



USAID FIRMS PROJECT

Legal Review of Tourism Related Laws

October, 2013

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Abstract

This sub-report reviews the three main tourism related laws, i.e. the Hotel & Restaurants Act, Tourist Guides Act and the Travel Agencies Act of 2013 for Khyber Pakhtunkhwa. It then proposes draft Amendment and Full Acts and Rules for the same and briefly explores the ways in which the donor community can support this initiative.

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1 Background and Methodology

The Khyber Pakhtunkhwa (KP) Tourism Department requested the USAID for support in amending the tourism related laws for adoption at the provincial level.

The expert assigned for the task undertook a thorough review of the existing Acts, namely the Hotel & Restaurant Act, the Tourist Guides Act, and the Travel Agencies Act of 1976 and the recently approved Acts by KP government of 2013. The tourism related laws of a number of countries, including India, Nepal, Sri Lanka, Iran, Turkey & Mozambique, were also looked into for best practices.

A series of meetings with individuals in various departments of the KP government took place and various aspects of the weaknesses of the existing regulations were discussed. This round was followed by a number of focus group discussions in Peshawar, Abbottabad, Swat and Chitral, during March to May 2013, whereby intensive consultations with stakeholders from public and private sector of KP related to the tourism industry took place to get feedback on the present legal statutes and to find possible room for improvement. The discussions had breakout sessions on a number of themes, including the legal and regulatory framework. This particular group session would be led by the Legal Expert and discussion would focus on the legal issues affecting tourism and what can be done about it. Earlier, during meetings with key individuals, it was learnt that the departments had already suggested some amendments in related Acts and had submitted for approval. These amendments were discussed. The Amendments, suggested by the tourism departments, have since been approved as Khyber Pakhtunkhwa Hotels and Restaurants Amendment Act 2013, Khyber Pakhtunkhwa Tourist Guides Amendment Act 2013 and Khyber Pakhtunkhwa Travel Agencies Amendment Act 2013. The team of experts also got the opportunity to review these approved amendment Acts. The proposed amendments, annexed with this Report, are an outcome of revision of all these pre and post amendment laws.

This legal review and suggested amendments have been devised on basis of the consultative process detailed above. The purpose of these consultations was to make the stakeholders part of process and to impart sense of ownership in legislation and subsequent proposed amendments to laws.

2 An Overview of Present Tourism/Hotel Industry Laws in Pakistan

After Independence, Pakistan used the Government of India Act, 1935 as amended by the Indian Independence Act, as its constitution. In 1955, 1962 and 1973 it adopted new constitutions, the last being still in force. Pakistan has always had a federal structure, which means that both the Federation and Provinces have legislative powers.

As of 2012, there have been 19 amendments to the constitution. The 18th amendment granted additional subjects to the provinces and practically abolished the concurrent legislative list.

However this amendment did not confer any additional powers to the Provincial Government with regard to the Tourism Industry than it originally had.

The Federal Government regulated the hotel and restaurant component of the Tourism Industry by using the power conferred on it by the provincial legislatures under Article 144 of the Constitution which allowed Parliament to legislate on any subject if so requested by two or more provincial assemblies. It had legislated on travel agencies and tourist guides under a rather contested use of legislative power – these subjects not being reflected in the Federal Legislative List or the Concurrent Legislative List. The debate is however academic as these are accepted to be provincial subjects post-18th amendment.

3 Review of Legal and Regulatory Mechanism

Prior to devolution tourism was controlled by the Ministry of Tourism, Government of Pakistan with its subordinate hierarchy in the shape of department of tourism services. The Department of Tourism Services dealt with all aspect of the Tourism Industry - travel agencies, hotel and restaurants and tourist guides.

All laws pertaining to the tourism industry were promulgated in 1976. These enactments were based on the ethos of the 60s and the Governments desire to control prices through legislation. The enforcement mechanisms provided to implement these laws were weak and the industry was never effectively regulated or enforcement of standards properly ensured.

4 Key Issues, in Relevant Acts/Rules, Proposed Amendments with Rationale

The basic object of these enactments was to ensure development, regulation and control of professional services for tourist and travelers. However these laws suffered from a number of inherent weaknesses and shortcomings, which are identified in the following paragraphs:

4.1 Hotel and Restaurant Act

The purpose of this Act was to provide measures for controlling and regulating the standards of the hotel industry and service and amenities for tourists in hotels and restaurants. This Act has served the hospitality business i.e. hotels and restaurants since 1976. After the devolution of tourism subject from federal to provincial government, the government of Khyber Pakhtunkhwa has made certain amendments in tourism laws but these amendments are not enough to serve the purpose.

The Act (Khyber Pakhtunkhwa Hotels and Restaurants Amendment Act 2013) even after amendments in the Pakistan Hotels and Restaurants Act 1976, suffers from the following weaknesses and requires the amendments as suggested below:

- a) Section 2(g): The act is applicable to hotels and guesthouses with minimum 15 lettable rooms. As a result, number of hotels and guest houses having capacity up to 14 lettable rooms don't fall under the purview of this act. It is proposed that the number of rooms may be decreased from fifteen to five. There are number of guesthouses and small hotels which are being operated having capacity from five to fourteen lettable rooms. These establishments do not require to be registered under the law because of the present minimum criteria. By making an amendment in this clause the government will widen the net and will be able to better regulate the hotel industry. It will also be beneficial in terms of revenue collection.
- b) Section 4: This section provides for setting up of an advisory committee. The Act and the Rules are however silent regarding the composition of the committee. It is therefore proposed that while constituting the committee government should be bound under the law to give sizeable representation to stakeholders from hospitality industry, educational institutes providing hospitality education and the hotels association. If the composition of the committee is without the participation of the above said stakeholders it will not be able to understand the problems of the hotel and restaurant industry. Most of the time the appointments are motivated by political and bureaucratic influence.
- c) Section 5: Registration and renewals; the owner of every hotel and restaurant is required to register within a period of two months from the commencement of the Act, or from the opening of the hotel and restaurant. It is not advisable for any business entity to start work first and then get registration. The registration of new hotel and restaurant should be made at project stage and then it should be permitted to work.
- d) Section 5 (2 a): the words health hygiene and comfort need to be defined. There is no reference to standards in the Act or the rules. This ambiguity leads to misuse of powers. To avoid any exploitation and also to provide standardized service to customers it is necessary that the words health, hygiene and comfort should be appropriately defined.
- e) Section 5(2c); The building of the hotel should be reviewed in context of associated hazard and their identification, risk assessment and control. The building evacuation plan should be considered. This is a standard practice of hotel industry to ensure the safety of their guest world over.
- f) Section 7(3): In this section payment of renewal fee is the only criteria for renewal of license. Whereas the department should also ensure validation of food safety, standards of health, hygiene and comfort, which were initially examined at the time of granting of license by the department, and further its verification(s) during the licensing period.
- g) Section 16 (i) relates to health and wellbeing of guests or customers without defining the same. The professions and activities, which are hazardous or not supportive of wellbeing of guests, should be defined.
- h) Section 17(3); Arrangements for complaint lodging and redress are weak, and should be improved

Existing law	Proposed amendment	Rationale
<p>Section 2(g) hotel means a lodging, or boarding and lodging, establishment with a minimum of fifteen lettable bed rooms, provided for tourists on monetary consideration, which conforms to any of the prescribed minimum criteria but does not include-----</p>	<p>The number of rooms may be decreased from fifteen to five.</p>	<p>There are number of guest houses and small hotels which are being operated having capacity of five to fourteen lettable rooms. These establishments do not require to be registered under the law because at present minimum criteria is fifteen lettable room. By making such amendment in this clause the government could widen the net and can regulate the hotel industry with regard of services and quality. It will be also beneficial in terms of revenue collection.</p>
<p>Section 4: Setting up of an advisory committee. As soon as may be after the commencement of this act, the government may set up a hotel and restaurant committee, consisting of as many members as the government may determine, to aid and advise the government in relation to such matters relating to the administration of this act as may be prescribed.</p>	<p>While setting-up the committee, the government should bind under the law to give sizeable representation to the stake holder. It should consist of members from hospitality industry, educational institutes providing hospitality education and the association of hotel and restaurant.</p>	<p>The Act and the Rules are silent on what will be the composition of the committee. It is the only discretion of the government to nominate the members of the committee. If the composition of the committee is without the participation of the stakeholders., then the committee will not be able to understand what the problems of the hotel and restaurant industry are and advise how effectively the relevant provisions of law can be implemented. Mostly the certain appointments are motivated by political and bureaucratic influence etc.,</p>
<p>Section 5: Registration of hotels and restaurants the owner of every hotel and restaurant shall, within a period of two months from the commencement of this act, or from the opening of the hotel and restaurant, or from the date on which this act become applicable to such hotel and restaurant, whichever is later, applied to the controller for registration of his hotel or restaurant and for determination of fair rates in relation thereto and in the case of a hotel, also for its classification on payment of such fee prescribed.</p>	<p>The registration of new hotel and restaurant first be made and then be permitted to work.</p>	<p>It is not advisable for any business entity to start his work first and then get registration. because if there are any missing elements which are required to be done by the owner under the law he first be recommended and after the fulfillment of those required elements it would be permitted to work The present law provides exploitation on the part of the department to the owner who had already invested a huge amount.</p>
<p>Section 5 (2 a): No hotel or restaurant shall be registered unless It conforms to the prescribed standard of health, hygiene and comfort, provided that the controller may allow provisional registration subject to such condition as he may deem fit and, for good and sufficient reasons, modify, alter or withdraw any such condition at any time.</p>	<p>To avoid any exploitation and also to provide standardized services to the customer it is necessary that wherever the words health, hygiene and comfort occurs in the act and the rules hereunder it is to be linked to existing ISO international standards or in absence of ISO standards may reference to related hospitality industry standards.</p>	<p>There is no reference to standard in the act or the rules which defines the standard of health hygiene and comfort. This ambiguity is the grey area and is discretion of the department since there is a great apprehension misuse of powers and exploitations of owners of related business entities.</p>
<p>Section 5(2c); No hotel or restaurant shall be registered unless its building is structurally</p>	<p>The building of the hotel shall also be reviewed in context of associated hazard and their</p>	<p>This is a standard practice of hotel industry to ensure the safety of their guest world over.</p>

Existing law	Proposed amendment	Rationale
save and adequately protected against fire	identification, risk assessment and their controls. The building evacuation plan should be considered	
Section 7(3) A license granted under this section shall unless sooner suspended or cancelled, remain in force for a period of one year from the date of issues and thereafter be renewed for a period of one year at a time on payment of prescribed fee.	The department should ensure the process validation of food safety, standards of health, hygiene and comfort, which were initially examined at the time of granting of license by the department, and further its verification(s) during the licensing period.	In this section payment of renewal fee is the only criteria for renewal of license. However it should be focused on the same criteria as when the registration is granted.
Section 17(3) any guest or customer aggrieved by eviction or refusal of board or another services under subsection 1 or subsection 2 may lodge a complaint with the controller who shall, holding summary enquiry in the prescribed manner, pass such order as he may deem fit ,	It should be mandatory for hotel management where it displayed or mention its rules of boarding and lodging , and departure, the contact number (helpline) of the controller's office and his email is to be conspicuously displayed, guest can lodge its complaint to the controller on telephone or through email in case of any grievance against the hotel management and the same will be treated as it has been given in writing by the complainant and the controller shall proceed on it	This amendment is to be incorporated to avoid any arbitrary action of hotel management and guest cannot be left at the mercy of hotel management. It will also facilitate the aggrieved guest to lodge its complaint from anywhere at any time.
Section 24; Mode of recovery (1) any sum imposed as penalty under this act shall be recoverable as an arrear of land revenue.	The power under section 81 to 89 of land revenue act shall also be delegated to the controller for recovery of penalty.	The department itself has no method to recover these penalties from offenders. The penalty challan are forwarded to the land revenue collector for its recovery. The above said department also charge commission on recovered amount.

The Amendment Act and the post-amendment Act is attached in Annex 1 (a) & 2(a), respectively. The post-amendment Rules are attached in Annex 3 (a).

4.2 Travel Agencies Amendment Act, 2013

The purpose of this Act is to provide for the development, regulation and control of the profession of travel agencies in Khyber Pakhtunkhwa. The Act suffers from the following weaknesses and requires amendments as below:

- a) The act is silent about the composition and representation of the Advisory Committee. The composition of the Advisory Committee should be explained and representation provided to relevant stakeholders including members of the Hotel Industry and travel agency associations
- b) The process of registration is still paper based, making search for a particular record difficult and time consuming. The format of Registers of travel agencies may be improved. Furthermore, the same should be maintained in both electronic and paper formats to enable better searches
- c) The act requires better definitions of Travel agency and tour operator, making them distinct entities with different scope of work

- d) The act is silent about allowing a travel agency to utilize a bank guarantee in limited circumstances. Provision should be made for giving a bank guarantee in case of claims against a travel agency
- e) Penalties are out of sync with current economic realities and should be strengthened.

Existing law	Proposed amendment	Rationale
Section 2(c) licensed guide means a guide licensed under the law for the regulation and control of the profession of tourist guides	This definition clause is to be deleted from this act.	The definition of licensed guide is to be incorporated in the tourist guide act which is specifically enacted for the tourist guides.
Section 2(f) the travel agency means a person, by whatever name card who i) makes , directly or indirectly, on commercial basis arrangement for the passage of the tourist, for 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 , sightseeing, excursion and guide services, weather 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 air lines or other carriers, either directly or through a subcontract.	the definition of travel agency is to be redefined and shall be restricted only to “makes, directly or indirectly, on commercial basis arrangements for the passage of the tourists or use of transport, or transportation of their baggage or goods by sea, air, rail or road .or has been delegated general authority in respect of sales for the airlines or other carrier, either directly or through a subcontract”. 2(f) (ii) is to be defined as the definition of tour operator. Section 2(f) (iii) is to be deleted	A Travel agent is person who sells individual travel and tourism services such as air-ticket, hotel reservation etc. on commissionable rates. Whereas a tour operator is a person who develops his own package tours by combining different tourism services such as air travel, transport, hotel accommodation, food, tour guide services etc. and sell that as a package on a rate he decides after adding his profit on it.
Section 5(b) national carrier of Pakistan and foreign and private airlines, duly authorized to operate to, from or via Pakistan.	It should be in the domain of the provinces to operate or enter into any agreement with provincial or foreign airlines or with private rotary or fixed wings owners.	After the devolution, tourism is in the provinces domain so the provincial authorities are responsible to deal with.
Section 5(C) any agency, whether private or official , which is specifically interested by government with the work relating to handling of hajj pilgrims or other pilgrims, within or without Pakistan, and who are subject to special regulations governing their field of activity.	Section 5(C) shall be deleted	Hajj pilgrims are being controlled by the federal ministry of religious affairs and the province has nothing to do with this business. A special quota of hajj pilgrims is being issued to certain persons by the ministries of religious affairs
section 6 prohibition to act without license etc., subject to section 5 (1) no person shall hold himself out of act as travel agency unless he holds a license (2) no air line or other carrier shall delegate general authority in respect of sales , either directly or through a subcontract, to a person who does not hold a license	subsection 2 ; no foreign airline shall be hold him out or act as travel agent unless he holds a license from this department	The reason given in clause 5(b) is reiterated here

Travel Agencies Rules 2013

Existing Rules	Proposed amendment	Rationale
Section 3(1) any person operating or intended to organize and operate a travel agency shall apply to the controller in form 1 together with a certificate from a bank certifying that he holds a capital of not less than four lakh rupees	word ten lakh rupees instead of four lakh rupees	The amount of capital mentioned in the above mentioned section was initially incorporated at the time of enactment of these rules in the year 1977 but now because of the inflation the amount of capital are very minor compare to the business activity and the cost of travel
Section 6 Field of operation : a license may be granted to an applicant for one or more of the following fields of operation, namely (i) booking of passages and baggage by air for citizen of Pakistan or tourist for any destination; (ii) booking of passages and baggage by rail, road or sea for citizens of Pakistan or tourist for any destination; (iii) booking of passages and baggage by air, rail, road or sea for tourist for any destination outside Pakistan (iv) organizing group tours of citizen of Pakistan within Pakistan; (v) organizing group tours of foreigners within Pakistan (vi) organizing group tours of citizen of Pakistan to a foreign country or countries; (vii) providing transportation, weather by his own vehicles or hired vehicles for group tours within Pakistan (viii) providing transportation, weather by his own vehicles or hired vehicles for tourist; (ix) reservation of accommodation for tourist organizing or arranging sightseeing tours within Pakistan for tourist; (x) providing or arranging sports including shooting for tourist (xi) providing or arranging entertainments for tourist and (xii) Arranging tracking or mountain climbing for tourist.	IV to xii are to be deleted from the scope of work of a travel agency and to be granted to the scope of work of a tour operator.	Rationale given supra while defining definition of tour operator and travel agency.

The Amendment Act and the post-amendment Act is attached in Annex 1 (b) & 2(b), respectively. The post-amendment Rules are attached in Annex 3 (b).

4.3 Tourist Guides Amendment Act, 2013

The purpose of this Act is to provide for the development, regulation and control of tourist guides in Pakistan. The Act suffers from the following weaknesses and requires the following amendments:

- a) Section 3: The composition of the Advisory Committee should be explained and representation provided to relevant stakeholders
- b) Section 4: Registers of tourist guides should be maintained in both electronic and paper formats and should be searchable

Existing law	Proposed amendment	Rationale
<p>Section 3: Setting up of an advisory committee. As soon as may be after the commencement of this act, the federal government may set up a hotel and restaurant committee, consisting of as many members as the government may determine, to aid and advise the government in relation to such matters relating to the administration of this act as may be prescribed.</p>	<p>While setting-up the committee, the government should bind under the law to give sizeable representation to the stakeholder. It should consist of members from hospitality industry, educational institutes providing hospitality education and the association of hotel and restaurant.</p>	<p>The Act and the Rules are silent on what will be the composition of the committee. It is the only discretion of the government to nominate the members of the committee. If the composition of the committee is without the participation of the stakeholders then the committee will not be able to understand what the problems of the hotel and restaurant industry are and advise how effectively the relevant provisions of law can be implemented. Mostly the certain appointments are motivated by political and bureaucratic influence etc.,</p>
<p>Section 4. (1) Any person operating or intending to operate as Tourist Guide shall apply to the government on the prescribed form for grant of the license.</p> <p>Section 4 (3) The government shall maintain register in which the names and addresses of all tourist guides shall be entered.</p>	<p>In one or more of the categories, mentioned in Schedule 1 of the Act.</p> <p>Registers of tourist guides should be maintained in both electronic and paper formats and should be searchable</p>	<p>To register a Guide into one or more of the categories, will certainly improve the quality of service, provided by the Guide, as it will give him/her more focus and will enable the client(s) to be in a better position to select a more relevant Guide.</p> <p>Access through internet, etc. will give a boost to the prospects of the tourist guide.</p>

The Amendment Act and the post-amendment Act is attached in Annex 1 (c) & 2(c), respectively. The post-amendment Rules are attached in Annex 3 (c).

5 Enactment Methods for Official Legislation

Legislation can be enacted is either as Bills or Ordinance. The procedures to be followed in each case are provided below:

5.1 Bills

Steps to be taken

- The Administrative Department (AD) shall consider the desirability of legislation and all points connected therewith
- The AD shall present a memorandum to the Law Department indicating the precise lines on which it is proposed to legislate which shall include a statement in the form of series of propositions detailing the provisions required to be made or preferably a draft bill
- The Law Department shall apart from giving shape to the draft legislation advise the AD whether any sanction is required and whether any further legal requirements are to be complied with
- The AD shall after obtaining the approval of the Cabinet in terms of rule 19 return the draft legislation to the Law Department for further action in terms of Rule 29
- After approval has been obtained AD shall forward to the Law Department, the draft legislation in its final form with a statement of objects and reasons duly signed by the Minister in Charge (Rule 29(1))
- The Law Department shall obtain the previous consent of the Government to the introduction of the bill
- The Law Department shall arrange to include the bill in the official business of the Assembly (Rule 29)
- The bill shall be introduced in the Assembly by the Minister-in-charge or any other member in this behalf.

