

**Guyana Tourism Authority Act**  
***Chapter 91:12***

**Tour Operators Regulation 2005**

**1 Short title**

This regulation may be cited as the *Tour Operators Regulation 2005*.

**2 Commencement** This regulation commences on 1 January 2005.

**3. Definitions**

In these regulations unless the context otherwise requires –

‘**Act**’ means, the Guyana Tourism Authority Act.

**Authority:** means the Guyana Tourism Authority

**Aircraft:** any mechanically propelled device that is capable of flight.

**All Inclusive:** the total cost of the tour including all charges that may be incurred while on tour.

**Carrying Capacity:** The maximum number of people that can use the tourist attraction, without causing an unacceptable deterioration in the environment and without an unacceptable decline in the quality of the visitor’s experience.

**Community Tour Guide:** A tour guide who has expert knowledge of the community being toured and provides a tour guiding service within or near his/her community.

**Floating Craft:** A vessel that is propelled on water by an engine, oars or sail.

**Motor Vehicle:** Any mechanically propelled vehicle intended or adapted for use on land.

**Public liability insurance:** Insurance coverage given to a member of the public for loss of or damage to property or injury to self.

**Quality:** The totality of characteristics of a product that bear on its ability to satisfy stated and implied needs.

**Specialty tour guide:** A tour guide who has expert knowledge on the particular tourist attraction for which the tour has been arranged.

**Tour:** Any prearranged journey to one or more destinations provided by a tour guide or tour operator for remuneration.

**Tour Guide:** An individual who is licensed by the Guyana Tourism Authority to lead a tour party, provide general information, interprets, indicate and informs on items of interest along the way to an/or at a tourist attraction.

**Tour Itinerary:** The itemized aspects of the tour. The itinerary should include the routes and expected times of departure and return of the tour party.

**Tour Operator:** A company that provides a range of tour services for the international and / or domestic tourism market. For example, these services may include; destination management services; assembly to tour packages; and the promotion of the attractions, products and services of Guyana.

**Destination management services:** service provided by a company which may include contracts with hotels, transportation companies and/or other suppliers to create a tour package for resale directly to the consumer or travel agents.

**Tour packages:** A combination of several travel components provided by one or more suppliers which are sold to the consumer as a single product at a single price.

**Tour Party:** An individual or a group of individuals who are customers of a tour.

#### **4. Conditions of License**

1. Compliance with the provisions of these regulations shall be deemed to be a condition to which a license to operate any tour operation is subject, irrespective to whether reference to these regulations is made in the license itself.
2. Businesses making an application for a Tour Operators License must be registered as a Tour Operator under the Registration Act Chapter 90:05 up to December 2004.

#### **Validity of license**

5. (1) License issued under these regulations shall be valid for a period of one year expiring on the 31st day of December unless a different validity period is established.  
  
(2) Any Tour Operator who fails to renew the license on the expiry thereof shall cease to hold a valid license.

#### **Licensing application procedure**

6. An application for a license must be made to the Guyana Tourism Authority, on a prescribed form set out by the Authority. The **appropriate fees for Licensing** must be paid with this application. The fee paid along with a licensing application will not be refundable under any condition.

7. Within 30 days of receipt of the complete application, an authorized officer from the Authority shall carry out an inspection and evaluation of the tour operation, and will submit a written report to the applicant listing areas of nonconformities, if any, to the regulations set forth under the Act.

**License refused or revoked-extension of time to comply with standards granted.**

8.(1)The Authority may refuse the issuance of a license, or may revoke a license as provided for herein, at any time the Authority determines the tour operation is not in compliance with these regulations. If at any time the Authority determines that a tour operator is not in compliance with these regulations, the Authority shall notify the applicant of the operation in writing of such alterations or changes as may be deemed necessary to be in compliance therewith.

(2)The owner shall be allowed a period of 30 days following receipt of the notice, in order to comply with the Authority's regulations. At the expiration of the period of time allowed by the Authority, the Authority shall review the progress of the owner's attempts to be in compliance with the regulations and may grant additional time for compliance. Upon expiration of the time to comply with such regulation requirements, and any extensions thereof, the Authority is authorized to revoke or not renew the license to operate a tour.

