

L.D. B. 26/68.

**THE TOURIST DEVELOPMENT ACT, NO. 14 OF 1968**

REGULATIONS under sections 78 and 96 of the Tourist Development Act, No. 14 of 1968, made by the Ceylon Tourist Board with the concurrence of the Minister of Shipping and Tourism.

Dharmasiri Senanayake,  
Chairman,  
Ceylon Tourist Board.

Colombo, August 06, 1973.

**Regulations**

**Short Title.**

Travel Agents  
to be registered  
and licensed.

1. These regulations may be cited as the Travel Agents Code, 1973.
2. (1) On and after such date as may be appointed in that behalf by the Board for the purposes of this Code and notified in the *Gazette*, no person shall carry on the business of a travel agent unless such business is for the time being registered and licensed under the provisions of this Code.  
(2) Where any premises are used for the purposes of the business of a travel agent in contravention of the provisions of paragraph (1), the occupier or the proprietor of such premises or the person for the time being in charge of such business shall be guilty of an offence.

**Registration**

Minimum  
requirements  
for registration  
and  
classification of  
travel agent.

Application for  
registration.

Register of  
travel agents.

Registration  
and  
classification.

3. The Competent Authority may, from time to time, in consultation with such bodies or individuals engaged in the business of travel agents as he may deem fit, prescribe by notification published in the *Gazette* the minimum requirements for the registration of the business of travel agents. Different minimum requirements may be so prescribed in respect of each class of the business of travel agents as may be determined by such Authority. Any such notification may be so amended, revoked or replaced by such Authority in a like notification.
4. (1) Every application for the registration of a business of travel agent shall—
  - (a) be made in writing to the Competent Authority;
  - (b) be made in such form as may be provided by such Authority for the purpose;
  - (c) contain the particulars required by that form; and
  - (d) be signed by the applicant who shall be the proprietor of that business.(2) No business of a travel agent shall be registered except upon payment of the appropriate notified fee.
5. For the purposes of this Code the Competent Authority shall open and maintain, or cause to be opened and maintained, a book to be called the "Register of Travel Agents" in such form as may be determined by him, in which particulars relating to the business of the travel agents shall be registered in accordance with the provisions of this Code.
6. (1) Save as otherwise provided in regulation 8, the Competent Authority shall, on receipt of an application under the provisions of regulation 4, after due consideration—
  - (a) register the business of the travel agent and assign a class to such business in accordance with the minimum requirements provided for under regulation 3;
  - (b) register the applicant as the proprietor of such business;
  - (c) issue to the applicant a certificate of registration in such form as may be provided for the purpose;Such certificate of registration may contain terms or conditions which the competent authority may deem necessary—
  - (i) for securing compliance with the provisions of this Code; and
  - (ii) for ensuring that the business of the travel agent shall comply with not less than the minimum requirements provided for under regulation 3.(2) A person registered under this regulation as the proprietor of the business of a travel agent is in this Code referred to as a "registered proprietor."
- (3) Every entry made in the register under this regulation may be referred to as a "registration entry."
- (4) It shall be the duty of the registered proprietor of the business of a travel agent to cause the certificate of registration issued in respect of that business to be kept fixed in a conspicuous place in his registered place of business.
7. The Competent Authority may register the business of a travel agent provisionally on such terms and conditions as may be specified by him at the time of such registration.
8. (1) The Competent Authority may by order, refuse to register the business of a travel agent on any of the following grounds:—
  - (a) that the minimum requirements prescribed by the Competent Authority under regulation 3 are not complied with;
  - (b) that the applicant or any person employed or proposed to be employed by him in the business of the travel agent has, during the period of five years immediately preceding the date of application for registration, been convicted of an offence under the Monetary Law Act, the Exchange Control Act, the Foreign Exchange Entitlement Certificates Act, No. 28 of 1968, the Customs, Ordinance, or the Control of Imports and Exports Act, or of an offence involving the use of the premises of such business for an illegal purpose or of an offence involving moral turpitude;
  - (c) for reasons connected with the situation, construction, sanitation, accommodation, staffing or equipment of the business of the travel agent.(2) Every order made by the Competent Authority refusing an application for registration under the provisions of paragraph (1) shall contain his reasons for making such order.  
(3) Where an order is made refusing an application for the registration of any business of a travel agent, a certified copy of that order including the reasons shall be sent by registered post to the applicant by the Competent Authority.  
(4) No order refusing the registration of the business of a travel agent shall be made on the ground that any person employed by the applicant has been convicted of any offence referred to in this regulation if the applicant establishes to the satisfaction of the competent authority that such offence was committed by his employee without his knowledge, or that he exercised all due diligence to prevent the commission of such offence.  
(5) Before making an order refusing the registration of any business of a travel agent, the competent authority shall give the applicant an opportunity of being heard either in person or by a representative authorised by him in writing in that behalf.
9. (1) Subject to the provisions of paragraph (2), the Competent Authority may by order, suspend or cancel the registration of the business of any travel agent—
  - (a) on any of the grounds specified in regulation 8 (1) (a) and (c);
  - (b) upon conviction of the registered proprietor of the business of the travel agent or of any of his employees of any offence committed under the Act by reason of a contravention, of any of the provisions of this