5.2 Ordinance

Steps to be taken

- The Administrative Department (AD) shall consider the desirability of legislation and all points connected therewith
- The AD shall present a memorandum to the Law Department indicating the precise lines on which it is proposed to legislate which shall include a statement in the form of series of propositions detailing the provisions required to be made or preferably a draft bill
- The Law Department shall apart from giving shape to the draft legislation advise the AD whether any sanction is required and whether any further legal requirements are to be complied with
- The AD shall after obtaining the approval of the Cabinet in terms of rule 19 return the draft legislation to the Law Department for further action in terms of Rule 29

- After approval has been obtained AD shall forward to the Law Department, the draft legislation in its final form with a statement of objects and reasons duly signed by the Minister in Charge (Rule 29(1))
- On approval from the cabinet the proposal shall be submitted to the Chief Minister for rendering of advice to the Governor.

6 Donors/Private Sector's Technical Assistance in Implementation of New Legislation

The Firms project has already made a huge contribution through engagement of a legal expert to review and to propose revision to the applicable laws/acts/rules etc. Furthermore, it adopted a consultative approach during the assignment so that all stakeholders' opinions are also reflected in the proposed changes to these acts. Enactment of the same now rests with the KP Government to be initiated through the KP Tourism Department. On its part, donors/private sector can offer:

1. Advocacy services to raise awareness of other relevant departments about the importance of the proposed amendments so that their enactment can be further facilitated.
2. Capacity building of the relevant staff/departments in issues highlighted during the consultative process.
3. Further short technical input to the KP Tourism Department if so required to facilitate it in getting the proposed amendments enacted.
4. Develop capacity building and training programs for tourism officers and manpower in hotels and hospitality industry to enable them to implement the new regulations properly.
5. Support relevant sections of the KP Government in strengthening the monitoring mechanism of implementation of the regulations.

7 Annexures

Annex-1 (a) :The Khyber Pakhtunkhwa Hotels and Restaurants Amendment Act 2013

An Act to amend the Khyber Pakhtunkhwa Hotels and Restaurants Act

Preamble:-where as it is expedient to amend the Khyber Pakhtunkhwa hotels and restaurants act 2013 for purpose herein after appearing;

It is enacted as follows

1. **Amendments in Act (2013).** In the Khyber Pakhtunkhwa Hotels and Restaurants Amendment Act hereinafter refer to as the said act.-
2. **Amendment in section 1 of Act** in the said Act in section 1:
 - (b).in subsection 2 after the word “Khyber Pakhtunkhwa” the word “PATA” shall be added;
 - (c).in subsection 3 after the word “Khyber Pakhtunkhwa” the word “PATA” shall be added;
3. **Amendment in section 2 of Act (2013).-in the said act in section 2.-**
 - (a) In clause (g) for the word “fifteen” the word “Five” shall be substituted.
4. **Amendment in section 4 of Act ;**
 - (a) After the word “prescribed” the following proviso shall be added.” provided by determining the members of the committee the government shall give sizeable representation to the members from the hospitality industry, educational institutes providing hospitality education and the association of hotels and restaurants.
5. **Amendment in section 5 of Act (2013).** -In the said act in section 5.-
 - (a). before subsection 1 the words” no hotel and restaurant allow to commence business unless registered with the competent authority” shall be added.
 - (b).in subsection 2 (a) the word “quality” after word “standard of “shall be added
 - (c). In subsection 2(a) after the word comfort the words “subject to the context, the prescribed standards means existing standards by International Organization for Standardization or in absence of ISO standards may refer to related hospitality industry standard or best practices mentioned in schedule 1 shall be added.
 - (d). In subsection 2(c) after the word “ensure” the words “provided that the building shall be reviewed in context of associated hazards and their identification ,risk assessment and their controls along with building evacuation plan”, shall be added.
6. **Amendment in section 7 of Act (2013).-**

In subsection 3 after the word prescribed “fee” the proviso “provided that no renewal shall be granted unless the department reasserting the validation of quality, food safety , health , hygiene and comfort standards are required to be examined initially at

the time of granting the license by the department and further its verifications during the licensing period shall be added.

7. Amendment in section 17 of Act (2013).-

In subsection 3 after the word “deem fit” two sub clauses

- i) “The hotel/ restaurant management shall display its rule of boarding, lodging and departure the contact number (helpline of the controller’s office and its email at some conspicuous place”.
- ii) Any complaint lodged to the controller on telephone landline, cellphone or via email by a guest or tourist in case of any grievance against the hotel management the same shall be deemed to be made in writing and the controller shall proceed on it” shall be added.

8. Amendment in section 24 of Act (2013).-

After the words “land revenue” the words “in exercise of powers conferred under section 3 of this act the provincial government is pleased to delegate the powers to controller under section 81 to 89 of land revenue act” shall be added.

9. Amendment in section 30 of Act (2013).-

After the word “(LXV of 1950)” the words “and Pakistan Hotels and restaurant Act 1976 shall apply to hotel and restaurant to which this act for the time being applies”. shall be added.

Annex-1 (b): The Khyber Pakhtunkhwa Travel Agencies Amendment Act 2013

An Act to amend the Khyber Pakhtunkhwa Travel Agencies Amendment Act 2013

Preamble:-whereas, it is expedient to amend the Khyber Pakhtunkhwa Travel Agencies Amendment Act 2013 for purpose herein after appearing;

It is enacted as follows

1. Short title and commencement.-

- (1) this Act may be called Khyber Pakhtunkhwa Travel Agencies Amendment Act 2013.
 (2) It shall come into force at once.

2. Amendments in Act (2013). In the Khyber Pakhtunkhwa Travel Agencies amendment Act (2013) hereinafter refer to as the said act.-

In preamble after the word “Khyber Pakhtunkhwa” the word “PATA” shall be added;

3. Amendment in section 2 of Act (2013) in the said Act in section 2

- (a) After the word “agencies” the words “and tour operators” shall be added.
 (b) In clause (b) after the word “agency” the words “or tour operator” shall be added.
 (c) Sub clause (c) is deleted
 (d) Sub clause (f) the sub clause (ii) is to be deleted from the definition of travel agency.
 (e) Sub clause (h) “Tour operator means a person by whatever name called, who makes arrangements for lodging, transport or other services relating to travel of person(s) with in Khyber Pakhtunkhwa or arranges entertainment, site seeing, excursion and guide services, weather the arrangements are made on the basis of comprehensive all inclusive rates or on the basis of separate charges for each service provided” shall be added.

4. Amendment in section 4 of Act (2013) in the said Act in section 4:

- (a) In sub section (1) along the words “Travel Agency” the words “or a Tour Operator” shall added;
 (b) In subsection 1 after the word “person” the words “operating or” shall be deleted.
 (c) In subsection 1 after the word “to” the words “organize and operate” shall be replaced with the words “open an office of”.
 (d) In subsection 1 after the word “operator” the words “in the geographical boundaries of Khyber Pakhtunkhwa” shall be added.
 (e) In subsection 3 (c) after the word “agency” the words “or tour operator” shall be added.

- (f) In sub section 3(d) for the words After the words “travel Agency” the words “,tour operator” shall be added;
- (g) In sub section 4 After the words “travel Agencies” the words “and tour operators” shall be added;
- (h) In sub section 5 After the words “travel Agency” the words “and tour operator” shall be added;

5. Amendment in section 5 of Act (2013) in the said Act in section 5:

- (a) In sub section (b) he words “via Pakistan” shall be substituted with the words “via Khyber Pakhtunkhwa”
- (b) Sub section (c) is deleted.
- (c) Sub clause (d) shall be added “tour operators already registered in any other province or in the capital.
- (d) Sub clause (b) after the word “Pakistan” the word “and” shall be deleted and (,) “Comma” shall be inserted
- (e) After the word “foreign” the words “and private” shall be added.

6. Amendment in section 6 of Act (2013) in the said Act in section 6:

- (a) In sub section 1 After the words “travel Agency” the words “and tour operator” shall be added;
- (b) After the word license in subsection (1)the words ”provided that a licensed travel agency can also hold the license of a tour operator after complying with terms and condition for grant of license as tour operator” shall be added.

7. Amendment in section 7 of Act 2013 in section 7:

- (a) Section 7 is to be replaced as “Business Guarantee”
 - i. “a licensed travel agency or tour operator shall maintain in a designated schedule bank guarantee of such minimum amount or cash security as may be prescribed”.
 - ii. “No amount shall be payable out of a bank guarantee or cash security maintained by a licensed travel agency or a tour operator under subsection (1) except by the order of the provincial government”.
 - iii. “The provincial government may after making such enquiry as it may deem fit and after giving a travel agency or a tour operator an opportunity of showing cause against the order proposed to be made, order payment out of the bank guarantee or cash security of the travel agency or tour operator, of any sum own by the agency or tour operator to a tourist, carrier company or hotel or lodging house and not settled by him within thirty days from the date of its becoming due”.

- iv. "A travel agency or tour operator from whose bank guarantee or cash security, payment of any amount has been made under subsection 3, within a period of fifteen days of such payment, deposit the said amount into the bank guarantee or cash security.

8. Amendment in section 8 of Act (2013) in the said Act in section 8:

- (a) In sub section 1 After the words "travel Agency" the words "or tour operator" shall be added;

9. Amendment in section 10 of Act 2013) in the said Act in section 10:

- (a) In section 10 where ever the words "travel Agency" occurs the words "or tour operator" shall be added;

10. Amendment in section 11 of Act (2013) in the said Act in section 11:

- (a) In section 11 where ever the words "travel Agency" occurs the words "or tour operator" shall be added;

11. Amendment in section 12 of Act (2013) in the said Act in section 12:

- (a) After the word "traveler" the words "or tourist" and after the words "travel agency" the words "or tour operator" shall be added.

12. Amendment in section 13 of Act 2013) in the said Act in section 13:

- (a) In section 13 sub rule 1, 2 and proviso where ever the words "travel Agency" occurs the words "or tour operator" shall be added;

13. Amendment in section 14 of Act (2013) in the said Act in section 14:

- (a) In section 14 where ever the words "travel Agency" occurs the words "or tour operator" shall be added;

Annex-1 (c): The Khyber Pakhtunkhwa Tourist Guides Amendment Act 2013

An Act to amend the Khyber Pakhtunkhwa Tourist Guides Amendment Act 2013

Preamble:-where as it is expedient to amend the Khyber Pakhtunkhwa Tourist Guides Amendment Act 2013(2013) for purpose herein after appearing;

It is enacted as follows

- 1. Amendments in Act 2013).** In the Khyber Pakhtunkhwa Tourist Guides amendment Act (2013) hereinafter refer to as the said
- 2. Amendment in the preamble of Act (2013).** -The preamble starting from “the following Act to general information” shall be deleted.
- 3. Amendment in section 1 of Act (2013)** in the said Act in section 1:(2) In sub section 2 after the word “ Khyber Pakhtunkhwa” the word “PATA” shall be added ;
- 4. Amendment in section 3 of Act (2013)** in the said Act in section 3:
 - (a) In sub section 3(c) after the end of this clause the proviso “provided while determining the members of the committee the government shall give a sizeable representation to the members from the tourism industry, educational institutions providing tourism related education and the association of tour operators” shall be added.
- 5. Amendment in section 4 of Act (2013) in the said Act in section 4:**
 - (a) In sub section (1) after the end of this sub rule the words “in one of the category or more than one mentioned in schedule I of the Act shall be added
 - (b) In sub section (3) after the word “register” the words “/ data base in computer” shall be added.
 - (c) In sub section (3) after the word “names” the word “and” shall be deleted and “Comma” shall be inserted.
 - (d) In sub section (3) after the word “address” words “and particulars” shall be added.
 - (e) In sub section (3) after the word “all” the word “licensed” shall be added.
- 6. Amendment in section 6 of Act (2013) in the said Act in section 6:**
 - (a) After the word “he” the word “/ she” shall be added.
- 7. Amendment in section 7 of Act (2013) in the said Act in section 6:**
 - a. After the word “himself” the word “/ herself” shall be added.
 - b. After the word “he” the word “/she” shall be added.
 - c. After the word “license” the words “of prescribed category” shall be added.

8. Amendment in section 8 of Act 2013) in the said Act in section 8:

- a. In sub section 1 after the word “him” the word “/her” shall be added.
- b. In sub section 2 after the word “he” the word “/she” shall be added.
- c. In sub section 3 the word “whole shall be replaced with the word “full”.
- d. After the word “agency” the words “or tour operator” shall be added.

9. Amendment in section 9 of Act (2013) in the said Act in section 9:

- a. In subsection (b) after the word “himself” the word “/herself” shall be added.

10. Amendment in section 11 of Act (2013) in the said Act in section 11:

- a. sub section (b) shall be deleted.

Annex-2 (a): The Khyber Pakhtunkhwa Hotels and Restaurants Amendment Act 2013

An Act to provide measures for controlling and regulating the standards of service and amenities for tourists and guests in hotels and restaurants

Whereas it is expedient to provide measures for controlling and regulating the standards of service and amenities for tourists and guests in hotels and restaurants and for matters ancillary thereto or connected therewith;

It is hereby enacted as follows;

1. Short title, extent, application and commencement.

- (1) This Act may be called the Khyber Pakhtunkhwa Hotels and Restaurants Amendment Act, 2013
- (2) It extends to the whole of Khyber Pakhtunkhwa
- (3) It shall apply to all the hotels and restaurants in Khyber Pakhtunkhwa
- (4) It shall come into force at once.

2. Definitions.

In this Act, unless there is anything repugnant in the subject or context-

- (a) 'Apprentice' means any person who has contracted with a hotel or a restaurant to perform the stipulated apprenticeship in such hotel or restaurant
- (b) 'Committee' means the committee set up by the Government under section 4
- (c) 'Controller' means a Controller appointed under section 3 and includes a Deputy Controller and an Assistant Controller and such other person as may be authorized by the Government by notification in the official Gazette to perform all or any of the functions of the Controller
- (d) 'Customer' means a person availing facilities offered in a Hotel/restaurant for monetary consideration
- (e) 'Fair rates' means the rates fixed under section 10 and includes revised rates;
- (f) "Guest' means a person who is in possession or enjoyment of accommodation and/or facilities provided to him in a hotel on monetary consideration;
- (g) "Government" means the Government of the Khyber Pakhtunkhwa:
- (h) 'Hotel' means a lodging, or boarding and lodging, establishment with a minimum of five lettable bed rooms, provided for tourists and guests on monetary consideration, which conforms to any of the prescribed minimum criteria, but does not include,--
 - (i) a home or hostel which is exclusively or mainly used for the aged or invalid persons or students and is run by or under the control of a charitable or educational institution; or
 - (j) any rest house, hostel or circuit house exclusively meant for visiting Government officials or officials of other organizations, though run on a commercial basis;
- (i) 'Manager' means the person in-charge of the management of a hotel or a restaurant
- (j) 'Owner' means the person who holds title to a hotel or restaurant and is entitled to receive the whole or any part of the earnings received from a guest or customer on account of accommodation or services provided in the hotel or restaurant, and includes a keeper or assignee for the time being discharging the responsibility of the owner in respect of such hotel or restaurant
- (k) 'Prescribed' means prescribed by rules made under this Act;

- (l) 'Public rooms' means rooms in a hotel which are meant for the common use of all guests;
- (m) 'Restaurant' means a public eating house providing standard and variety of cuisines on monetary consideration to tourists and guests which conforms to the minimum prescribed criteria;
- (n) 'Service' means any service provided in a hotel or a restaurant; and
- (o) 'Tourist' means a person, whether a citizen of Pakistan or not, who stays overnight or more as a guest in a hotel at a place other than his normal place of residence.

3. Appointment of Controller, Deputy Controllers and Assistant Controllers.---

- (1) The Government may, by notification in the official Gazette, appoint a person having previous experience or qualification in the field of tourism to be the Controller for the purposes of this Act and such number of Deputy Controllers and Assistant Controllers as may be necessary for the performance and discharge of such functions and duties as may be assigned to them by or under this Act and may, by general or special order provide for the distribution or allocation of work to be performed by them.
- (2) Subject to the provisions of this Act, the Controller shall perform his functions and discharge his duties under the general supervision and control of the Provincial Government.
- (3) Subject to the provisions of this Act and of such orders as may from time to time be made by the Government in this behalf, the Deputy Controllers and Assistant Controllers shall perform their functions and discharge their duties under the general supervision and control of the Controller.

4. Setting up of Advisory Committee.

As soon as possible after commencement of this Act, the Government shall set up a Hotels and Restaurants Committee, consisting of not less than 7 and not more than 10 members, to aid and advise the Government in relation to such matters relating to the administration of this Act as may be prescribed:

Provided that at least one member each shall be from the hospitality industry, educational institutes providing hospitality education, the association of hotels and restaurants, the association of tour operators, fire safety services and preventive health disciplines.

5. Registration of hotels and restaurants.

- (1) The owner/management of every hotel and restaurant shall, within a period of two months from the commencement of this Act apply to the Controller for registration of his hotel or restaurant and for determination of its fair rates in relation thereto and in the case of a hotel also for its classification, on payment of such fee as may be prescribed.
- (2) No hotel or restaurant shall be registered, unless,
 - (a) It conforms to prescribed standards of quality, health, hygiene and comfort and relevant ISO standards mentioned in schedule I
 - (b) It furnishes at its expense certificates of medical fitness from a Medical Officer of the civil hospital of the area in respect of its staff in such form as may be prescribed

- (c) Its building is structurally safe and adequately protected against fire, or accident arising out of electricity or gas and safety of the tourists is ensured.
 - (d) In the case of a new hotel its approval will be taken at project stage.
- (3) The Controller, or an officer authorized by him in this behalf, or a member of the committee may, at any time, inspect the premises of a hotel or restaurant, call for any information, plan or data in respect of matter concerning such hotel or restaurant or, at the cost of the owner, carry out, or require the owner to carry out, test of, any member of the staff, articles or appliances or foodstuff.
 - (4) The Controller shall within 90 days of the receipt of an application decide the application for registration including in case of a hotel fair rates thereof and the classification of the hotel.
 - (5) No hotel or restaurant established after the commencement of this Act shall function unless registered and classified in accordance with this Act and Rules made there under
 - (6) Where a hotel or restaurant was functional prior to the commencement of this Act, it shall be allowed to function till the decision of the controller with regard to the application of registration.

6. Classification of hotels.

Subject to such general or particular directions as the Government may issue, the Controller shall, according to the prescribed minimum criteria, by notification, classify hotels, according to the star classification system, as,---

- (a) one star hotels, being hotels which conform to the prescribed minimum criteria of hotels of that class, but do not conform to the prescribed minimum criteria of a higher star class hotel;
- (b) two star hotels, being hotels which conform to the prescribed minimum criteria of hotels of that class, but do not conform to the prescribed minimum criteria of a higher star class hotel;
- (c) three star hotels, being hotels which conform to the prescribed minimum criteria of hotels of that class, but do not conform to the prescribed minimum criteria of a higher star class hotels;
- (d) four star hotels, being hotels which conform to the prescribed minimum criteria of hotels of that class, but do not conform to the prescribed minimum criteria of a higher star class hotel; and
- (e) Five star hotels, being hotels which conform to the prescribed minimum criteria of hotels of that class.

6-A Classification of restaurants

Subject to such general or particular directions as the Government may issue, the Controller shall, according to the prescribed minimum criteria classify restaurants by notification

7. Issue of license

(1) Every owner shall, after registration of his hotel or restaurant under section 5, obtain a license from the Controller on payment of such fee as may be prescribed.

(2) No owner shall carry on his business or in the case of a hotel use the classification star sign, without first getting the hotel or restaurant registered and obtaining a license under this Act.

(3) A license granted under this section shall, unless sooner suspended or cancelled, remain in force for a period of three year from the date of issue and may thereafter be renewed for a period of three year at a time on payment of the prescribed fee: The license shall remain valid for three years subject to the annual surveillance audits and in case of any major noncompliance the approval can be withdrawn, till the closure of nonconformities being identified during the surveillance audit, provided that no renewal shall be granted unless the department confirms food safety, health, hygiene and comfort standards, as required to be examined at the time of granting of license and during the licensing period. If an application for renewal of a license is made before the expiry of the period of its validity, the license shall continue in force until orders are passed on such application.

8. Refusal and cancellation of registration and license.

(1) The Controller may refuse to register a hotel or restaurant if it does not conform to the minimum prescribed criteria.

