



BELIZE

**HOTELS AND TOURIST ACCOMMODATION ACT
CHAPTER 285**

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CHAPTER 285

HOTELS AND TOURIST ACCOMMODATION

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CHAPTER 285

HOTELS AND TOURIST ACCOMMODATION

12 of 1997.
36 of 2001.
S.I. 92 of 1997.

[1st October, 1997]

PART I

Preliminary

Short title. **1.** This Act may be cited as the Hotels and Tourist Accommodation Act.

Interpretation. **2.** In this Act, unless the context otherwise require,

36 of 2001. “accommodation” means lodging or sleeping accommodation and any services and facilities ancillary thereto provided in any hotel or tourist accommodation for the guests thereof;

“accommodation charges” means the sum paid or payable by or on behalf of guests for accommodation provided in a hotel or tourist accommodation, inclusive of any other charges in respect of board, whether the sum becomes payable in Belize or otherwise;

“Belize Tourism Board” means the Belize Tourism Board established under the Belize Tourism Board Act, Cap. 275;

36 of 2001. “guest” means any individual, who stays in a hotel or tourist accommodation facility, whether foreigner or Belizean;

“hotel” means any building containing,

(a) not less than ten bedrooms for the accommodation for reward of guests;

36 of 2001. (b) a group of units containing not less than ten units, and such units may consist of buildings, cottages, cabanas,

apartments or otherwise for the accommodation of guests for reward, situated within the same complex or precincts;

“licence” means a licence granted under section 9 of this Act;

“Minister” means the Minister for the time being responsible for Tourism;

“owner”, in relation to a hotel, or a building providing tourist accommodation, means a person other than a mortgagee not in possession who is for the time being entitled to dispose of the fee simple of the hotel or such building as aforesaid, and includes a joint owner and a body corporate;

“person” includes a natural person, and a body of persons, whether or not such body is corporate or unincorporate;

36 of 2001.

“proprietor” includes the owner of a hotel or a building providing tourist accommodation and any person, not being such owner, who for the time being has immediate control over the management of the hotel or such building as aforesaid;

“Registrar” means the Registrar of Hotels and Tourist Accommodation appointed under section 3 of this Act;

“service charge” means any money or other thing of value collected or received from a guest or customer of any hotel, tourist accommodation building, restaurant, cafe, nightclub or other place of entertainment or hospitality, which is in excess of the basic contractual liability of that guest or customer and is, or is purported to be, collected or received in respect of the quality of service afforded to that guest or customer, and without prejudice to the generality of the foregoing, includes any sum, whether calculated on the basis of a fixed percentage or otherwise, levied on the amount charged to such guest or customer and expressed to be in respect of service;

“tax” or “accommodation tax” means the tax levied on accommodation charges under this Act;

36 of 2001. “tourist” means a visitor visiting Belize for a period not exceeding six months;

36 of 2001. “tourist accommodation”,

(a) means any establishment, other than a hotel, consisting of one or more units, whether buildings, cottages, cabanas, cabins, bungalows, apartments, or otherwise, for the accommodation of guests for reward, situated within the same complex or precincts;

(b) includes, without derogating from paragraph (a), apartments, condominiums, guest-houses, beach-houses, time-share units, cruise ships, live-aboard vessels, camp-sites, religious, education and research facilities, community-based tourist establishments, and any other type or category of accommodation used by guests.

Registrar of hotels and tourist accommodation.

3.-(1)The Minister shall, in consultation with the Belize Tourism Board, appoint a person, either by name or by office, to be or to act as the Registrar of Hotels and Tourist Accommodation, who shall be responsible for the administration of this Act.

(2) In the exercise, performance or discharge of the powers, duties or functions conferred, imposed upon or assigned to him by or under this Act, the Registrar shall be subject to the general directions of the Belize Tourism Board.

