

CHAPTER 100

THE TOURIST AGENTS (LICENSING) ACT.

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CHAPTER 100

THE TOURIST AGENTS (LICENSING) ACT.

Commencement: 15 September, 1972.

An Act to make provision for licensing, regulating and controlling the business of tourist agents and for other matters connected therewith.

1. Interpretation.

In this Act, unless the context otherwise requires—

- (a) “business of a tourist agent” includes negotiating whether by correspondence or otherwise, soliciting, canvassing, or accepting business connected with the tourist industry with any person;
- (b) “licensing officer” means a person appointed to be a licensing officer under section 8;
- (c) “Minister” means the Minister to whom functions under this Act are assigned;
- (d) “tourist agent” includes a travel agent or tour operator or any person who, for reward, undertakes to provide or perform for tourists and other members of the public in relation to tours and travel within or outside Uganda, the provision of transport (including procurement of tickets), accommodation, professional advice on tourism and other travel matters relating to tourism.

2. Tourist agents to be licensed.

(1) No person may carry on, or hold himself or herself out as carrying on, the business of a tourist agent, unless he or she is the holder of a valid licence issued to him or her for that purpose by a licensing officer; but a person shall not, by virtue of this subsection, be deemed to be, or to hold himself or herself out as, a tourist agent by reason only that—

- (a) he or she accepts bookings relating to any scheduled or systematic transport service within or outside Uganda for any person; or
- (b) he or she accepts booking for any person in any hotel or lodge in Uganda.

(2) No person may take and use the title of, or describe himself or herself as, a tourist agent unless he or she is the holder of a valid licence

issued to him or her by a licensing officer authorising him or her to carry on the business of a tourist agent.

(3) Any person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding ten thousand shillings or to a term of imprisonment not exceeding one year or to both.

3. Application for a licence.

(1) An application for the grant or renewal of a licence to carry on the business of a tourist agent shall be made to a licensing officer on the prescribed form giving such information as the licensing officer may require, and shall be signed by the applicant or other duly authorised agent of the business of the applicant to which the application relates.

(2) A licensing officer may, subject to section 4, on payment of the prescribed fee, grant to the applicant a licence or renew the applicant's licence in the prescribed form.

- (3) A licence granted or renewed under this section—
- (a) shall be valid for twelve months beginning with the date of its issue or renewal as the case may be;
 - (b) shall specify the name of the holder of the licence and the address of his or her place of business;
 - (c) shall be subject to such conditions as may be imposed; and
 - (d) shall not be transferable or assignable.

(4) Every applicant who, for the purpose of obtaining a licence under this Act, makes or causes to be made, either orally or in writing, any declaration or representations in his or her application which he or she knows or has reasonable grounds to believe to be false, commits an offence and is liable on conviction to a fine not exceeding five thousand shillings or to a term of imprisonment not exceeding six months or to both.

4. Refusal to issue a licence.

- (1) A licencing officer may refuse to grant or renew a licence—
- (a) if the applicant has been convicted of an offence under this Act at any time during the three years next preceding the date of the application;
 - (b) if the applicant has been convicted within Uganda or elsewhere

- of an offence involving fraud or dishonesty at any time during the five years next preceding the date of the application;
- (c) if the applicant is an undischarged bankrupt, or being a company or other corporate body, is in liquidation;
 - (d) if, in the opinion of the licensing officer, the applicant has not at his or her disposal the means, the vehicles or other equipment necessary for the proper and efficient running of the services to which the application relates; or
 - (e) for any other sufficient reason.

(2) Any applicant who is aggrieved by the refusal of a licensing officer to issue a licence to him or her may, within fourteen days commencing with the date when the refusal was communicated to him or her, appeal to the Minister; and the Minister's decision shall be final.

5. Cancellation of a licence.

(1) A licensing officer may cancel or vary a licence granted under this Act—

- (a) if the holder of the licence is convicted in Uganda or elsewhere of an offence, under this or any other Act, involving fraud or dishonesty;
- (b) if the holder of a licence becomes bankrupt, or being a company or other corporate body, goes into liquidation;
- (c) if, in the opinion of the licensing officer, the licence was obtained by fraud or by misrepresentation or nondisclosure of any material fact;
- (d) if, in the opinion of the licensing officer, the holder of the licence has ceased to have at his or her disposal the means or the vehicles and other equipment necessary for the proper and efficient running of the services to which the licence relates;
- (e) if the licence holder fails to comply with any condition imposed on his or her licence; or
- (f) for any other sufficient reason.

(2) Before a licensing officer cancels any licence by virtue of subsection (1), he or she shall inform the licence holder in writing, stating the reasons why he or she intends to cancel the licence, and shall invite the licence holder to show cause in writing why his or her licence should not be cancelled; and if the licence holder makes representations in writing to the licensing officer, the licensing officer shall not proceed to cancel the licence

but shall consider the representations made by the licence holder.