(2) The registration and license of a hotel or restaurant may be cancelled or suspended, or the star classification of a hotel may be lowered, if,

- (a) Its owner is declared insolvent by a competent Court;
- (b) its business is wholly or partly discontinued or suspended without the approval of the Controller, except where such suspension or discontinuance is for the purposes of making repairs, improvements, renovations or expansion or, in the case of seasonal business, is for the period of the slack season, and the fact of such suspension or discontinuance in each case has been duly reported to the Controller in advance;
- (c) Its owner or any person acting on his behalf contravenes any of the provisions of this Act or the rules or orders made there under;
- (d) It ceases to conform to the requirements of registration under section 5 or, in the case of a hotel, to the prescribed minimum criteria for the class assigned to it; or
- (e) Its owner fails to enter the names and other particulars of guests in the prescribed register.

9. Obligation of the transferee, etc., of a hotel and restaurant.

Where a hotel or restaurant registered and licensed under this Act is transferred or assigned to, or devolves upon, any person, it shall be incumbent upon that person to report, within one month of its taking effect, to the Controller the fact of such transfer, assignment or devolution and obtain a fresh license under this Act.

10. Controller to approve fair rates.

- (1) Every hotel shall submit to the Controller its rates for board, lodging and other service provided in a hotel having regard to the prescribed principles governing fair rates and the classification of hotels
- (2) A hotel may either submit a consolidated rate for lodging, board and service, or for lodging and service only or rates separately for,
 - (a) Lodging with reference to the nature of the accommodation and the number of guests to be accommodated;
 - (b) Board, partial or full; and
 - (c) Other service.
- (3) Every hotel shall offer separate rates for daily and monthly guests.

Explanation. A guest who agrees to reserve accommodation, or for whom accommodation is reserved, for a period of one month or more shall be deemed to be a monthly guest, provided he actually stays for one month or more or has actually paid in advance for one month; and where the reservation is not for any specified period or is for a period less than a month, the guest shall be deemed to be a daily guest.
- (4) Every restaurant shall submit to the Controller its rates for meals and service offered
- (5) The Controller shall approve the rates submitted to him under subsection 1) to 4) unless he finds them excessive as compared to the quality and/or finds them to be unfair in which case he shall not approve them along with reasons.
- (6) An order approving fair rates shall take effect on the first day of such month following the month in which the order is made as may be specified therein.
- (7) Until such time as fair rates are approved in relation to any hotel or restaurant under this section, the rates, if any, charged by such hotel or restaurant, immediately before this Act becomes applicable to it, for equivalent lodging, board or service to that provided, shall be deemed to be the fair rates fixed under this section.
- (8) Notwithstanding anything contained above the Controller may fix fair rates ranges for hotels and restaurants of a particular class in a particular area.

11. Controller to fix limit of persons to be accommodated in any, room.

- (1) The Controller may fix the maximum number of guests to be accommodated in each room or other unit of accommodation in a hotel.
- (2) No room for which an order has been made under subsection (1) shall be used to accommodate any number of guests in excess of the number specified in the order, except with the previous permission of the Controller in writing.
- (3) The Controller may from time to time revise any order made by him under subsection (1) so as to increase or reduce the number of guests specified in such order.

12. Rules of establishment of hotel and restaurant.

Every owner shall prepare the rules of the establishment in respect of his hotel or restaurant conforming to the provisions of this Act and the rules made there under and get them approved by the Controller.

13. Rates, etc., to be displayed.

- (1) The approved rates, the maximum number of guests that may be accommodated in a room or unit of accommodation in a hotel and the rules of the establishment shall be displayed in a conspicuous manner in the office and in the public rooms, if any, of every hotel.
- (2) The approved rates and the rules of the establishment shall be displayed in a conspicuous manner in the office and the hall and rooms of every restaurant.

14. Reservation of accommodation at the instance of Controller:

- (1) Subject to such directions as may be given in this behalf by the Government, the Controller may by order direct the owner or the manager of a hotel to reserve in the hotel such accommodation as may be specified in the order.
- (2) Omitted
- (3) Where any accommodation is reserved under subsection (1), the owner or the manager of the hotel shall make the accommodation so reserved, or such portion of it as the Controller may direct, available to the Controller for occupation by the person to whom it has been allotted, at the expiry of forty eight hours from the service upon him of a notice in writing in this behalf by the Controller.
- (4) Nothing in this section shall prevent the owner or the manager of the hotel from letting any accommodation reserved under subsection (1) to a guest other than the person to whom such accommodation is allotted by the Controller, upon the condition that if and when a notice is received from the Controller under subsection. (3) Such guest will vacate the accommodation within forty-eight hours of the receipt of such notice.

15. Charge in excess of fair rates prohibited.

- (1) Notwithstanding any agreement to the contrary, no owner shall charge a guest or customer any amount in excess of the fair rates.
- (2) Any agreement for the payment of any charges in excess of the fair rates shall be void in respect of such excess, and shall be construed as if it were an agreement for payment of the fair rates.
- (3) Any sum paid by a guest in excess of the fair rates shall be recoverable at any time within a period of six months from the date of payment from the owner or the manager of the hotel to whom it was paid, or from the legal representative of either of these persons, and without prejudice to any other mode of recovery which may be open to him, the guest may deduct such amount from any sum payable by him for his accommodation.

16. Controller's powers to prohibit certain trades and occupations.

The Controller may, by order in writing, prohibit, within one hundred yards of a hotel or restaurant, the carrying on of any trade, profession, occupation or industry which in his opinion is likely to be,---

- (i) Injurious to the health and wellbeing of guests or customers or a hazard to their safety as mentioned in the first schedule of the act;
- (ii) A nuisance as defined in the Pakistan Penal Code (Act LXV of 1860); or
- (iii) Offensive to good taste.

17. Eviction of guests.

- (1) Except as hereinafter provided, no guest at a hotel shall be evicted or refused board or other service so long as he pays, or is ready and willing to pay, the fair rates and observes the displayed rules of the establishment and conforms with the provisions of this Act and the conditions prescribed there under.
- (2) A guest or a customer who has been guilty of conduct which amounts to nuisance, or, is a source of annoyance to other guests or customers, or threatens or intimidates any other guest or customer, or is likely to endanger the person or life of any individual in a hotel or restaurant, may be evicted by the owner or manager of the hotel or restaurant, provided that, if the owner or manager has good reason to apprehend an immediate breach of peace or commission of an offence by the guest or customer, he may use such force as may be necessary to restrain the guest or customer from so doing and shall immediately intimate the fact to the local police.
- (3) Any guest or customer aggrieved by eviction or refusal of board or other services under subsection (1) or subsection (2) may lodge a complaint with the Controller who shall, after holding summary enquiry in the prescribed manner, pass such order as he may deem fit.
 - i) The hotel / restaurant management shall display or mention its rule of boarding lodging and departure, the contact number (helpline) of the controller's office and his email at some conspicuous place.
 - ii) Any complaint lodged to the controller either on telephone or via email by a guest or tourist in case of any grievance against the hotel management the same shall be deemed to be made in writing and the controller shall proceed on it

18. Procedure and powers of Controller.

- (1) The Controller shall not refuse registration, or cancel or suspend the license, of a hotel or restaurant, except after holding summary enquiry in the prescribed manner.
- (2) For the purpose of holding an enquiry under subsection (1) or any other enquiry which he may deem necessary for the purposes of this Act, the Controller shall have the same powers as are vested in a civil Court in respect of,---
 - (a) Proof of facts by affidavit;
 - (b) Summoning and enforcing the attendance of any person and examining him on oath;
 - (c) Compelling the production of documents and other material evidence and

(d) Issuing commissions for the examination of witnesses.

19. Additional powers of Controller.

For the purposes of this Act, the Controller may- (i) call for such information, reports, or returns from an owner or a manager as may be necessary for satisfying himself that the provisions of this Act, the rules and orders made hereunder are being duly complied with;

(ii) require an owner or a manager to produce before himself or an officer designated by him for the purpose any book of account, document or other papers in his possession or power which contain or are believed to contain information relating to the hotel or restaurant of which he is the owner or manager;

(iii) require an owner or a manager to undertake through an agency qualified to do so scientific tests of water, food and other articles of human consumption at the cost of the owner, to determine their quality and conformity with the requirements of health and hygiene;

(iv) declare the site of any restaurant not registered under this Act, a fit site for a restaurant and issue directive to the management of such a restaurant to improve, within a period of six months from the date of such order, the conditions, services and facilities at the restaurant to conform to the prescribed minimum criteria;

(v) Call for any other information relating to development of hotel industry.

20. Apprenticeship scheme and training policy of employees.

The Controller shall,

(i) ensure that apprentices in a hotel or restaurant do not exceed ten percent of the employees in any specified trade;

(ii) fix, with due regard to the salaries of the regularly employed staff, the stipend to be paid to an apprentice over and above the cost of his training and determine the duration of his apprenticeship;

(iii) Lay down the age limit, educational qualifications, standards of physical fitness and psychological and mental health of apprentices;

(iv) direct the programming for training various categories of employees of hotels and restaurants at a recognized vocational institution at the various specialized courses run there at so that the percentage of qualified trained staff in a hotel or restaurant attains, within a reasonable time, the minimum standard as may be determined by the Controller; and

(v) lay down the maximum percentage of untrained staff that may be employed at a hotel or restaurant at any time.

21. Provision of medical facilities.

(1) The owner of every hotel registered and licensed under this Act shall provide the following medical facilities for guests, namely:

(i) One and two star hotels;

- (a) A doctor on call available in close proximity of the hotel premises.
 - (b) First-aid equipment and a reasonable stock of life saving drugs.
 - (c) Two employees trained and qualified in first-aid.
 - (d) Ensure availability of an ambulance, van or car to rush patients to a hospital in emergencies.
- (ii) Three star hotels;
- (a) As In sub-clauses (a) to (c) in clause (i).
 - (b) A drug store or chemist's shop with twenty-four hours' service, if no existing in close proximity.
 - (c) An ambulance or van.
- (iii) Four and five star hotels;
- (a) A doctor on call available in close proximity of the hotel premises.
 - (b) A separate consulting room with reasonable stock of life-saving drugs and first-aid equipment.
 - (c) Four employees trained and qualified in first-aid.
 - (d) An ambulance or a van convertible into an ambulance in emergency.
 - (e) A drug or chemist's shop with twenty-four hours' service, if not existing in close proximity.
- (2) The management of a hotel shall take all possible care and provide all necessary medical aid without any loss of time to a guest suffering from any serious attack, including heart attack and hemorrhage, or an accident.

22. Offences and Penalties.

- (1) Any owner who fails to apply for registration within the time specified in section 5 shall be liable to pay to the Controller a penalty of such sum not exceeding ten thousand rupees as the Controller shall impose and, in the case of a continuing failure an additional penalty which shall extend to twenty thousand rupees for every day after the first penalty imposed by the controller, where the failure persists up to six months, the concerned authority may, on the request of the controller, disconnect the electricity, gas and water supplies and the controller shall also have power to seal the establishment through police and local administration.
- (2) Any owner or manager who serves any food or beverage which is injurious to health, or who does not take sufficient care to ensure protection of food and beverage against contamination through flies or in any other way, or serves any food or beverage in unclean or contaminated utensils, shall be liable to pay to the Controller a penalty of such sum not exceeding ten thousand rupees the Controller may impose.
- (3) Any owner or manager who fails to comply with any order passed or direction given under the provisions of this Act by the Controller or any other authority prescribed in this behalf shall be liable to pay to the Controller a penalty of such sum not exceeding ten thousand rupees as the Controller may impose.
- (4) Any owner or manager who charges a guest or customer any amount in excess of the fair rates shall, in addition to refund such guest or customer the amount

charged in excess of fair rates, be also liable to pay to the Controller a penalty of such sum not exceeding an amount equal to at least two days rent as the Controller may impose for such excess charging for the first time and, in the case of any such subsequent excess charging, a penalty not exceeding an amount equal to at least one week rent.

- (5) If a restaurant is not registered under this Act, or fails to carry out the directive issued under clause (iv) of section 19 within the period specified therein, the Controller shall suspend the operation of such restaurant and may also impose a penalty of such sum not exceeding ten thousand rupees as the controller may impose on the owner of such restaurant. Where the failure persisted up to six months, the concerned authority may on the request of the controller, disconnect the Electricity, Gas and water supplies and the controller shall suspend the operation of such restaurant and can order to seal the establishment through police and local administration..
- (6) If the owner or manager of a hotel or restaurant not licensed under this Act advertises it as a hotel or restaurant, or in any manner whatsoever uses the star sign, he shall be liable to pay to the Controller a penalty of such sum not exceeding ten thousand rupees as the Controller may impose and, in the case of his continuing to so advertise or use the star sign, an additional penalty which may extend to two thousand rupees for every day after the first during which he so continues or uses star sign.
- (7) Any owner who fails to comply with the provisions of section 21 shall be liable to one or more of the following penalties, namely:
 - (a) Penalty of such sum not exceeding two thousand rupees as the Controller may impose;
 - (b) Forfeiture of license; and
 - (c) Cancellation of registration.

23. Contravention by companies, etc.

If the person contravening, or failing to comply with, any provision of this Act or any rule, order or direction made or issued there under is a company or other body corporate, every director, secretary or other officer or agent thereof, unless he proves that the contravention or failure took place without his knowledge or that he exercised due diligence to prevent its taking place, shall be liable to the penalty provided for such contravention or failure.

24. Mode of recovery.

Any sum imposed as penalty under this Act shall be recoverable as an arrear of land revenue.

25. Appeal and Revision.

- (1) Any person aggrieved by an order under this Act may, within thirty days of the date of the order, prefer an appeal to,

- (a) the Deputy Controller, where such order has been passed by an Assistant Controller;
- (b) the Controller, where such order, not being an order passed in appeal under clause (a), has been passed by a Deputy Controller;
- (c) the prescribed appellate authority, where such order, not being an order passed in appeal under clause (b), has been passed by the Controller

- (2) The Government may of its own motion, or on the application of any owner or manager aggrieved by an order passed under subsection (1) within the prescribed time and in the prescribed manner, pass such order in relation thereto as it thinks fit Provided that no order against an owner or a manager shall be passed unless he has been given an opportunity of showing cause against it and of being heard.

26. Indemnity.

No suit, prosecution or other legal proceeding shall lie against Government, the Controller, a Deputy Controller, an Assistant Controller, the , an officer or authority subordinate to the Government, or a member of the Committee in respect of anything which is in good faith done or intended to be done under this Act.

27. Power to exempt.

The Provincial Government may, by notification in the official Gazette, exempt any hotel or restaurant from the operation of all or any of the provisions of this Act for such period, and on such conditions, if any, as may be specified in the notification.

28. Delegation of powers.

(1) Government may, by notification in the official Gazette, direct that all or any of its powers under this Act shall, subject to such conditions, if any, as may be specified in the notification, be exercised by any officer or authority subordinate to Government;

29. Power to make rules.

- (1) The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.
- (2) In particular and without prejudice to the generality to the foregoing power, such rules may provide for,
- (a) fixation and revision of criteria for the registration and classification of hotels and restaurants;
 - (b) lowering or altering the classification of a hotel, if in the opinion of the Controller it fails to maintain the prescribed standard of classification already assigned;
 - (c) the manner of issuance of "Sign Shields" including star classification of hotels and restaurants for display in hotels and restaurants at conspicuous places;
 - (d) principles governing fair rates;
 - (e) determining the format, content and display of fair rates for hotels and restaurants;
 - (f) matters in relation to which the Committee may render aid and advice;
 - (g) meetings of the Committee;

- (h) fixation of fees for registration and licenses;
- (i) form of a certificate of medical fitness referred to in section 5 and the time at which it shall be submitted to the Controller;
- (j) manner of holding summary enquiry; and
- (k) any other matter which is to be or may be prescribed.

30. Other laws not applicable.

Nothing contained in the Sarais Act, 1867 (XXII of 1867) shall apply to a hotel or restaurant to which this Act for the time being applies.

SCHEDULE I

(See section 5(2))

List of ISO standards

ISO 9001:2008

Quality management systems -- Requirements

ISO 10001:2007

Quality management -- Customer satisfaction -- Guidelines for codes of conduct for organizations

ISO 10002:2004

Quality management -- Customer satisfaction -- Guidelines for complaints handling in organizations

ISO 14001:2004

Environmental management systems -- Requirements with guidance for use

ISO 22000:2005

Food safety management systems -- Requirements for any organization in the food chain

ISO/TS 22002-1:2009

Prerequisite programs on food safety -- Part 1: Food manufacturing More details

ISO/TS 22002-2:2013

Prerequisite programs on food safety -- Part 2: Catering

BSI/OHSAS 18001:2007 Occupational Health and Safety Assessment Series

Annex-2 (b): The Khyber Pakhtunkhwa Tourist Guides Amendment Act 2013

An Act to provide for the regulation and control of the profession of tourist guides

WHEREAS it is necessary and expedient to provide for the regulation and control of the profession of tourist guides;

It is hereby enacted as follow: ---

1. Short title, extent and commencement

- (1) This Act may be called The Khyber Pakhtunkhwa Tourist Guides Amendment Act 2013,
- (2) It extends to the whole of Khyber Pakhtunkhwa and PATA.a
- (3) It shall come into force at once.

2. Definitions

In this Act, unless there is anything repugnant in the subject or context, ---

- (a) "Committee" means the Tourist Guide Regulatory Committee set up under section 3;
- (b) "license" means license issued under section 4;
- (c) "Prescribed" means prescribed by rules;
- (d) "rules" means rules made under this Act; and
- (e) "tourist guide" means a person licensed as such under section 4.

3. Committee.

- (1) As soon as may be after the commencement of this Act, the Government shall set up a committee to be known as the Tourist Guide Regulatory Committee consisting of a Chairman and such other members as the Government may appoint.
- (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) Assist the Government in the preparation of the code of conduct for tourist guides; and
 - (c) Such other functions as are in consonance with provisions of this Act and which the Government may entrust to it.

Provided while appointing the members of the committee, the government shall give a sizeable representation to the members from the tourism industry, educational institutes providing such education like ACP, AFP, STEP or PAITHOM and the association of the tour operators and guides.

4. Licensing of tourist guides

- (1) Any person operating or intending to operate as tourist guide shall apply to the Government on the prescribed form for grant of a license, in one or more of the categories mentioned in schedule I of the Act.
- (2) On receipt of an application under sub-section (1) the Government may after holding the prescribed tests and on payment of the prescribed fee by the applicant issue to the applicant if he qualifies in such tests a license in the prescribe form.
- (3) The Government shall maintain register/database in computer in which the names, address and particulars of all licensed tourist guides shall be entered.
- (4) The license shall, unless earlier suspended or cancelled under section 6 remain valid for a period of three years and may be renewed after every three years in the prescribed manner on payment of the prescribed fee.

5. Code of Conduct.

The Government shall in consultation with the Committee, prescribe a code of conduct for tourist guides.

6. Suspension or cancellation of license

(1) The Government may, after affording a tourist guide an opportunity of showing cause against the action proposed to be taken against him, suspend or cancel the license of the tourist guide if he/she

(a) violates the terms and conditions of the license; or

(b) violates the code of conduct.

(2) (a) A tourist guide aggrieved by the decision or order under sub-section (1) of an officer or authority other than the Government may prefer an appeal to the Government within the prescribed time and in the prescribed manner and the orders of the Government in such appeal shall be final.

(b) The Government may at any time of its own motion or on an application of any tourist guide aggrieved by a 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 as it think fit;

Provided that no order against a tourist guide shall be passed unless he/she has been given an opportunity of showing cause against it and of being heard.

7. Prohibition to act as tourist guides

Except as otherwise provided in the Act, no person shall hold himself/herself out or act, as a tourist guide unless he/she holds a license of prescribed category.

8. Service charges of tourist guides

(1) The Government shall, from time to time by notification in the official Gazette, fix the maximum rates of charges to which a tourist guide shall be entitled for the services rendered by him/her.

(2) A tourist guide shall not demand from any person to whom he has/she rendered any service as such any amount in excess of the maximum charges fixed under sub-section (1) for that service.

(3) The guides employed on a fixed salary on a full time basis by any travel agency or tour operator licensed under a law for the regulation and control of the profession of travel and tourist agencies shall not charge any fee from a tourist.

