other mode of recovery which may be open to him, the guest may deduct such amount from any sum payable by him for his accommodation.

35. Number of Guests in Rooms.--- (1) The Controller may fix the maximum number of guests to be accommodated in each room or other unit of accommodation in a hospitality product.

(2) No room for which an order has been made under sub-regulation (1) shall be used to accommodate any number of guests in excess of the number specified in the order, except with the previous permission of the Controller in writing.

(3) The Controller may from time to time revise any order made by him under sub-regulation (1) so as to increase or reduce the number of guests specified in such order.

36. Standard Operating Procedures of Establishment in Hospitality Products.--- (1) Every owner shall prepare a set of standard operating procedures of the establishment in respect of his hospitality product conforming to the provisions of these regulations and get them approved by the Controller.

(2) Every owner shall submit to the Controller the standard operating procedures of the establishment in respect of his hospitality product within thirty days of the registration thereof.

(3) Within one month from the date of submission under sub-regulation (2), the Controller shall approve the set of standard operating procedures with or without amendments.

(4) An owner desiring to amend the standard operating procedures of the establishment in respect of his hospitality product shall submit the proposed amendments to the Controller for his approval, and the Controller shall within one month from the date of their submission if he considers them appropriate, approve the amendments, with such modifications, if any, as he may consider necessary.

37. Display of Fair Rates etc.---(1) The fair rates chargeable in a hospitality product shall be displayed in a conspicuous manner at the reception, bill counters and in the office of the manager, indicating separately the daily rates for a single room, double room, suite, the rate chargeable in case of a double room or suite if occupied by a single person, the service charges, the taxes and the slack season rates, if different from the normal rates.

(2) The maximum number of guests that may be accommodated in a room or unit of accommodation in a hospitality product shall be displayed in a conspicuous manner in the office and in the respective rooms or units of the hospitality product.

(3) The fair rates chargeable in a restaurant shall be displayed in a conspicuous manner at the reception and bill counters, in the office of the manager and shall also be mentioned in the menu cards indicating the rates of each item of food, drinks, service charges, taxes and the consolidated rates for the full menu with specific courses and dishes.

(4) The set of standard operating procedures of the establishment shall be displayed in conspicuous manner in the hospitality product.

(5) The rate cards and advertisements issued by a hospitality product for the benefit of prospective guests shall contain all the details specified in this regulation and the concessions allowed for special categories of guests like persons connected with airlines, the travel agencies, businessmen and students.

38. Reservation of Accommodation for Official Needs.--- (1) Subject to such directions as may be given in this behalf by the Government, the Controller may by order direct the owner or the manager of a hospitality product to reserve in the hospitality product such accommodation as may be specified in the order.

(2) Subject to any direction by the Government in this behalf, the Controller may allot the accommodation reserved under sub-regulation (1) to any person and such person shall thereupon be deemed to be a guest at the hospitality product in relation to the accommodation allotted to him.

(3) Where any accommodation is reserved under sub-regulation (1) the owner or the manager of the hospitality product shall make the accommodation so reserved, or such portion of it as the Controller may direct, available to the Controller for occupation by the person to whom it has been allotted, at the expiry of forty-eight hours from the service upon him of a notice in writing in this behalf by the Controller.

(4) Nothing in this regulation shall prevent the owner or the manager of the hospitality product from letting any accommodation reserved under sub-regulation (1) to a guest other than the person to whom such accommodation is allotted by the Controller, upon the condition that if and when a notice is received from the Controller under sub-regulation (3) such guest will vacate the accommodation within forty eight hours of the receipt of such notice.

39. Prohibition of Injurious Trades etc.--- The Controller may, by order in writing, prohibit, within one hundred yards of a hotel or restaurant, the carrying on of any trade, profession, occupation or industry which in his opinion is likely to be:

- a) injurious to the health and well-being of guests or customers or a hazard to their safety;
- b) a public nuisance as defined in the Pakistan Penal Code; or
- c) offensive to good taste.

40. Register of Guests.--- Every owner or manager of a hospitality product, other than restaurant, shall maintain a register in Form-“P” in which the names and other particulars of guests checked in the hospitality product shall be recorded.

41. Eviction of Guests.--- (1) Except as hereinafter provided, no guest at a hospitality product shall be evicted or refused boarding or other service so long as he pays, or is ready and willing to pay, the fair rates and observes the displayed standard operating procedures of the establishment and conforms to the conditions detailed in these regulations.

(2) A guest or a customer who has been guilty of conduct which amount to nuisance, or is a source of annoyance to other guests or customers, or threatens or intimidates any other guest or customers, or is likely to endanger the person or life of any individual in a hospitality product, may be evicted by the owner or manager of the hospitality product.

(3) If the owner or manager has good reason to apprehend an immediate breach of peace or commission of an offence by the guest or customer, he may use such force as may be necessary to restrain the guest or customer from so doing and shall immediately intimate the fact to the nearest police.

(4) Any guest or customer aggrieved by eviction or refusal of boarding or other services under sub regulation (1) or sub-regulation (2) may lodge a complaint with the Controller who shall, after holding a summary enquiry, pass such order as he may deem fit.

42. Powers of the Controller to Call for Information.---For the purposes of these regulations, the Controller may:

- a) call for such information, reports, or returns from an owner or a manager as may be necessary for satisfying himself that the provisions of these regulations are being duly complied with;
- b) require an owner or a manager to produce before him or an officer designated by him for the purpose any book of account, document or other papers in his possession or power which contain or are believed to contain information relating to the hospitality product of which he is the owner or manager;
- c) require an owner or a manager to undertake through an agency qualified to do so scientific tests of water, food and other articles of human consumption at the cost of the owner, to determine their quality and conformity with the requirements of health and hygiene;
- d) declare the site of any restaurant not registered under these regulations, a fit site for restaurant and issue directive to the management of such a restaurant to improve, within a period of six months from the date of such order, the conditions, services and facilities at the restaurant to conform to the prescribed minimum criteria; and
- e) call for any other information relating to development of hospitality products including restaurants.