(3) Where a licensing officer, after considering the representations made to him or her by the licence holder, cancels a licence, he or she shall notify the licence holder in writing of the cancellation stating the reasons for his or her action; and if the licence holder is dissatisfied with the decision of the licensing officer, he or she may appeal to the Minister in writing within thirty days commencing with the date of the receipt of the notice; and the Minister's decision shall be final.

6. Power to enter premises.

(1) A licensing officer, or any person authorised by him or her in writing, may, in the performance of his or her duties—

- (a) enter and inspect, at any reasonable time, any premises of a tourist agent on which he or she has reasonable cause to believe that the business of a tourist agent is being carried on in contravention of this Act; and—
 - (i) may examine and take copies of any books, accounts and documents found in those premises relating to or appearing to relate to the business of a tourist agent;
 - (ii) may seize any documents or accounts found on those premises which he or she has reasonable grounds to believe may contain evidence for an offence committed against this Act;
 - (iii) may question any person who appears to him or her to be engaged in, or carrying on, or employed in, the business of a tourist agent on those premises on any matter concerning the application of or compliance with any provision of this Act;
- (b) require, by notice in writing, any person who appears to him or her to be engaged in, or carrying on, the business of a tourist agent to produce to him or her at such time and place as he or she may specify in the notice all or any of the books, accounts and documents relating to the business of a tourist agent; or
- (c) stop and seize or search any vehicle which he or she has reasonable grounds for suspecting that it is being used or contains any matter which may be used as evidence in respect of an offence committed under this Act.

(2) No premises shall be entered into forcibly under this section

except by or under the direction of a police officer of or above the rank of inspector unless the licensing officer or the person authorised by him or her in writing has reasonable cause to believe that the delay occasioned in summoning the inspector would, or would tend to, defeat the purposes of this section.

- (3) Every person who—
 - (a) hinders or obstructs a licensing officer or any person authorised by him or her in writing acting in pursuance of subsection (1);
 - (b) fails to comply with any requirement made of him or her under subsection (1),

commits an offence and is liable on conviction to a fine not exceeding five thousand shillings or to a term of imprisonment not exceeding six months or to both.

- (4) Any person seizing anything by virtue of subsection (1)(c), shall, at the time when the thing is seized, give a written receipt for it.

7. Power to inquire into complaints.

- (1) A licensing officer may inquire into any complaints made by any person against any tourist agent and where the complaint is proved to his or her satisfaction and amounts to a contravention of any provision of this Act, he or she may, subject to subsection (2), cancel his or her licence.

- (2) The provisions of section 5(2) and (3) shall apply to a cancellation of a licence under this section as they apply to a cancellation under that section.

8. Appointment of licensing officers.

- (1) The Minister may, for the purposes of this Act, by notice in the Gazette, appoint one or more persons who are public officers to be licensing officers either for the whole of Uganda or for a specified area of Uganda.

- (2) The Minister may give to any licensing officer directions of a general or special character as to the exercise and performance of his or her powers and duties under this Act which he or she may consider reasonable in the interests of the proper regulation of the tourist industry (including the waiving of fees for any period where he or she is satisfied that it is in the interests of the well-being and development of the tourist industry), and the

licensing officer shall give effect to any directions so given.

9. Regulations.

The Minister may, by statutory instrument, make regulations generally for better carrying into effect the purposes and provisions of this Act, and, in particular, and without restricting the generality of the foregoing, may make regulations respecting all or any of the following purposes—

- (a) prescribing—
 - (i) the forms to be used for the purposes of this Act;
 - (ii) the fees to be charged for the grant or renewal of a licence;
 - (iii) the conditions to be attached to, or for the grant of, a licence;
 - (iv) forms of returns or information which the holder of a licence may be required to furnish to a licensing officer;
 - (v) any other matter related to the activities of tourist agents respecting safari outfitters, sightseeing, tour operators and travel agents, including the carriage of tourists by air, rail or road, or the activities of professional hunters or professional safari photographers;
 - (vi) the standards of premises for accommodating tourists;
 - (vii) conditions of operating airlines based in Uganda;
- (b) regulating the activities of tourist agents with respect to—
 - (i) issuing of air travel tickets; (ii) reservation of hotel or lodge accommodation; and
- (c) providing for the activities of drivers and guides employed in the tourist industry, their conduct and the standards required of them.

10. General penalties.

Any person, other than the holder of a licence granted under this Act, who contravenes any provision of this Act for which no penalty is provided is liable on conviction to a fine not exceeding ten thousand shillings or to a term of imprisonment not exceeding twelve months or to both.

11. Offences by corporate bodies.

Where an offence under this Act is committed by a cooperative society, company or other corporate body, and it is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of any chairperson, manager, director, secretary or other officer

of the cooperative society, company or corporate body, or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he or she, as well as the cooperative society, company or other corporate body commits the like offence and is liable to be proceeded against and punished accordingly.

12. Exemption from the Act.

(1) Nothing in this Act shall apply or be deemed to apply to the Government.

(2) The Minister may, by statutory order, exempt any person or class of persons specified in the order from all or any of the provisions of this Act.

History: Act 25/1968; S.I. 144/1972.