**9. Knowledge of Act, code and other legislation**

A tour operator must have reasonable knowledge and understanding of the Act, this regulation, the EPA Regulation 2000, and all other safety and relevant health regulations in so far as they relate to the carrying on of the business of a tour operator.

**10. Facilities**

The tour operator must have well maintained facilities with the established means of communication with the potential customer and/or staff. The tour operator should also have facilities for financial transactions.

Additionally, at the office, the tour operator should provide access to:

- a) Parking (where available)
- b) Clean washrooms
- c) Sheltered seating; and
- d) Have a reception area with a person to handle any enquiries.

The tour operator shall be mindful of the needs of the physically challenged persons by providing facilities for their use.

## **11. Responsibilities of tour operators**

The tour operator is responsible for:

- a) Planning the tour itinerary
- b) Advertising and marketing the tour
- c) Booking the tours
- d) Ensuring that the necessary equipment is available and is in sufficient quantity for the tour party
- e) Ensuring that the equipment to be used are in good working order
- f) Ensuring that the tour guides and staff are adequately qualified to perform their duties.
- g) Informing a responsible third party of the tour itinerary.
- h) Establishing a ratio of tour guides to the tour party relevant to the type of tour in an effort to ensure delivery of a quality service. However the ratio should not exceed one tour guide to fifteen tourists, (1: 15), under any circumstances.
- i) Ensuring that all legal requirements are met.
- j) Making available evaluation forms for the tour party to provide feedback to the Authority upon the Authority's request.
- k) Ensuring an effective means of communication between tour guides and base operation or other appropriate contact, in order to cater for emergency situations.

## **12. Appearance**

Staff of tour operators shall be clearly identified as such. Additionally they shall:

- a) Be appropriately attired while on duty
- b) Ensure that good personal hygiene practices are observed at all times.

## **13. Motor Vehicle, floating craft, aircraft**

(1) All of the above shall satisfy legal and regulatory requirements including those relating to registration, insurance, safety equipment, and road worthiness, sea worthiness or air worthiness ( as appropriate) status based on inspections conducted by, or on behalf of the relevant authority.

(2)The Authority reserves the right to examine the relevant documents relating to subsection (1) above.

## **14. Safety measures**

All safety equipment used on tour shall undergo checks based on a fixed inspection and maintenance schedule. Notwithstanding this all equipment should be thoroughly examined prior to use on a tour for apparent defects. All equipment used by a tour operator will be subjected to inspections by the Tourism Authority or a duly qualified individual appointed by the Authority.

## **15. Insurance**

All tour operators must have public liability insurance that covers the entire tour party.

## **16. Policy about dispute resolution process**

- (1) A tour operator must have a written policy for resolving disputes between the tour operator and a tourist.
- (2) The tour operator must ensure that the policy—
  - (a) Allows the tourist to participate in a timely and appropriate dispute resolution process that has regard to the tourist's status as a person who is only temporarily in Guyana; and
  - (b) States, in a prominent way, that—
    - (i) The tourist may contact the Authority if the tourist is concerned about the conduct of the tour operator; and
    - (ii) The dispute resolution process described in the policy does not stop a tourist from exercising the tourist's rights to other legal remedies.
- (3) The tour operator must inform each tourist, about the tour operator's policy, and if the tourist asks, give the tourist a copy of the policy.
- (4) All reasonable measures should be taken to have a copy of the policy in the first language of the tourist.

## **17. Honesty, fairness and professionalism**

- (1) A tour operator must act honestly, fairly and professionally in carrying on the business of a tour operator.
- (2) Without limiting subsection (1), a tour operator must treat all tourists honestly and fairly.

## **18. Skill, care and diligence**

A tour operator must exercise reasonable skill, care and diligence in carrying on the business of a tour operator.

## **19. High-pressure tactics or harassment**

A tour operator must not, in dealing with a person in relation to a travel package arranged by the tour operator—

- (a) use high-pressure tactics or harass the person; or
- (b) encourage or engage another person to use high-pressure tactics or harass the person;

or

- (c) condone the use of high-pressure tactics or harassment of the person by any other person.

## **20. False or misleading representation**

- (1) A tour operator must not, in dealing with a tourist participating in a tour arranged by the tour operator—
  - (a) make a false or misleading representation to the tourist; or
  - (b) encourage or engage another person to make a false or misleading representation to the tourist; or

(c) condone the making of a false or misleading representation to the tourist by any person.