43. Responsibility of the Controller with Regard to Apprentices etc.--- (1) For the purposes of this regulation "Apprentice" means any person who has contracted with a hospitality product to perform the stipulated apprenticeship in such hospitality product;

(2) The Controller shall:

- a) ensure that number of apprentices in a hospitality product does not exceed ten per cent of the total strength of employees in any specified trade;
- b) fix, with due regard to the salaries of the regularly employed staff, the stipend to be paid to an apprentice over and above the cost of his training and determine the duration of his apprenticeship;
- c) lay down the age limit, educational qualifications, standards of physical fitness and psychological and mental health of apprentices;
- d) direct the programming for training various categories of employees of hospitality products at recognized vocational institutions in various specialized courses run there-in so that the percentage of qualified trained staff in a hospitality product attains, within a reasonable time, the minimum standard as may be determined by the Controller; and
- e) lay down the maximum percentage of untrained staff that may be employed at a hospitality product at any time.

44. Responsibilities of Owners to Provide Medical Fitness Certificate of Employees.---(1) The owner or manager of a hospitality product shall furnish to the Controller a certificate of medical fitness in Form "K" in respect of every new employee within a week of his employment.

(2) The owner or manager of a hospitality product shall furnish annual certificates of medical fitness in Form "K" in respect of its staff by the fifteenth day of January every year.

45. Responsibilities of Owners to Provide Medical Facilities.---(1) The owner of every hotel registered and licensed under these regulations shall provide the following medical facilities for guests, namely:

- i) **One and two star hotels:**
 - a) A doctor on call available in close proximity of the hotel premises.
 - b) First aid equipment and a reasonable stock of life saving drugs.
 - c) Two employees trained and qualified in first aid.
 - d) Ensure availability for an ambulance, van or car to rush patients to a hospital in emergencies.
- ii) **Three star hotels:**
 - a) As in sub-classes (a) to (c) in clause (i).
 - b) A drug store or chemists shop with twenty four hours service, if not existing in close proximity.
 - c) An ambulance or van.
- iii) **Four and five star hotels:**
 - a) A doctor on call available in close proximity of the hotel premises.
 - b) A separate consulting room with reasonable stock of life saving drugs and first aid equipment.

- c) Four employees trained and qualified in first aid.
- d) An ambulance or a van convertible into an ambulance in emergency.
- e) A drug or chemists shop with twenty four hours service, if not existing in close proximity.

(2) The management of a hotel shall take all possible care and provide all necessary medical aid without any loss of time to a guest suffering from any serious attack, including heart attack and hemorrhage, or an accident.

46. Procedure for Enquiry in Complaints.--- (1) Where the Controller receives a complaint and proposes to hold an enquiry under these regulations he shall record the statement of the complainant, the owner or manager of the hospitality product and any other person or persons who may have information on the subject of enquiry and afford an opportunity to the respondent to explain his position and produce his defense, if any.

(2) After the enquiry under sub-regulation (1), the Controller shall record his decision with his reasons.

47. Penalties for Certain Matters.---(1) Any owner of a hospitality product who fails to apply for registration within the specified time shall be liable to pay to the Controller a penalty of such sum not exceeding ten thousand rupees as the Controller may impose and, in the case of a continuing failure, an additional penalty which shall extend to twenty thousand rupees for every day after the first penalty imposed by the Controller.

(2) Any owner or manager of a hospitality product who serves any food or beverage which is injurious to health, or who does not take sufficient care to ensure protection of food and beverage against contamination, or serves any food or beverage in unclean or contaminated utensils, shall be liable to pay to the Controller penalty of such sum not exceeding ten thousand rupees as the Controller may impose.

(3) Any owner or manager of a hospitality product who fails to comply with any order passed or direction given, by the Controller or any other officer authorized in this behalf, under the provisions of the Act, rules made there under or these regulations shall be liable to pay to the Controller a penalty of such sum not exceeding ten thousand rupees as the Controller may impose.

(4) Any owner or manager of a hospitality product who charges a guest or customer any amount in excess of the fair rates shall, in addition to refund such guest or customer the amount charged in excess of fair rates, be also liable to pay to the Controller a penalty of such sum not exceeding an amount equal to at least two days rent as the Controller may impose for such excess charging for the first time and, in the case of any such subsequent excess charging, a penalty not exceeding an amount equal to at least one week rent.

(5) If a restaurant not registered under these regulations, fails to carry out the directive issued under these regulations within the period specified therein, the Controller shall suspend the operation of such restaurant and may also impose a penalty of such sum not exceeding ten thousand rupees as the Controller may impose on the owner of such restaurant.

(6) If the failure mentioned in sub-regulation (1) and sub-regulation (5) persists up to six months, the concerned authority may, on the request of the Controller, disconnect the electricity, gas and water supplies and the Controller shall suspend operation of such hospitality product and shall also have powers to seal the establishment through police and local administration.

(7) If the owner or manager of a hospitality product not licensed under these regulations advertises it as a hospitality product, or in any manner whatsoever uses the star sign, he shall be liable to pay to the Controller a penalty of such sum not exceeding ten thousand rupees as the Controller may impose and, in the case of his continuing to so advertise or use the star sign, an additional penalty which may extend to five hundred rupees for every day after the first during which he so continues or uses star sign.

(8) Any owner of a hospitality product who fails to provide medical facilities in conformity with the standards specified in these regulations shall be liable to one or more of the following penalties, namely:-

- a) penalty of such sum not exceeding five thousand rupees as the Controller may impose;
- b) suspension of license;
- c) cancellation of registration and license; and
- d) cancellation of classification.

(9) If the person contravening, or failing to comply with, any provision of the Act, any rule made there under, these regulations, order or direction made or issued under the Act, rules made there under or these regulations is a company or other body corporate every director, secretary or other officer or agent thereof, unless he proves that the contravention or failure, took place without his knowledge or that he exercised due diligence to prevent its taking place, shall be liable to the penalty provided for such contravention or failure.

