

ANTIGUA AND BARBUDA



**TOURISM STANDARDS ACT, 2017**

**2017, No.**



**TOURISM STANDARDS ACT 2017**

**ARRANGEMENT OF SECTIONS**

**PART I**

**PRELIMINARY**

1. Short title
2. Definitions

**PART II**

**DEVELOPMENT AND ENFORCEMENT OF STANDARDS**

3. Power to develop standards
4. Objective of standards
5. Consultation
6. Relevant considerations
7. Publication of standards
8. Status and enforcement of standards
9. Quality Assurance Officers
10. Power of Entry
11. Non-compliance procedures

**PART III**

**LICENSING OF PROVIDERS OF TOURISM SERVICES**

12. Application for licence
13. Necessity for licence to offer tourism service
14. Terms of licence
15. Report
16. Display of licence
17. Variation of terms and conditions of licence
18. Failure to comply with conditions of licence
19. Cancellation of licence

- 20. Appeal of decision of the Authority
- 21. Register of tourism business

#### **PART IV**

#### **CLASSIFICATION AND RATING OF TOURISM SERVICES**

- 22. Power to classify tourist accommodation
- 23. Objectives of classification
- 24. Publication of classification
- 25. Rating of tourism services
- 26. Publication of ratings
- 27. Removal and review of classification or rating
- 28. Reinstatement of classification
- 29. Status of Board re classification, rating etc.

#### **PART V**

#### **MISCELLANEOUS**

- 30. Offences
- 31. Rules and regulations
- 32. Delegation by the Director
- 33. Commencement

**FIRST SCHEDULE**

**SECOND SCHEDULE**

**ANTIGUA AND BARBUDA**  
**TOURISM STANDARD ACT 2017**

**AN ACT** to provide for the creation of standards, licenses and scheduling for the tourism industry, and matters connected therewith

**BE IT ENACTED** by the Parliament of Antigua and Barbuda as follow

**PART I**  
**PRELIMINARY**

**1. Short Title**

This Act may be cited as the TOURISM STANDARDS ACT, 2017.

**2. Definitions**

In this Act, unless the context otherwise requires—

“apartment “ means any furnished premises in which

- (a) sleeping accommodation and self-catering facilities are provided in 3 or more self-contained units; and
- (b) a charge is made for the accommodation provided;

“Authority” means the Antigua and Barbuda Tourism Authority established by section 3 of the Antigua and Barbuda Tourism Authority Act, 2008;

“Chief Executive Officer” means the Chief Executive Officer of the Antigua and Barbuda Tourism Authority;

“guest house” means a premises which—

- (a) provides sleeping accommodation for 3 to 10 bedrooms;
- (b) imposes charges for the provision of accommodation and service; and
- (c) serve meals to residents;

“home accommodation” means a registered dwelling house or residence where temporary lodging or sleeping accommodation is provided to guests at a charge;

“hotel” means any building or group of buildings, whether contiguous with each other or not, and the grounds appurtenant thereto that operates as one business venture in which—

- (a) sleeping accommodation is provided in 10 or more bedrooms;
- (b) a charge is made for the accommodation provided; and
- (c) meals are served to residents and non-residents;

“Minister” means the Minister responsible for Tourism.

“Tourism Development Plan” means the tourism industry plan prepared by the Authority;

“standard” means a measure or level, established by the Minister under this Act and which must be attained and maintained by any provider of a tourism service to which the standard relates;

“tourist accommodation” includes apartments, hotels, resorts, motels, inns, boarding houses and guesthouses, villas or other premises or place where accommodation is provided to tourist for reward;

“tourism services” include all services listed in the First Schedule and services connected with all types of tourist accommodation, travel service, ground transportation of all types, tour guiding, vending, water sports and food and beverage.

“villas” means a house that—

- (a) has at least 3 bedrooms which are available for the accommodation of guest for reward at least 9 months in every year;
- (b) is managed by the owner, company or real estate agent; and
- (c) is duly licensed under this Act.

(2) This Act shall be given such large and liberal construction in order that its purpose may be attained.

## **PART II**

### **DEVELOPMENT AND ENFORCEMENT OF STANDARDS**

#### **3. Power to develop standards**

(1) Notwithstanding anything to the contrary contained in any enactment, for the purpose of enhancing and developing the tourism industry in Antigua and Barbuda, there shall be a programme of standards as contemplated by the tourism development plan which will be prepared by the Authority and published by Notice in the Official Gazette.

(2) The Minister may cause the Authority to develop and implement the programme of standards in such manner and within such time as the Minister determines.