(3) The Registrar may either generally or specially authorise any other person whom he considers fit and proper to exercise, perform or discharge any power, duty or function conferred, imposed upon or assigned to the Registrar by or under this Act or any regulations made thereunder and may at any time revoke or vary such authorisation,

Provided that no such authorisation shall be deemed to divest the Registrar of any of his powers, duties or functions and he may if he thinks

fit exercise, perform or discharge all his powers, duties or functions notwithstanding any such authorisation.

4. For the purpose of this Act, the Registrar shall keep and maintain a book called “the Register of Hotels and Tourist Accommodation” in such forms as may be determined by him, in which premises used for carrying on the business of a hotel or tourist accommodation and the proprietor of such business shall be registered annually under and in accordance with the provisions of this Act.

Register of hotels and tourist accommodation.
36 of 2001.

PART II

Administration, Registration and Regulation of Hotels and Tourist Accommodation

5.--(1) No person shall,

- (a) advertise in any form any premises;
- (b) use any premises;
- (c) hold out any premises,

Hotels and tourist accommodation to be registered.
36 of 2001.

for the purposes of the business of a hotel or tourist accommodation unless such premises and the proprietor of such business are registered annually under this Act and a licence is obtained by the proprietor from the Registrar in that behalf.

(2) An application for registration in respect of any premises used for the business of a hotel or tourist accommodation on the day on which this Act comes into operation shall be made within thirty days from that date.

(3) Every proprietor of a prospective hotel or tourist accommodation shall, before commencing the construction or development of such prospective hotel or tourist accommodation, apply for and obtain registration from the Registrar for himself and his prospective business.

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(4) The proprietor of a prospective hotel or tourist accommodation referred to in subsection (3) of this section, shall at the time of making his application to the Registrar for registration, submit documents and information showing that the prospective hotel or tourist accommodation will satisfy all the prescribed minimum standards relating to hotels or tourist accommodation, and will comply with the applicable requirements of,

- (a) the Belize Building Act, Cap. 131;
- (b) the Environmental Protection Act, Cap. 328;
- (c) the Public Health Act, Cap. 40; and
- (d) any other law specifying standards to be observed by hotels or tourist accommodation, or any other law repealing and replacing any of the laws specified in paragraphs (a) to (d) of this subsection.

Application for registration.

6.—(1) Every application for the registration of any premises as a hotel or tourist accommodation,

- (a) shall be made in writing to the Registrar;
- (b) shall be made in such form as may be provided by the Registrar for that purpose;
- (c) shall contain the particulars required by that form;
- (d) shall be accompanied by a non-refundable application fee of \$25.00; and
- (e) shall be signed by the proprietor or any person duly authorised by the business.

(2) The Minister may by Order vary the fee payable under subsection (1) (d) of this section.

7. Where an application made in accordance with the provisions of section 6 is received by the Registrar, the Registrar shall verify the particulars contained in that application and cause a report or reports to be made as to whether adequate arrangements are available for the compliance with the requirements of minimum standards of service, health and accommodation, prescribed for hotels and tourist accommodation by the Minister.

Reports before registration.

8.—(1) Where the Registrar is satisfied with the report or reports made under section 7 of this Act, he shall make an Order allowing the application and shall register such premises in the register and shall register the applicant in the register as the proprietor thereof and enter such other particulars as he may think necessary.

Disposal of applications.

(2) The Registrar may direct any applicant for registration to furnish to him, within such period as may be specified in the direction, such information or documents as may be mentioned therein to enable him to dispose of the application. If the applicant fails to comply with such direction, the Registrar may refuse the application, and where the Registrar refuses the application he shall inform the applicant of his reasons accordingly.

(3) Where the Registrar is not satisfied that the provisions of section 7 of this Act are complied with, he shall notify the applicant in writing of the grounds which prevent him from registering the premises as a hotel or tourist accommodation and state that unless the deficiencies mentioned in the notification are rectified within the time mentioned therein the application would be disallowed.