(10) Any sum imposed as penalty under the Act, any rule made there under or under these regulations shall be recoverable as an arrear of land revenue.

Chapter-IV (Registration, Licensing and Regulation of Tourist Guides and Adventure Tourist Guides)

48. Bi-Annual Test for Candidates and Basic Requirements of License.---(1) The Controller shall arrange a regular bi-annual test through a testing agency for candidates intending to operate as tourist guides or adventure tourist guides.

(2) A candidate intending to take the test shall:

- a) be a citizen of Pakistan.
- b) have, in the case of tourist guide, a diploma from the Tourism and Hotel Training Institute of Pakistan or any other recognized Institute of Tourism or have completed a minimum of sixteen years of education with at least one year's practical experience and professional knowledge as a tourist guide.
- c) have, in the case of adventure tourist guide a diploma in the field of adventure tour guiding from a recognized national/international training institute and one year of practical experience in the field of adventure tour guiding.

49. Application for Grant of License to Operate as Tourist Guide or Adventure Tourist Guide.---(1) Any person, who qualifies the test mentioned in regulation (48) and intends to operate as tourist guide or, as the case may be, adventure tourist guide,, may apply to the Controller on Form "Q" for grant of a license.

(2) The applicant may attach a clearance certificate from the local police to the effect that the applicant was not involved in any criminal case or activity prejudicial to the security and integrity of Pakistan.

(3) If the application under sub-regulation (1) is received without the clearance certificate mentioned in sub-regulation (2) the Controller shall, through the respective District Police Officer, verify the antecedents of the applicant from the local police to establish that the applicant was not involved in any criminal case or activities prejudicial to the security and integrity of Pakistan.

(4) On receipt of a clearance certificate, or if no adverse report is received against the applicant within one month from the date of reference to the District Police Officer, the Controller shall direct the applicant to deposit the license fee as mentioned in **Schedule-"I"** in the designated bank account of the Authority

(5) On production of receipt regarding the deposit of license fee, the Controller shall grant the license in Form-"R".

(6) In case the application is not found fit for the grant of a license, the Controller shall inform him accordingly, briefly stating the grounds.

50. Minimum Standards Required for Registration and Licensing of Tourist Guides and adventure Tourist Guides.--- Every applicant for registration and licensing as tourist guide or, as the case may be, adventure tourist guide shall conform to the minimum standards listed in Form-"S-1" and Form-"S-2" respectively in **Schedule-III**.

51. Register of Tourist Guides and Adventure Tourist Guides.---(1) The Controller shall maintain a register in Form-"T" in which the names and addressés of all tourist guides and adventure tourist guides shall be entered.

52. Display of License.---The tourist guide or as the case may be, adventure tourist guide shall prominently display the license granted to him in his office premises in case he has established an office or shall keep his license readily available.

53. Discontinuation of Business.---In the case of discontinuance or reorganization by a tourist guide or adventure tourist guide, the Controller shall be informed by the license holder within thirty days of such discontinuance or re-organization and on receipt of the information the Controller may either cancel the license or in the case of re-organization grant a new license to the tourist guide or adventure tourist guide as the case may be..

54. Suspension and Cancellation of License.--- Subject to the requirements of regulation (16), the Controller may, after affording a license holder an opportunity of showing cause against the action proposed to be taken against him, suspend or cancel the license of the tourist guide or the adventure tourist guide if he violates the terms and conditions of the license, the code of conduct applicable to him or the guidelines for general tourist guides and adventure tourist guide as given in Form-"U-1" and Form-"U-2" in **Schedule-III** respectively.

55. Fixation and Notification of Service Charges.---(1) Every tourist guide and adventure tourist guide shall submit to the Controller for the approval of the Committee the details of service charges proposed to be charged by him from tourists.

(2) The Committee may approve the rates with such modification as it may consider necessary keeping in view the general conditions in the area of operation and adventure activity and the charges made by other service provider for the same services.

(3) The Authority shall notify the maximum rates of charges fixed by the Committee to which a tourist guide or the adventure tourist guide shall be entitled for the services rendered by him.

(4) No tourist guide or adventure tourist guide shall make any alternation in the service charges approved by the Committee without its prior approval.

(5) No tourist guide or the adventure tourist guide shall charge more than the approved rate from any tourist.

(6) A tourist guide or adventure tourist guide shall not demand from any person to whom he has rendered any service as such any amount in excess of the maximum charges notified under sub-regulation (3) for that service.

(7) Tourist guides or adventure tourist guides employed on a fixed salary on a whole time basis by any travel agency or tour operator licensed under these regulations shall not charge any fee from a tourist.

56. General Conditions of License for Tourist Guides and Adventure Tourist Guides.---(1)

The tourist guide or, as the case may be, the adventure tourist guide shall ensure that information supplied by him in whatever form for all inclusive tourist services shall contain comprehensive and accurate information with regard to the firm or organization responsible for his services with detailed charges and copy of such information shall be furnished to the Controller.

(2) The tourist guide and the adventure tourist guide shall prominently display in his office premises, if he maintains an office, his service charges notified by the Controller and shall bring these to the notice of tourists and other clients before entering into contract with them.

(3) The tourist guide and the adventure tourist guide shall provide to the Controller or an officer authorized by him free access to his records and right of inspection of premises and observance of his activities.

(4) The tourist guide and the adventure tourist guide shall furnish information in respect of his business when demanded by the Controller or any other officer authorized by him to solicit the same.

(5) The tourist guide and the adventure tourist guide shall prominently quote his license number in all his correspondence and commercial publications.

(6) The tourist guide and adventure tourist guide shall make no change in the rates of his service charges approved by the Committee and notified by the Authority

(7) The tourist guide and the adventure tourist guide, while on duty, shall invariably wear a uniform and name badge duly approved by the Controller.