Suspension or  
cancellation of  
registration.



Code or an offence under the Monetary Law Act, the Exchange Control Act, the Foreign Exchange Entitlement Certificates Act, No. 28 of 1968, the Customs Ordinance or the Control of Imports and Exports Act or upon conviction of the registered proprietor or any of his employees for the business of the travel agent for an illegal purpose or of an offence involving moral turpitude;

- (c) if the premises used for the business of the travel agent or any portion of such premises is used for any purpose other than the business of such travel agent without the written consent of the Competent Authority.

Every such order of suspension or cancellation of the registration of the business of a travel agent made by the Competent Authority shall contain his reasons for such order.

(2) No order suspending or cancelling the registration of the business of a travel agent shall be made on the ground that any person employed by the registered proprietor has been convicted of any offence referred to in this regulation, unless the registered proprietor establishes to the satisfaction of the Competent Authority that such offence was committed by an employee without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(3) Before making an order suspending or cancelling the registration of any business of a travel agent, the Competent Authority shall give the registered proprietor of such business an opportunity of being heard either in person or by a representative authorised by him in writing in that behalf.

(4) No order suspending or cancelling the registration of the business of a travel agent shall be made under paragraph (1) unless the Competent Authority has by written notice sent by registered post to the registered proprietor of such business, informed him that an order of suspension or cancellation will be made upon the expiry of the period specified in such notice, if such measures as are specified by such authority in such notice are not taken by such proprietor before the expiry of such period, and such proprietor has failed to take such measures before the expiry of the period so specified.

(5) Where an order is made suspending or cancelling the registration of the business of a travel agent a certified copy of that order including the reasons for such order shall be sent by registered post to the registered proprietor by the Competent Authority.

Revision of  
classification of  
travel agents.

10. (1) The Competent Authority may, from time to time, after such inquiry as he deems fit in the circumstances, and after giving the registered proprietor an opportunity of being heard, by order, alter or review the classification of any business of a travel agent in accordance with the standards for the time being maintained by such business. Every such order made by the Competent Authority shall contain his reasons therefor.

(2) A certified copy of every order made under this regulation including the reasons shall be sent by registered post to the registered proprietor by the Competent Authority.

#### Licensing

Licensing.

11. (1) On and after the expiration of a period of one month from the date of its registration in accordance with the provisions of this Code, no travel agent registered under this Code shall carry on business except under the authority of a licence issued by the Competent Authority and for the time being in force.

(2) Where an offence is committed under the Act by reason of any contravention of the provisions of this regulation, the registered proprietor of such business of travel agent shall be guilty of that offence.

(3) (a) Every application for a licence in respect of a registered business of a travel agent shall—

- (i) be made in writing to the Competent Authority;
- (ii) be made in such form as may be provided by the Competent Authority for the purpose;
- (iii) contain the particulars required by that form, being particulars which shall include the particulars contained in the registration entry relating to that business; and
- (iv) be signed by the registered proprietor of that business.

(b) Every application for the renewal of a licence for any year shall be made to the competent authority in the form provided for the purpose and with the appropriate notified fee and reach him at least thirty days before the date of expiry of that licence.

(4) A licence granted under the provisions of this Code may be a general licence or a provisional licence.

(5) Every general licence and every renewal thereof shall come into force on the date specified therein and shall, unless it is earlier cancelled by the Competent Authority, remain in force for a period of twelve months from that date.

Every provisional licence shall remain in force for such period as may be specified by the Competent Authority in such licence and no longer.

(6) No licence shall be issued except on the payment of the appropriate notified fee.

(7) The registered proprietor shall display in a conspicuous place in the premises of his business the licence issued by the Competent Authority in respect of such business.

(8) No licence issued under this Code shall be transferable to any other person and accordingly any such transfer shall be null and void.

