

LAWS OF GUYANA

SALE OF TRAVEL TICKETS ACT

CHAPTER 80:08

Act

11 of 1985

Amended by

7 of 2006

R.13/1985

O.17/1986

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CHAPTER 80:08

SALE OF TRAVEL TICKETS ACT

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11 of 1985

AN ACT to provide for the regulation of the sale and purchase of travel tickets.

[24TH SEPTEMBER, 1985]

Short title.

1. This Act may be cited as the Sale of Travel Tickets Act.

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Interpretation

2. In this Act—

c. 86:01

“authorised dealer” has the same meaning as in the Exchange Control Act;

“authorised travel agent” means any person who has been granted a licence under this Act to sell travel tickets in Guyana;

“foreign currency” means any currency other than Guyana dollars and included a right to receive any currency other than Guyana dollars in respect of any credit or balance at a bank and a travellers’ cheque, or a draft drawn by the bank, expressed in a currency other than Guyana dollars;

c. 14:02

“immigration officer” has the same meaning as in the Immigration Act;

“ Member State” has the same meaning assigned to it in the Revised Treaty of Chaguaramas establishing the Caribbean Community (CARICOM), including the CARICOM Single Market Economy signed at Nassau, The Bahamas, on 5th July 2001;

“ national” means a person who

- (a) is a citizen of a Member State;
- (b) has a connection with a Member State of a kind which entitles him to be regarded as belonging to or, if it be so expressed; as being a native or resident of the State for the purposes of the laws thereof relating to immigration; or
- (c) is a body corporate or other legal entity constituted in a Member State in accordance with the laws thereof and which that Member State regards as belonging to it; provided that such body corporate has been formed for gainful purposes and has its registered office and central administration, and carries on substantial activity within the Community and is substantially owned and effectively controlled by a person mentioned in paragraph (a) or (b);

For the purposes of this definition a body corporate is –

L.R.O. 1/2012

- (i) substantially owned if more than fifty percent of the equity interest of the company is beneficially owned by nationals mentioned in paragraph (a) or (b);
- (ii) effectively controlled if the nationals mentioned in paragraph (a) or (b) have the power to name a majority of its directors or otherwise legally to direct its actions.

“prescribed” means prescribed by the Minister by regulations;

“specified foreign currency” means such foreign currency as may, by order, be specified by the Minister for the purposes of this Act;

“scheduled journey” means one of a series of journeys which are undertaken between two or more countries of which Guyana is one and which together amount to a systematic service operated in such a manner that the benefits thereof are available to members of the public from time to time seeking to take advantage of it;

“travel ticket” means any written instrument issued within or outside Guyana whereby a person on a journey from Guyana is entitled for that purpose to be provided with transportation by aircraft on a scheduled journey.

Regulation of sale of travel tickets.

3. After the expiry of thirty days from the commencement of this Act, no person, other than an airline or an authorised travel agent, shall sell travel tickets in Guyana.

Application for licence.

4. (1) Application for the issue of a licence to sell travel tickets in Guyana shall be made to the Minister in the prescribed form and shall be accompanied by the prescribed application fee.

(2) Where an application for the issue of a licence is made under subsection (1), the Minister, having regard to all relevant matters including the number of authorised travel agents already carrying on business in Guyana, the qualification and experience of 'the applicant in matters relating to the business of the sale of travel tickets and, where there are more applicants than one, the comparative merit of the applicants, may grant the applicant the licence on payment of the prescribed licence fee.

(3) A licence granted under subsection (2) shall be in such form and shall be subject to such conditions as may, from time to time, be prescribed and to such other conditions as may be specified in the licence, including any condition as to the furnishing of security, the amount and the forfeiture thereof, and the power of the Minister by written notice to vary the amount of the security from time to time.

Revocation and suspension.

5. (1) The Minister may revoke a licence granted to all authorised travel agent under this Act if the authorised travel agent—

- (a) has ceased to carry on his business for a period of not less than six months; or
- (b) has contravened, or failed to comply with, any of the conditions subject to which the licence was granted or any

other provision of this Act.

(2) A licence granted under this Act may be suspended by the Minister for such period as may be specified by him on the ground that the authorised travel agent has contravened, or has failed to comply with, any of the conditions subject to which the licence was granted or the provisions of this Act or pending any investigation into a complaint that the authorised travel agent is guilty of any such act or omission.

(3) The Minister shall not revoke or suspend a licence granted to an authorised travel agent under this Act unless he has given the authorised travel agent a reasonable opportunity of being heard.

Sale of travel
tickets to
persons not
ordinarily
resident in
Guyana.
c. 80:01
c. 80:09

6. (1) No person shall sell to any person not ordinarily resident in Guyana a travel ticket for a scheduled journey, and no person shall buy a travel ticket for a scheduled journey by a person not ordinarily resident in Guyana, unless the price therefor and the taxes payable in accordance with the provisions of section 57 of the Tax Act and section 3 of the Travel Voucher Tax Act are paid in the specified foreign currency.