57. Code of Conduct for Tourist Guides and Adventure Tourist Guides.---(1)

For the purposes of this regulation and regulation (58) regulation (59) and regulation (60) a guide means and includes a tourist guide or, as the case may be, an adventure tourist guide.

(2) Every guide shall adhere to ethical practices and shall refrain from objectionable activities such as overcharging and misleading tourist, clients or principals and failing to fulfill his commitments.

(3) Every guide shall be well groomed, punctual, courteous, honest, reliable, careful and suitably dressed and presentable at all times.

(4) Every guide shall wear appropriate guide badge and shall carry his license card.

(5) Every guide shall:

- a) give tourists opportunity to enjoy or visit a desired destination;
- b) carry out the program of a tour to his best abilities;
- c) assist tourists and shall not provide them with misleading information; and
- d) in the event of not being familiar with, or being unable to provide information requested by a tourist, consult with the appropriate authorities for assistance.

(6) The following shall be regarded unethical practices on the part of a guide:

- a) Doing anything which is against the prestige, security or integrity of Pakistan;
- b) Misleading public, any client or tourist.
- c) Damaging reputation of a client or tourist.
- d) Claiming to provide a better service than in fact he does;
- e) Unjustly delaying the discharge of debts accruing from his business transactions;
- f) Failing to afford necessary facilities to the Controller to inspect premises and record;
- g) Failing to maintain a high standard of reputation;
- h) Failing to have good relations with the public, tourists and clients; and
- i) Using narcotic substances.

(7) A guide in relation to the general public, tourists and clients:

- a) shall not do anything damaging the interest of public, tourist and clients;
- b) shall keep himself fully informed of all aspects of tourist sites and domestic travel services;

- c) shall not make misleading and doubtful superlative statements in his dealings;
 - d) shall deal with conflict in a sensitive and responsible manner and shall make every effort for amicable and early settlement of any dispute arising out of his business transactions.
 - e) shall not use abusive language or involve in any fighting.
 - f) shall never solicit for clients or gratuities and shall not criticize fellow guides, organizations or government policies.
- (8) A guide in relation to his employer, shall
- a) be loyal to the organization that he is representing;
 - b) follow the best traditions of his profession;
 - c) abide by his contractual undertaking with his employer; and
 - d) settle all accounts without delay and within the agreed timelines.
- (9) A guide shall not violate the provisions of the Act, the rules and regulations made there under and the terms and conditions of his license.
- 58. Prohibitions and Penalties.**---(1) The license granted to a guide shall not be transferable.
- (2) No person shall hold himself out or act as a guide unless he holds a valid license.
- (3) No travel agency, tour operator or adventure tour operator shall employ any person as guide who does not hold a license.
- (4) Whoever:
- a) being a person to whom no license has been issued or
 - b) being a person, whose license has been cancelled or is for the time being suspended, hold himself out or acts as a guide or otherwise contravenes the provision of the Act or the rules made there under or these regulations or, being a guide, contravenes the terms or conditions of the license issued to him or of rates notified by the Authority or violates the code of conduct for guides, shall pay to the order of the Controller a fine which may extend to five thousand rupees.
- (5) The fine imposed under sub-regulation (4) shall be recoverable as arrears of land revenue.
- 59. Inspection.**---(1) The Controller or an officer authorized by him in this behalf may inspect during working hours the activities, business office premises of a guide for the purposes of ensuring that the business is maintained in accordance with these regulations and terms and conditions of the license.
- (2) The Controller or an officer authorized by him may inspect the business or office premises of the guide against whom a complaint has been lodged if he considers that such inspection is necessary for proper disposal of the complaint.
- (3) Inspection may include inspection of registers and record of the guide.
- (4) The person making the inspection shall carry an identity card and written authority from the Controller for the inspection and the guide shall afford necessary facilitation during the inspection.

Chapter-V (Registration, Licensing and Regulation of Travel Agencies, Tour Operators and Adventure Tour Operators)

- 60. Licensing of Travel Agencies etc.**--- (1) For the purposes of this chapter tourism products or product means and includes a travel agency, a tour operator or, as the case may be, an adventure tour operator.
- (2) Any person operating or intending to organize and operate a tourism product shall apply to the Controller in **Form-"V"** in **Schedule-"III"** together with a certificate from a bank certifying that the applicant holds a capital of not less than five hundred thousand rupees.
- (3) On receipt of an application under sub-regulation(2), the Controller shall consider the application and, if considered necessary, satisfy himself as to the suitability of the office premises of the applicant in such manner as he may deem fit.
- (4) If the Controller is satisfied that the applicant is a fit person for the grant of license, he may direct the applicant to deposit the required fee specified in **Schedule-I** in the designated bank account of the Authority.
- (5) On receipt of confirmation with regard to deposit of the fee, the Controller shall grant the applicant a license in **Form-"V-1"** in **Schedule-III**.
- (6) In case the applicant is not found fit for the grant of a license, the Controller shall inform him accordingly, briefly stating the grounds.

61. Fields of Operation for Tourism Products.---(1) Tourism Products in the province may operate in any one or more of the following fields of operations, namely:

- a) Booking of ticketing, passages and baggage by air, for citizens of Pakistan or tourists for any destination.
- b) Booking of passages and baggage by rail, road or sea, for citizens of Pakistan or tourists for any destination.
- c) Booking of ticketing, passages and baggage by air, rail, road or sea, for tourists for any destination outside Pakistan.
- d) Organizing group tours of citizens of Pakistan within Pakistan.
- e) Organizing group tours of foreigners within Pakistan.
- f) Organizing group tours of citizens of Pakistan to a foreign country or countries.
- g) Organizing adventure tourism activity in Pakistan.
- h) Providing transportation, whether by vehicles owned by the travel agency or hired for group tours within Pakistan.
- i) Providing transportation, whether by vehicles owned by the travel agency or hired for tourists.
- j) Reservation of accommodation for tourists.
- k) Organizing or arranging sight-seeing tours within Pakistan for tourists.
- l) Providing or arranging sports including hunting for tourists.
- m) Providing or arranging entertainments for tourists.
- n) Arranging trekking or mountain climbing for tourists.