9. Penalty and procedure

(1) Whoever

(a) being a person to whom no license has been issued or

(b) being a person whose license has been cancelled or is for the time being suspended,

hold himself/herself out or acts, as a tourist guide or otherwise contravenes the provision of this Act or the rules or, being a tourist guide, contravenes the terms or conditions of the license issued to him or of a notification issued under sub-section (1) of section 8, or violates the prescribed code of conduct, shall be punishable with fine which may extend to five thousand rupees.

(2) Any Magistrate for the time being empowered to try in a summary way the offences specified in sub-section (1) of Section 260 of the Code of Criminal Procedure, 1898 may try

summarily an offence punishable under this Act in accordance with the provision of Chapter XXII of that Code.

(3) 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

10. power to exempt

The Government may exempt any class of persons from the operation of all or any of the provision of this Act, subject to such conditions, if any, as it may deem fit.

11. Delegation of Power

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 by an officer or authority subordinate to the Government.

12. Power to make rules

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

(2) In particular, and without prejudice to the generality of the forgoing 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;
- (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; and
- (e) the conditions to which a license shall be subject.

**Schedule I
Under section 4
Categories**

1. Mountain Guides (covering trekking, mountaineering, adventure sports and recreational activities, etc.).
2. Cultural Guides (covering art, culture, history, archeology and religions, etc.) and
3. Marine Guides (covering diving, fishing, water sports and coastal areas, etc.)
4. Any other related categories and/or sub-categories.

Annex-2 (c):The Khyber Pakhtunkhwa Travel Agencies Amendment Act 2013

An Act to provide for the development, regulation and control of the profession of travel agencies and tour operators in Khyber Pakhtunkhwa.

Whereas it is necessary and expedient to provide for the development, regulation and control of the profession of travel agencies and tour operators in Khyber Pakhtunkhwa;

It is hereby enacted as follows:

1. Short Title, extent and commencement.

- (1) This Act may be called the Khyber Pakhtunkhwa Travel Agencies Amendment Act, 2013.
- (2) It extends to the whole Khyber Pakhtunkhwa province and PATA.
- (3) It shall come into force at once.

2. Definitions.

In this Act, unless there is anything repugnant in the subject or context,---

- (a) "Committee" means the Travel Agencies and tour Operators Regulatory Committee set up by the Government under Section 3;
- (b) "license" means a license granted under this Act to any person to operate as a travel agency or tour operator.
- (c) ~~(c)~~
- (d) "Prescribed" means prescribed under the rules;
- (e) "rules" means rules made under this Act;
- (f) "travel agency" means a person, by whatever name called, who---
 - (i) makes, directly or indirectly, on commercial basis arrangements for the passage of the tourists, or use of transport, or transportation of their baggage or goods by sea, air rail or road;
 - (ii) has been delegated general authority in respect of sales for the airlines or other carriers, either directly or through a sub-contract;
- (g) "tourist" means a person normally residing outside the province of the Khyber Pakhtunkhwa and fata or is a citizen of other country who validly enters the Khyber Pakhtunkhwa, PATA and remains therein for not less than twenty four hours and not more than six months in the course of any year for purposes such as touring, recreation, sports, health, study or religious pilgrimages .
- (h) Tour Operator means a person, by whatever name called, who makes arrangements for lodging, transport or other services relating to travel of persons with in Khyber Pakhtunkhwa or arranges entertainment, sightseeing, 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.

3. Committee

- (1) the Government shall set up a committee to be known as the Travel Agencies and tour operators Regulatory Committee consisting of the following:
 - a. Secretary of the Tourism Department – Chairman
 - b. A representative of the Association of Travel agencies and a representative of tour operators association
 - c. A representative of educational institutes providing relevant training
 - d. Three other members as the Government may deem appropriate
- (2) Members of the Committee other than ex-officio members shall hold office during the pleasure of the Government and 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 license fees to be prescribed for various services rendered by the travel agencies or tour operators.
 - (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.

4. Licensing of travel agency or tour operator

- (1) Any person intending to open an office of a travel agency or a tour operator in the geographic boundaries of Khyber Pakhtunkhwa shall apply to the Government on the prescribed form for the grant of a license.
- (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 an 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 a 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 and/or tour operator efficiently;
 - (d) the applicant has had no experience of travel arrangements required to operate the business of a travel agency and/or tour operator 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 register in which the names, addresses, nature, composition and the field of operation of all licensed travel agencies and tour operators shall be entered. The register shall be maintained in both paper and electronic formats and information relevant to the public shall be accessible.
- (5) The license 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 or tour operator, for a period up to five years] in such manner, and on payment of such fee, as may be prescribed. Provided that a licensed travel agency can also hold a license of tour operator after complying with the terms and conditions for grant of license as tour operator

5. Exemption from application

This Act shall not apply to

- (a) Enterprises operated by the state;
- (b) National carriers of Pakistan, foreign and private airlines, duly authorized to operate to from or via Khyber Pakhtunkhwa; or
- (c) deleted.
- (d) Tour operators already registered in any other province or in capital.

6. Prohibition to act without license etc.,

Subject to section 5

- (1) no person shall hold himself out or act as travel agency or tour operator unless he holds a license.
- (2) 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 license.

7. Business Guarantee

(1) A licensed travel agency or tour operator shall maintain in a schedule bank, a bank guarantee or cash security of such minimum amount to the department, as may be prescribed.

(2) No amount shall be payable out of a bank guarantee or cash security maintained by a licensed travel agency or tour operator under sub-section (1) except by the order of the Government.

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

(4) A travel agency or tour operator from whose bank guarantee or cash security 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 bank guarantee or cash security as the case may be.

8. Service Charges

- (1) The rates of service charges from the tourists shall be set out in a rate list drawn up by a licensed travel agency or tour operator from time to time and submitted to the Committee who shall approve the same unless they are excessive
- (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 or tour operator.

9. Alterations

A licensed travel agency or tour operator 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.

10. Discontinuance of business.

In the case of discontinuance or transfer of business, dissolution, re-organization or winding up of a licensed travel agency or tour operator the Government shall be informed by the agency or operator 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 license granted to the travel agency, tour operator or, in the case of transfer of business or re-organization, grant a new license to the transferee travel agency, tour operator or to the travel agency, tour operator as re-organized.

11. Suspension or cancellation of license

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

- (a) violates the provisions of this Act or the rules or the terms and conditions of the license 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 license cannot be granted under sub-section (3) of section 4.

12. Complaints.

Any traveler or tourist having a complaint against any travel agency or tour operator may approach the Committee, which shall dispose of the same in the prescribed manner.

13. Appeal and review.

- (1) A travel agency or tour operator 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 Provincial 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 or tour operator 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 or tour operator shall be passed unless it has been given an opportunity of showing cause against it and of being heard.

14. Penalty.

- (1) Any travel agency or tour operator 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 fifty 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 Provincial Government.

*[Note.--- In exercise of the powers conferred by Sub-section (2) of section 14 of the Travel Agencies amendment Act, 2013, the Government is pleased to authorize the Controller, Department of Tourist Services, to make complaints in Courts in respect of the offences under the said Act committed by the travel agencies or tour operators]

15. Delegation of powers.

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 by any officer or authority subordinate to such Government.

15A. ISSUANCE OF TICKET. A licensed travel agency shall obtain a passport of a traveler for issuance of air ticket and confirmation of seats from airlines and therefore can hold the passport of passenger for organizing group tours for citizens of Pakistan to foreign country or countries.

16. Power to make rules

- (1) The Provincial Government may by notification in the official Gazette, make rules for carrying out the purposes 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.

Annex-3 (A): The Khyber Pakhtunkhwa Hotels and Restaurants Amendment Rules, 2013

In exercise of the powers conferred by section 29 of the Khyber Pakhtunkhwa hotels and restaurants Act, 2013, the Government is pleased to make the following rules, namely:-

1. Short title and commencement –

- (1) These rules may be called the Khyber Pakhtunkhwa Hotels and Restaurants Amendment Rules, 2013
- (2) They shall come into force at once.

2. Definitions

In these rules, unless there is anything repugnant in the subject or context,

- (a) 'Act' means the Khyber Pakhtunkhwa Hotels and Restaurants Act, 2013"
- (b) 'Chairman' means the chairman of the committee;
- (c) 'form' means form appended to these rules
- (d) 'member' means a member of the committee
- (e) 'schedule' means schedule appended to these rules; and
- (f) 'Section' means a section of the Act.

3. Functions of the Committee: The Hotels and Restaurants Committee set up under section 4 shall render aid and advice to the Government in relation to ---

- (i) the classification of hotels
- (ii) the determination and revision of fair rates ; and
- (iii) such matters as may be referred to it by the Government.

4. Meetings of the Committee.

- (1) Meetings of the committee shall be called by the Chairman as and when considered necessary and at such times and places and places as he may deem fit: Provided that not less than one meeting shall be held in six months
- (2) A written notice with respect to the time and place together with the agenda and the working papers of the meeting shall be sent by post by the secretary of the Committee to all the members at least fifteen days before the day fixed for the meeting
- (3) Six members including its Chairman shall constitute the quorum for a meeting of the committee.
- (4) The proceedings of every meeting shall be circulated by the secretary of the Committee, amongst all members as soon as possible after confirmation by the chairman.

5. Method of advice: The advice of the Committee shall be expressed in the form of resolution passed in its meeting by consensus of opinion. In case of a majority opinion the names of the majority and minority members shall be noted separately below the resolution

6. Standard of quality, health, hygiene and comfort

- (1) Every hotel applying for registration and classification shall conform to the standard of quality, health, hygiene and comfort set out as minimum criteria for one star , two stars, three stars, four stars or five stars hotel, as the case may be, in forms A,B,C,D and E respectively in Schedule I.

- (2) Every restaurant applying for registration shall conform to the standards of quality, health, hygiene and comfort set out in Schedule II

7. Application for registration.

Application for registration and determination of fair rates and for classification of a hotel under sub-section (1) of section 5 shall be made to the controller in Form 'F' for hotel and in Form 'G' for a restaurant together with a certificate of medical fitness in Form 'I' from a registered medical practitioner in respect of the staff of the hotel or the restaurant.

8. Procedure for registration.

- (1) On receipt of an application under rule 7. The Controller may, either himself or through an officer authorized by him, make such enquiries and seek such additional information as he may consider necessary and conduct inspection of the premises of the hotel or the restaurant [for any purpose, including the ascertainment of the fact that it conforms to the reasonable standards of quality, health, hygiene and comfort.
- (2) The Controller shall, if satisfied that the hotel or the restaurant conforms to the standard of quality, health, hygiene and comfort, direct the owner thereof in writing to deposit the registration and license fees as specified in schedule III and IV in a scheduled bank and to submit the bank receipt to him within fifteen days of such direction.
- (3) The controller shall, on receiving the bank receipt under sub-rule (2) grant a registration certificate in form 'K' for a hotel and in form 'L' for a restaurant and issue a license in form 'M' for a hotel and in form 'N' for a restaurant.
- (4) Where the controller is of the opinion that a hotel or restaurant does not conform to the standard of quality, health, hygiene and comfort he shall record his reason and refuse to register such hotel or restaurant.

[Provided that such refusal shall not debar the applicant from seeking registration a fresh after conformation to the standard of quality, health, hygiene and comfort.

9. Record of registration and licenses

The Controller shall maintain district-wise registers for hotels and restaurants in the forms set out in schedule V to VIII containing particulars of their registration and licenses.

10. Certificate of medical fitness.

- (1) The owner or manager of a hotel or restaurant shall furnish to the Controller a certificate of medical fitness in form 'I' in respect of every new employee within a week of his employment
- (2) The owner or manager of a hotel or restaurant shall furnish certificates of medical fitness in forms 'I' in respect of its staff by the 15th day of January every year.

11. Classification of hotels.

- (1) A hotel conforming to any of the minimum criteria set out in form 'A', 'B', 'C', 'D' and 'E' shall be classified as one star, two stars, three stars, four stars or five stars hotel, respectively.
- (2) A hotel which conforms to the minimum criteria of the class applied for shall be classified as such by the controller and shall be issued a star sign shield of the design set out in schedule IX to be conspicuously displayed in the reception hall or lounge of the hotel. (3) If a hotel does not conform to the minimum criteria of the classification applied for, the controller may classify the hotel according to the classification to which it conforms and issue a star sign shield as laid down in sub-rule (2).

12.

- (1) The owner of a hotel or restaurant may apply to the Controller for the renewal of a license at least fifteen days before the date of its expiry failing which his license shall stand canceled on such date.
- (2) The license of a hotel or restaurant cancelled under sub rule (1) or suspended or cancelled under the provisions of the Act may be renewed by the Controller on a written request by the owner on payment of the license fee and a penalty of such sum not exceeding twenty thousand but not less than ten thousand rupees as the Controller may impose.

13. Change of classification.

- (1) If at any time in the opinion of the Controller a hotel has failed to maintain the standard of classification assigned to it he may lower or alter the classification of such hotel.
Provided that no action under sub-rule (1) shall be taken unless the owner is served with a notice directing him to carry out within a reasonable period such renovations or improvements as the Controller may consider necessary for the maintenance of the classification assigned to it.
- (2) In case the owner of the hotel carries out the renovations or improvements as contained in the notice under the proviso to sub-rule (1) within the specified period the Controller shall withdraw the notice.

14 Principles governing fair rates

- (1) The Controller shall approve fair rates to be charged for boarding, lodging and any other service provided in a hotel having regard to
 - i) the location of the hotel
 - ii) the standard of facilities, amenities and services available at the hotel
 - iii) the classification of the hotel;
 - iv) the business activities limited to a particular season;
 - v) the taxes levied by the Provincial Government or a Provincial Government concerned on boarding, lodging and services; and
 - vi) the General index of prices prevailing in the locality;

Provided that the Controller may fix minimum and maximum fair rates in respect of restaurants having common standard of food, drinks and services in a particular area.

- (2) The Controller shall approve fair rates for food, drinks and any other services provided in a restaurant, having regard to
 - i) The location of the restaurant;
 - ii) The standard and variety of food, drinks and services provided in the restaurant;
 - iii) The taxes levied by the Provincial Government or the Provincial Government concerned on the sales and services of the restaurant; and
 - iv) The general index of prices prevailing in the locality.

Provided that the Controller may approve fair rates for each item of food, drinks and services available at the restaurant or a consolidated rate for the full menu of courses and dishes inclusive of service charges;

Provided further that the Controller may fix minimum and maximum fair rates in respect of restaurants having common standard of food, drinks and services in a particular area.

- (3) The fair rates once fixed shall remain in force until revised by the Controller.

15. Revision of fair rates

- (1) The Controller may, at any time if he is satisfied that special circumstances requiring revision of fair rates have arisen or exist, revise the fair rates of all or any particular hotel or restaurant.

- (2) The Controller may, on an application made to him by owner or manager of a hotel or restaurant stating the reasons for the revision of fair rates in respect of such hotel or restaurant and being satisfied of the necessity for such revisions, revise the fair rates of that hotel or restaurant.

16. Rules of the establishment

- (1) Every owner shall submit to the Controller the rules of the establishment in respect of his hotel or restaurant within thirty days of the registration thereof
- (2) Within one month from the date of submission of the rules of establishment under sub-rule (1), the Controller shall approve the rules with or without amendments.
- (3) An owner desiring to amend the rules of the establishment in respect of his hotel or restaurant shall submit the proposed amendments to the Controller for his approval, and the Controller shall within one month from the date of their submission if he considers them appropriate, approve the amendments, with such modifications, if any, as he may consider necessary.

17. Display of fair rates.

- (1) The fair rates chargeable in a hotel shall be displayed in a conspicuous manner at the reception, bill counters and in the office of the manager, indicating separately the daily rates for a single room, double room, suite, the rate chargeable in case of a double room or suite if occupied by a single person, the service charges, the taxes and the slack season rates, if different from the normal rates
- (2) The rate cards and advertisements issued by a hotel for the benefit of prospective guests shall contain all the details specified in sub-rule (1) and the concessions allowed for special categories of guests linepersons connected with airlines, the travel agencies, businessmen and students.
- (3) The fair rates chargeable in a restaurant shall be displayed in a conspicuous manner at the reception and bill counters, in the office of the manager and shall also be mentioned in the menu cards indicating the rates of each item of food, drinks service charges, taxes and the consolidated rates for the full menu with prescribed courses and dishes.

18. Register of guests.

Every owner or manager of a hotel shall maintain a register in form O in which the names and other particulars of guests checked in the hotel shall be recorded.

19. Procedure for summary enquiry

- (1) Where the Controller is required to have summary enquiry under the Act or these rules, he shall recorded the statement the complainant, the owner or manager of the hotel or restaurant concerned and any other person or persons who may have information on the subject of enquiry and afford an opportunity to the accused to explain his position and produce his defense, if any.
- (2) After the enquiry under sub-rule (1) the Controller shall recorded his decision with his reasons.

20. Appeal and revision

- (1) Subject to the provisions contained in section 25, any person aggrieved by an order passed by the Controller may, within thirty days from the date of such order, prefer an appeal to the Joint Secretary, Tourism Department, Peshawar.

- (2) Any person aggrieved by an order passed by the Controller under the Act or these rules against which no appeal has been preferred may, within thirty days from the date of such order, file an application for revision before the Government.
- (3) Every appeal or revision shall be filed in duplicate and be accompanied by a copy of the order appealed against.

Schedule –I
(See rule 6(a))

Form-A
(See rule 11(1))

MINIMUM PRESCRIBED CRITERIA FOR THE CLASSIFICATION OF ONE STAR HOTEL

- No 1. Location and Building (a) The locality and environment including the approach shall be suitable for a hotel.
- (b) The general construction of the building shall be durable, structurally safe and in good condition.
- (c) The exterior and interior of the building and its furniture, fixtures, bedrooms, public areas, etc., shall be maintained at a reasonable standard and kept in a clean and hygienic condition
- (d) There shall be separate and independent entrances to the hotel and to the restaurant, if any.
- (e) There shall be proper cooling and heating arrangements according to the local conditions and the weather.
- No 2. Capacity There shall be at least 5lettable bedrooms
- No 3. Bedrooms (a) Each bedroom shall have separate access from a corridor or verandah or gallery and be separate from other bedrooms by walls.
- (b) Each bedroom shall be properly ventilated and lighted and shall have at least one window.
- (c) Each bedroom shall have comfortable beds and furniture, a mirror, a cupboard with minimum 4 clothes hangers, a comfortable chair a coffee table, a luggage rack and a litter basket.
- (d) There shall be a locking system outside and a bolting or locking system inside the door of each bedroom opening into a passage.
- (e) Each bedroom shall be separately numbered.
- (f) The minimum floor area of each bedroom shall be
- (i) 120 sqft for a single bedroom
- (ii) 160 sq.ft for one double bedroom
- (iii) 60 sq.ft for each additional bed over and above two beds in a room
- (iv) The room width and ceiling height shall not be less than 10 feet
- No 4. Bathrooms (a) All the rooms shall have attached bathrooms.