(4) If, upon receipt of a notice under subsection (3) of this subsection, the applicant rectifies the deficiencies and otherwise complies with the requirements to the satisfaction of the Registrar, the Registrar shall register the premises as a hotel or tourist accommodation and the applicant as the proprietor of that business. If the applicant fails to so rectify the deficiencies or otherwise comply with the requirements as prescribed therein, the application shall be disallowed, and the Registrar shall inform the applicant accordingly.

36 of 2001.

(5) Any person who advertises, or holds out, or uses for the purposes of business, any premises as a hotel or tourist accommodation when the Registrar has refused to issue a licence to the applicant, or when such premises are not registered in the Register of Hotels and Tourist Accommodation, commits an offence.

Licence to register hotel or tourist accommodation.

9.—(1) Where the Registrar registers any premises as a hotel or tourist accommodation in accordance with section 8 of this Act, he shall issue to the applicant a licence in the prescribed form and containing such terms and conditions as may be determined by him.

(2) Any person who fails to comply with any term or condition imposed in a licence commits an offence.

(3) Every such licence shall be placed in a conspicuous place in the premises to which it relates.

Amendment of particulars in register and licence.

36 of 2001.

10. Where any change occurs in any matter or thing relating to a hotel or tourist accommodation which necessitates any amendment of the particulars in the registration entry relating to such hotel or tourist accommodation, the registered proprietor shall forthwith give notice of such changes in writing to the Registrar and if such changes affect the licence, shall return the licence to the Registrar to enable him to make the necessary amendment in the register and the licence.

Transfer of licences.

36 of 2001.

11. Every licence issued under this Act is not transferable and shall not be assigned.

Duration of licence.

36 of 2001.

12. Every licence issued under this Act shall expire on 31st December of each year.

Licence fee.

36 of 2001.

13.—(1) The issue of a licence or its renewal shall be accompanied by a fee calculated at the rate of five dollars for each bedroom or accommodation unit provided in the hotel or tourist accommodation for use by guests as sleeping accommodation and regardless of whether a trade licence issued under the Trade Licensing Act, Cap. 66, is required for such premises.

(2) The rates mentioned in subsection (1) of this section, may be varied from time to time by the Minister by Order published in the *Gazette*.

14. The proprietor of every hotel or tourist accommodation registered under the provisions of this Act shall,

Minimum standards to be observed by hotel and tourist accommodation.

- (a) ensure the observation of such minimum standards as may be prescribed from time to time by the Minister, including but not restricted to minimum standards relating to health, accommodation, service facilities and board;
- (b) ensure that the hotel or tourist accommodation equipment is kept in good order consistent with the highest standards of cleanliness;
- (c) maintain a high standard of service and shall for this purpose assist the Registrar in the promotion and execution of schemes for improving the skill and efficiency of hotel and tourist accommodation staff.

15.—(1) The proprietor of every hotel or tourist accommodation shall, in each room of the hotel or tourist accommodation and in the reception area, display conspicuously a written or printed notice containing information in respect of all rates and charges for the accommodation and the meals and other services (if applicable), and no person shall be charged any higher rates than the rates displayed.

Notification of charges to guests.

(2) All rates and charges referred to in subsection (1) of this section,

- (a) shall be exclusive of accommodation tax and all other charges;
- (b) shall be stated to be in the currency of Belize, but a proprietor may in addition display such rates and charges in any other currency.

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(3) The proprietor of every hotel or tourist accommodation shall promptly notify the Registrar of the aforesaid rates and charges, the increase or decrease in the number of rooms, and any changes thereto, in the manner provided in section 10 of this Act.

Distribution of service charges.

16.—(1) Any service charges collected or received by a proprietor or employer from guests or customers shall be distributed among employees in accordance with the provisions of a scheme prescribed or registered under the provisions of this section, and in the absence of any such scheme, by agreement with the employees.

(2) The Registrar may by regulations prescribe a formula to be used by all proprietors or employers, or all proprietors and employers of a certain class, for determining the distribution of service charges among employees.