(2) A license may be granted to an applicant for one or more of the fields of operations as mentioned in sub-regulation (1).

62. General Prohibitions for Grant of License.---A license shall not be granted to an applicant if:

- a) the applicant, or the manager or any partner or director of the applicant, has been convicted of an offence which, in the opinion of the Controller, involves moral turpitude;
- b) the applicant is a minor or insane person;
- c) the financial position of the applicant is, in the opinion of the Controller, such as would prevent the applicant to operate the tourism product efficiently;
- d) the applicant had no experience of arrangements required to operate the tourism product and has not employed persons who have had such experience; or
- e) the applicant does not have an office of a minimum standard specified by the Controller or does not engage experienced and trained employees or licensed guides or does not provide such transportation facilities as may be prescribed.

63. Register of Licensed Tourism Products.---(1) The Controller shall maintain a register in Form-"V-2" wherein the names addresses, nature, composition and the field of operation of all tourism products licensed in the province shall be entered.

(2) Every tourism product shall report every change in its nature or composition or its field of operations to the Controller with in fifteen days of the day on which such change occurs for his approval.

(3) After approval of the Controller, every change in the nature or composition or field of operation of a tourism product shall be entered in the register maintained under this regulation on payment of the fee specified in **Schedule-I**.

64. Display of License.---The license holder shall prominently display the license granted to him in his office premises.

65. Discontinuance of Business.---In the case of discontinuance of business, dissolution, re-organization or winding up of a licensed tourism product, the Controller shall be informed by the owner within thirty days of such discontinuance, dissolution, re-organization or winding up, and on receipt of the information, the Controller may either cancel the license granted to the tourism product or, in the case of re-organization, grant a new license to the re-organized tourism product.

66. Cancellation of License.--- (1) Subject to the requirements of regulation (16), the Controller may, after affording the operator of a tourism product an opportunity of showing cause against the action proposed to be taken against it, by order in writing, cancel its license if he is of the opinion that the tourism product has:

- a) violated any provision of these regulations; or
 - b) violated the terms and conditions of the license or the code of conduct; or
 - c) suspended its business without intimation to, or permission of, the Controller and has not resumed it within six months from the date of such suspension or within the time fixed by the Controller; or
 - d) become a person to whom a license cannot be granted under these regulations. or
 - e) failed to deposit an amount into the business guarantee fund under these regulations.
- (2) It shall be mandatory for the Controller to decide the case within six months.

67. Exemption from Application.---These regulations shall not apply to:

- a) Enterprises operated by the State;
- b) National carriers of Pakistan and foreign airlines, duly authorized to operate to, from or via Pakistan; or
- c) Any agency, whether private or official, which is specifically entrusted by Government with the work relating to handling of Haj, Umra and other pilgrimages, with in or without Pakistan, and who are subject to special regulations governing their field of activity.

68. Prohibition to Act without License.--- (1) No person shall hold himself out or act as an operator of a tourism product unless he holds a valid license.

(2) No airline or other carrier shall delegate general authority in respect of sales, either directly or through a sub-contract, to a person who does not hold a license.

69. Permission to Hold Passports During Group Tours.--- An operator of a licensed tourism product shall obtain the passport of traveler for issuance of air ticket and confirmation of seats from airlines and may hold the passport of passengers for organizing group tours for citizens of Pakistan to a foreign country or countries.

70. General Conditions of Licenses.---The following shall be general conditions of license for a tourism product, namely:-

- a) The license shall be in the name of a specific person, for a specific business, place or places;
- b) The license holder shall limit his field of operation to the activity or, activities for which the license is granted;
- c) The license holder shall have at least one year practical experience and professional know how to run a tourism product, or he shall employ a professionally qualified and experienced manager;
- d) The license holder shall employ experienced and trained staff for travel and tour operation work;
- e) The license holder shall be a citizen of Pakistan;
- f) The license holder shall obtain prior permission of the Controller if he desires to change his field of operation or branches and shall get his license modified accordingly;
- g) The license holder shall promptly and immediately inform the Controller of any change in the nature or composition of his firm to obtain his permission and get his license endorsed accordingly or have a fresh license issued to operate the tourism product;
- h) The license holder shall get his service charges approved by the Committee through the Controller and no change in such charges shall be made without prior approval of the Committee;
- i) The license holder shall not charge for his services except in accordance with the rates approved by the Committee;
- j) The service charges duly approved by the Committee shall be prominently displayed by the license holder in his office premises and brought to the notice of the tourists and other clients before entering into a contract with them;
- k) The license holder shall have a properly planned office in a suitable locality with distinct and separate counters for booking passages, baggage or goods by sea, air or road, group tours, sightseeing and entertainment bookings with such other work facilities as may be desirable for the activities undertaken by him;
- l) The license holder engaged in group tours, sightseeing activities and adventure tourism shall employ on regular basis sufficient number of licensed and duly trained tourist guides and adventure tourist guides;
- m) The license holder shall furnish any information in respect of his business that may be required by the Controller or any officer authorized by him;

- n) The Controller or any officer duly authorized by him shall have free access and right of inspection to the premises and records of the travel agency;
- o) The license holder shall quote the number of his license prominently in all his correspondence and commercial publications;
- p) The license holder shall, within fifteen days of the grant of license, open a business guarantee fund, provided that the business guarantee fund may be opened within a further period of thirty days on payment of late fee of five thousand rupees; and
- q) The license holder shall not carry out any business related to travel and tour operation work with any person or organization which does not hold a valid license granted under these regulations.

71. Rate of Service Charges and Process of Fixation.--- (1) The operator of every licensed tourism product shall draw up a rate list of service charges proposed to be charged by from tourists and submit the list so drawn to the Controller for approval of the Committee..