- (b)
- (c) Every bathroom shall be well lighted, ventilated and provided with an air fresher
- (d) There shall be a shower and basin in each bathroom
- (e) Each bathroom or toilet shall have a minimum floor area of 30sq.ft
- (f) There shall be a mirror with a light over it above a wash basin shelf, towel rail and pegs in each bathroom
- (g) There shall be modern sanitary ware in all bathrooms and toilets. At least 50% of the toilets shall have western WC toilet having seat with lid and toilet paper
- (h) Deleted (Each bathroom shall have two points socket for electric shavers)
- (i) Guest toiletries to be provided – minimum 1 new soap, 1 bath towel and 1 hand towel per guest.
- (k) Hot and cold running water available in the morning and in the evening
- (l) hours
- (m) A sanitary bin with cover is provided in each bathroom
- Water saving awareness signs are displayed in each bathroom
- No 5. Lightning
- (a) All the public areas including the restaurant, dining room, bathrooms, and corridors shall be well lighted and ventilated (use of energy saving lights are mandatory)
- (b) There shall be proper lighting arrangements and fixtures in all rooms with the light switch near the room entrance, a light control next to the bed, fans or heating according to local conditions, a call bell and an electronic socket for plugs.
- No 6 Linen
- Clean linen of good quality, mosquito nets, pillows, bedding and blankets or quilts shall be supplied to each new guest and otherwise changed twice a week.
- No 7. Reception Center
- There shall be reception counter with telephone facilities round the clock
- No 8. Restaurant/Dining room (a)
- There shall be a clean, hygienically maintained and moderately equipped restaurant/dining room
- NB
- A restaurant is obligatory in case of the hotels on the outskirts of a town or in places where no restaurant is available within half a mile from the hotel

- (b) There shall be comfortable seating arrangement in the restaurant/dining room
- (c) There shall be provision of Pakistani food
- (d) Menu cards shall be available to the guests
- (e) The dining room shall be separate from the kitchen
- (f) Public rest rooms for ladies and gents with soap and clean towels, a washbasin, a mirror, a sanitary bin with lid shall be provided close to the dining room.
- No 9. Breakfast
- (a) The supply of breakfast to guests in the bedrooms shall be arranged on request
- (b) Tea, coffee and snacks shall be provided on request
- No 10. Kitchen
- (a) There shall be a clean, hygienic, well-equipped, fly proofed and well-maintained kitchen and pantry. Cooking utensils should be clean and well kept
- (b) All kitchen staff shall be medically tested and not found to be suffering from any communicable diseases
- No 11. Crockery
- Crockery, cutlery and glassware shall be of good quality, clean and unchipped
- No 12. Drinking water
- Where tap water is not potable, boiled or filtered drinking water shall be provided in flasks with a clean glass for each guest in each bedroom and in the restaurant/dining room
- No 13. Washing arrangements
- Arrangements for the hygienic washing of utensils, crockery. Cutlery and glassware shall be made
- No 14. Staff and service (a)
- All members of the staff shall be experienced, courteous and efficient
- (b) All staff shall wear smart and clean uniforms on duty
- (c) The Manager shall have a working knowledge of English and shall be trained in hotel management and first aid. The possession of a diploma in hotel management from a recognized training institute shall be considered to be adequate proof of training
- (d) At least two employees shall be qualified in housekeeping and F&B service and first-aid skills
- No 15. Laundry service
- Laundry and dry cleaning service shall be provided on request.

-
- No 16. House keeping Housekeeping shall be a good standard. The premises and all furniture and fixture shall be properly cleaned, dusted and periodically fumigated
- No 17. Fire fighting Firefighting equipment and electrical and gas safe devices shall be available on the premises at all times. Staff should be trained in firefighting drill
- No 18. Facilities (a) There shall be space for parking of at least five cars
- (b) These shall be at least an intercom set on each floor for internal communication
- (c) Wake-up call service on request
- (d) Message for guests to be recorded and delivered
- (e) Security arrangements for all hotel entrances. CCTV cameras at strategic locations.

Form-B**MINIMUM PRESCRIBED CRITERIA FOR THE CLASSIFICATION OF TWO STAR HOTEL**

- No 1. Location and Building (a) The locality and environment including the approach shall be suitable for a good hotel.
- (b) The building shall be well designed, well structured, durable and structurally safe. All new buildings shall be designed by qualified architects.
- (c) The exterior and interior of the building and its furniture, fixtures, bedrooms, public areas, etc., shall be maintained at a high standard and kept in a clean and hygienic condition
- (d) There shall be separate and independent entrances to the hotel and to the restaurant, if any.
- (e) There shall be a lift if there are more than two floors including the ground floor
- (f) There shall be proper cooling and heating arrangements
- No 2. Capacity There shall be at least 15 lettable bedrooms
- No 3. Bedrooms (a) Each bedroom shall have separate access from a corridor or verandah or gallery and be separate from other bedrooms by walls.
- (b) Each bedroom shall be properly ventilated and lighted and shall have at least one window. All rooms shall have air-conditioning/heating system depending on the climatic conditions. Room temperature should be maintained between 20 to 28 degree C.
- (c) Each bedroom shall have comfortable beds and furniture a mirror, a cupboard with minimum 6 clothes hangers, a comfortable chair a coffee table, a luggage rack and a litter basket.
- A television set (with cable network facility) should be installed in each room.
- Qibla director sign should be displayed and praying mat should be provided in each room
- (d) There shall be a locking system outside and a bolting or locking system inside the door of each bedroom opening into a passage.
- (e) Each bedroom shall be separately numbered.
- (f) The minimum floor area of each bedroom shall be
- (i) 120 sqft for a single bedroom

- (ii) 160 sq.ft for one double bedroom
 - (iii) 60 sq.ft for each additional bed over and above two beds in a room
 - (iv) The room width and ceiling height shall not be less than 10 feet
 - (g) All bedrooms shall have attached bathrooms
- No 4. Bathrooms
- (a) Every bathroom shall be well lighted, ventilated and provided with an air fresher
 - (b) Each bathroom shall have:
 - (i) A wash basin with a mirror and light above it; a towel rack and rail, a shelf, clothes hooks or hangers, an electric socket for plugs and a shower
 - (ii) A toilet with a minimum floor area of 36 sq ft. All water closets shall be of western type
 - (iii) There shall be modern sanitary ware in all the bathrooms. At least 70% of the toilets shall have western WC toilet having seat with lid and toilet paper
 - (iv) Running hot and cold water round the clock
 - (v) A bath towel, a face towel and a hand towel for each guest which should be changed daily
 - (vi) An adequate supply of new soap and toilet paper
 - (vii) A sanitary bin with cover is provided in each bathroom
 - (viii) Water saving awareness signs are displayed in each bathroom
- No 5. Lightning
- (a) All the public areas including the restaurant, dining room, bathrooms, and corridors shall be well lighted and ventilated (use of energy saving lights are mandatory)
 - (b) There shall be proper lighting arrangements and fixtures in all rooms with the light switch near the room entrance, a light control next to the bed, fans or heating according to local conditions, a call bell and an electronic socket for plugs.
- No 6 Linen
- Clean linen of good quality, mosquito nets, pillows, bedding and blankets or quilts shall be supplied to each new guest. Fresh linen shall be supplied to each new guest and otherwise thrice a week.
- No 7. Lounge Lobby
- There shall be a reasonably furnished lounge/lobby proportionate to the number of beds in the hotel

- No 8. Reception Center There shall be reception counter with telephone facilities round the clock. Locks for luggage and safe deposit facilities shall be provided at the reception center
- No 9. Telephone There shall be a telephone for external/internal calls for the use of guests
- No 10. Restaurant/Dining room (a) There shall be a clean, hygienically maintained and well equipped restaurant/dining room with comfortable seating arrangements
- (b) Provision of Pakistani and continental food shall be ensured
- (c) Menu cards shall be available to the guests
- (d) The dining room shall be separate from the kitchen
- (e) Public rest rooms for ladies and gents with soap, clean towels, a washbasin, a mirror, a sanitary bin with lid shall be available conveniently close to the dining room/restaurant
- No 11. Breakfast service (a) The supply of breakfast to guests in the bedrooms shall be arranged on request
- (b) Tea, coffee and snacks shall be provided on request
- No 12. Kitchen (a) There shall be a well-equipped kitchen and pantry with adequate fly proofing. Cooking utensils should be clean and well kept; and
- (b) A refrigerator or cold storage facilities for the preservation of food and perishable items
- (c) All kitchen staff shall be medically tested and not found to be suffering from any communicable diseases. Six monthly medical check-up of kitchen staff is also mandatory.
- Head covering for food production staff is mandatory
 - Kitchen waste should be segregated wet and dry and disposed off accordingly.
- No 13. Crockery All crockery, cutlery and glassware shall be of good quality, clean and unchipped
- No 14. Drinking water The hotel shall provide boiled and filtered drinking water in covered flasks with a clean glass for each guest in each bed room and in the restaurant/dining room
- No 15. Washing arrangements Arrangements for the hygienic washing of utensils, crockery. Cutlery and glassware shall be made. If washing is done manually, it is essential that the three tier system should be followed

- No 16. Staff and service (a) All members of the staff shall be experienced, courteous and efficient and at least 25% of the them shall have been professionally trained at a recognized training institute.
- (b) All staff shall wear smart and clean uniforms on duty.
- (c) The Managerial and supervisory staff shall be fluent in English. The Manager should possess at least a diploma in hotel management from a recognized training institute.
- (d) At least two employees shall be qualified in housekeeping and F&B service and first-aid skills.
- No 17. Laundry service Laundry and dry cleaning service shall be provided on request. Iron and iron board to be made available on request
- No 18. House keeping Housekeeping shall be a good standard. The premises and all furniture and fixture shall be properly cleaned, dusted and periodically fumigated
- No 19. Fire fighting Firefighting equipment and electrical and gas safe devices shall be available on the premises at all times. Staff should be trained in firefighting drill.
- No 20. Facilities (a) There shall be sufficient parking space for at least 15 cars
- (b) The hotel shall make available on the premises picture post cards, postal stamps, books, newspapers and articles of daily use like toilet goods and cosmetics
- (c) There shall be a cloak room, facilities of lockers and safe deposit
- (d) There shall be a telephone for external calls in each bedroom. There shall also be intercom set installed on each floor.
- No 21 General The floors of rooms and public area shall be covered by carpet of good quality or marbled or tiled of a good quality.
- Wake-up call service on request
 - Message for guests to be recorded and delivered
 - Security arrangements for all hotel entrances. CCTV cameras are installed at strategic locations.

Form-C**MINIMUM PRESCRIBED CRITERIA FOR THE CLASSIFICATION OF THREE STAR HOTEL**

- No 1. Location and Building
- (a) The locality and environment including the approach shall be suitable for a good hotel.
- (b) The architectural features and general construction of the buildings shall be of a good standard, durable, structurally safe, and in good condition. All new buildings shall be designed by a qualified architect
- (c) The exterior and interior of the building and its furniture, fixtures, bedrooms, public areas, etc., shall be maintained at a high standard and kept in a clean and hygienic condition
- (d) There shall be separate and independent entrances to the hotel and to the restaurant, if any.
- (e) There shall be a lift if there are more than two floors including the ground floor.
- (f) There shall be proper cooling and heating arrangements depending on the climatic conditions. Building interior temperature should be maintained between 20 to 28 degree C.
- (g) A lawn or roof garden shall be maintained.
- No 2. Capacity There shall be at least 30 bedrooms
- No 3. Bedrooms
- (a) Each bedroom shall have separate access from a corridor or verandah or gallery and be separate from other bedrooms by walls. Each bedroom door fitted with peephole and internally security device.
- (b) Each bedroom shall be properly ventilated and lighted and shall have one or more windows with glass panes measuring at least one fourth of the floor space and provided with curtains of high quality.
- A television set (with cable network facility) should be installed in each room.
 - Qibla director sign should be displayed and praying mat should be provided in each room
 - Wi-Fi Internet connection facility should be provided in each room
 - A minim bar refrigerator stocked with soft drinks should be provided in each room
- (c) Each bedroom shall have comfortable beds or beds not less than 6-1/2 x 3 and 6-1/2 x 4-1/2(double) with a spring or foam mattress, pillows, blankets or quilts, bed sheets and pillow covers

- (d) Each bedroom shall have reasonable space, a wardrobe with space for the storage of luggage containing minimum 8 coat and dress hangers, a luggage rack, a coffee table, two upholstered chairs. A bed side table, a dressing cum writing table with large mirror, a waste paper basket, an ash tray, a vacuum flask for drinking water with a hygienically cleaned glass for each guest and a free supply of stationery bearing the name and address of the hotel
 - (e) There shall be a locking system outside and a bolting or locking system inside the door of each bedroom opening into a passage.
 - (f) Each bedroom shall be separately numbered.
 - (g) The minimum floor area of each bedroom shall be
 - (i) 160 sqft for a single bedroom
 - (ii) 220 sq.ft for one double bedroom
 - (iii) 80 sq.ft for each additional bed over and above two beds in a room
 - (iv) The room width and ceiling height shall not be less than 10 feet
 - (h) All bedrooms shall have attached bathrooms
 - (i) All bedrooms shall be provided with package or unit air conditioning except in cold places or hill stations where heating arrangements for the cold weather shall be provided.
 - (j) The floor in all bedrooms shall be fully covered with carpets, wooden flooring or with marble tiles depending on the climatic conditions of the area.
 - (k) There shall be a table lamp for every bed.
 - (l) The rules of establishment, instructions on how to respond in case of fire and all pertinent local and hotel information on room service and the meal hours shall be kept in each bedroom
- No 4. Bathrooms
- (a) Every bathroom shall be well lighted, ventilated and provided with a deodorant air fresher and shall have a floor area of at least 40 sq ft.
 - (b) Each bathroom shall have:
 - (i) A wash basin with a mirror and light above it; an electric plug point, a shelf, a towel rack, clothes hooks or hangers, a sanitary little bin, a toilet and electric socket for plugs and a flexible shower enclosed with water proof curtains and a mug, a face towel and a bath towel for each guest
 - (ii) All water closets shall be of western type.

- (iii) Each bathroom shall be modern in design and equipped with fittings of good standard
- (iv) Running chemically sterilized hot and cold water round the clock
- (v) A pair each of bath towel, face towel and hand towels for each guest which should be changed daily
- (vi) An adequate supply of toilet paper of superior quality
- (vii) Standard rooms should have shower cabin and deluxe rooms should have a long bath tub enclosed with waterproof curtains.
- A sanitary bin with cover is provided in each bathroom
 - A new set of bottled toiletry products to be provided to each new guest.
 - Hairdryers are provided in each bathroom
 - Bath Mat are provided in each bathroom
 - Drinking water with minimum one glass tumbler per guest
 - Water saving awareness signs are displayed in each bathroom
- No 5. Lightning
(a) All the public areas including the restaurant, dining room, bathrooms, and corridors shall be well lighted and ventilated (use of energy saving lights should be mandatory).
- (b) There shall be proper lighting arrangements and fixtures in all rooms with the light switch near the room entrance, a light control next to the bed, fans or heating according to local conditions, a call bell and an electronic socket for plugs.
- No 6 Linen Clean linen of good quality, mosquito nets, pillows, bedding and blankets or quilts shall be supplied to each new guest. Fresh linen shall be supplied to each new guest and otherwise changed daily
- No 7. Lounge
Lobby There shall be a reasonably furnished lounge/lobby proportionate to the bed capacity of the hotel. Iron and iron board to be made available on request
- No 8. Reception
Center There shall be reception and information counter with telephone for external calls manner round the clock. Locks for luggage and safe deposit facilities shall be provided at the reception counter
- No 9.
Restaurant/Dining
room (a) There shall be an air conditioned, hygienically maintained, well designed and well equipped restaurant and a dining room with comfortable seating arrangements of superior quality
- (b) The restaurant and dining room shall service a wide variety of Pakistani and continental food. Service shall be prompt, courteous and efficient.

- (c) Menu cards shall be available to the guests
- (d) The dining room shall be separate from the kitchen
- (e) Public rest rooms for ladies and gents with soap, clean towels, a washbasin, a mirror, a sanitary bin with lid shall be available conveniently close to the restaurant and the dining room
- (f) Music shall be played in the restaurant and dining room during meal hours
- (g) The floor of the restaurant and dining room shall be fully carpeted
- (h) Room service facilities shall be provided to all bedrooms on request
- No 10. Kitchen
- (a) There shall be a clean, hygienic, well-equipped and well-maintained kitchen and pantry with adequate fly proofing. Cooking utensils should be clean and well kept; and
- (b) There shall be a cold storage facilities unit to serve the kitchen and pantry.
- (c) Arrangements for the hygienic washing of utensils, crockery, cutlery and glassware by a mechanized system shall be made
- (d) All kitchen staff shall be medically tested and not found to be suffering from any communicable diseases. Six monthly medical checkup of kitchen staff is also mandatory.
- Head covering for food production staff is mandatory
 - Kitchen waste should be segregated into wet and dry and disposed off accordingly
- No 11. Crockery All utensils, crockery, cutlery and glassware shall be of high quality, clean and well maintained. No piece in use shall be chipped, cracked or grazed. Cutlery and silverware shall be properly plated and polished
- No 12. Drinking water The hotel shall provide boiled and filtered drinking water in covered flasks with a clean glass for each guest in each bedroom and in the restaurant/dining room.
- 13 As in Paragraph 13 of Form D
- No 14. Staff and service (a) The serving staff shall be experienced, courteous and efficient and at least 50% of them shall have been professionally trained at a recognized training institute
- (b) All staff shall wear smart and clean uniforms on duty
- (c) The Managerial and supervisory and front office staff shall be fluent in English and one other foreign language and should possess at least a diploma or certificate for their jobs from a recognized training institute

- (d) The Manager shall possess a diploma in hotel management from a recognized institute and have fluent knowledge of English and one other foreign language.
- (e) All room bearers, bar tenders, dining room bearers etc. coming into frequent contact with foreigners shall have working knowledge of English
- (f) At least one supervisor and two employees shall be qualified in first-aid and firefighting skills
- (g) Booking (including electronic bookings) shall be honored on the terms quoted and all contractual obligations shall be met properly. Arrangements shall be available for electronic bookings of rooms on the hotel website, which shall be maintained to a reasonable standard
- No 15. Laundry service Laundry and dry cleaning service shall be provided on the premises under the responsibility of the hotel management
- No 16. House keeping Housekeeping shall be a good standard. The premises and all furniture and fixture shall be properly cleaned, dusted and periodically fumigated
- No 17. Fire fighting Firefighting equipment and electrical and gas safe devices shall be available on the premises at all times. Staff should be trained in firefighting skills.
- No 18. Facilities
- (a) There shall be sufficient parking space for at least 80 cars
- (b) The hotel shall make available on the premises picture post cards, postal stamps, books, newspapers and articles of daily use like toilet goods, cosmetics and medicine
- © Separate well equipped cloak rooms shall be provided for ladies and gentlemen
- (d) These shall be a telephone for external calls in each bedroom
- (e) There shall be a banquet-cum-conference room proportionate in capacity to the size of the hotel
- (f) The hotel shall provide fax, postal and email services on its premises
- (g) A taxi service shall be provided for the guests under the auspices of the hotel management
- (h) There shall be foreign exchange counter within the hotel premises
- (i) There shall be a chemist shop in the hotel premises

(j)

There shall be a page boy and shoe shine service

- Wake-up call service on request
- Message for guests to be recorded and delivered
- Security arrangements for all hotel entrances. CCTV cameras are installed at strategic locations. Under belly scanners to screen vehicles at the main entrance in mandatory.
- Fire exit signs on guest floors with emergency backup lights.
- Fire and emergency notices displayed in room behind the door.