12. The Competent Authority shall refuse a licence—

- (1) if the business in respect of which an application for a licence is made is not registered under the provisions of this Code; or
- (2) if the registered proprietor has failed to comply with the terms and conditions of a licence issued to him by the Competent Authority for the year immediately preceding the year in respect of which the application for a licence is made;
- (3) if the registered proprietor or any of his employees has, during the year immediately preceding the year in respect of which the application is made, been convicted of any offence under the Act by reason of contravention of any provision of this Code or any offence under the Monetary Law Act, the Foreign Exchange Entitlement Certificates Act, No. 28 of 1968, Exchange Control Act, the Customs Ordinance or the Control of Imports and Exports Act; or upon conviction of the registered proprietor or any of his employees for an offence involving the use of the premises of such business for an illegal purpose or an offence involving moral turpitude.

Terms or  
conditions of  
licence.

13. (1) A licence in respect of the registered business of a travel agent may be issued subject to such terms or conditions as may be specified in the licence, the terms or conditions so specified being such terms or conditions as the Competent Authority may deem necessary—

- (a) for securing compliance with the provisions of this Code; and
- (b) for ensuring that such business shall comply with not less than the minimum standards applicable to the class of travel agents to which that business belongs.

(2) It shall be a term or condition of a licence issued by the competent authority in respect of any registered business of a travel agent that such licence may, subject to the provisions of paragraph (6) of regulation 14, be suspended or cancelled or not be renewed by such authority—

- (a) in the event of the registered proprietor, or any of his employees, being convicted of any offence under the Act by reason of a contravention of any provision of this Code in its application to that business of a travel agent or an offence under the Monetary Law Act, the Exchange Control Act, the Foreign Exchange Entitlement Certificates Act, No. 28 of 1968, the Customs Ordinance or the Control of Imports and Exports Act, or upon conviction of the registered proprietor or any of his employees for an offence involving moral turpitude.



involving the use of the premises of such business for an illegal purpose or of an offence involving moral turpitude;

- (b) in the event of such proprietor contravening of failing to comply with any terms or conditions specified in the licence;
- (c) if the premises used for the business of the travel agent or any portion of such premises is being used or occupied for any purpose other than the business of such travel agent without the written consent of the competent authority.

(3) The competent authority may, either of his own motion or on representations made to him, in that behalf by the registered proprietor of the business of a travel agent, after giving such registered proprietor an opportunity of being heard, amend, vary, modify or rescind any term or condition attached to the licence issued in respect of that business, or attach any new term or condition thereto.

Refusal,  
cancellation or  
suspension of  
licence.

14. (1) Upon the receipt of any application for a licence or renewal of a licence in respect of the registered business of a travel agent, the competent authority may subject to the provisions of paragraph (6), make an Order allowing such application: Provided that in any case where he refuses an application for a licence, the competent authority shall give reasons for such refusal in his order.

(2) The competent authority shall cause a certified copy of an order made by him refusing an application for a licence in respect of the registered business of a travel agent to be served on the registered proprietor. Every such certified copy shall contain the reasons for making such order of refusal.

(3) Where the competent authority makes an order allowing an application for a licence in respect of a registered business of a travel agent, he shall issue to the registered proprietor a licence in such form and containing such particulars as may be determined by such authority.

(4) The competent authority may, by order, suspend or cancel a licence unless the terms and conditions of such licence are complied with. Every order made under this paragraph shall contain the reasons for such order.

(5) No order suspending or cancelling a licence shall be made unless the competent authority has by written notice, sent by registered post to the licence holder, informed him that an order of suspension or cancellation will be made upon the expiry of the period specified in the notice if such measures as are specified by such authority in the notice are not taken by the licence holder, and the licence holder has failed to take such measures before the expiry of the period so specified.

(6) Before making an order refusing an application for a licence or suspending or cancelling a licence, the competent authority shall give the registered proprietor an opportunity of being heard in person, or by a representative authorised by him in writing in that behalf.

(7) Where an order suspending or cancelling a licence is made, a certified copy of that order including the reasons for such order shall be sent by registered post to the registered proprietor by the competent authority.

(8) No order refusing a licence of suspending or cancelling the licence of the business of a travel agent shall be made on the ground that any person employed in such business has been convicted, or any offence, if the registered proprietor of such business establishes to the satisfaction of the competent authority that such offence was committed by his employee without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(9) Where the licence of the registered business of any travel agent has been suspended or cancelled, such licence shall be deemed for all purposes to have ceased to be in force.

