

## **TOUR OPERATORS (REGISTRATION AND LICENSING) REGULATIONS, 1983 (LI 1293).**

IN exercise of the powers conferred on the Provisional National Defence Council Secretary responsible for Tourism by section 11 of the Ghana Tourist Control Board Decree, 1973 (N.R.C.D. 224), these Regulations are made this 24th day of November 1983.

### **Regulation 1—Tour Operators to be Licensed.**

(1) Except as otherwise provided in sub-regulation (2) of this regulation, no person shall carry on or hold himself out as carrying on the business of a tour operator, unless he has obtained a licence to do so from the Board.

(2) A person shall not, by virtue of the provisions of sub-regulation (1) of this regulation, be deemed to be or hold himself out as a tour operator by reason only that:

(a) he accepts bookings relating to any scheduled or systematic transport service within or outside Ghana for any person; or

(b) he accepts bookings for any person in any hotel, motel, lodging or any other accommodation for reward in Ghana.

### **Regulation 2—Application for a Licence.**

(1) An application for a licence shall be in the form set out in the Schedule to these Regulations.

(2) An applicant shall complete the form and return it to the Executive Director of the Board.

### **Regulation 3—Granting of Licence.**

(1) Where the Board is satisfied that an applicant is a competent person to operate the business of a tour operator and that satisfactory arrangements have been made by him for the efficient operation of such business the Board shall issue appropriate licence to the applicant upon payment by him of a fee of ₵1,500.00.

(2) The Board may attach to any licence issued under sub-regulation (1) of this regulation such conditions in writing as are reasonably necessary to ensure the efficient operation of the business concerned.

### **Regulation 4—Refusal of Application.**

(1) The Board may refuse an application—

(a) if it is not satisfied with the information given by an applicant in respect of any of the matter stated in the application, or

(b) if the applicant has been convicted of an offence under any enactment relating to tourism any time during the period of three years preceding the date of his application; or

(c) if the applicant has been convicted within Ghana or elsewhere of an offence involving fraud or dishonesty at any time during the period of five years preceding the date of his application; or

- (d) if the applicant is an undischarged bankrupt, or being a company is in liquidation; or
- (e) if in the opinion of the Board, the applicant does not have the facilities, vehicles, or other equipment necessary for the proper and efficient operation of the business in respect of which the application is made; or
- (f) for any other justifiable cause.

(2) Where the Board refuses an application under sub-regulation (1) of this regulation it shall inform the applicant in writing of the reasons for the refusal and shall return the application fee paid by the applicant.

(3) Any person aggrieved by the refusal of the Board to grant a licence may within twenty-eight days after the decision of the Board appeal against such decision to the Secretary whose decision on the matter shall be final.

#### Regulation 5—Validity and Renewal of Licence.

(1) A licence issued under regulation 3 of these Regulations shall be valid for a period of twelve months with effect from the 1st day of January and shall expire on the 31st day of December.

(2) The holder of a licence granted under regulation 3 of these Regulations may, at anytime within one month before the expiration of the licence, apply to the Board for a renewal of this licence for a period of twelve months upon the payment of a fee of ₵750.00.

#### Regulation 6—Revocation or Suspension of Licence.

(1) Subject to the provisions of this regulation, the Board may revoke or suspend any licence granted under regulation 3 of these regulations—

- (a) if the holder of the licence contravenes any of the written conditions attached to the licence; or
- or
- (b) if the holder of the licence is convicted in Ghana or elsewhere of an offence involving fraud or dishonesty; or
- (c) if the holder of the licence becomes bankrupt, or being a company, goes into liquidation; or
- (d) if in the opinion of the Board, the licence was obtained by fraud or misrepresentation or non-disclosures of any material fact; or
- (e) if in the opinion of the Board the holder of the licence has ceased to have at his disposal the means, facilities, vehicles or other equipment necessary for the proper and efficient running of the business in respect of which the licence is granted; or
- (f) for any other justifiable cause.

(2) Where the Board proposes to revoke or suspend any licence granted under regulation 3 of these Regulations, it shall notify in writing the holder of the licence specifying the condition of the

licence which the holder is alleged to have contravened and the occasions on which and the circumstances in which it was contravened.

