

THE BALOCHISTAN TRAVEL AGENCIES ACT, 2014

(Baln Act No. XVI of 2014).

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¹THE BALOCHISTAN TRAVEL AGENCIES ACT, 2014

(Baln Act XVI of 2014)

[27th May, 2014]

An Act to provide for the development, regulation and control of the profession of travel agencies in Balochistan.

Preamble.

WHEREAS it is necessary and expedient to provide for the development, regulation and control of the profession of travel agencies in Balochistan and for matters ancillary thereto or connected therewith;

It is hereby enacted as follows: -

Short title, extent and commencement.

1. (1) This Act may be called the Balochistan Travel Agencies Act, 2014.

(2) It extends to the whole of Balochistan, except the Tribal Areas.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context, —

(a) “Act” means the Balochistan Travel Agencies Act, 2014;

(b) “Committee” means the Travel Agencies Regulatory Committee setup by the Provincial Government under section 3;

(c) “Government” means the Government of Balochistan;

(d) “Licence” means a licence granted under this Act to any person to operate as a travel agency;

(e) “Licensed guide” means a guide licensed under the law for the regulation and control of the profession of tourist guides;

(f) “Prescribed” means prescribed under the rules;

¹ This Act was passed by the Balochistan Assembly on 20th May, 2014: assented to by the Governor of Balochistan on 26th March, 2014: published in the Balochistan Gazette (Extraordinary) No. 68, dated 27th May, 2014.

- (g) “rules” means rules made under this Act;
- (h) “travel agency” means a person, by whatever name called, who-
 - (i) makes, directly or indirectly, on commercial basis arrangements for the passage of the tourist, 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 Pakistan or arranges entertainment, sight-seeing, 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 airline or other carriers, either directly or through a sub-contract; *and*
- (i) “tourists” means a person normally residing outside Pakistan who enters Pakistan and remains therein for not less than twenty-four hours and nor more than six months in the course of any year for purposes such as touring, recreation, sports, health, study, religious pilgrimages or business, and includes a citizen of Pakistan who travels within Pakistan or proceeds abroad for any of the said purposes.

Committee.

3. (1) As soon as may be after the commencement of this Act, the Government shall set up a committee to be known as the Travel Agencies Regulatory Committee consisting of a Chairman and such other members as the Government may determine.

(2) The Chairman and other members of the committee shall hold office during the pleasure of the

Government on such terms and conditions as the Government may determine.

(3) The Committee shall perform the following functions, namely,—

- (a) advise the Government in the implementation of the provisions of this Act and the rules;
- (b) approve the rates of service charges of travel agencies in respect of various services rendered by them to the tourists;
- (c) advise the Government from time to time in respect of licence fees to be prescribed for various services rendered by the travel agencies;
- (d) assist the Government in the preparation of a code of conduct for travel agencies;
and
- (e) such other functions as are connected with the objects of this Act and as the Government may entrust to it.

Licensing of travel agency.

4. (1) Any person operating or intending to organize and operate a travel agency shall apply to the Government on the prescribed form for the grant of a licence.

(2) Subject to sub-section (3), on receipt of an application under sub-section (1), the Government may, on payment of the prescribed fee by the applicant, grant to the applicant a license in the prescribed form.

(3) A license shall not be granted to 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 Government involves moral turpitude;
- (b) the applicant is minor or insane person;
- (c) the financial position of the applicant is,

in the opinion of the Government, such as would prevent the applicant from acting as a travel agency efficiently;

- (d) the applicant has had no experience of travel arrangements required to operate the business of a travel agency and has not employed persons who have had such experience; or
- (e) the applicant does not have an office of a prescribed minimum standard or does not engage experienced and trained employees or licensed guides or does not provide such transportation facilities as may be prescribed.

(4) The Government shall maintain a register in which the names, addresses, nature, composition and the field of operation of all license travel agencies shall be entered.

(5) The licence shall, unless earlier cancelled or suspended under section 10 or section 11, remain valid for one year and may be renewed from year to year or, at the option of the travel agency, for a period up to five years in such manner, and on payment of such fee, as may be prescribed.

Exemption from application.

5. This Act shall not apply to —
- (a) enterprises operated by the state;
 - (b) national carriers of Pakistan and foreign airlines, duly authorized to operate, 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 pilgrims or other pilgrims, within or out of Pakistan, and who are subject to special regulations governing their field of activity.

Prohibition to act without licence, etc.

6. Subject to section 5 —
- (a) no person shall hold himself out or act as a travel

agency unless he holds a licence; and

- (b) 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 licence.

Business guarantee fund.

7. (1) A licensed travel agency shall maintain in a scheduled bank a business guarantee fund of such minimum amount or furnish such bank guarantee, as may be prescribed.

(2) No amount shall be payable out of a business guarantee fund maintained by a licensed travel agency under sub-section (1) except to the order of the Government.

(3) The Government may, after making such inquiry as it may deem fit and after giving a travel agency an opportunity of showing cause against the order proposed to be made, order payment, out of business guarantee fund of the travel agency, of an sum owed by the agency to a tourist, carrier company or hotel or lodging house and not settled by it within thirty days form the date of its becoming due.