(2) The Committee may approve the rates with such modification as it may consider necessary keeping in view the general conditions in the province and the charges made by other travel agencies for the same services.

(3) A copy of the rate list for the time being in force after approval of the Committee shall be posted at some conspicuous part of the office of the travel agency.

(4) No license holder shall make any alteration in the service charges approved by the Committee without its prior approval

(5) A license holder shall neither demand nor charge any tourist any amount in excess of the rate approved by the committee.

72. Code of Conduct for Tourism Products.--- (1) Every license holder shall adhere to ethical commercial practices and shall refrain from objectionable activities including overselling, undercutting, misleading tourists, clients or principals and failing to fulfill his commitments.

(2) The following are included in unethical practices:

- a) Doing anything which is against the prestige, security or integrity of Pakistan;
- b) Misleading public, any client or tourist;
- c) Damaging reputation of another license holder, principal, client or tourist;
- d) Claiming to provide a better service than in fact the tourism product does;
- e) Unjustly delaying the discharge of debts accruing from business transactions of the tourism product;
- f) Failing to afford necessary facilities to the Controller to inspect premises and record;
- g) Failing to maintain a high standard of reputation; and
- h) Failing to have good relations with the public, tourists and clients.

(3) A license holder, in relation to the general public, tourists and his clients, shall:

- a) not do anything damaging to the interest of the public, tourists and clients;
- b) keep himself and his employees fully informed of all aspects of domestic and international travel and hospitality services so as to give his clients truly professional travel and hospitality service and secure for them the best possible services;
- c) make the general public, tourists and his clients aware of the services provided in an all inclusive travel and tour cost quotation;
- d) not make misleading and doubtful superlative statements in his dealings, advertisements and brochures;
- e) in the event of a dispute, make every possible effort to amicably settle the matter as early as possible;
- f) employ only salaried sales representatives operating mainly outside his business premises and shall ensure that they are trained, experienced and fully informed in the business of travel and tour trade;
- g) ensure that information supplied by him in whatever form for all inclusive tours contains comprehensive and accurate information with regard to the firm or organization responsible for the tour, the means of transport, name of carrier, type and class thereof provided, destinations and itineraries, durations of tours and halts at each place, types and classes of accommodation, facilities of meals offered and any other special arrangements such as entertainment;
- h) if alterations have to be made in the information referred to in the preceding clause for which bookings have already been made by the tourists, inform them without delay giving them an option to accept the alteration or cancel the bookings, and shall promptly

refund the amounts due to them, if any, provided, that this shall not be binding when the alterations arise out of circumstances beyond the control of the licensee; and

- i) conduct business at advertised prices only except where price changes become necessary due to changes in currency exchange rates, fares and hotel rates.

(4) A license holder, in relation to his principals, shall:

- a) follow the best traditions of salesmanship, abiding by his contractual undertakings with them and following all laws, rules and regulations relevant to his trade;
- b) ensure that his employees have full knowledge of current tariffs and regulations of the principals;
- c) accept or release all offers of accommodation as quickly as possible and within the stipulated period; and
- d) settle all accounts without delay and within the agreed period.

(5) A license holder shall not violate the provisions of the Act or the rules made there under, these regulations or the terms and conditions of the license.

73. Business Guarantee Fund.--- (1) Every tourism product shall maintain in a scheduled bank a business guarantee fund . here in after referred to as Fund ,of the amounts mentioned in **Schedule-I**.

(2) A license holder may, if he so desires and subject to the permission of the Controller, furnish in place of the Fund, a bank guarantee of the same amount in **Form-“V-3”** in **Schedule-III**.

(3) A license holder who has maintained the Fund in a scheduled bank shall intimate the name of the bank with full address of the branch holding the account and the number of the account to the Controller immediately with a bank certificate in **Form- “V-4”** in **Schedule-III**.

(4) No amount shall be payable out of a Fund maintained under this regulation except to the order of the Controller.

(5) A tourist, carrier, company, hotel or lodging house having any monetary claim against the tourism product, not settled by the later within thirty days from the date of its becoming due, may apply to the Controller, with full proof in support of his claim against the tourism product for settlement thereof.

(6) On receipt of a claim the Controller shall, after making such enquiry as he may deem fit and after being fully satisfied with the claim of the applicant, give a show cause notice of a fortnight to the operator of the tourism product as to why the amount should not be paid out of his Fund.

(7) On the expiry of the notice period, if the claim is not meanwhile settled by the operator of the tourism product and if the Controller is still satisfied with the genuineness of the claim, he may order payment, out of the Fund, of the amount of the claim due under intimation to the operator of the tourism product.

(8) While intimating the payment of the claim from the Fund of a tourism product, the Controller shall simultaneously require the operator of the tourism product to deposit the said amount into the Fund within a period of fifteen days of such payment.

(9) If the operator of the tourism product fails to comply with directions for recouping the Fund, the Controller shall suspend the license of the tourism product till the time he recoups the Fund.

(10) The provisions of this regulation shall apply mutatis mutandis in cases where the operator of a tourism product has furnished a bank guarantee in place of the Fund.

74. Redemption of Fund.--- (1) A license holder for a tourism product or, in the event of his death, his legal heirs may, after the expiry of three months from the date of winding up of his business or revocation or cancellation of his license apply to the Controller to redeem his Fund or the bank guarantee as the case may be.

(2) In the case of an application by the legal heirs of a deceased license holder, the application shall be accompanied by a succession certificate.

(3) On receipt of an application under sub-regulation (1), if the Controller is of the opinion that the Fund or the bank guarantee has served the purpose, he shall inform the bank concerned which shall redeem the Fund or the bank guarantee, as the case may be.

75. Inspections.--- (1) The Controller or an officer authorized by him in this behalf may inspect during working hours the office premises of a tourism product for the purposes of ensuring that the office is maintained in accordance with these regulations and terms and conditions of the license.

(2) Any member of the Committee may inspect during working hours the office premises of a tourism product against which a complaint has been lodged if he considers that such inspection was necessary for proper and early disposal of the complaint.