Form-D**MINIMUM PRESCRIBED CRITERIA FOR THE CLASSIFICATION OF FOUR STAR HOTEL**

- No 1.(1) Location and Building (a) The locality and environment including the approach shall be suitable for a hotel of international standard
- (b) The façade, architectural features, constructions and finish of the building shall be of a high standard, durable, safe and well maintained.
- © The building shall be designed by a qualified and renowned architect.
- (d) The maintenance of the exterior and interior of the building, grounds, gardens, its furniture, fixture bedrooms, toilets, kitchens, public rooms, etc., shall be of the highest standards
- (e) There shall be separate and independent entrances to the hotel and restaurant with separate service entrances for deliveries
- (f) The building shall be centrally air conditioned and all rooms including the dining room, conference room and banquet halls shall be sound proof.
- (g) There shall be at least one lift for every 100 rooms or major part thereof, in addition to one service lift or more.
- (h) A lawn or roof garden shall be maintained.
- No 2. Capacity
- There shall be at least fifty bedrooms
- No 3. Bedrooms (a) At least 20 of the bedrooms shall be singles and four percent suits.
- (b) Each bedroom shall have separate and independent access from a corridor, verandah or gallery and be separate from other bedrooms by walls. All rooms shall be out of the view of the public rooms.
- © Each bedroom shall be properly ventilated, lighted, clean and shall have one or more windows with glass panes measuring one fourth of the floor space or more and provided with curtains of high quality.
- (d) Each bedroom shall have reasonable free space and be furnished with:
- (1) 6-1/2-ft x 3-ft single or 6-1/2.ft x 4-1/2-ft. double beds with foam rubber or spring mattresses.
- (2) Two pillows and a blanket for each guest with bed sheets and pillow covers;

- (3) a dressing-cum-writing table with a large mirror, a wardrobe with space for the storage of luggage, containing coat and dress hangers, a luggage stand, coffee table, two upholstered foam, occasional chairs, a bed side table, a waste paper basket two ash trays, a vacuum flask for drinking water, and two high quality hygienically cleaned glasses for each guest, and a free supply of good quality stationery bearing the name and address of the hotel; and
- (4) Intercom set installed
- (e) There shall be a lock on the door of each bed room opening into a corridor a double locking device from within the bed room. All lock shall operate on a master key system. Each bedroom door fitted with peephole and internally security device.
- (f) Each bedroom shall be separately numbered.
- (g) The minimum floor area of each bed shall be -
- I 160 sqft for a single bed;
 - li 220 sqft for double bed
 - lii An additional 80 sqft for each bed over and above two beds in a room; and
 - lv The room width and ceiling height shall not be less than 10 ft;
- (h) All bedrooms shall have attached bathrooms
- (i) The floor in all bedrooms shall by fully covered with high quality carpets, wooden flooring or with marble tiles depending on the climatic conditions of the area.
- (j) There shall be temperature control device in each bed room.
- (k) Every bed room shall have a TV and radio with separate channels relaying news, entertainment and music both piped and lived.
- (l) Suits shall be well furnished and maintained. .
- (m) There shall be a table lamp for every bed.
- (n) The rules of establishment, instructions on how to behave in case of fire and all pertinent and hotel information on room service and the meal hours all be kept in each room
- Qibla director sign should be displayed and praying mat should be provided in each room
 - Wi-Fi Internet connection facility should be provided in each room
 - A minim bar refrigerator stocked with soft drinks should be provided in each room
- (o)

- No 4. Bathroom Each bathroom shall have minimum floor area of 40 sq ft. All water closets shall be western type.
- (b) Each bathroom shall be modern in design, equipped with fitting of a high quality. And have its walls and floors covered with impervious materials of attractive design and workmanship.
- © Each bathroom shall have:
- (i) An electric two points plug socket for a shaver;
- (ii) A wash basin with a mirror over it at a face height, and a shelf conveniently at hand
- (iii) Hooks or hangers for cloths, an ash tray towel rack, a flexible shower, sanitized toilet bowls, a bidet, a receptacle for soap and used blades, a sanitary litterbin, used blades disposal bin, a bath mat, two glasses and a mug
- (iv) A long bath tub with a flexible shower enclosed with water proof curtain; and
- (v) Running chemically sterilized hot and cold water round the clock.
- (d) Separate male and female toilet should be provided in the public areas.
- A new set of bottled toiletry products to be provided to each new guest.
 - Hairdryers are provided in each bathroom
 - Bath Mat are provided in each bathroom
 - Drinking water with minimum one glass tumbler per guest
 - Intercom phone set should be installed in each bathroom
- No 5. Lights All public areas including the restaurants, dining room, bathroom, and corridors shall be well lighted and ventilated. There shall be a controlled lighting system in all public areas. Energy saving lights are mandatory.
- (a)
- (b) There shall be proper lighting arrangements and fixtures in all rooms with a light switch and point near the room entrance, a light control next to the bed, fans and heating equipment according to local conditions, a call bell and an electronic socket for plugs.
- © There shall be alternative arrangements for lighting in case of failure of the electric power supply.
- (d) There shall be a stand by generator for electricity.
- No 6 Linen Clean linen and curtain of high quality, together with pillows, bedding, blankets and bed cover shall be supplied to each new guest and other wise changed daily.
- No 7. Lounge / Lobby There shall be

- (a) an equipped and furnished lounge or lobby with space proportionate to the number of the bed rooms;
- (b) Wall to wall floor covering of high quality;
- © A public call telephone booth for visitors;
- (d) Comfortable seating arrangements; and
- (e) Adequate provision of ash trays and waste disposal facilities.

No 8.
Reception
Counter

A reception and information counter with a telephone for external calls and manned round the clock.

- (b) A concierge and porter service round the clock;
- © A page service or public address system;
- (d) An information service providing general tourist information such as local events, attractions, transport, rent a car and taxi service and current and advance reservations;
- (e) Wake up call service;
- (f) Numbered room keys;
- (g) Professionally trained staff fluent in English with one member having a working knowledge of another foreign language;
- (h) Facilities for acceptance of fax and , , postal letters and supply of postage stamps; and
- (i) Lockers for luggage and safe deposit facilities.

No 9.
Conference
and Banquet
Hall

There shall be a well-furnished separate room for holding conferences and banquets

No 10.
Restaurants
and Dining
Room

There shall be at least two restaurants and a dining room. The dining room shall be proportionately spacious to the number of beds in the hotels and shall have comfortable seating arrangements.

- (a)

- (b) The restaurant and dining room shall be well designed, well equipped and maintained at a high standard. They shall have –
 - I Furnishing and décor of superior quality reflecting the local culture, history and traditions;
 - li The floor of the restaurants and dining room shall be fully carpeted.
 - lii Cuisine of high quality – Pakistani, Chinese and continental dishes;
 - Iv Prompt / courteous and efficient service;
 - V Attractive menu cards indicating the prices of dishes and full meals; and
 - Vi Music at meal hours
 - Vii The kitchen separate from the dining area
- © There shall be separate male and female toilets with adequate supply of soap (liquid and bar), towel and toilet paper in the vicinity.
- (d) All stewards shall be fluent in English with at least 10% knowing another foreign language
- (e) Meals and breakfast timings shall be specified and properly notified at the entrances in the lobby / lounge and at the reception counters
- (f) There shall be a multi-purpose hall.
- (g) Room service facilities shall be provided in all bedrooms on request.
- No 11. Kitchen and Pantry
 - (b) There shall be a clean and well equipped pantry attached to the kitchen.
 - (b) The kitchen and pantry shall be completely modern, professionally designed and equipped to ensure efficient operation, with arrangements for proper ventilation and efficient removal of hot air and odors
 - © The kitchen floor shall be of impervious material conducive to easy and quick cleaning
 - (d) The kitchen shall be free of all insects and pests
 - (e) The kitchen table tops and shelves shall be of stainless steel or impervious material kept in hygienic, clean and good condition.
 - (f) Utensils kept and used shall be of high quality, hygienically cleaned and in very good condition
 - (g) There shall be a dish washing machine for washing crockery and cutlery and separate sink with running hot and cold water for washing utensils

- (h) There shall be cold storage and deep freeze facilities for perishable food and eatables
- (i) There shall be sufficient waste bins with covers or waste disposal units
- (j) Separate areas for the preparation of meat, fish, vegetable, salads, sweets etc.
- (k) There shall be efficient kitchen staff with at least one executive chef trained at recognized hotel training institute
- (l) All kitchen staff shall be medically tested and not found to be suffering from any communicable diseases. Six monthly medical checkup of kitchen staff is also mandatory.
- Head covering for food production staff is mandatory
- Kitchen waste should be segregated wet and dry and disposed off accordingly
- No 12 Crockery
- All utensils, crockery, cutlery, glass and table wear shall be of a high quality, clean well maintained and hygienically treated. No crockery or glassware used shall be chipped, cracked or grazed. Cutlery and silverware shall be properly plated and polished
- No 13. Drinking water
- The hotel shall provide boiled and filtered drinking water in covered flasks with a clean glass for each guest in each bedroom and in the restaurant and dining room. There shall be a chemical filtration plant for the treatment of water used in the hotel.
- No 14 Bar
- There shall be a well-equipped and well stocked bar with a counter of high quality, necessary furnishings, controlled lighting arrangements, adequate refrigeration facilities, all type of glass ware, necessary drinks and beverages, cigarettes, cigars, snacks and ice cube making machine.
- No 15. Staff and service
- (a) The serving staff shall be experienced, courteous and efficient and at least 75% of them shall have been professionally trained at a recognized hotel training institute
- (b) All staff shall wear smart and clean uniforms on duty
- © The Managerial, supervisory and front office staff shall be fluent in English and in one other foreign language and should possess a diploma or certificate for their jobs from a recognized training institute

- (d) The Manager shall possess a diploma in hotel management from a recognized institute and have fluent knowledge of English and at least one other foreign language.
- (e) All room bearers, bar tenders, dining room bearers etc. coming into frequent contact with foreigners shall have working knowledge of English
- (f) A supervisor and three other employees shall be qualified in first-aid and firefighting skills
- (g) Booking (including electronic bookings) shall be honored on the terms quoted and all contractual obligations shall be met properly. Arrangements shall be available for electronic bookings of rooms on the hotel website, which shall be maintained to a high standard
- No 16. Laundry & Dry cleaning There shall be a modern laundering, dry cleaning and pressing units on the premises under the management of the hotel. Iron and iron board to be made available on request
- No 17. House keeping Housekeeping shall be of international standards. The premises, furniture and fixtures shall be spotlessly clean and tidy at all times.
- (a)
- (b) Housekeeping shall be under the supervision of professionally qualified, trained and experienced housekeeper assisted by a sufficient number of supervisory staff and house maids, all trained at recognized training institute
- (c) House maids shall be available on call 8:00 am to 10:00 pm
- No 18. Fire fighting
- Adequate precautions against fire together with fire escapes, alarms and modern Firefighting equipment shall be available on the premises. Precautionary arrangements and modern equipment to prevent and deal with electricity and gas accidents shall also be provided. Staff should be trained in firefighting drill
- No 19. Management The hotel shall be under the supervision of a manager trained at an internationally recognized institute, and sufficient experience in hotel management.
- (a)
- (b) The manager shall be fluent in English and shall know one of the following languages:-
- i. French
 - ii. German
 - iii. Arabic
- No 20. Facilities There shall be a sufficient parking space for at least 50 cars

- (a)
- (b) A book and newspapers stall, a chemist shop, a stall for cosmetics and items of daily use including postal stamps and tourist picture, post cards, a bank facilities for travel booking and information, a souvenirs stall, barber shops for men and women, a beauty parlor, a tobacconist shall be provided on the premises.
- (c) There shall be a shopping arcade within the premises of the hotel
- (d) These shall be separate, well equipped and properly manned cloak room for ladies and gentlemen
- (e) These shall be a telephone for external and internal calls in each bedroom
- (f) There shall be a well-equipped and decorated banquet-cum-conference hall separate from the dining room and proportionate in capacity to the size of the hotel
- (g) A taxi or tourist car service shall operate within the hotel premises under the auspices of the hotel management. All vehicles shall operate on meters at rates to be fixed and notified by the Regional Transport Authority.
- (h) There shall be foreign exchange counter within the hotel premises
- (i) There shall be valet and shoe shine service
- (j) There shall be separate dining room for the staff
- (k) There shall be staff changing / rest room with lockers and necessary furniture
- (l) T.V sets shall be installed in the lobby of the hotel
- (m) There shall be a swimming pool within the hotel premises. The pool shall be subject to chemical treatment. A filtration plant shall serve the pool.
- Wake-up call service on request
 - Message for guests to be recorded and delivered
 - Security arrangements for all hotel entrances. CCTV cameras are installed at strategic locations. Under belly scanners to screen vehicles at the main entrance in mandatory.
 - Fire exit signs on guest floors with emergency backup lights.
 - Fire and emergency notices displayed in room behind the door.

Form-E**MINIMUM PRESCRIBED CRITERIA FOR CLASSIFICATION OF FIVE STAR HOTEL**

- No 1.(1) Location and Building
- The locality and environment including the approach shall be suitable for a hotel of international standards.
- (a)
- (b) The façade, architectural features, construction and finish of the building shall conform to high international standards.
- (c) The building shall be designed by a qualified and renowned architect.
- (d) The maintenance of the exterior and interior of the building, grounds, gardens, its furniture, fixture curtains, bedrooms, toilets, kitchens, public areas, etc., shall be of the highest standards
- (e) There shall be separate and independent entrances to the hotel and restaurant with separate service entrances for deliveries etc.
- (f) The building shall be centrally air conditioned and the bed room, dining room, conference and banquet halls, lobbies and lounge etc. shall be sound proof.
- (g) There shall be at least one lift for every 100 rooms or major part thereof, in addition to service lift of which there shall be at least one
- (h) A lawn and a roof garden shall be maintained.
- No 2. Capacity
- The hotels shall have at least sixty bedrooms
- No 3. Bedrooms (a)
- At least 20 of the bedrooms shall be singles and five percent suits.
- (b) Each bedroom shall have separate and independent access from a corridor, verandah or gallery and be separate from other bedrooms by walls. All bed rooms shall be out of the view of the public areas
- (c) Each bedroom shall be properly ventilated, lighted, clean and shall have one or more windows with glass panes measuring at least one fourth of the floor space and provided with curtains of high quality.
- (d) Each bedroom shall have reasonable free space and superior quality finishing with:
- (1) 6-1/2-ft x 3-ft single or 6-1/2.ft x 4-1/2-ft. double beds of high quality with double foam rubber mattresses.

- (2) Two pillows and a blanket for each guest with bed sheets and pillow covers in addition to two extra pillow and a blanket
- (3) a dressing-cum-writing table with a large mirror, and a chair, a wardrobe or wall cupboard with space for the storage of luggage, containing coat and dress hangers, a luggage stand, coffee table, a three piece of sofa set, a side table, a waste paper basket, two ash trays, a vacuum flask for drinking water, and two high hygienically cleaned glasses for each guest, and a free supply of good quality stationery bearing the name and address of the hotel; and
- 4 an intercom and removable "do not disturb" indicator fixed outside the door
- (e) There shall be an automatic locking system on the door of each bed room opening into the corridor with a double locking device from within. All lock shall operate on a master key system. Each bedroom door fitted with peephole and internal security device.
- (f) Each bed room shall be separately numbered.
- (g) The minimum floor area of each bed shall be -
- I 160 sqft for a single bed;
- li 220 sqft for a double bed; and
- lii An additional 80 sqft for each bed over and above two beds in a room; and
- lv The room width and ceiling height shall not be 10 ft;
- (h) All bedrooms shall have attached bathrooms
- (i) Every bed room shall have wall to wall floor covering of superior quality.
- (j) There shall be temperature control device in each bed room.
- (k) Every bed room shall have a T.V set, a radio and system of playing piped music for guest there shall be separate channel for oriental and western music and a channel for relaying live music from the premises of the hotel itself such as from the night club, coffee shop etc.
- (l) Suits shall be well furnished and decorated. A bar counter kitchenette and refrigerator shall be provided in each suit.
- (m) There shall be a table lamp for every bed.
- (n) The rules of establishment, instructions on how to act in case of fire and all pertinent local and hotel information including that on room service and the meal hours shall be kept in each bed room
- (o) A bouquet of fresh flowers shall be supplied in each bed room daily.

- (p) A fruit basket should be supplied in each bed room daily.
- (q) Qibla director sign should be displayed and praying mat should be provided in each room
- Wi-Fi Internet connection facility should be provided in each room
 - A minim bar refrigerator stocked with soft drinks and juices should be provided in each room
 - There shall be a room safe in the wall cupboard of each room
- No 4. Bathrooms Each bathroom shall have minimum floor area of 40 sq ft. All water closets shall be of western type.
- (a)
- (b) Each bathroom shall be extremely modern in design, and equipped with modern fittings of superior quality with the walls and floors covered with impervious materials of attractive designs and workmanship.
- (c) Each bathroom shall have:
- (i) An electric two points plug socket for a shaver;
- (ii) A wash basin with a mirror over it at a face height, and a light over the mirror.
- (iii) hooks or hangers for cloths, an ash tray, towel rails, sanitized toilet bowls, a bidet, a receptacle for soap and used blades, a sanitary litterbin with cover and a bath mat
- (iv) An adequate supply of liquid soap, an air freshener, toilet paper and shampoo, a fresh cake of soap to be provided every morning
- (v) A pair of bath, face and hand towel for each guest
- (vi) A long bath tub enclosed with water proof curtains, a flexible shower and two sanitized shower caps.
- (vii) Running chemically sterilized hot and cold water round the clock
- (viii) A non-skid device in the bath tub
- Hairdryers are provided in each bathroom
 - Drinking water with minimum one sanitized glass per guest
 - Intercom phone set should be installed in each bathroom
- (d) Separate male and female toilets should be provided in the public areas. Full length mirror, hand dryer with liquid soap dispenser
- Separate staff rest room for male and female employees with same facilities as mentioned above.
- No 5. Lights All public areas including the restaurants, dining room, bathrooms, and corridors shall be well lighted and ventilated. There shall be a controlled
- (a)

lighting system in all public areas. Uses of energy saving light bulbs are mandatory.

(b) There shall be proper lighting arrangements and fixtures in all rooms with a light switch and point near the room entrance, a light control next to the bed, a call bell and electric socket for plugs.

(c) There shall be alternative arrangements for lighting in case of failure of the electric power supply.

(d) There shall be an automatic stand-by generator for electricity.

No 6. Linen Clean linen of superior quality, together with pillows, bedding, blankets and bed cover shall be supplied to each new guest and other wise change daily.

No 7. Lounge / Lobby There shall be -

(a) a well-equipped and furnished lounge or lobby with space proportionate to the number of the bed rooms;

(b) Wall to wall floor covering of a superior quality;

(c) A public call telephone booth for visitors;

(d) Comfortable seating arrangements; and

(e) Adequate provision of ash trays and waste disposal facilities.

No 8. Reception Counter There shall be –

(a) A reception and information counter with a telephone for external calls and manned round the clock.

(b) A concierge porter service round the clock;

(c) A page service or public address system;

(d) An information service providing general tourist information on local events, attractions, transport, rent a car and taxi service and current and advance reservations;

(e) A wake up call service;

(f) Numbered room keys;

(g) Professionally trained staff fluent in English at least one member shall having a working knowledge of another foreign language;

(h) Facilities for acceptance of Fax, , postal letters and supply of postage stamps; and

- (i) Lockers for luggage and safe deposit facilities.
- (j) NIL
- No 9. Conference and Banquet Hall There shall be well-furnished and fully equipped halls for holding conferences and banquets
- No 10. Restaurants and Dining Room There shall be at least two restaurants, a dining room and round the clock coffee shop. The dining room and the coffee shop shall be spacious in proportion to the capacity of the hotel.
- (a)
- (b) The restaurant, dining room and coffee shop shall be well designed, well equipped and maintained at a high standard. They shall have –
- I Furnishing and décor of superior quality reflecting the local culture, history and traditions;
- li The floor of the restaurants, dining room and coffee shop be shall be fully carpeted.
- lii Cuisine of high quality with Pakistani, Chinese and continental dishes with prompt, courteous and efficient service
- Iv Attractive menu cards indicating the prices of dishes and full meals; and
- V Music at meal hours; and
- Vi A kitchen separate from the dining area
- Vii
- No 11. Kitchen and Pantry There shall be a clean and well equipped pantry attached to the kitchen.
- (a)
- (b) The kitchen and pantry shall be completely modern, professionally designed and equipped to ensure efficient operation, with arrangements for proper ventilation and efficient removal of hot air and odors
- (c) The kitchen floor shall be of impervious material conducive to easy and quick cleaning
- (d) There shall be free of all insects and pests
- (e) The kitchen table tops and shelves shall be of stainless steel or impervious material kept in hygienic, clean and good condition.

- (f) Utensils kept and use shall be of high quality, hygienically cleaned and in very good condition
- (g) There shall be a dish washing machine for washing crockery and cutlery and separate sink with running hot and cold water for washing utensils
- (h) There shall be cold storage and deep freeze facilities for perishable food and eatables
- (i) There shall be sufficient waste bins with covers or waste disposal units. Kitchen waste should be segregated into dry and wet waste and disposed off accordingly.
- (j) There shall be separate areas for the preparation of meat, fish, vegetable, salads, sweets etc.
- (k) There shall be efficient kitchen staff with at least one executive chef trained at recognized hotel training institute or catering institute
- (l) All kitchen staff shall be medically tested and not found to be suffering from any communicable diseases. Six monthly medical checkup of kitchen staff is also mandatory.

- Head covering for food production staff is mandatory
- Kitchen waste should be segregated wet and dry and disposed off accordingly

No 12 Crockery

All utensils, crockery, cutlery, glass and table wear shall be of the best available quality, hygienically treated and sterilized. No piece in use shall be chipped, cracked or grazed. Cutlery and silverware shall be properly plated and polished

No 13. Drinking water

The hotel shall provide boiled and filtered drinking water in covered flasks with a clean glass for each guest in each bedroom and in the restaurant and dining room. There shall be a chemical filtration plant for the treatment of water used in the hotel.

No 14. Bar

There shall be a well-equipped and well stocked bar with a counter of high quality, necessary furnishings, controlled lighting arrangements, adequate refrigeration facilities, all type of glass ware, necessary drinks and beverages, cigarettes, cigars, snacks and ice cube making machine.