(2) For the purposes of this Act—

- (a) a person shall be deemed to be not ordinarily resident in Guyana if he was, during the period of three hundred and sixty-five days immediately preceding the date on which the travel ticket is purchased for a scheduled journey by him, living whether continuously or not, in any country, or one or more countries, other than Guyana for a period

exceeding one hundred and eighty-three days in the aggregate;

- (b) unless the contrary is proved, a person who is a citizen of or has been granted permanent resident status in, a country other than Guyana shall be deemed to be not ordinarily resident in Guyana.

(3) If any doubt or dispute arises as to whether a person is or is not ordinarily resident in Guyana for the purposes of this section, the airline or authorised travel agent, as the case may be, shall refer the matter to the Minister whose decision thereon shall be final:

Provided that the Minister shall give to the person seeking to purchase the travel ticket a reasonable opportunity of being heard.

(4) The Minister may, in writing, exempt any person or any class of persons not ordinarily resident in Guyana from the provisions of subsection (1), and such exemption may be general or subject to such conditions as the Minister may specify.

(5) Without prejudice to the provisions of subsection (4), where the Minister is satisfied that a scheduled journey by a citizen of Guyana, not ordinarily resident in Guyana, is for the purpose of—

- (a) medical treatment of the citizen; or
- (b) any course of study or research he seeks to undertake, being a course of study or research to undertake which he is adequately qualified,

and facilities for the medical treatment or the course of study or research, as the case may be, are not available in Guyana, and that the other circumstances of the case justify it, the Minister may, in writing, exempt that citizen from, the provisions of subsection (1) in relation to that scheduled journey.

(6) Where the whole or part of—

- (a) the price of a travel ticket for a scheduled journey; or
- (b) the tax payable in accordance with the provisions of section 57 of the Tax Act or section 3 of the Travel Voucher Tax Act,

paid in a specified foreign currency, is required to be refunded under any law, or contract relating to the purchase of the travel ticket, the refund shall be made in the currency in which the payment of the price of the travel ticket or of the tax was made, in accordance with the procedure specified by order by the Minister assigned responsibility for finance.

Sale of travel tickets to nationals of Member States.
[7 of 2006]

6A. Notwithstanding the provisions of section 6 and subject to the Caribbean Community (Free Entry of Skilled Nationals) Act No.6 of 1996 and the Caribbean Community (Free Movement of Factors) Act, 2006, a national of another Member State shall be deemed a person ordinarily resident in Guyana for the purposes of this Act.

Minister may grant permission to receive and recover ticket prices in certain cases.

7. (1) The Minister assigned responsibility for finance may, subject to any conditions that he may specify, permit any airline to receive and recover, in cases to which section 6 does not apply, the price of travel tickets (whether in respect of a scheduled journey or not), sold directly or through an authorised travel agent, in foreign currency.

(2) A permission granted to any airline under subsection (1) may be revoked by the Minister at any time after giving to the airline one month's notice of the intention to do so.

(3) Without prejudice to the provisions of

subsection (2), a permission granted to any airline under subsection (1) may be revoked by the Minister if he is satisfied that the airline has contravened any provision of this Act or any condition subject to which the permission was granted.

Provided that the permission shall not be revoked under this subsection unless the airline has been given a reasonable opportunity of being heard.

Special provisions regarding charging of price travel ticket etc., to credit card.

8. (1) Where any person has charged to a credit card in his name, in any foreign currency, the sum payable to any airline or authorised travel agent by way of the price of a travel ticket or the taxes payable under section 57 of the Tax Act or section 3 of the Travel Voucher Tax Act, for the purposes of section 6 or 7, he shall be deemed to have paid that sum in the foreign currency in which it was so charged.

(2) In this Act „credit card` means a credit card, the sum charged by virtue of which are payable in any foreign currency, and issued by a company recognised for the purposes of this Act by the Minister by notification in the *Gazette*.

Foreign currency to be sold to an authorised dealer.

9. (1) Notwithstanding anything in any other law to the contrary, but save as otherwise directed by the Minister assigned responsibility for finance, where foreign currency is received by any airline or authorised travel agent from the sale of travel tickets the airline or authorised travel agent, as the case may be, shall offer the foreign currency, or cause it to be offered, for sale within three days of the receipt thereof to an authorised dealer.

(2) The Minister may for good and sufficient cause shown by an airline or authorised travel agent extend the time specified in subsection (1), for the sale of foreign currency to an authorised dealer, in any particular case or class of cases.

(3) For the purposes of subsection 91), where an authorised travel agent sells a travel ticket of any airline, in computing the foreign currency received by him from the sale, the sum that the authorised travel agent paid, or is required to pay to the airline in foreign currency by way of the price of the travel ticket shall be deducted.