(3) Inspection of premises may include inspection of registers and records of the tourism product.

(4) The person making the inspection shall carry an identity card or a certificate indicating his name, designation and authority for the inspection.

(5) Every operator of a tourism product shall afford all facilities to the Controller or an officer authorized by him or a member of the Committee to inspect the premises of the tourism product and shall produce before him such records, documents, papers and statements, relating to his business as may be demanded in the course of inspection.

76. Penalty.--- (1) Any tourism product which contravenes or fails to comply with the provisions of the Act or the rules made there under, or violates these regulations or violates the code of conduct shall, without prejudice to any other action that may be taken against it, be punishable, for the first offence, with fine which may extend to fifty thousand rupees and for subsequent offence the Controller may seal the tourism product: Provided that any person, who willfully obstructs, hinders, resists or in any way opposes the Controller or other official subordinate to him in performing their duties under this regulation, shall be punishable with fine which may extend to fifty thousand rupees imposed through a ticket issued under the authority of the Controller.

(2) The amount of fine imposed under sub-regulation (1) shall be recoverable as arrears of land revenue.

Chapter-VI (Licensing and Regulation of Rent-a-Car Services)

77. Licensing of Rent-a-Car Service.--- (1) For the purposes of this chapter transport service refers to a "Rent-a-Car Service".

(2) Any person or a company operating or intending to organize and operate a transport service shall apply to the Controller in **Form-"W"** in **Schedule-"III"**.

(3) On receipt of an application under sub-regulation(2), the Controller shall consider the application and, if considered necessary, satisfy himself as to the suitability of the office premises and parking arrangements of the applicant in such manner as he may deem fit.

(4) If the Controller is satisfied that the applicant is a fit person for the grant of license and his office premises and parking arrangements are suitable, he may direct the applicant to deposit the required fee specified in **Schedule-I** in the designated bank account of the Authority.

(5) On receipt of confirmation with regard to deposit of the fee, the Controller shall grant the applicant a license in **Form-"W-1"** in **Schedule-III**.

(6) In case the applicant is not found fit for the grant of a license, the Controller shall inform him accordingly, briefly stating the grounds.

78. General Prohibitions for Grant of License.---A license shall not be granted to an applicant if:

- a) the applicant, or any partner or director of the applicant, has been convicted of an offence involving moral turpitude;
- b) the financial position of the applicant is, in the opinion of the Controller, such as would prevent the applicant to operate the transport service efficiently;
- c) the applicant had no experience to operate transport service and has not employed persons who have had such experience; or
- d) the applicant does not have an office and parking of a minimum standard specified by the Controller.

79. Register of Licensed Transport Services.---(1) The Controller shall maintain a register in **Form-"W-2"** wherein the names, addresses and composition of all transport services licensed in the province shall be entered.

(2) Every transport service shall report every change in its nature or composition to the Controller within fifteen days of the day on which such change occurs for his approval.

(3) After approval of the Controller, every change in the nature or composition of the transport service shall be entered in the register maintained under this regulation on payment of the fee specified in **Schedule-I**.

80. Display of License.---The operator of a transport service shall prominently display the license in his office premises and a copy of the license shall be kept in every vehicle operated by the transport service.

81. Discontinuance of Business.---In the case of discontinuance of business, dissolution, re-organization or winding up of a licensed transport service, the license holder shall inform the

Controller within thirty days of such discontinuance, dissolution, re-organization or winding up, and on receipt of the information, the Controller may either cancel the license granted to the transport service or, in the case of re-organization, grant a new license to the re-organized transport service.

82. Cancellation of License.--- (1) Subject to the requirements of regulation (16), the Controller may, after affording the operator of a transport service an opportunity of showing cause against the action proposed to be taken against it, by order in writing, cancel its license if he is of the opinion that the transport service has:

- a) violated any provision of these regulations; or
- b) violated the terms and conditions of the license; or
- c) suspended its business without intimation to, or permission of, the Controller and has not resumed it within the time fixed by the Controller; or
- d) become a person to whom a license cannot be granted under these regulations. or
- e) failed to deposit an amount into the business guarantee fund under this chapter.

(2) It shall be mandatory for the Controller to decide the case within three months.

83. Prohibition to Act without License.--- (1) No person shall hold himself out or act as an operator of a transport service unless he holds a valid license.

(2) No tourism product shall procure transport for tourists from a person who does not hold a license as transport service.

84. Conditions of Licenses and Minimum Operational Standards for a Transport Service.---

(1) The following shall be general conditions of license for a transport service:-

- a) The license shall be in the name of a specific person or a registered company; and
- b) The license holder shall have properly planned office and licensed parking for vehicles in a suitable locality.

(2) The following shall be minimum operational standards for vehicles of the transport service:-

- a) No vehicles in the fleet of the transport service shall be of an older model than seven years.
- b) Every vehicle shall either be preloaded with a Global Positioning System with maps for the tourist destination or, in the alternate, road maps, guide books and destination maps for the tourists.
- c) No vehicle shall be used for lift passengers in excess of the registered seating capacity.
- d) Every vehicle shall have registration certificate, fitness certificate, and route permit certification for the trip, record of servicing, routine maintenance dates, spare tyre and tyre jack.
- e) Every vehicle shall be air-conditioned and shall carry approved fire extinguisher and first-aid kits at all times.
- f) Every vehicle shall have safety seat belts and the facility of child seats.
- g) Every vehicle shall have a list of contact numbers with instructional details provided to the tourists for contact in case of emergency accident and breakdown

(3) The following shall be minimum standards for drivers in the employment of a transport service:-

- a) Every driver shall have valid license for the type of vehicle he is charged with.
- b) In addition to fluency of communication in local language, every driver shall be able to communicate in English and Urdu.
- c) Every driver shall be required to hold a certificate in life saving skills and first aid training.
- d) Every driver shall have general knowledge of all tourism products in the destination of his trip.
- e) While on duty, every driver shall wear a clean and approved uniform and shall have with him a mobile phone with sufficient credit.
- f) Every driver shall display his name tag bearing his national identity card number and driving license number.