(2) Without limiting subsection (1), a tour operator must not make, encourage or engage another person to make, or condone the making of, a false or misleading representation about any of the following relating to the travel package—

- (a) the mode and standard of transport used for transfers and sightseeing;
- (b) the existence or location of, or access to, a place or attraction;
- (c) the time required or route used to go to a place or attraction;
- (d) the standard, style or price of accommodation;
- (e) the standard or price of food or beverages;
- (f) guiding services;
- (g) the price of entry to tourist attractions, tours, entertainment or other activities including, for example, whether the price is included in the travel package;
- (h) restrictions that apply to the travel package, including, for example, restrictions about baggage, children, seat allocation or smoking;
- (i) conditions about reservations, payment, refunds or cancellations;
- (j) the management of tours included in the travel package.

(3) Also, without limiting subsection (1), a tour operator must ensure—

- (a) that a quotation given by the tour operator for goods or a service included in a travel package or tour discloses the total cost of the goods or service, including any taxes or other charges payable by a tourist; and
- (b) that an advertisement or promotional materials about goods or a service included in a travel package arranged by the tour operator discloses any conditions or restrictions applying to the supply of the goods or service.

## **21. Tours not to be dominated by shopping**

(1) A tour operator must not use undue influence or high-pressure tactics to have a tourist go shopping instead of doing all or a part of another activity the tourist may reasonably have expected to do as part of the tourist's travel package.

(2) A tour operator must ensure that a travel package arranged by the tour operator for a tourist does not consist predominantly of shopping excursions unless—

- (a) The tour operator and tourist agree, before the travel package/tour starts, that the package/tour is to consist predominantly of shopping excursions; or
- (b) The tourist consents, during the course of the travel package/tour, to it consisting predominantly of shopping excursions.

## **22. Tour operators not to charge for free goods or service**

A tour operator must not charge a tourist for goods or a service that are available free of charge to the public.

### **23. Provision of goods or services included in travel package**

(1) A tour operator must ensure that goods or a service included in a travel package/tour arranged by the tour operator are provided in accordance with any representation about the goods or service made in an itinerary, quotation or promotional material for the package/tour.

(2) Despite subsection (1), if, because of circumstances reasonably beyond the tour operator's control, goods or a service are unavailable when required to be provided under the package, the tour operator must—

(a) Provide, as far as reasonably practicable, goods or a service of a similar type, value and quality as the unavailable component; or

(b) If the tour operator can not reasonably comply with paragraph (a), refund the cost of the unavailable component.

(3) However, if goods or a service of a similar type, value and quality are unavailable, a tour operator may, with the informed consent of the tourist who purchased the travel package/tour, substitute other goods or another service of similar value.

### **24. Tour Operator's responsibilities about guiding services**

(1) A tour operator must ensure, as far as reasonably practicable, that a tour guide, in providing guiding services arranged by the tour operator—

(a) Displays the tour guide's identification that is provided by the Guyana Tourism Authority so it is clearly visible to other persons; and

(b) Does not stop a tourist from —

(i) Shopping in a retail outlet; or

(ii) Gaining access to or buying goods or a service offered by an alternative supplier; and

(c) Does not—

(i) Obstruct a person lawfully advertising or giving information to a tourist about travel or other services; or

(ii) Obstruct a tourist's access to an advertisement or information about travel or other services, including, for example, travel services offered by an alternative supplier; and

(d) Does not confiscate or withhold a tourist's money, passport, personal documents or other property; and

(e) Does not exert or use unfair pressure, undue influence or unfair tactics on a tourist; and

(f) Does not make a false or misleading representation to a tourist, including, for example, a false or misleading representation about any of the following—

(i) The existence or location of, or access to, a place or attraction;

(ii) The time required or route used to go to a place or attraction;

(iii) The characteristics of an alternative supplier;

(iv) The quality or availability of products or services offered by an alternative supplier;

(v) A reason, including the existence of any lawful requirement, for confiscating or withholding a tourist's money, passport, personal documents or other property.

## **25. Fines and Penalties.**

Tour Operators failing to comply with any component of this regulation will be subjected to fines and penalties outlined in the Guyana Tourism Authority Act 91:12 section 37, 39, 40 and 44 subsection (2).