(3) The holder of the licence may within fourteen days after the receipt of such notice, submit to the Board any written representations he may wish to make against the revocation of suspension of his licence.

(4) The Board shall not revoke or suspend the licence of such holder until it has fully considered his representations made to the Board under sub-regulation (3) of this regulation.

(5) Any person aggrieved by the revocation or suspension of his licence may within twenty-eight days after such revocation or suspension appeal against the decision of the Board to the Secretary whose decision on the matter shall be final.

#### Regulation 7—Authority to Enter and Inspect Premises

(1) An officer of the Board or any other person authorised by the Board in writing may—

(a) enter and inspect at any reasonable time, the business premises of any tour operator;

(b) examine and take copies of any books of account, records or other documents found in those premises relating to or appearing to relate to the business of such tour operator;

(c) seize any books of account, records or other documents found on those premises which may contain evidence in respect of offence committed under these Regulations;

(d) question any person who appears to be engaged in the business of a tour operator on those premises on any matter concerning the application of or compliance with any provision of these Regulations;

(e) require by notice in writing any person who appears to be engaged in carrying on the business of a tour operator to produce at such time and place as may be specified in the notice all or any of the books of account, records or other documents relating to such business; or

(f) request any police officer to seize or search any person or vehicle on the premises that he has reasonable grounds to believe is in possession or is carrying away from such premises any books of accounts, records or other documents which may be required as evidence in respect of any offence committed under these Regulations.

(2) Any person who seizes any books of account, records or other documents under paragraph (b) or (f) of sub-regulation (1) of this regulation shall give a receipt therefor.

#### Regulation 8—Board to Investigate Complaints

(1) The Board may investigate complaints made by any person against the holder of any licence granted under regulation 3 of these Regulations.

(2) Where the complaint is proved, and it amounts to contravention of any provision of these Regulations by such holder the Board may, subject to the provisions of these Regulations, revoke his licence.

Regulation 9—Operations not Affected by these Regulations.

(1) The following tourist operations shall not be affected by these regulations:

- (a) flights for the purpose of meeting humanitarian or emergency needs;
- (b) taxi-class passenger flights of occasional character on request;
- (c) flights on which the entire space is hired by a single person, firm, corporation or institution for the carriage of his or its staff or merchandise provided that no part of such space is re-sold.

Regulation 10—Penalty.

Any person who contravenes any provision of these Regulations commits an offence and shall be liable on summary conviction to a fine not exceeding ₵1,000.00 or imprisonment not exceeding twelve months with hard labour or to both.

Regulation 11—Interpretation.

In these Regulations unless the context otherwise requires—

" Board" means the Ghana Tourist Board;

"Secretary" means the Provisional National Defence Council Secretary responsible for Tourism;

"Tour Operator" includes any person licensed under these Regulations to carry on the business of a tour handier, tourist guide, tourist agent or operator of car rental service.

Regulation 12—Commencement.

These Regulations shall come into force on the day of 1983.

SCHEDULE

APPLICATION FOR A TOUR OPERATOR

(Please complete in triplicate and in block letters)

(i) Name of applicant .....

(ii) Business Address .....

Telephone No. ....

If a Company:

Company Registration No. ....

Date and Place of Incorporation.....

.....

Address of Registered Office .....

.....  
.....  
Principal Place of Business in Ghana (if different from above)  
.....  
.....

(iii) If business name is registered:

(a) Number of Registration Certificate .....

(b) Date and Place of Registration .....

(iv) Address for Correspondence and Telephone Number (if different from (ii) above)  
.....  
.....

(v) Personal Contact:

As the Ghana Tourist Control Board may wish to ask you further questions or to discuss matters arising from your application, please state here the name(s) and telephone and extension number(s) of suitable contact(s) within your organisation.....  
.....  
.....

## SECTION II

### FINANCIAL RESOURCES, OWNERSHIP AND CONTROL OF BUSINESS

Note: This section is to be completed if the applicant is a body corporate (e.g. registered as company); otherwise applicant should complete section III

(i) if a subsidiary of another Company, the name and address of the parent and/or holding Company.....  
.....

(iii) (a) the name(s) and address(es) of any subsidiary Company and where incorporated  
.....