- g) Every driver shall have an annual police clearance certificate of non-involvement in any criminal activity.
 - h) Every driver shall be required to have adequate knowledge of traffic rules.
- (4) The following shall be minimum standards for managerial staff and infrastructure of the transport service:-

- a) The office premises shall be maintained according to specifications given by the Controller.
- b) The transport service shall operate from an independent parking lot with proper signage.
- c) The business license and rates of rent shall be prominently displayed in office and parking lot.
- d) Every member of the operational and management staff shall be able to communicate in English and Urdu.
- e) All staff shall be neat, tidy and well groomed.
- f) Every staff member shall wear name tag with staff role.
- g) There shall be arrangements for receipt and record of report from tourists on the conduct of drivers and their way of driving.

- (5) The following shall be minimum standards for the License Holders and Operators of the transport service:-

- a) No license holder and operator of a transport service shall do anything which is:
 - i) against the prestige, security or integrity of Pakistan;
 - ii) detrimental to the reputation of another transport service, client or tourist;
 - iii) damaging to the interest of the tourists;
 - iv) misleading in his dealings, advertisements and brochures;
 - v) in violation of the provisions of the Act or the rules made there under, these regulations or the terms and conditions of his license; and
 - vi) delaying early and amicable settlement of disputes arising out of his business transactions.
- b) Every license holder and operator of a transport service shall adhere to ethical practices and shall refrain from objectionable activities including misleading tourists, clients or principals and failing to fulfil business commitments.
- c) Every license holder shall afford necessary facilities to the Controller to inspect his premises and record.
- d) Every license holder and operator of a transport service shall:
 - i) follow the best traditions of salesmanship;
 - ii) abide by his contractual undertakings; and
 - iii) settle all accounts without delay and within the agreed period.

85. Rate of Rent and Process of Fixation.--- (1) The operator of a transport service shall draw up a rate list of rent proposed to be charged from tourists and tour operators and submit the list so drawn to the Controller for approval of the Committee..

(2) The Committee may approve the rates with such modification as it may consider necessary keeping in view the general conditions in the province, the conditions of the vehicles and the rates charged by other transport services for the same destinations.

(3) No license holder shall make any alteration in the rate list approved by the Committee without its prior approval

(4) A license holder shall neither demand nor charge any tourist any amount in excess of the rate approved by the Committee.

(5) Payment of toll-tax and traffic tickets shall be the responsibility of the transport service.

(6) No tourist shall be required to pay any amount on account of any local taxes, surcharges and fees.

86. Business Guarantee Fund.--- (1) Every license holder of a transport service shall maintain in a scheduled bank a business guarantee fund, here in after referred to as Fund, of the amounts mentioned in **Schedule-I**.

(2) The license holder shall intimate the name of the bank with full address of the branch holding the account and the number of the account to the Controller immediately with a bank certificate in **Form- "W-3"** in **Schedule-III**.

(3) No amount shall be payable out of a Fund maintained under this regulation except to the order of the Controller.

(4) A tourist, company, hotel or lodging house having any monetary claim against the transport service, not settled by the later within thirty days from the date of its becoming due, may apply to the Controller, with full proof in support of the claim against the transport service for settlement thereof.

(5) On receipt of a claim the Controller shall, after making such enquiry as he may deem fit and after being fully satisfied with the claim of the applicant, give a show cause notice of a fortnight to the operator of the transport service as to why the amount should not be paid out of his Fund.

(6) On the expiry of the notice period, if the claim is not meanwhile settled by the operator of the transport service and if the Controller is still satisfied with the genuineness of the claim, he may order payment, out of the Fund, of the amount of the claim due under intimation to the operator of the transport service.

(7) While intimating the payment of the claim from the Fund of a transport service, the Controller shall simultaneously require the operator of the transport service to deposit the said amount into the Fund within a period of fifteen days of such payment.

(8) If the operator of the transport service fails to comply with directions for recouping the Fund, the Controller shall suspend the license of the transport service till the time he recoups the Fund.

87. Redemption of Fund.--- (1) A license holder of a transport service or, in the event of his death, his legal heirs may, after the expiry of three months from the date of winding up of his business or revocation or cancellation of his license apply to the Controller to redeem his Fund.

(2) In the case of an application by the legal heirs of a deceased license holder, the application shall be accompanied by a succession certificate.

(3) On receipt of an application under sub-regulation (1), if the Controller is of the opinion that the Fund has served the purpose, he shall inform the bank concerned which shall redeem the Fund.

88. Inspections.--- (1) The Controller or an officer authorized by him in this behalf may inspect during working hours the office premises or parking facility of a transport service for the purposes of ensuring that the office and parking facility are maintained in accordance with these regulations and terms and conditions of the license.

(2) Inspection of premises may include inspection of registers and records of the transport service.

(3) The person making the inspection shall carry an identity card or a certificate indicating his name, designation and authority for the inspection.

(4) Every operator of a transport service shall afford all facilities to the Controller or an officer authorized by him to inspect the premises of office and parking of the transport service and shall produce before him such records, documents, papers and statements, relating to his business as may be demanded in the course of inspection.

89. Penalty.--- (1) Any transport service which contravenes or fails to comply with the provisions of the Act or the rules made there under, or violates these regulations or violates the code of conduct shall, without prejudice to any other action that may be taken against it, be punishable, for the first offence, with fine which may extend to ten thousand rupees and for subsequent offence the Controller may seal the transport service: Provided that any person, who willfully obstructs,

hinders, resists or in any way opposes the Controller or other official subordinate to him in performing their duties under this regulation, shall be punishable with fine which may extend to ten thousand rupees imposed through a ticket issued under the authority of the Controller.

(2) The amount of fine imposed under sub-regulation (1) shall be recoverable as arrears of land revenue.

Sd/-xxx-
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