(3) Where no regulations have been made in respect of any given proprietor or employer, or any class of proprietors or employers, the Registrar may by agreement with that proprietor or employer, or class of proprietors or employers, register a formula to be used by that proprietor or employer, or class of proprietors or employers, for determining the distribution of service charges among employees.

(4) Any proprietor or employer who fails to comply with a formula imposed upon him by regulations made under subsection (2) or by registration under subsection (3) of this section, commits an offence.

(5) All service charges referred to in this section shall be distributed within three weeks of the end of the calendar month in which they were collected or received.

(6) Any proprietor or employer who fails to comply with subsection (5) of this section, commits an offence.

(7) All proprietors or employers in any hotel or tourist accommodation, undertaking, trade or business where service charges to which this section applies are regularly received or collected from guests or customers shall keep accounts recording all such service charges received or collected, and the manner in which they were distributed.

(8) Without prejudice to any other powers, the Registrar may upon demand inspect any accounts kept pursuant to subsection (7) of this section.

(9) Any proprietor or employer who fails to keep the accounts required under subsection (7) of this section, or who does not permit the Registrar to inspect them upon demand pursuant to subsection (8) of the section, commits an offence.

(10) Every person who commits an offence against this section or any regulations made thereunder shall be liable to the same penalties as prescribed in section 27(1) of this Act.

17. Payment of charges by guests shall be in conformity with any law dealing with currency or exchange control or any instrument or document by whatever name or designation called, issued thereunder.

Mode and manner of payment by guests.

18.-(1) The proprietor of every hotel or tourist accommodation shall maintain a register of guests containing the following particular,

Register of guests.
36 of 2001.

- (a) the date of arrival of the guest;
- (b) the name of the guest, and the number of persons accompanying him;
- (c) the room number or numbers assigned;
- (d) the permanent address of the guest;
- (e) the date of departure;
- (f) a reference to the bill or other document showing the amount of the bill and currency in which it is paid;
- (g) the signature of the guest;

- (h) the number, date and place of issue of passport or passports where available; and
- (i) the guest's nationality.

36 of 2001. (2) The register of guests shall be in the form prescribed by the Registrar and each guest entry shall be serially numbered.

36 of 2001. (3) The proprietor of every hotel or tourist accommodation shall display conspicuously in each room, and in the reception area, a sign requesting each guest to register in the register of guests.

Books of accounts. **19.**—(1) The proprietor of every hotel and tourist accommodation shall,

(a) keep at the hotel full and true accounts entered up to date showing all revenue and expenditure separately and in accordance with standard accounting practices based on a uniform system of accounts;

36 of 2001. (b) retain all accounts and documents in Belize relating thereto for a period of not less than five years from the last date of the month to which the accounts and documents relate.

(2) The proprietor of every hotel or tourist accommodation shall, for the purposes of this Act, maintain or cause to be maintained at the hotel or tourist accommodation in the prescribed forms,

(a) daily revenue journals supported by special numbered guests' bills, which shall be balanced daily;

(b) monthly foreign and local currency receipt registers and bank statements.

(3) The proprietor of every hotel or tourist accommodation shall, for the purposes of this Act, whenever required by the Registrar, furnish

certified extracts or returns of such information from the books and registers as are prescribed under the provisions of this Act with regard to his hotel or tourist accommodation business.

20.—(1) For the purpose of determining whether the provisions of this Act are being complied with by a hotel or tourist accommodation, or for the purpose of making a report to facilitate the registration of any premises as a hotel or tourist accommodation, it shall be lawful for the Registrar or any person acting under the authority of the Registrar, to enter the premises at all reasonable hours, and,

Power of entry, inspection, etc.

- (a) to inspect the premises with a view to ascertaining all matters and things relevant to such purposes;
- (b) to require any person in charge of the hotel or tourist accommodation to produce the registers and books required to be maintained under this Act; and
- (c) to examine such registers, books, computer records and to make copies or to take extracts from such registers, books and computer records.