(4) A travel agency from whose business guarantee fund payment of any amount has been made under sub-section (3) shall, within a period of fifteen days of such payment, deposit the said amount into the business guarantee fund.

Service charges.

8. (1) The rates of service charges from the tourists shall be set out in a rate list drawn up by a licensed travel agency form time to time and approved by the Committee.

(2) A copy of the rate list referred to in sub-section (1) for the time being in force shall be posted at some conspicuous part of the office of the travel agency.

Alterations.

9. A licensed travel agency shall, on payment of the prescribed fee, have every change, in its nature or composition or its field of operation entered in the register maintained under section 4, within fifteen days of the day on which such change occurs.

Discontinuance of business, etc.

10. In the case of discontinuance or transfer of business, dissolution, re-organization or winding up of a licensed travel agency, the Government shall be informed by the agency

within thirty days of such discontinuance, transfer, dissolution, re-organization or winding up, and on receipt of the information, the Government may either cancel the licence granted to the travel agency or, in the case of transfer of business or re-organization, grant a new licence to the transferee travel agency or to the travel agency as re-organized.

Suspension or
cancellation of
licence.

11. The Government may, after affording a licensed travel agency an opportunity of showing cause against the action proposed to be taken against it, by order in writing, suspend the licence of the travel agency for a period not exceeding six months or cancel its licence if the agency —

- (a) violates the provisions of this Act or the rules or the terms and conditions of the licence or the prescribed code of conduct;
- (b) suspends its business without intimation to, or permission of, the Government and does not resume it within six months from the date of such suspension or within the time specified by the Government;
- (c) contravenes the provisions of sub-section (1) or sub-section (4) of section 7; or
- (d) becomes a person to whom a licence cannot be granted under sub-section (3) of section 4.

Complaints.

12. Any travelers having a complaint against any travel agency may approach the committee which shall dispose of the same in the prescribed manner.

Appeal and review.

13. (1) A travel agency aggrieved by the decision or order of an officer or authority other than the Government under this Act or the rules may prefer an appeal to the Government within the prescribed time and in the prescribed manner; and the decision of the Government in such appeal shall be final.

(2) The Government may at any time of its own motion, or on the application of any travel agency aggrieved by any decision or order passed by the Government under this Act or the rules within the prescribed time and in the prescribed

manner, pass such order in relation thereto as it thinks fit:

Provided that no order against a travel agency shall be passed unless it has been given an opportunity of showing cause against it and of being heard.

Penalty.

14. (1) Any travel agency which contravenes or fails to comply with the provisions of this Act or the rules or violates the prescribed code of conduct shall, without prejudice to any other action that may be taken against it under this Act be punishable with fine which may extend to twenty-five thousand rupees.

(2) No court shall take cognizance of an offence punishable under this Act except upon a complaint made in writing by or under the authority of the Government.

Delegation of powers.

15. The Government may, by notification in the official Gazette, direct that all or any of its powers under this Act shall, under such conditions, if any, as may be specified, be exercisable also—

(a) by an officer or authority subordinate to the Government, or

(b) by an officer or authority subordinate to Federal Government.

Power to make rules.

16. (1) The Government may, by notification in the official Gazette, make rules for carrying out the purpose of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters namely,—

(a) the fees payable for the issue and renewal of a license, depending on the nature of the services to be rendered by an applicant to tourists and the number of branch offices the applicant proposes to establish;

(b) the form in which an application for a license is to be made;

- (c) the form of the license;
- (d) the code of conduct;
- (e) the conditions to which a license shall be subject; and
- (f) the manner in which, and the time within which, an appeal under the Act may be preferred.

Repeal and saving.

17. (1) The Travel Agency Act, 1976 (Act No. XXX of 1976) as applicable and to the extent of the Province of Balochistan, is hereby repealed.

(2) Notwithstanding the repeal of the Travel Agency Act, 1976 (Act No. XXX of 1976) under sub-section (1) (hereinafter referred as the repeal Act), the rules, regulations, bye laws made or saved, orders, licenses and notifications issued, anything done, action taken, obligation, liability, penalty of punishment incurred, inquiry or proceeding commenced, person authorized, jurisdiction of powers conferred under any of the provisions of the repealed Act, if not inconsistent with the provisions of this Act, shall continue to be in force and deemed to have been done, taken, incurred, commenced, appointed, authorized, conferred, made, imposed or assessed, released or issued under this Act, until they are repealed, rescinded, withdrawn, cancelled, replaced or modified in accordance with the provisions of this Act.

Removal of difficulties.

18. The Government may make such provisions as may be necessary to remove any difficulty in carrying out the purposes of this Act, by a notification in the official Gazette, subject to the condition that the same shall be presented in the Provincial Assembly within a period of sixteen months from the date of its approval by the Government; and if the same is not passed by the Provincial Assembly or is not presented in the Provincial Assembly, it shall cease to have effect at the expiration of the aforesaid period.

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