Keeping of
accounts and
issuing of
receipts.

10. (1) Every airline and authorised travel agent shall keep separately the following accounts –

- (a) an account to be called the Travel Tickets (Foreign Currency) Account in which shall be recorded all sales of travel tickets in foreign currency with the name and address of the persons to whom the travel tickets were sold by the airline or authorised travel agent, as the case may be, the foreign currency received by way of the price of travel tickets and taxes (to be shown separately) and where the sale of travel tickets is by an authorised travel agent, the sum that the travel agent paid in foreign currency to any airline by way of the price of any travel tickets of that airline sold by the travel agent and the sum retained by him.
- (b) an account to be called the Sale of Foreign Currency Account in which shall be recorded all foreign currency received and sold by the airline or authorised travel agent, as the case may be, to an authorised dealer.

(2) Every airline or authorised travel agent shall

give to a person who purchases a travel ticket with foreign currency, a receipt for such foreign currency and shall attach to the travel ticket a duplicate of the receipt on which shall be written or printed the full name and address of the airline or authorised travel agent, the name of the purchaser and the amount paid in foreign currency for the ticket.

(3) The accounts to be kept and the receipts to be issued under this section shall be in such form as may be prescribed.

Quarterly
returns by
airline and
authorised
travel agent to
Bank of Guyana

11. (1) Every airline and authorised travel agent shall make and furnish quarterly to the Governor of the Bank of Guyana a true and correct return containing the following particulars—

- (a) the name and address of every person, and the amount of foreign currency received from every person, who has bought a travel ticket showing separately the price of the travel ticket and the taxes in foreign currency from the airline or authorised travel agent;
- (b) the date of the sale of every travel ticket sold in foreign currency by the airline or the authorised travel agent;
- (c) in the case of an authorised travel agent, out of the amount of foreign currency received by him, as mentioned in paragraph (a), the sum that was paid by him in foreign currency to any airline by way of the price of travel tickets of that airline sold by him and the sum retained by him;

- (d) the name and address of the authorised dealer to whom the foreign currency was sold by the airline or authorised travel agent, and the date of such sale; and
- (e) the amount of refunds, if any, made in foreign currency by the airline or authorised travel agent.

(2) In addition to the particulars referred to in subsection (1), the return shall contain such other particulars and shall be in such form as the Minister responsible for finance may, from time to time, prescribe.

Presentation of travel tickets to immigration officer.

12. (1) Where a person on leaving Guyana as a passenger on an aircraft presents his travel ticket to an immigration officer for inspection by him at the place where that person is commencing his journey from Guyana the immigration officer, unless he is satisfied —

- (a) in the case of a person not ordinarily resident in Guyana, that attached to his travel ticket, is the duplicate receipt referred to in section 8 (2), or that the person is exempt from the provisions of section 6(1); and
- (b) in any other case, that the person holding the travel ticket is a person to whom section 6(1) does not apply,

may refuse to grant permission for such person to leave Guyana and for the purpose of enforcing his refusal, may take any necessary measures, including the use with any assistance of such, force as is reasonably justifiable in the

circumstances.

(2) The immigration officer shall detach from the travel ticket the duplicate receipt and deliver it in such manner and at such time as the Minister may specify to the Governor of the Bank of Guyana or any officer of the bank authorised by the Governor to receive it.

Production and examination of books.

13. Any public officer authorised by the Minister in that behalf may, during the hours the premises of any airline or authorised travel agent are ordinarily open for business, enter thereon and request the production of, examine and take copies of, accounts, books, records and documents relating to the business as are found therein.

Penalties.

14. (1) Any person who contravenes the provisions of section 3 or fails to comply with any of the requirements of section 7 or 8(1) or (2) or 9(1), or who obstructs any public officer in discharging any of his functions under section 11 shall be liable on summary conviction to a penalty of ten thousand dollars and imprisonment for one year.

(2) Any person who fails to comply with any of the requirements of section 6(1) or any order made under section 6(6) shall be liable on summary conviction to a penalty of fifteen thousand dollars together with imprisonment for two years.

(3) Any person who contravenes any condition specified by the Minister under section 7(1) shall, in addition to the liability incurred by him as a consequence of it under section 7(3), be liable, on summary conviction, to a fine of ten thousand dollars and imprisonment for one year.

(4) Any person who contravenes any provision of this Act, for which no penalty has been specified by any of the preceding provisions of this section, shall be liable, on summary conviction, to a fine of five thousand dollars and

imprisonment for six months.

Regulations. **15.** (1) The Minister may make regulations for the carrying out of the purposes of this Act.