#### **4. Objectives of standards**

The objectives of the programme of standards developed under section 3 are to—

- (a) serve as criteria by which any tourism service may be classified and rated;
- (b) provide a development mechanism for the tourism industry;
- (c) serve as a basis for the acquisition and application of accepted international tourism service and facility standards; and
- (d) strengthen the economic and human resource competitiveness of the tourism industry within the regional and international context.

#### **5. Consultation**

(1) The Authority shall, in the development of the programme of standards, consult the Bureau of Standards.

(2) Where the Bureau of Standards is consulted under subsection (1), it shall give such advice as is appropriate in the circumstances.

(3) For the purposes of this section, the Bureau of Standards means the Antigua and Barbuda Bureau of Standards established by section 3 of the Standards Act, Cap 411.

#### **6. Relevant considerations**

The Authority shall, in the development of standards, have regard to the objectives of such standards as are set out in Section 4.

## **7. Publication of standards**

The Authority shall cause all standards developed under section 3 to be published in the Official Gazette and in such manner that is likely to result in the widest dissemination locally, regionally and internationally.

## **8. Status and enforcement of standards**

All standards developed under this Act shall, upon publication, in the Official Gazette be applied in relation to the tourism services in accordance with this Act.

## **9. Quality Assurance Unit**

(1) The Minister may, for the purpose of maintenance and enforcement of standards, establish a unit within the ministry of Tourism, to be known as the Quality Assurance Unit, hereinafter referred to as “the Unit”.

(2) The Unit shall consist of not more than three persons, all of whom shall be appointed by the Minister; and

(3) The Unit shall be responsible for carrying out the functions required for the effective monitoring of the tourism services and tourist accommodation and to ensure compliance with the standards, classifications and ratings established under this Act and Regulations made thereunder.

(4) Without prejudice to the generality of the foregoing, the Unit shall—

- (a) carry out periodic inspections of tourist accommodation, vehicles and locations where tourism services are offered;
- (b) investigate complaints concerning standards within the tourism industry;
- (c) issue non-compliance notices to service providers within the tourism industry;
- (d) require remedial or corrective measures to be taken where non-compliance has been identified;
- (e) recommend, implement and administer approved programs and measures to ensure compliance with this Act and Regulations;
- (f) undertake and carry out surveys, monitoring investigations and collate data on compliance within the tourism industry;
- (g) prepare and submit compliance reports on licensees;
- (h) submit periodic written reports to the Minister and the Authority; and
- (i) publish in the Official Gazette and disseminate updated information relating to standards classification and ratings.



## **10. Power of Entry**

(1) Subject to subsection (2), every quality assurance officer shall, before entering any tourist facility, produce to the person in charge of the tourist facility, a photo identification card issued by the Authority, authorizing that person to enter the facility on the Authority's behalf.

(2) A Quality Assurance Officer may at any reasonable time enter any tourist accommodation, facility, vehicle or other location where a tourism service is being offered, for the purpose of inspecting and ensuring that the facility is utilized in such a manner as to promote the public benefit and by ascertaining whether or not the standards established under this Act or any Regulations made thereunder are being complied with by a licensee.

## **11. Non-compliance procedures**

(1) Where the Unit has determined that a person is offering a tourism service without a license, the Unit shall serve that person with a notice in writing specifying the breach and requiring that corrective action be taken within a time stipulated in the notice.

(2) Upon receipt of a report under section 19, the Head of the Unit shall refer the report to the Authority who shall consider the report and make recommendations to the Minister.

## **PART III**

### **LICENSING OF PROVIDERS OF TOURISM SERVICES**

## **12. Application for licence**

(1) (a) Any person who desires to operate a tourism business specified in the First Schedule shall make an application to the Authority in such a manner and accompanied with such particulars and with such fee as may be prescribed by regulations; and

(b) shall furnish such additional particulars as the Authority may request in any particular case.

(2) The Authority shall—

(a) conduct inquiries and carry out such investigations as it considers proper; and

(b) take into consideration the reports made by the persons specified in subsection (2) of section 15 for tourism services specified in the First Schedule.

(3) (a) Any person who desires to operate a tourism service specified in the Second Schedule shall make an application to the Minister in such a manner and accompanied with such particulars and with such fee as may be prescribed by regulations; and

(b) shall furnish such additional particulars as the Minister may request in any particular case.

(4) The Minister, before issuing any licence specified in the Second Schedule, shall—

(a) conduct inquiries and carry out such investigations as it considers proper; and

(b) take into consideration the reports made by the persons specified in subsection (2) of section 15.

### **13. Necessity for licence to offer tourism service**

(1) Subject to section 15, no person shall offer any tourism service specified in the First Schedule for reward or otherwise unless a license has been issued to him by the Authority.