No 15. Staff and service

All staff members shall be professionally trained, experienced, courteous and efficient.

(a)

- (b) All staff shall wear smart and clean uniforms on duty
- (c) The Managerial, supervisory and front office staff shall be fluent in English and in one other foreign language and should possess a diploma or certificate for their jobs from a recognized institute
- (d) The Manager shall possess a bachelor's degree in hotel management from a recognized institute and have fluent knowledge of English and at least one other foreign language.
- (e) All room bearers, bar tenders, dining room bearers etc. coming into frequent contact with foreigners shall have working knowledge of English
- (f) A supervisor and five other employees shall be trained in first-aid and firefighting skills
- (g) Bookings (including electronic bookings) shall be honored on the terms quoted and all contractual obligations shall be met promptly. Arrangements shall be available for electronic bookings of rooms on the hotel website, which shall be maintained to a high standard
- No 16. Laundry & Dry cleaning There shall be a modern laundering, dry cleaning and pressing units on the premises under the management of the hotel.
- No 17. House keeping Housekeeping shall be of internationally recognized standards. The premises, furniture and fixtures shall be kept spotlessly clean and tidy at all times.
- (a)
- (b) Housekeeping shall be under the supervision of an experienced housekeeper holding an executive rank and trained at an internationally recognized institute who shall be issued by a sufficient number of supervisory staff and stewardesses trained at a recognized institute
- (c) Housekeeping staff shall be available on call round the clock
- No 18. Fire fighting Adequate precautions against fire, together with fire escapes, alarms and modern fire-fighting equipment shall be available on the premises. Precautionary arrangements and modern equipment to prevent and deal with electricity and gas accidents shall also be provided.
- No 19. Management The hotel shall be under the supervision of a manager holding a degree or diploma in hotel management from an internationally recognized institute, and with sufficient experience in hotel management.
- (a)
- (b) The manager shall be fluent in English and shall know one of the following languages:-
- i. French
 - ii. German
 - iii. Arabic

No 20. Telephone There shall be telephones for external communication with a PBX functioning round the clock

(a)

(b) There shall be room telephones to provide contact with various service departments in the hotel

No 21. Facilities There shall be a sufficient parking space for at least 100 cars

(a) A fully equipped Business Center, (facilities such as computers with internet access, fax, photocopier, scanner, etc. are available for guest use on payment.

(b) Doctor on call.

(c) A shopping arcade within the premises of the hotel (bookshop, bakery shop, souvenir shop, chemist shop, Barber's shop/beauty salon, travel agent, general provision store, bank facility etc.)

(d) Separate, well equipped and properly manned cloak room for ladies and gentlemen with toilet facilities

(e) Two well-equipped and decorated banquet-cum-conference hall separate from the dining room and proportionate in capacity to the size of the hotel

(f)

(g) A taxi or tourist rent a car service shall operate within the hotel premises under the auspices of the hotel management. All vehicles shall operate on meters at rates to be fixed and notified by the Regional Transport Authority.

(h) A foreign exchange counter within the hotel premises

(i) A valet and shoe shine service

(j) A separate dining room for the staff

(k) A staff changing / rest room with lockers and necessary furniture

(l) T.V sets shall be in the lobby of the hotel.

(m) A chemically treated swimming pool within the hotel premises with a filtration plant to serve the pool

(n) Facilities for travel information, booking and conducted tours for guest

(o) A head waiter or hostess in attendance in the dining rooms at breakfast and during meal hours

(p) There shall be a daily supply of newspapers to guests in bed rooms; and

(q) A liveried doorman on duty at the entrance to the hotel

- Facilities of indoor/ outdoor games and Gym
- Ramps with anti-slip floors at the entrance and all public areas. Minimum door width should be one meter to allow wheel chair access.

22 Security The hotel shall maintain trained security to ensure security on its premises

- Security arrangements for all hotel entrances. CCTV cameras are installed at strategic locations. Under belly scanners to screen vehicles at the main entrance in mandatory.
- X-Ray Machine for scanning of baggage
- Walkthrough gate (metal/explosive detector)
- Fire exit signs on guest floors with emergency backup lights.
- Fire and emergency notices displayed in room behind the door.

FORM 'F'

[See rule 7]

APPLICATION FOR REGISTRATION OF A HOTEL

1. Name of the hotel.
2. (a) Year of establishment;
- (b) Date of commission;
3. (i) Address;
- (ii) Telegraphic address;
- (iii) Telex number;
- (iv) Telephone numbers, if any.
3. Location :
 - (i) Province.
 - (ii) Town.
 - (iii) Street.
4. Nature of ownership (Please state whether sole proprietorship, firms, cooperative, limited company, etc.).
5. Name of owner with parentage.
6. (i) full address of owner;
- (ii) Telegraphic address of owner; and
- (iv) Telephone number, if any.
7. Name of manager with parentage.
 - (i) Address;
 - (ii) Telephone number, if any.
8. Land:
 - (i) Area of hotel;
 - (ii) Covered area;
 - (iii) Whether held proprietorship or on lease or mortgage.
9. Costs:
 - (i) Cost of land;
 - (ii) Cost of building;
 - (iii) Cost of furniture and fixtures;
 - (iv) Cost of equipment;
 - (v) Annual lease or mortgage money, if any;
 - (vi) Working capital; and
 - (vii) Total investment
10. Building:
 - (i) Number of floors;
 - (ii) Number of rooms on each floor;

<u>Nature of rooms</u>	<u>With attached bath</u>	<u>Without attached bath</u>
Single bed		

Double bed

Suites

Total

- (iii) Public rooms:
 - (a) Please give details e.g. visitor’s room, reception hall, cloak room, reading room, restaurant, etc., with the area of each room;
 - (b) Common bath rooms (indicate floor numbers);
 - (c) Common toilets (indicate floor and numbers); and
- (iv) Number of staircases and lifts;
- (v) Car park (lease indicate capacity);
- (vi) Area of compound and gardens, if any; and
- (vii) Date of completion of construction; please also mention last date of renovation, if any.

N. B. Please attach a plan of the building.

12. Furniture and fixtures including floor covering, if any, provided in-

- (i) a bedroom;
- (ii) common rooms;
- (iv) Corridors, galleries etc.,;
- (v) Bathrooms attached with bedrooms; and
- (vi) Common bathrooms and toilets.

13. Facilities available on the hotel premises (please give details e.g. telephones whether provided in the rooms or on each floor and lobby, banking counter, reception, postal counter, running hot and cold water, heating or air-conditioning, restaurant, coffee shop, bar, cold storage, locks, entertainment, etc.

14. Types of cuisine served, whether a restaurant is attached with the hotel.

15. Class of majority of guests (please indicate whether monthly foreigners or Pakistanis and also mention the peak season of business).

16. Employees:-

Category	Total number	Professionally trained	Not professionally trained but
experienced	Apprentices	English knowing	

Manager...

Front office staff...

Information/Reception desk staff...

Billing desk staff...

Stewards...

Housekeeping staff...

Cooks...

Room bearers...

Restaurant bearers...

Others...

17. Classification desired.

18. Rates charged (please give full details of room rents, services charges, taxes and rates for breakfast, meals etc.) –

- (i) immediately before 2013, and;
- (ii) present (with date from which prescribed).

Place..... Signature of
 applicant.....

Date..... Designation of
 applicant.....

FORM 'G'

[See rule 7]

APPLICATION FOR REGISTRATION OF A RESTAURANT

1. Name of the restaurant.
2. (i) Year of establishment;
(i) Exact date of commission.
3. (i) Address.
(ii) Telegraphic address.

(iii) Telex number;

(iv) Telephone numbers, if any.
4. Location :
(v) Province.
(vi) Town.
(vii) Street.
5. Nature of ownership (Please state whether sole proprietorship, firms, cooperative, limited company, etc.).
6. Name of owner with parentage.
7. (i) full address of owner;
(ii) Telegraphic address of owner; and
(viii) Telephone number, if any.
8. Name of manager with parentage.
(iii) Address;
(iv) Telephone number, if any.
9. Size:
(vii) Total Area;
(viii) Area of the kitchen;
(ix) Area of the pantry; and
(x) Area and seating capacity of the dining hall.
10. Costs:
(viii) Cost of furniture and fixtures;
(ix) Cost of equipment;
(x) Annual rent;
(xi) Working capital; and
(xii) Total investment
11. Furniture and fixtures (please give details separately for the dining hall and the kitchen).
12. Facilities available on the premises:

(i) reception/bill counter;

(ii) telephone;

- (iii) air-conditioning or cooling and heating according to local conditions and weather;
- (iv) cloak room;
- (v) toilet;
- (vi) car park (please indicate capacity); and
- (vii) entertainment.

13. Types of cuisine offered.

14. Class of majority of guests (please indicate whether monthly foreigners or Pakistanis

15. Employees:-

Category	Total number	Professionally trained	Not professionally trained but experienced
	Apprentices	English knowing	
Manager...			
Reception...			
Billing ...			
Cooks...			
Bearers...			
Others...			

16. Rates charged:

- (i) immediately before 2013;
- (ii) present (with date from which prescribed).

Place..... Signature of
 applicant.....

Date..... Name of the
 applicant.....

Designation of
 applicant.....

FORM 'I'

{See rule 7*{***}}

CERTIFICATE OF MEDICAL FITNESS FOR EACH MEMBER OF THE STAFF OF A
HOTEL AND RESTAURANT

[* * * *]

Dated

MEDICAL FITNESS CERTIFICATE

I hereby certify that I have fully examined Mr./ Mrs./Miss

.....
.....

(Name of person)

An employee/apprentice or candidate for employment in

..... hotel/restaurant as
..... and am satisfied that he/she
has

(category)

Not disease contagious or otherwise, constitutional weakness or infirmity of mind or
body expect

I do not consider this a disqualification for the job performed by him/her

*In form "I", the brackets and letter "(b)" and the words "Civil Hospital"
omitted by the S.R.O. 824 (1)/80, dt.3rd August, 1980, the Gaz. Of Pak., Extr., Pt. II,
P.N., 1535, dt. August 4, 1980.

He/she is not suffering from any communicable disease.

Signature of [Medical Practitioner

Registration No

Name

Official seal

Signature of Person examined.

FORM 'K'

[See rule 8(3)]

HOTEL REGISTRATION CERTIFICATE

Registration No

..... owned

(Name of hotel with address)

by

..... has been

(Name of owner with address)

Registered this day as a

.....

(date, month and year) (hotel with classification)

Star Hotel under the Pakistan Hotels and Restaurants Act, 2013.

Seal of office

Place Controller,

Date Department of Tourist Services.

FORM 'L'

[See rule 8(3)]

RESTAURANT REGISTRATION CERTIFICATE

Registration No

..... owned

(Name of restaurant with address)

by

..... has been

(Name of owner with address)

Registered this day as a

.....

(date, month and year)

(Restaurant)

under the Pakistan Hotels and Restaurants Act, 2013.

Seal of office

Place Controller,

Date Department of Tourist Services.

FORM 'M'

[See rule 8(3)]

LICENSE FOR HOTEL

License No

..... owned

(Name and address of hotel)

by

..... is hereby

(Name of owner)

Licensed under the Hotels and Restaurants Amendment Act, 2013 to operate as
..... for
tourists for the Year

(hotel with classification)

Seal of Office

Place Controller,

Date Department of Tourist Services.

Renewed for the year Controller,

Seal of Office Department of Tourist Services.

Place

Date

FORM 'N'

[See rule 8(3)]

LICENSE FOR RESTAURANT

License No

..... owned

(Name and address of restaurant)

by

..... is hereby

(Name of owner)

Licensed under the Hotels and Restaurants Amendment Act, 2013 to operate as
..... for
tourists for the Year

(restaurant)

Seal of Office

Place Controller,
Date Department of Tourist Services.

Renewed for the year

Seal of Office Controller,
Place Department of Tourist Services.

Date

Schedule-II

(See rule 6(b))

STANDARD OF QUALITY, HEALTH, HYGIENE AND COMFORT FOR THE REGISTRATION OF A RESTAURANT

1. The restaurant shall be suitably located in good and clean environment
2. It shall have seating capacity for at least ten persons at a time at a minimum of three tables.
3. A wash basin with soap (including liquid and Bar) and clean towel and a toilet for customers in clean and working condition with modern sanitary fittings shall be provided at all times
4. Kitchen shall be separate from the dining room.
5. Heating and cooling arrangements shall be available according to local conditions and the weather
6. Serving staff shall wear clean uniforms while on duty.
7. The manager shall be professionally trained and have a working knowledge of English language
8. There shall be good quality crockery, cutlery, glassware, tableware and linen in the restaurant
9. Kitchen shall be properly equipped, hygienically clean and well maintained with clean cooking utensils.
10. The restaurant shall be anti-fly and anti-mosquito proofed
11. All kitchen staff shall be medically tested and not found to be suffering from any communicable diseases

Schedule-III

[See rule 8(2)]- Registration Fee]

For Hotels:

Class of hotel	Rate per bed	Minimum
One star hotel	Rs 1000/-	Rs 2000/-
Two star hotel	Rs 2000/-	Rs 8000/-
Three star hotel	Rs 3000/-	Rs 18,000/-
Four star hotel	Rs 4000/-	Rs 40,000/-
Five star hotel	Rs 5000/-	Rs 60,000/-

For Restaurants

Place	Seating capacity of not more than 50		Seating capacity of more than 50	
	AC	Without AC	AC	Without AC
Peshawar, Swat	2000	1000	2500	1500
Other places	1000	500	2000	1000

Schedule-IV

[See rule 8(2)] License Fee]

For Hotels:

Class of hotel	Rate per bed	Minimum
One star hotel	Rs 50/-	Rs 1000/-
Two star hotel	Rs 100/-	Rs 4000/-
Three star hotel	Rs 150/-	Rs 9,000/-
Four star hotel	Rs 200/-	Rs 20,000/-
Five star hotel	Rs 250/-	Rs 30,000/-

For Restaurants

Place	Seating capacity of not more than 50		Seating capacity of more than 50	
	AC	Without AC	AC	Without AC
Peshawar, Swat	2500	1300	5000	2500
Other places	1300	800	2500	1300

Schedule V
[See Rule 9]

S.No	Registration No.	Name of hotel and address	Name of owner and address	Classification and any subsequent change in classification with dates	Date of registration	Date of cancellation	Date and period of suspension	Date of restoration of registration
1	2	3	4	5	6	7	8	9

Schedule VI
[See Rule 9]

S.No	Registration No.	Name of restaurant and address	Name of owner and address	Date of registration	Date of cancellation	Date and period of suspension	Date of restoration of registration
1	2	3	4	5	6	7	8

Schedule VII
[See Rule 9]

S.No	License No.	Name of hotel and address	Name of owner and address	Classification and registration number with any subsequent change in classification	Date of issue of license	Period of validity	Date of cancellation	Date of suspension	Date of renewal of license
1	2	3	4	5	6	7	8	9	10

Schedule VIII

[See Rule 9]

S.No	License No.	Name of restaurant and address	Name of owner and address	Registration No.	Date of issue of license	Period of validity	Date of cancellation	Date of suspension	Date of renewal of license
1	2	3	4	5	6	7	8	9	10

Annex-3(b): KHYBER PAKHTUNKHWA TOURIST GUIDES AMENDMENT RULES, 2013

In exercise of the powers conferred by section 12 the Khyber Pakhtunkhwa Tourist Guides Amendment Act 2013; the Government is pleased to make the following rules, namely:

1. Short title and Commencement

- (1) These rules may be called the Khyber Pakhtunkhwa Tourist Guides Amendment Rules 2013.
- (2) They shall come into force at once

2. Definitions

- (a) "Act" means the Khyber Pakhtunkhwa Tourist Guides Amendment Act, 2013
- (b) "Chairman" means Chairman of the committee"
- (c) 'Committee' means the Tourist Guides Regulatory Committee
- (d) 'Licensed" means a person licensed to operate as tourist guide under the Act;
- (e) "Schedule" means schedule appended to these rules;
- (f) "Form" means form appended to these rules
- (g) 'Secretary' means an officer of the Tourism Department notified to perform the functions of the Secretary of the Committee
- (h) "Section" means section of the Act;
- (i) "Tourist guide" means a person who is licensed under the provisions of the Act
- (j) "Tourist" means a person who undertakes touring for the purposes of trekking, mountaineering, recreation, sports, business and includes religious pilgrimage; and
- (k) "Organization" means an organization which makes arrangement for lodging, transport or other services relating to travel of person or groups within Pakistan or arranges entertainment, sightseeing group tour, trekking and mountaineering, parties excursion and guide services through licensed guides whether the arrangements are made on the basis of comprehensive all-inclusive rates or on the basis of separate charges for each service provide
- (l) "Controller" means the Controller, Department of Tourist Services, and includes a Deputy Controller and an Assistant Controller and such other person as may be authorized by the Provincial Government by notification in the official Gazette to perform all or any of the function of the Controller;

3. Meeting of the committee

- (1) Meeting of the Committee shall be called by the Chairman as and when considered necessary at such time and place as he may deem fit: Provide that not less than one meeting shall be held in three months.
- (2) A written notice in respect of the time and place together with the agenda and the working papers of the meeting shall be sent by post by the Secretary of the Committee to all the members at least fifteen days before the date fixed for the meeting.
- (3) Five members including the Chairman shall constitute quorum.
- (4) The Secretary shall circulate Minutes of the meeting amongst all members as soon as they are confirmed by the Chairman

4. Method of Advice

The advice of the Committee shall be expressed in the form of a resolution passed in its meeting.

5. Grant of License

- (1) Any eligible person operating or intending to operate as a tourist guide shall apply to the Government in Form "I"
- (2) On receipt of an application under sub-rule (1), the Government shall consider the application and if considered necessary, satisfy itself as to the suitability of educational qualification and professional know-how of the applicant as prescribed in rule 14.
- (3) Subject to sub-section (2) of section 4, if the Government is satisfied that the applicant is an eligible person for the grant of a license, it may grant him a license in Form "II" on payment of the fee as specified in Form "III"
- (4) In case the application is not found fit for the grant of a license, the Government shall inform him accordingly, briefly stating the grounds.

6. Register for Entering Names etc. of License:

- (1) The Government shall maintain a register of tourist guides in paper and electronic formats in which name and addresses of all licensees shall be entered.
- (2) The electronic format shall be accessible from the website of the Khyber Pakhtunkhwa Tourism Department
- (3) The Register shall not contain the name of any tourist guide who has been removed or suspended from the register.

7. Renewal of a license and fee there of

- (1) The license may be renewed on payment within 15 days from the expiry of its date as specified in Form-III, provided that the application for renewal of a license is made within 30 days of the date of its expiry.
- (2) If the application for renewal of a license is made after 30 days of expiry and within three months it shall be renewed by the Government on payment of double fee as specified for renewal in Form III.
- (3) If the application for renewal of license is made after three months and within six months, it shall be renewed by the Government on payment of four times of the renewal fee. In case of failure to apply for renewal within six months after its expiry the license shall be treated as cancelled.

8. License not Transferable: The license granted to a Tourist Guide shall not be transferable.**9. Display of License:** The Licensee shall display the license granted to him in his office premises in case he has established an office. While on duty or soliciting clients he shall keep a certified copy of the licenses on his person.**10. Fixation of Service Charges**

- (1) Every licensee shall submit to the Government, details of service charges he proposes to charge from tourists.
- (2) The Government may approve the rates with such modification keeping in view the general conditions in the country and the charges made by other licensees for the same services.
- (3) No licensee shall make any alternation in the service charges approved by the Government without its prior approval.
- (4) No licensee shall charge more than the approved rate from any tourist.
- (5) The Government may generally fix charges for services to be charged by tourist guides who do not submit proposals under sub rule 1

11. Discontinuation of Business: In the case of discontinuance of the business or reorganization by a tourist guide, the Government shall be informed by the licensee within thirty days of such discontinuance or re-organization and on receipt of the

information the Government may either cancel the license granted to the licensee or in the case of re-organization grant a new license to the transferred to tourist guide.

12. Appellate Authority

- (1) A licensee aggrieved by the decision or order of an officer or authority other than the Government under sub section(1) of section 6 of the Act may prefer an appeal to the Government within thirty days of the date of the decision or order appealed against.
- (2) An appeal shall state the relevant facts of the case and the grounds thereof with a specified prayer in the matter and the supporting documentary evidence, of any and shall also be accompanied by the original order in question or a certified copy thereof.
- (3) The appellate authority shall call a report thereon from the officer or authority, which passed the order appealed against as well as the complete records of the case.
- (4) No application under clause (b) of sub section (2) of section 6 shall be entertained after the expiry of thirty days from the date of order.