(2) Any person in charge of any premises, books or registers mentioned in subsection (1) of this section, shall provide all such facilities as are required by the Registrar or such other person for carrying out his duties under that subsection.

21.—(1) The Registrar may at any time direct any proprietor to furnish him with any information or documents or computer records which he may consider necessary for the verification of the correctness of any particulars that have been supplied to him in respect of a business and to produce any book of accounts or other documents or computer records relating to such business.

Power to call for additional information.

(2) The Registrar may hold such inquiries as he considers necessary for the purpose of discharging his functions under this Act.

PART III

Accommodation Tax and Liability etc., of Proprietors

Tax on accommo-
dation charges.

22.—(1) Subject to the provisions of this Act, there shall be levied and paid a tax at the rate of seven *per centum* of all the accommodation charges in regards to lodging.

(2) Where any sum of money which has been paid or has become payable to a registered proprietor by or on behalf of a guest includes a sum in respect of accommodation, the tax shall be levied and paid on the proportion of the sum which reasonably represents accommodation charges.

(3) The tax shall become payable at the end of each day and shall be paid in the manner specified in section 23 of this Act.

(4) The Minister may by Order published in the *Gazette* vary the rates of tax specified in subsection (1) of this section.

Payment of tax.
36 of 2001.

23. Every proprietor of a hotel or tourist accommodation shall prepare a monthly statement, inserting in such statement the required statistical information, substantially in the form prescribed, for the purpose of showing the amount of tax for which he is liable under this Act, and shall furnish such monthly statement, along with the copies of the register of guests, not later than the fourteenth day of the following month to the Registrar together with the amount due from his tax. If the tax is not paid as provided herein, it shall be deemed to be in default.

Tax to be assessed
in certain cases.
36 of 2001.

24. Where by reason of the failure on the part of a proprietor to furnish a return or keep or produce to the Registrar accounts and documents relating to accommodation charges, or by reason of any information contained in any return, accounts or documents or of any omission in any return, accounts or documents, the Registrar is unable to collect the tax or is satisfied that he has not been given a true account of the accommodation charges earned during any period, he may, after consideration of any representation or information which the proprietor may make or supply to him, assess the amount which shall be deemed

to constitute the accommodation charges earned during that period, and levy the tax and penalties in relation to that period so assessed. The Registrar shall forthwith in writing inform the proprietor and demand the amount so levied upon the accommodation charges and penalties and the amount shall be payable within fourteen days from the date of the demand. If the amount so assessed is not paid as provided herein it shall be deemed to be tax in default.

25.—(1) Where any tax is in default the proprietor shall pay in addition to such tax,

Default in payment of tax.

- (a) a penalty of a sum equivalent to ten *per centum* of such tax; and
- (b) where such tax is not paid (together with the penalty) before the expiry of thirty days after such tax has begun to be in default, a further penalty of a sum equivalent to five *per centum* of such tax in respect of each further period of thirty days or part thereof during which such tax is in default.

(2) The Minister may, on a request made to him in that behalf, waive or reduce the amount of any such penalty payable by the defaulter under subsection (1) of this section, if such defaulter proves to the satisfaction of the Minister that the failure to pay was due to circumstances beyond his control,

Provided that the defaulter shall, before making such a request, pay the amount due as tax and furnish the statement required to be furnished at the time of such payment.

26.—(1) Default in payment of the tax shall be an offence and upon summary conviction of the proprietor in default, on the information of the Registrar, the tax in default and the penalties due thereon in terms of this section, shall be recoverable together with the costs of the proceedings.

Recovery of taxes.

(2) Proceedings for the recovery of the tax may be commenced at any time before the expiry of five years from the day on which it becomes

payable and all taxes due from the same person may be recovered on a single complaint.

(3) The order for payment of the tax in default and costs may be enforced by distress in the manner prescribed in the Summary Jurisdiction (Procedure) Act, Cap. 99.