(2) Subject to section 15, no person shall offer any tourism service specified in the Second Schedule for reward or otherwise unless a license has been issued to him by the Minister.

(3) Where a breach continues after the time stipulated in the Notice given under subsection (1) of section 11 expires, the person in breach commits an offence, under this section and is liable on summary conviction to a fine of five thousand dollars or imprisonment for a term not exceeding 12 months and his licence revoked.

#### **14. Terms of licence**

Subject to the provisions this Act, a licence shall be valid from the date of issue for a period not exceeding 12 months, and shall be renewed before or at the end of every issued period.

#### **15. Report**

(1) The Authority shall, before making its recommendation to the Minister for granting or renewing a licence under this Act, make inquiry, conduct such investigations and have regard to the reports made by any person specified in subsection (2), about the person applying to operate the tourism business and the premises which the business proposes to operate.

(2) The Authority shall request any applicant for a licence or renewal of a licence for a tourism service listed in the First Schedule, or the Minister shall request any applicant for a licence or renewal of a licence for a tourism service listed in the Second Schedule, to obtain a report from —

- (a) the Chief Environmental Officer;
- (b) the Commissioner of Police;
- (c) the Director of the Tourism Authority;
- (d) the Chief Public Health Officer; or
- (e) any such other public officer as the Authority or Minister considers desirable.

(3) A person referred to in paragraphs (a) to (d) of subsection (2) shall inspect-

- (a) the premises in respect of which an application for a licence or renewal of a licence is made; and
- (b) any plant or equipment proposed to be used for the purpose of a tourism service.

#### **16. Display of licence**

Every licensee shall exhibit the licence or a certified copy thereof in a conspicuous place at his principal place of business and every place where he carries on his tourism business.

### **17. Variation of terms and conditions of licence**

(1) The Authority may, upon application made by the licensee for the renewal of a license specified in the First Schedule, or the Minister, may, upon application made by the licensee for the renewal of a license specified in the Second Schedule, vary any term or condition of the license, taking into consideration any changes in circumstance since the licence was issued as well as any representation made to it by the licensee and shall not vary such term or condition of its own motion without first giving to the licensee a reasonable opportunity to make representation.

(2) Any variation of a term or condition of a license made by the Authority or the Minister under subsection (1), shall be endorsed on the license together with the date when it was made and the date which it is to take effect.

### **18. Failure to comply with conditions of licence**

(1) Where it appears to the Authority or the Minister, after such enquiry as it may consider fit to make, that a licensee has—

- (a) failed to comply with any term or condition of the licence;
- (b) operated the tourism service in contravention of this Act or any other law; or
- (c) failed to pay any fee payable in respect of the licence, the Authority or the Minister may, by notice in writing require the licensee to remedy the default within such period, not being less than forty days after the service of the notice.

(2) If the licensee is in default, and fails within the time specified in the notice to remedy the default complained of by the Authority or the Minister, the Authority or the Minister may, by notice in writing, cancel the licence.

(3) A licensee who fails to comply within the time specified in the notice to discontinue the operation of the tourism business under subsection (1) commits an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for a term not exceeding twelve months.

### **19. Cancellation of licence**

(1) The Minister may, on the recommendation of the Authority, cancel a licence specified in the First Schedule, if—

- (a) the licensee has ceased to operate a tourism service; or

- (b) the licensee continues to be in contravention of terms of the licence.
- (2) The Minister may cancel a licence specified in the Second Schedule, if—
- (a) the licensee has ceased to operate a tourism service; or
  - (b) the licensee continues to be in contravention of terms of the licence.

## **20. Appeal of decision of the Authority**

(1) A person aggrieved by the decision of the Authority may within 21 days of the receipt of the decision appeal to the Minister for review of such decision.

(2) The Minister may—

- (a) confirm or allow the decision appealed against or may direct the Authority to reconsider its decision on the basis of new facts on changing circumstance;
- (b) direct the Authority to cancel a term or condition it has imposed on a licence, and substitute such other term or condition as he may determine; or
- (c) direct the Authority to restore a licence it has cancelled, or restore it on such terms and conditions as he may determine.

## **21. Register of tourism business**

The Authority shall keep a register of all tourism businesses in respect of which licences have been granted under this Act.

# **PART IV**

## **CLASSIFICATION AND RATING OF TOURISM SERVICES**

### **22. Power to classify tourist accommodation**

The Minister may cause the Authority to develop a system of classification with respect to tourist accommodation specified in the Second Schedule.

### **23. Objectives of classification**

The objectives of the system of classification are -

- (a) to ensure that certain types of tourist accommodation maintain particular standards; and
- (b) to ensure that there is a price differential among different types of tourist accommodation.