#### General

Correction of  
particulars in  
registration  
entry or  
licence.

15. (1) Where any change occurs in any matter or thing relating to the registered business of a travel agent which necessitates any amendment in the particulars of the registration entry relating to that business, the registered proprietor of such business shall forthwith give notice of such change to the competent authority, and such authority may, on receipt of such notice, but after such inquiry as he deems fit in the circumstances, make the necessary amendment in such particulars.

(2) Where the particulars in the registration entry or licence relating to the registered business of a travel agent are revised by the competent authority under this Code, such authority may require the registered proprietor of that business to return the licence to such authority to enable him to make corresponding amendments in that licence, and it shall be the duty of such proprietor to comply with that requirement within the period specified therein.

Special provisions  
relating  
to the mode and  
manner of pay-  
ment by tourists  
to, and the  
acceptance of  
such payment  
by travel  
agents.

16. (1) The mode and manner of the payment by tourists to any registered travel agent for the services and facilities provided by such travel agent, and the mode and manner of the acceptance of such payment by such travel agent, shall be in accordance with such directions as may be issued in that behalf from time to time by the competent authority with the approval of the Board.

(2) Any direction issued by the competent authority under paragraph (1) of this regulation shall be in conformity with the provisions, if any, of the Monetary Law Act and/or the Exchange control Act, the Foreign Exchange Entitlement certificates Act, No. 28 of 1968, the customs Ordinance, the control of Imports and Exports Act or of any regulations made under the aforesaid Acts.

(3) Where any offence under the Act is committed in respect of the registered business of a travel agent the registered proprietor of that business and the person who actually demanded the payment referred to in paragraph (1), or accepted such payment, shall each be guilty of that offence.

Punishment for  
fraudulent  
registration or  
licensing.

17. If any person fraudulently procures or attempts to procure the business of a travel agent to be registered or licensed under this Code by producing or causing to be made or produced false or fraudulent representation or other material in writing, he and every person aiding and abetting him shall be guilty of an offence.

Assuming the  
name of, or  
carrying on  
business as a  
travel agent an  
offence.

18. (1) No proprietor of the business of a travel agent shall, unless such business has been registered and licensed under the provisions of this Code, take, use or display any name, title, addition or description in relating to such business, implying that it is a registered and licensed business of a travel agent.

(2) Every person who contravenes the provisions of this regulation shall be guilty of an offence.

Power of com-  
petent authority  
to require infor-  
mation from  
persons gene-  
rally, and to  
hold inquiries.

19. (1) The competent authority—

(a) may, direct any person to furnish such authority within such period as shall be specified in the direction, with such information within his knowledge as shall be so specified, being information which is necessary for the following purposes, namely, the disposal of any application made by any other person under this Code, or for the verification of the authenticity of any particulars specified in such application, of any return or information made or furnished by such other person under this Code, or for the suspension or cancellation of any registration or licence; and

(b) may, from time to time, hold such inquiries as may be necessary for any of such purposes.

(2) Any person to whom any direction is issued under paragraph (1) of this regulation shall comply with such direction within the period specified therein.

Provided, however, that where the competent authority is satisfied that the direction could not be complied with for reasons beyond the control of the person to whom it was issued, he may allow such person a further period of time to comply with such direction.



## Offences.

20. (1) Any person who acts in contravention of any of the provisions of this Code shall be guilty of an offence under the Act.

(2) Any offence committed under the Act by any servant or agent of the registered proprietor of a business of a travel agent by reason of a contravention of any provision of this Code shall be deemed to be an offence committed by such registered proprietor unless such registered proprietor establishes to the satisfaction of the competent authority that such offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Registered and licensed business of travel agent to keep books and registers and furnish returns.

21. (1) Every proprietor of the business of a travel agent registered and licensed under the provisions of this Code shall maintain books and registers containing particulars of—

- (a) the names of persons who have engaged the services of such travel agent, the nature of services rendered to such persons, and the period or dates on which such services were rendered;
- (b) the country of origin and address of the person who engaged the services of the travel agent;
- (c) the payment made by such person in respect of accommodation, food and drink, hire of transport, or other services and the currency in which payment was made;
- (d) any other information that may be specified by the competent authority.

(2) Every registered proprietor of the business of a travel agent shall periodically, and whenever required by the Chairman of the Board, the competent authority or an officer of the Board acting on behalf of such authority furnish to the competent authority certified extracts or returns of such information from the books and registers maintained under the provisions of sub-paragraph (1).