26A.—(1) Except in the circumstances specified in subsection (2) of this section, a proprietor of a hotel or tourist accommodation shall not be liable to any guest, to an amount exceeding two thousand dollars, for any loss or damage to, or injury or theft of, any goods brought to his hotel or tourist accommodation.

(2) The circumstances referred to in subsection (1) of this section are,

- (a) where the goods are lost, damaged, injured or stolen through the wilful act, default or negligence of such proprietor or any member of his staff,
- (b) where the goods are deposited for safe custody with the proprietor.

(3) Where goods are deposited by any hotel or tourist accommodation guest pursuant to subsection (2)(b) of this section, the following shall be conditions precedent to such deposit, namely,

- (a) that the guest making the deposit shall sign a written declaration stating the nature and value of the deposited goods;
- (b) that the guest shall permit the proprietor or a member of his staff duly authorised in that behalf to inspect such goods and satisfy himself of the authenticity of the declaration made under paragraph (a) of this subsection;
- (c) that the guest shall, if so requested by the proprietor, place such goods in a box or some other receptacle

Liability of proprietors defined.
36 of 2001.

provided by the proprietor, and seal or lock such box or receptacle in the presence of the proprietor or a member of his staff duly authorised in that behalf.

(4) Where a proprietor provides, in accommodation rooms occupied by his guests, safe deposit boxes or receptacles approved by the Registrar as affording a reasonable degree of security to goods deposited therein, such proprietor shall be liable to the guest, up to a maximum amount of two thousand dollars for goods lost, damaged, injured or stolen while deposited in such safe deposit box or receptacle only where such loss, damage, injury or theft occurred in circumstances specified in subsection (2)(a) of this section.

(5) The benefits of the provisions of this Part shall not apply to a proprietor who refuses to receive and accept for safe deposit the goods of his guests, or fails to provide safe deposit boxes or receptacles as provided in subsection (4) of this section, or who, through his wilful default and neglect of duty, prevents any guest from depositing his goods with him for safe custody,

Provided that no proprietor shall be obliged to accept for safe custody any goods of his guest declared by the guest pursuant to subsection (3) (a) of this section to be valued at or in excess of five thousand dollars.

(6) The benefits of the provisions of this Part shall not apply to a proprietor who refuses or fails to display the provisions of this Part in a conspicuous place in the main hallway or entrance, and in each bedroom, of his hotel or tourist accommodation.

(7) Without prejudice to any lien or other lawful remedy which may be available to any proprietor, it shall be lawful for a proprietor to sell by public auction any goods deposited with him for safe custody under this Part where the guest who made such deposit becomes indebted to the proprietor for any accommodation charges or any other charges associated therewith.

(8) No public auction sale shall be made under subsection (7) of this section, unless the goods have been in the custody of the proprietor for a

period of not less than six weeks, during which period the debt has been outstanding, unsatisfied or unpaid, and unless, at least one month before such sale, the proprietor has caused to be inserted in the *Gazette*, a notice containing,

- (a) a brief description of the goods;
- (b) the name, if known to him, of the guest who deposited the goods; and
- (c) the date, place and time of the proposed sale.

(9) The proprietor shall, after the public auction sale, take from the proceeds of such sale the amount due and owing to him as a debt, and after deducting the expenses incidental to the sale, pay the remainder, if any, to any person who satisfactorily claims ownership thereto.

(10) Any guest who makes a false declaration under subsection (3) (a) of this section, commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a period not exceeding two years.