### **24. Publication of classification**

The Authority shall cause the results of the classification to be published in the Official Gazette and in such other manner as will result in the widest dissemination, locally, regionally and internationally.

### **25. Rating of Tourism services**

The Minister shall cause the Authority to develop a system for the rating of the tourism services specified in the First Schedule and may cause the Authority to develop a system for the rating of the tourism services specified in the Second Schedule

### **26. Publication of ratings**

The Authority shall cause the rating of the tourism services to be published in the Official Gazette and in such other manner as is likely to result in the widest dissemination, locally, regionally and internationally.

### **27. Removal and review of classification or rating**

(1) The classification or rating assigned or given to a tourist accommodation or tourism services, as the case may be, may be removed by the Minister if he is satisfied that a false or misleading classification was used in advertising or otherwise in relation to a tourist accommodation or tourist service.

(2) Any removal of classification or rating by the Minister under subsection (1) shall be published by the Authority in the Official Gazette and in such other manner as will ensure the widest dissemination, locally, regionally and internationally.

(3) The Authority may, from time to time, cause the systems of classification and rating to be reviewed so as to ensure that all tourist accommodation and tourist services are properly classified or rated.

### **28. Reinstatement of classification or rating**

(1) The Minister may reinstate a classification or rating if he is satisfied that the basis for the removal has been remedied.

(2) The Minister shall cause any reinstatement under subsection (1) to be published in the Official Gazette or in such other manner as will ensure the widest dissemination, locally, regionally and internationally.

### **29. Status of Corporation Re classification, rating etc.**

The publication of any classification, rating and related matters under this Part must be done under the aegis of the Authority which fact must be so indicated.

## **PART V**

### **MISCELLANEOUS**

### **30. Offences**

(1) A person who offers a tourism service without a licence commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to a term of imprisonment not exceeding 12 months, and to a further fine of one thousand dollars for each day on which the offence continues after a first conviction.

(2) A person who advertises or causes to be advertised any tourism accommodation which indicates a classification or rating not issued under this Act commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to a term of imprisonment not exceeding 12 months, and a further fine of five hundred dollars for each day on which the offence continues after a first or subsequent conviction.

(3) Any person who fails to comply with any provision under this Act to which no express penalty is provided commits an offence and shall be liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for three months.

(4) Any person, who willfully obstructs an officer of the Authority in the performance of his duties under this Act commits an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for a term not exceeding 12 months.

(5) A person who operates a tourism business without a license commits an offence and is liable on conviction to a fine of five thousand dollars or to a term of imprisonment not exceeding twelve months.

### **31. Rules and Regulations**

(1) The Minister may make rules and regulations generally in order to give effect to the provisions of this Act.

(2) A fine of five thousand dollars or a term of imprisonment, not exceeding 12 months, or both may be imposed for contravention of the rules and regulations made pursuant to subsection (1).

### **32. Delegation by the Director**

(1) Where any duty is conferred on the Director of the Authority under this Act, the Director may delegate such duty to his deputy or, in the absence of his deputy, to an Officer, not below the mark of Assistant Director.

(2) Nothing contained in subsection (1), absolves the Director from his duty to ensure that any duty so delegated is properly and efficiently carried out.

### **33. Commencement**

This Act shall come into force on such date as the Minister made by Notice published in the Official Gazette.



## **FIRST SCHEDULE**

**(Section 13)**

### **TOURISM SERVICES**

1. All types of accommodation offered wholly or mainly to tourists
2. Bus tours services
3. Taxi services (land and water) associated with hotels
4. Bus tour guide
5. Tour guide/Walking Tours
6. Water sports
7. Food and beverage services associated with hotels
8. Vehicle rentals services associated with hotels
9. Travel services associated with hotels
10. Horseback riding associated with hotels
11. Home accommodations
12. Any other tourism service that the Minister may deem necessary

## **SECOND SCHEDULE**

**(Section 20)**

1. Hotels (including all-inclusive hotels)
2. Apartments
3. Apartment hotels
4. Motels
5. Resorts
6. Inns
7. Guesthouses
8. Boarding houses
9. Bed and breakfast
10. Villas
11. Time-Shares
12. Eco lodges
13. Any other tourism related service that the Minister may deem necessary.



**EXPLANATORY MEMORANDUM**

The Tourism Standards Act 2017 the Bill provides for development and regulation of Tourism services in Antigua and Barbuda.

- (a) Part II deals with the development and enforcement of standards for the tourist industry.
- (b) Part III deals with the regulation and certification of tourism services.
- (c) Part IV deals with the classification and rating of tourism services, and
- (c) Part V deals with matters connected with or incidental to the provision of tourism services