(2) Without prejudice to the generality of the provisions of subsection (1) such regulations may in particular provide for all or any of the following matters—

- (a) the forms needed for the administration of this Act;
 - (b) the fees to be charged; and
 - (c) the conditions subject to which a licence may be granted.
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SUBSIDIARY LEGISLATION

Reg. 13/1985

SALE OF TRAVEL TICKETS REGULATIONS

made under section 13

Citation.

1. These Regulations may be cited as the Sale of Travel Tickets Regulations 1985.

Application for licence. Schedule.

2. (1) Application for the issue of a licence to sell travel tickets in Guyana shall be made to the Minister in Form A set out in the Schedule and shall be accompanied by an application fee of fifty dollars.

(2) Every applicant should satisfy the following requirements as to qualification and experience in matters relating to the business of the sale of travel tickets—

- (a) Personnel: Must have at least two person, one person having previous experience with an airline or the International Air Transport Association as an approved agent for a period of at least two years within the last four years of which one year in the last three years must have included ticketing experience; and another person, having obtained a diploma on successful completion of the International Air Transport Association or Universal Federation of Travel Agents association Preliminary Diploma course of such other course offered by Air Canada, Air France, British Airways, Dutch Airlines (KLM) or Eastern Airlines;

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[Subsidiary]

Sale of Travel Tickets Regulations

- (b) Financial: Must possess current assets of not less than G\$75,000 plus G\$25,000 for each branch office and net worth or equity not less than G\$100,000, as evidenced by certified current balance sheet for not more than six months immediately preceding bank and/or credit report covering three months preceding the date of balance sheet, and a profit and loss statement for the immediately preceding financial year.

Grant of licence
to sell travel
tickets.
[Reg. 4/1994]

3. (1) Every licence to sell travel tickets in Guyana granted by the Minister shall be in Form B set out in the Schedule.

(2) The licence shall be issued to the applicant on the payment by him of a licence fee of-

- (a) forty thousand dollars, in respect of an applicant having a single outlet from which the travel tickets are sold;
- (b) seventy thousand dollars in respect of an applicant having more than one but not more than three such outlets;
- (c) eighty thousand dollars, in respect of an applicant having more than three such outlets.

(3) A licence granted to an authorised travel agent shall be in force up to 31st December of the year in which it is issued and may be renewed for each year on the application of the authorised travel agent and on the application of the authorised travel agent and on payment of the application

fee and the licence fee therefor.

(4) Every licence granted shall be subjected to the conditions prescribed by the regulations, from time to time, and to be other conditions specified in the licence.

Compliance by authorised travel agent.

4. An authorised travel agent shall comply with all the conditions subject to which the licence is granted and the provisions of the Act.

reg. 2(1)

SCHEDULE

FORM A

APPLICATION FOR LICENCE TO SELL TRAVEL TICKETS

TO: The Minister of Transport,
Civil Aviation Department.

I residing at.....
..... hereby make an application
for a licence to sell travel tickets issued in the name of
.....and situated at

2. I furnish herewith the required particulars showing my qualification and experience in matters relating to the business of the sale of travel tickets.

3. I hereby affirm that the statements made by me herein are true and correct.

Date

.....
Signature of Applicant.

Reg. 3(1)

FORM B

LICENCE TO SELL TRAVEL TICKETS

THE SALE OF TRAVEL TICKETS ACT 1985

(Act No. 11 of 1985)

Date Licence No

Licence is hereby granted to situated at, to sell travel tickets in accordance with the provisions of the Sale of Travel Tickets Act 1985 as an authorised travel agent.

2. Licence fee ofreceived under General Receipt No.date.....

3. This Licence shall remain in force up to 31st December.....

4. This licence shall be subject to the following conditions:-

- (a) the premises should be set apart exclusively to the promotion and sales of air passenger transportation and related services;
(b) the premises should be clearly identified to the general public during normal business hours which should be indicated conspicuously;
(c) the authorised travel agent should keep a steel or iron fire-proof safe, weighing not less than four hundred pounds, bolted, cemented or otherwise secured to the floor

or wall, unless the safe weights six hundred and sixty pounds or more.

- (d) the authorised travel agent should furnish dollars as security for satisfactory compliance with the conditions subject to which this licence is granted and with any other provision of the Act, and if the authorised travel agent fails to so comply, the whole or any portion of the amount furnish as security shall be forfeited by order of the Minister after giving a written notice therefor.

[Any other condition that may be specified]

O. 17/1986

SALE OF TRAVEL TICKETS (SPECIFIED FOREIGN CURRENCY) ORDER

made under section 2(e)

Citation.

1. This Order may be cited as the Sale of Travel Tickets (Specified Foreign Currency) Order.

Specified foreign currencies.

2. The foreign currency set out in the Schedule is hereby specified as the specified foreign currency for the purposes of the Act.

SCHEDULE

- 1. Canadian dollars.
- 2. United Kingdom sterling.
- 3. United States dollars