Powers of entry, inspection, etc.

22. (1) For the purpose of determining whether the provisions of this Code are being complied with, it shall be lawful for the Chairman of the Board, a member of the Board acting under the authority of the Chairman of the Board, the competent authority or any person holding the office of not less than the rank of Assistant Director of the Board acting under the written authority of the Chairman of the Board or the competent authority—

- (a) without previous notice and at any time during business hours, to enter any premises used or occupied for the business of a travel agent, or purporting to be used or occupied for the business of a travel agent and to inspect such premises for the purpose of ascertaining whether such business of the travel agent is being maintained in accordance with the provisions of the Act and this Code;
- (b) at any time to require any person in charge of the business of a travel agent to produce any book, notice, record, list or other document which is in the possession, custody or control of the person or any other person in his behalf;
- (c) to examine any such book, notice, record, list or other document, make copies or take extracts from such book, notice, record, list or document and require from any person connected with the business of such travel agent an explanation of any entries therein, and seize any such book, notice, record, list or document as, in his opinion, may afford evidence of any offence committed under the Act or under this Code;
- (d) to question, either alone or in the presence of any other person as he deems fit, with respect to any matter which is being investigated by him, every person whom he finds in the premises entered by him or whom he has reasonable grounds for believing to be or to have been employed in such premises or to be in possession, custody, or control of anything referred to in this regulation;
- (e) require any person referred to in the preceding sub-paragraph (d) to appear before him at a time and place fixed by him and to question that person concerning any matter which is being investigated by him.

(2) Any person who is in charge of any premises referred to in paragraph (1), shall, at all times, provide all such facilities as may be required of him by such Chairman, member, authority or person in the exercise of his or their powers under this regulation.

(3) Any person exercising the powers conferred upon him by paragraph (1) shall on demand produce evidence of his identity or the written authority referred to.

(4) Any person who resists or obstructs such Chairman, member, authority or person in the exercise of the powers conferred by the preceding provisions of this regulation shall be guilty of an offence.

(5) Any person acting under the provisions of paragraph (1) shall be deemed to be a state officer within the meaning and for the purposes of the Penal Code.

Oath of secrecy.

23. All persons exercising the powers conferred by regulation 21 (2) and 22 (1) shall make an official "Oath or Affirmation" according to such form and with such formalities as may be prescribed by the Board swearing or declaring and affirming as the case may be, that he or they shall observe strict secrecy with regard to any fact, matter or thing, which comes or may come to his or their knowledge during the course of and in the performance of the duties referred to in the regulations.

Exercise of administrative control over travel agents by competent authority.

24. The registered proprietor of the business of a travel agent shall comply with the lawful directions or requirements of any notice served on him by the competent authority within the time stated in such notice, or if no such time is stated in such notice, then within fourteen days from the date of service of such notice.

Appropriate notified fees.

25. The competent authority may, from time to time, by notification published in the Gazette, fix the fees payable for registration or licences or for duplicates or copies of registration entries or licences. Any such notification may be amended, revoked, or replaced by such authority in a like notification.

Service of documents.

26. (1) Any document which is required or authorised by this code to be served on, or issued to any person shall, if it is not personally served on, or issued to such person, be deemed to have been duly served or issued if it is sent to him by post in a registered letter addressed to his last known place of abode or of business.

(2) In this regulation "document" means any copy of any order, by licence, any direction, or any other document by whatsoever name or designation called.

Interpretation.

27. (1) In this code, unless the context otherwise requires—

"appropriate notified fee" for the purposes of any registration, any licence, or any duplicate or copy of a registration entry or licence, means the fee fixed for such purposes by the competent authority by notification published in the Gazette under regulation 25;

"Board" means the Ceylon Tourist Board constituted under section 2 of the Ceylon Tourist Board Act, No. 10 of 1966;

"Chairman of the Board" means the Chairman of the Ceylon Tourist Board appointed under section 6 of the Ceylon Tourist Board Act, No. 10 of 1966;

"Member of the Board" means a member of the Ceylon Tourist Board appointed under section 6 of the Ceylon Tourist Board Act, No. 10 of 1966;

"Class" or "Classification" in relation to the business of a travel agent means the registered class or classification assigned to the business by the competent authority;

"competent authority" has the same meaning as in the Act;

"licence" means a licence issued by the competent authority under this Code;

"registered" means registered in the Register of travel agents;

"Act" means the Tourist Development Act, No. 14 of 1968; and

"travel agent" has the same meaning as in the Act.