PART IV

Miscellaneous

27.—(1) Any person who,

- (a) without lawful excuse uses or advertises any premises as a hotel or tourist accommodation when such premises are not registered or when there is not in force a licence granted to him by the Registrar authorising him to use such premises for the business of a hotel or tourist accommodation;
- (b) uses or displays the word “registered” or “licensed” along with the name, title or description of any

Offences and penalties.
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- premises purporting to be a hotel or tourist accommodation when such premises and the business are not registered and/or licensed;
- (c) having been granted a licence to use any premises for the business of a hotel or tourist accommodation, uses such premises otherwise than in accordance with the terms and conditions of such licence;
 - (d) fraudulently procures or attempts to procure the registration and licensing of any premises as a hotel or tourist accommodation;
 - (e) continues to operate hotel or tourist accommodation after the licence has been cancelled;
 - (f) in connection with any fees, accommodation charges or any tax payable thereon, makes any statement which is false in a material particular, or with intent to evade any of the provisions of this Act, produces or makes use of or furnishes any book, record, account, return or other document which is false in any material particular;
 - (g) forges or falsifies any book of account, register or other book required to be maintained under this Act;
 - (h) makes a false statement in a material particular in an application for registration of a hotel or tourist accommodation;
 - (i) obstructs, prevents or otherwise hinders the entry into any hotel or tourist accommodation of the Registrar or any person authorised by him to carry out any examination, inspection, scrutiny or check therein, or assaults or otherwise hinders any such officer in the performance of his duties under this Act; or

- (j) fails to comply with any requirements of this Act or any regulations made thereunder or with any lawful direction given to such person by the Registrar,

commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding three years, or to both such fine and term of imprisonment.

(2) Any registration or licence which has been obtained fraudulently or by means of fraudulent representation shall be invalid and of no effect.

(3) Where such offence is continued after conviction, such person shall be liable in respect of each day during which such offence continues to a fine not exceeding three hundred dollars.

(4) Any offence against the provisions of this Act committed by any servant or agent of the proprietor shall be deemed to be an offence committed by that proprietor, unless he establishes that such offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of that offence.

(5) Where a person by whom an offence under this Act or any regulations made thereunder is committed is a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate or was purporting to act in any such capacity shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all due diligence to prevent the commission of that offence as he ought to have exercised, having regard to the nature of his functions in that capacity and to all the circumstances.

Suspension or cancellation of licence.

28.—(1) Notwithstanding any prosecution that may be instituted under this Act, the Registrar may suspend a licence of the proprietor of any licensed hotel or tourist accommodation who,

- (a) fails or neglects,

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- (i) to renew this licence for the current year;
 - (ii) to maintain the register of guests as provided by this Act or by Regulations made thereunder;
 - (iii) to comply with any directions issued by the Registrar from time to time;
 - (iv) to pay accommodation tax by the prescribed dates when such tax is due and payable;
 - (v) to provide information called for by the Registrar;
 - (vi) fails or neglects to display the licence, required signs, or any of the information required to be provided to a guest;
- (b) obstructs any authorised person from inspecting the premises, records, documents or books of account required to be kept by this Act.

(2) The Registrar may cancel a licence and/or direct a hotel or tourist accommodation to be closed on any of the following grounds,

- (a) the failure of proprietor to register his premises;
- (b) the failure of the proprietor to obtain or to renew a licence;
- (c) the failure of the proprietor to pay accommodation tax on the prescribed dates as specified in sections 23 and 24 of this Act;

- (d) the failure of the proprietor to pay correct accommodation tax;
- (e) if the proprietor is convicted of any criminal offence in relation to the premises or any of the proprietor's agents or employees are convicted of a criminal offence in relation to the premises, which they committed with the proprietor's consent, encouragement, knowledge or aid, or if the proprietor knowingly and actively participated in the commission of such offence;
- (f) if the proprietor fails to ensure that the premises are maintained in keeping with the minimum standards of health, accommodation and service.

(3) Where the Registrar suspends or cancels a licence under this section, he shall without delay inform the proprietor to whom the licence so suspended or cancelled was granted, and inform him of the reasons for the suspension or cancellation.

(4) Upon the cancellation of the licence, the Registrar shall order the hotel or tourist accommodation to be closed forthwith or on such date as the Registrar may determine.