(b) the name(s) and address(es) of any associated Company and where incorporated  
.....  
.....

(iii) (a) Name in full and private address of every member of the Board of Directors and details of the shares, debentures and load capital beneficially owned by each and by the spouse of each as appropriate.....

.....

Working Directors should be indicated by (W)

.....

(b) Information requested in (a) applicable in respect of the Company Secretary and managerial staff

.....

.....

(c) The names and addresses of any shareholders owning 25 per cent or more of the shares in the Company.....

(If there is not enough here, please give additional information on a separate sheet and show here that you have done so.)

(iv) (a) Stated share capital .....

(b) Issued share capital

(i) For cash  
.....

(ii) Otherwise than for cash (state nature of consideration)  
.....

(v) Details of loans and debentures, if any, and security therefor  
.....

**SECTION III**

**OWNERSHIP AND CONTROL OF BUSINESS (NOT APPLICABLE TO APPLICANTS WHO HAVE COMPLETED SECTION II)**

State whether the applicant is a partnership, or a sole owner  
.....

(i) If a sole owner state name in full and private address  
.....

(ii) If a partnership state name in full and private address of each partner.....

.....

(If there is not enough space here, please give additional information on a separate sheet and show here that you have done so.)

#### SECTION IV

##### SECURITY REQUIREMENTS

All licences will be made subject to the condition that the applicant has secured a bank guarantee of ..... (Written evidence of guarantee must be forwarded together with the application form), and the said sum of money will in the event of his failure, become available for the purpose of reimbursing any of his clients who have paid, in whole or in part.

#### SECTION V

##### PLANNED TOUR PROGRAMMES

Every person registered under these Regulations shall submit to the Executive Director of the Board within 21 days before the arrival of any group of tourists the following particulars—

- (i) The programme of activities intended to be pursued by the group.
- (ii) A document signed by Managers of hotels, motels and rest houses in which the tourists are expected to be accommodated.
- (iii) A document signed by Managers of transport owners, airlines and shipping companies expected to provide facilities for travel in and out of Ghana.
- (iv) Documents showing the points of embarkation and disembarkation.
- (v) The expected number of days to be spent by the group in Ghana.
- (vi) Documents from airlines and hotels confirming that the financial arrangements have been satisfactorily concluded in respect of the proposed tour.

#### SECTION VI

##### SUBMISSION OF ANNUAL OPERATIONAL RETURNS

Every person registered and licensed shall submit to the Executive Director of the Board on the 31st day of December each year, returns in respect of the following—

- (a) the number of tourists handled;
- (b) the country of origin of the tourists;
- (c) the number of days spent by the tourists;

- (d) the total amount of foreign exchange earned from operating such tours;
- (e) total ticket sales volume—indicating by months and sales made with each scheduled and non-scheduled airline operating to and from Ghana as well as data on Government travel tax collected on the total air tickets sold;
- (f) the latest audited accounts;
- (g) statements on general operations of the operator, particularly efforts being made to promote incoming tourism and any other relevant information on the operations of the operator concerned;
- (h) planned tour programmes; and
- (i) indication whether an operator has obtained the International Air Transport Association (IATA) Sales Agency Licence (with date of issue and licence number); and if the licence has been withdrawn by IATA, state the reasons for the withdrawal.

SECTION VII

I, the undersigned, hereby declare that to the best of my knowledge and belief the foregoing particulars are true and complete.

Signature

.....

Signatory's Name .....

(BLOCK LETTERS)

On ..... behalf ..... of

.....

Official Position .....

Date .....

This form which shall be provided by the Ghana Tourist Board must be signed as follows—

- (i) If an applicant is an individual by that individual.
- (ii) If an applicant is a partnership by the precedent partner.
- (iii) If a body corporate by a duly authorised officer who should state his official position.

The name of the person signing the application should be typed on all copies of the application. Only the original need be signed.

This form should be returned in triplicate to—



Ghana Tourist Control Board,  
State House,  
6th Floor, Bay 2,  
P.O. Box 3106,  
Accra.

E. ASIEDU YIRENKYI

Provisional National Defence Council Secretary Responsible for Tourism

Date of Gazette Notification: 13th January, 1984.