(5) Upon the cancellation or suspension of the licence, the Registrar shall,

- (a) order the removal of all public signs advertising the hotel or tourist accommodation; and
- (b) issue a public notice advising of the closure of the hotel or tourist accommodation.

29. Where any person making an application for registration of any premises as a hotel or tourist accommodation fails or neglects to pay the correct licence fee due on his application, or makes any statement on his application which is false in a material particular, then if such failure,

36 of 2001.

Additional penalties.

neglect or falsehood is discovered before the issue of the licence, his application shall be rejected and if discovered after the issue, the licence so granted shall be cancelled without notice and the provisions of section 28 (3) of this Act, shall apply to such cancelled licence.

30.—(1) In any prosecution of an offence under this Act, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused, whether or not the employee or agent is identified or prosecuted for the offence.

Proof of offences.
36 of 2001.

(2) It shall be lawful for the Registrar or any person authorised by the Registrar in that behalf to issue violation tickets for offences committed against this Act.

36 of 2001.

(3) The maximum penalty for an offence specified in a violation ticket issued pursuant to subsection (2) of this section, shall not exceed three times the highest declared room rate for the hotel or tourist accommodation in respect of which the offence was committed.

36 of 2001.

31. The Minister may make regulations generally for the better carrying out of the purposes of this Act, and in particular but without prejudice to the generality of the foregoing, may make regulations providing for,

Regulations.

- (a) regulating the number of persons who may normally be accommodated as guests in a hotel or tourist accommodation and in any room thereof;
- (b) the medical examination of employees of a hotel or tourist accommodation for restricting and controlling the employment in hotels or tourist accommodation of persons suffering from disease or infection, and for prescribing standards of personal cleanliness to be observed by employees of hotels or tourist accommodation;
- (c) prescribing standards for hotels and tourist accommodation, including but not restricted to standards for the maintenance of the exteriors and interiors of hotels

and tourist accommodation and the roads, pathways and the grounds thereto;

- (d) prescribing the precautions to be taken against the outbreak or spread of fire in hotels or tourist accommodation and for the protection of persons therefrom;
- (e) prescribing the minimum furnishings and fixtures to be provided in bedrooms and other rooms provided for the use of guests and the standards to be maintained in connection therewith;
- (f) requiring that the licence or the regulations or any part or extract therefrom shall be displayed in any prescribed place;
- (g) the keeping of records and registers by proprietors in relation to the operation of hotels or tourist accommodation;
- (h) prescribing training requirements for employees of hotels or tourist accommodation;
- (i) prescribing fees for carrying out inspections;
- (j) *[repealed by Act 36 of 2001]*
- (k) prescribing rules for the operation or registration of condominiums, apartments and any other type or category of tourist accommodation.

Appeals.

32.—(1) Any person who is aggrieved by,

- (a) the refusal of the Registrar to register any premises as a hotel or tourist accommodation under section 8 of this Act;

- (b) the assessment of tax made by the Registrar under section 24 of this Act; or
- (c) the cancellation or suspension under section 28 of this Act, of a licence already granted to him;

may within fourteen days of the notification of such refusal, assessment, cancellation or suspension make an appeal therefrom to the Minister.

(2) The Minister shall hear and determine any appeal made to him under subsection (1) of this section.

33.—(1) The Hotels Act, Cap. 228, R. E. 1980-1990, is hereby repealed.

Repeal and savings.

(2) Notwithstanding the provisions of subsection (1) of this section, the repeal of the Hotels Act, Cap. 228, R. E. 1980-1990, shall not affect or be deemed to have affected,

- (a) all licences issued under that Act;
- (b) the past operation of anything duly done or suffered under that Act;
- (c) any offence committed, or any right, liberty or penalty acquired or incurred under that Act;
- (d) any action, proceeding or thing, pending or not completed when this Act comes into operation, but every such action, proceeding or thing may be carried on and completed as if there has been no such repeal.