13. Prohibition to Act as a Tourist Guide

- (1) No person shall hold himself out or act as a tourist guide unless he holds a valid license
- (2) No Travel Agency shall employ tourist guide who does not hold a license.

14. Condition of License

The following shall be the conditions of the license namely:

- a. The licensee shall have a minimum educational qualification B.A. preferably with history geography as one of the subject
- b. The licensee shall be a person of good character and shall have no convictions involving moral turpitude against him.
- c. The license shall not be transferable
- d. The licenses shall have at least one year's practical experience and professional knowledge as a tourist guide.
- e. The licensee shall hold a diploma in tour guiding skills, adventure skills, tour management skills, mountaineering or marine, etc. from the Tourism and Hotel Training Institute of Pakistan or any other recognized Institute of Tourism
- f. The licensee shall be a citizen of Pakistan or a person registered under any law for the time being in force to carry out any business in Pakistan
- g. The licensee shall get his service e charges approved by the Government and no change in such charges shall be made without prior approval of the Government.
- h. Where the licensee does not propose any service charges to the Government he shall only charge such fees for his services as the Government may have generally approved for that service.
- i. The licensee shall ensure that information supplied by him in whatever form is comprehensive and accurate.
- j. The service charges duly approved by the Government in his case or generally shall be prominently displayed by the licensee in his office premises and brought to the notice of tourists and other clients concerned before entering into contract with him.
- k. The licensee shall furnish information in respect of this business that may be sought by the Government.
- l. The Government or an officer duly authorized by the Government shall have free access and right of inspection to the activities and premises of the licensee and his records and

- m. The licensee shall quote the number of his license prominently in all his correspondence and commercial publication
- n. The licensee shall wear a badge duly approved by the Government while on duty.

15. Code of Conduct

- (1) The licensee shall adhere to ethical practices and shall refrain from objectionable activities such as harassing tourists, overcharging and misleading tourist clients or principals and failing to fulfill his commitments
- (2) The following shall be regarded unethical practices namely:
 - a. Misleading public, any client or tourist.
 - b. Damaging the reputation of client or tourist.
 - c. Harassing tourists in any manner
 - d. Causing environmental damage
 - e. Claiming to provide a better service than in fact he does;
 - f. Unjustly delaying the discharge of debits accruing from his business transaction;
 - g. Failing to afford necessary facilities to the Government or access to office premises and records’;
 - h. Failing to maintain a high standard of reputation or doing anything which is against the prestige or security of Pakistan
 - i. Failing to have good relation with the public, tourists and clients;
- (3) A licensee in relation to the general public tourist and clients.
 - a. shall not do anything damaging the interest of tourists and client
 - b. shall keep himself fully informed of all aspects of tourist sites and domestic and international travel services;
 - c. shall not make misleading and doubtful superlative statement in his dealings;
 - d. In the event of a dispute shall make every effort to settle the matter amicably at the earliest possible.
- (4) A licensee in relation to his employer , shall
 - a. follow the best traditions of his profession abiding by his contractual undertakings, and
 - b. settle all accounts without delay and within the agreed period
- (5) A licensee shall not violate the provisions of the Act or the Rules made there under or the terms and conditions of the license.

- 16. Complaints:** On receipt of a complaint from a tourist or a tourist guide the Government after making necessary investigation shall dispose of the same as promptly as possible and inform the complainant the result of the investigation.

17. Inspection

- (1) The Government or an officer authorized by it in this behalf may inspect during working hours the activities and/or business office premises of a licensee for the purposes of ensuring that the business is maintained in accordance with rules and terms and conditions of the license
- (2) The Government or an officer authorized by it may inspect the business or office premises of the licensee against whom a complaint has been lodged if it considers that such inspection is necessary for proper disposal of the complaint.
- (3) Inspection may include inspection of registers and record or the licensee, etc.
- (4) The person making the inspection shall carry an identity card or authority for the inspection.
- (5) A licensee shall afford all facilities required for such inspection.

Form-I
{See Rule 5(1)}
form of application for license

1. Name of the person

2. (a) Business address (if Registered, give registered address).
(b) Residential address

3. Year of establishment
 - a) Telephone number with number of lines.
 - b) Cell phone/fax /email address.
 - c) Telephone number (residential)
4. In what category(s) license is required
5. (a) Educational qualifications.
(b) Experience as tourist guide.
(c) Knowledge of foreign languages.
(d) Training, if any, from a recognized institute
6. Name of banker (Please attach reference from Bank
7. Name address of auditors/consultants, if any.
8. Number of staff category-wise employed or proposed to be employed with qualifications and experience.
9. Capital invested (Please indicate clearly the paid-up capital and enclosed certificate of appropriate authority in support of your statement
10. Whether any other activities are proposed to be under taken? If so, in what fields?

11. Please state if you or your partner, if anyone have been convicted of an offence, if so please give details.

DECLARATION

I/we hereby solemnly declare that all the particulars give above are correct

I/we hereby solemnly declare that if a license is granted to me/us, I/We will abide by the Khyber Pakhtunkhwa Travel Agencies amendment Act, 2013 and the Rules made their under the terms of the license granted tome/us, and the code of conduct.

Signature of applicant

Form-II

[See Rule 5(3)]

Insignia

Government of Khyber Pakhtunkhwa

Mr./Miss/Mrs. _____

Address: _____

is hereby granted a license to operate as a Tourist Guide under the Khyber Pakhtunkhwa Tourist Guides Amendment Act, 2013.

This license is valid for the year _____ and shall expire on _____ unless renewed in accordance with the said Act.

Given this _____ days of _____

(Month and year)

under my authority and signature.

(Conditions of license to be printed at the back)

Signature

Renewal for the year _____

- 1. _____ Signature
- 2. _____ Signature
- 3. _____ Signature
- 4. _____ Signature
- 5. _____ Signature
- 6. _____ Signature
- 7. _____ Signature
- 8. _____ Signature

FORM –III

{See rules 5(3) & rule 7

license & renewal fee:

- 1. License Fee _----- the fee payable for issue of license is Rs.5000/
- 2. Renewal fee:-----the fee payable for renewal of license is Rs.5000/- (annually)

Annex-3 (c): KHYBER PAKHTUNKHWATRAVEL AGENCIESAMENDMENTRULES2013

In exercise of the powers conferred by section 16 of the KhyberPakhtunkhwaTravel AgenciesAmendment Act, 2013, the Provincial Government is pleased to amend the following rules, namely :—

- 1. Short title and commencement.** — (1) These rules may be called the Khyber Pakhtunkhwa Travel Agencies Amendment Rules, 2013
(2) They shall come into force at once.
- 2. Definitions.** — In these rules, unless there is anything repugnant in the subject or context, —
 - (a) "Act" means theKhyber Pakhtunkhwa Travel AgenciesAmendmentAct,2013
 - (b) "Form" means form appended to these rules
 - (c) "Controller" means the Controller, Department of Tourist Services, and includes a Deputy Controller and an Assistant Controller and such other person as may be authorized by the Government by notification in the official Gazette to perform all or any of the function of the Controller;
 - (d) "licensee" means a person licensed to operate a travel agency under the Act ; and
 - (e) "section" means section of the Act.
- 3. Grant of license.** — (1) Any person operating or intending to organize and operate a travel agency shall apply to the Controller in form I together with a certificate from a bank certifying that *he* holds a **capital** of not less than four ten rupees.
(2) On receipt of an application under sub-rule (1), the Controller shall consider the application and, if considered necessary, satisfy himself as to the suitability of the office premises of the applicant in such manner as he may deem fit.
(3) Subject to sub-section (3) of section 4, *if* the Controller *is* satisfied that the applicant is an eligible person *for* the grant of a license, he may grant him a license in form II, on payment of the fee specified in form III.
(4) In case the applicant is not found eligible for the grant of a license, the Controller shall inform him accordingly, briefly stating the grounds.
- 4. Register for entering names, etc. of licensees–** — The Controller shall maintain a register in which names, addresses, nature, composition and the field of operation of all licensees shall be entered. The names and addresses of licensees and their area of operations shall be available to the public for information.
- 5. Renewal of a license and fee therefore.** — (1) The license may be renewed on payment, within fifteen days from the date of its expiry, of the fee specified in form III, provided that the application for renewal of a license is made before the date of its expiry.
(2) If the application for renewal of a license is made after the date of its expiry, it shall be '[renewed on payment of late fee of five thousand rupees].
- 6. Field of operation.** — A license may be granted to an applicant for one or more of the following fields of operation, namely —
 - (a) booking of passages and baggage by air, rail road or sea for citizens of Pakistan or tourists for any destination;
 - (b) organizing group tours for citizen of Pakistan to a foreign country or countries;
 - (c) organizing group tours of citizens of Pakistan or foreigners within Pakistan;

- (d) organizing or arranging sightseeing, providing of arranging sports including shooting (Shikar) entertainment or arranging trekking or mountain climbing for tourists within Pakistan; and
- (e) providing or arranging accommodation and transportation for tourists within Pakistan or outside Pakistan."

- 7. License not transferable.** — The license granted to a person shall not be transferable.
- 8. Cancellation, suspension or alteration of license.** — (1) The Controller may, after affording the licensee an opportunity of showing cause against the action proposed to be taken against him, by order in writing, cancel his license in any of the following cases, namely :—
- (a) If, in view of the Controller, a licensee violates, the provisions of the Act or the rules or the terms and conditions. of the license or the code of conduct and such violation is considered against the public interest, or the interests of the country or its international relations ;
 - (b) if the licensee fails under any of the categories mentioned in submission of, the Controller and does not resume it within six months from the date of such suspension Or within the time specified by the Controller
 - (c) if the licensee fails to deposit an amount into the business guarantee fund, if required under sub-section (1) or sub-section (4) or section 7
 - (d) if the licensee fails under any of the categories mentioned in sub-section (3) of section 4 ; or
 - (e) if the licensee becomes insolvent.
- (2) The Controller may, if in his opinion it is expedient, while issuing a show-cause notice to the licensee under sub-rule (1), suspend his license for a period not exceeding six months at a time and may extend it from time, to time until a final decision in the case is arrived at.
- 9. Display of license** The licensee shall prominently display the license granted to him in his office premises.
- 10. Fixation of service charges.** — (1) Every licensee shall submit to the Controller for the approval of the Committee details of service charges proposed to be charged by him from tourists.
- (2) The Committee may approve the rates with such modifications as it may consider necessary keeping in view the general conditions in the country and the charges made by other licenses for the same services.
- (3) No licensee shall make any alteration in the service charges approved by the Committee Without its prior approval.
- (4) No licensee shall charge more than the approved rates from any tourist.
- 11. Alteration fee.** — Every change in the nature or composition or field of operation of a travel agency shall be entered in the register maintained under section 4 on payment of the fee specified in form III.
- 12. Discontinuance of business, etc.** — In the case of discontinuance or transfer of business, dissolution, re-organization or winding up of a licensed travel agency, the Controller shall be informed by the licensee within thirty days of such discontinuance, transfer, dissolution, re-organization or winding up, and on receipt of the information, the Controller may either cancel the license granted to the licensee or, in the case of transfer of business or re-organization, grant a new license to the transferee travel agency or to the travel agency as reorganized.

- 13. Conditions of license.** — The following shall be the conditions of the license, namely
- (a) the license shall be in the name of a specific person, for a specific business, place or places
 - (b) the license shall not be transferable
 - (c) the licensee shall limit his field of operation to the activity or, activities for which the license is granted
 - (d) the licensee shall have at least one year's practical experience and professional know-how to run a travel Agency, or he shall employ a professionally qualified and experienced manager ;
 - (e) the licensee shall employ experienced and trained staff for travel and tour operation work
 - (g) the licensee shall be a citizen of Pakistan
 - (h) the licensee shall obtain prior permission of the Controller if he desires to change his field of operation or branches and shall get his license modified accordingly ;
 - (i) the licensee shall promptly and immediately inform the Controller of any change in the nature or composition of his firm obtain his permission and get his license endorsed accordingly or have a fresh license issued to run the business ;
 - (j) the licensee shall get his service charges approved by the Committee through the Controller and no change in such charges shall be made without the prior approval of the Committee ;
 - (j) the licensee shall not charge for his services except in accordance with the rates approved by the Committee
 - (k) the service charges duly approved by the Committee shall be prominently displayed by the licensee in his office premises and brought to the notice of the tourists and other clients concerned before entering into a contract with them
 - (l) the licensee shall have a properly planned office in a suitable locality with distinct and separate counters for booking passages, baggage or goods by sea, air, rail or road, group tours, sight-seeing and entertainment bookings with such other work facilities as may be desirable for the activities undertaken by him ;
 - (m) the licensee engaged in group tours and sight-seeing activities shall employ on a regular basis sufficient number of licensed tourist guides duly, trained at the Tourism and Hotel Training Institute of Pakistan
 - (n) the licensee shall furnish any information in respect of his business that may be sought by the Controller ;
 - (o) the Controller or an officer duly authorized by him shall have free access and right of inspection to the premises of the licensee and his records ;
 - (p) the licensee shall quote the number of his license prominently in all his correspondence and commercial publications ¹
 - (q) the licensee shall, within fifteen days of the grant of license, open a business guarantee fund under sub-rule (1) of rule 14 or furnish a bank guarantee ² r • * *1 under sub-rule (2) of that rule, [Provided that the bank guarantee fund shall be opened or, as the case may be, the bank guarantee may be furnished within a further period of thirty days on payment of late fee of five thousand rupees : and
 - (r) the licensee shall not carry out any business related to travel and tour operation work with any person or organization which does: not hold a valid license granted under the Act.]

14. Business' guarantee fund, — (1) A licensee Shall maintain in scheduled bank a bank guarantee or cash security with the department in terms of section 7 of the following

amounts namely

Field of Operation	/bank guarantee/cash security for main office (rupees)	bank guarantee or cash security branch (rupees)
(1)	(2)	(3)
a) Booking of passages and air rail, road or baggage by sea for citizens of Pakistan or tourists for any destination.	500,000	250,000
(b) Organizing group tours for citizen of Pakistan to a foreign country or Countries.	300,000	150,000
(c) Organizing group tours of citizens of Pakistan or Foreigners within Pakistan	150,000	75,000
(d) Organizing or arranging sightseeing, providing or arranging sports including shooting(Shikar), entertainment or arranging trekking or mountain climbing for tourists within Pakistan.	150,000	75,000
(e) Providing or arranging accommodation and transportation for tourists within Pakistan or outside Pakistan."	100,000	50,000

¹(2) A licensee may, if he so desires, furnish the bank guarantee in place of cash security, of the same amount in form IV 2[***].

(3) A licensee who has obtained the bank guarantee shall furnish the same to the Controller immediately original bank guarantee in form V.

(4) An amount shall be payable out of a bank guarantee or cash security maintained by a licensee except by the order of the Controller.

(5) A tourist, carrier, company, or hotel or lodging house, tourist having any monetary claim against the licensee, not settled by the later within thirty days from the date of its becoming due, may apply to the Controller, with full proof in support of his claim against the licensee for settlement thereof; and the Controller shall, after making such enquiry as he may deem fit and after being fully satisfied with the claim of the applicant, give a show cause notice of a fortnight to the licensee as to why the amount should not be paid out of his bank guarantee or cash security.

(6) On the expiry of the notice period, if the claim is not meanwhile settled by the licensee and if the Controller is still satisfied with the genuineness of the claim, he may order payment, out of the bank guarantee or cash security, of the amount of the claim due under intimation to the licensee and require him to deposit the said amount into the bank guarantee or cash security within a period of fifteen days of such payment.

15. Code of conduct. — (1) A licensee shall adhere to ethical commercial practices and shall refrain from objectionable activities such as overselling, undercutting, misleading tourists, clients or principles and failing to fulfill his commitments.

(2) The following shall be regarded unethical practices, namely:—

- (a) misleading the public or any client;
 - (b) damaging the reputation of another licensee or principal;
 - (c) claiming to provide a better service than in fact he does;
 - (d) unjustly delaying *the* discharge of debits accruing from his business transactions;
 - (e) failing to afford necessary facilities to the Controller or an officer authorized by him in this behalf to inspect the office premises and records
 - (f) failing to maintain a high standard of reputation or doing anything which is against the interests of Pakistan or which jeopardizes its prestige or security;
 - (g) failing to have good relations with the public, tourists and clients.
- (3) A licensee, in relation to the general public, tourists and his clients, shall —
- (a) not do anything damaging to the interest of the public, tourists and clients ;
 - (b) keep himself and his employees fully. Informed of all aspects of domestic and international travel services so as to give his clients truly professional travel advice and secure for them the best possible services
 - (c) make the general public, tourists and his clients aware of the services provided in an all-inclusive travel cost quotation ;
 - (d) not make misleading and doubtful superlative statements in his dealings, advertisements and brochures
 - (e) in the event of a dispute, make every effort to settle the matter amicably at the earliest possible
 - (f) employ only salaried sales representatives operating mainly outside his business premises and shall ensure that they are trained, experienced and fully informed in the business of travel trade ;
 - (g) ensure that information supplied by him in whatever form for all inclusive tours shall contain comprehensive and accurate information with regard to the firm or organization responsible for the means of transport, name of carrier, type and class thereof provided, destinations and 'itineraries, durations of tours and halts at each place, types and classes of accommodation, facilities of meals offered and any other special arrangements such as entertainment;
 - (h) if alterations have to be made in the information referred to in clause (g) • for which bookings have already been made by the tourists, inform them without delay-giving them an option to .accept the alteration or cancel the bookings, and shall promptly refund the amounts due to them, if any, provided that this shall not be binding when the alterations arise out of circumstances beyond the control of the licensee ;
 - (i) conduct business at advertised prices only except where price changes become necessary due to changes in currency exchange rates, fares and hotel rates.
- (4) A licensee, in relation to his principals, shall —
- (a) follow the best traditions of salesmanship, abiding by his contractual .undertakings with them and following all relevant rules;
 - (b) ensure that his employees have full knowledge of current tariffs and regulations of the principals;
 - (c) accept or release all offers of accommodation as quickly as possible and within the stipulated period; and
 - (d) settle all accounts without delay and within the agreed period.
- (5) A licensee shall not violate the provisions of the Act or the rules made there under or the terms and conditions of the license.

16. Complaints. — On receipt of a complaint from a tourist, the Committee shall forward it with its remarks, if any, to the Controller for disposal and the Controller, after making necessary

investigation, shall dispose of the same as promptly as possible and inform the complainant the result of the Investigation.

17. Inspection. — (1) The Controller or an officer authorized by him in this behalf may inspect during working hours the office premises of a licensee for the purposes of ensuring that the office is maintained in accordance with the rules and terms and conditions of the license.

(2) Any member of the Committee may inspect during working hours the office premises of a licensee against whom a complaint has been lodged if he considers that such inspection would play a vital part in the proper disposal of the complaint.

(3) Inspection of premises may include inspection of registers and records of the licensee.

(4) The person making the inspection shall carry an identity card or paper indicating his name, designation and authority for the inspection.

(5) A licensee shall afford all facilities to the Controller or an officer authorized by him or a member of the Committee to inspect his Premises and shall produce before him such records, documents, papers and statements, relating to his business as may be demanded by him.

18. Redemption of business guarantee fund. — (1) A licensee or, in the event of his death, his legal heirs may, after the expiry of three months from the date of winding up of his business or revocation or cancellation of his license apply to the controller to redeem his business guarantee fund ¹¹[the bank guarantee]¹² furnished under sub-rule (2) of rule 14) as the case may be.

(2) In the case of an application by the legal heirs of a deceased licensee, the application shall be accompanied by succession certificate.

*(3) On receipt of an application under sub-rule (1), if the Collector is of the opinion that the business guarantee fund or the bank guarantee furnished under sub-rule (2) of rule 14 has served the purpose, he shall inform the bank concerned which shall redeem his business guarantee fund or the bank guarantee, as the case may be.]

19. Appellate authority. — (1) A licensee aggrieved by the decision or order of an officer or authority other than the Controller under the Act or these rules may prefer an appeal to the Controller.

(2) A licensee aggrieved by the decision or order, not being a decision or order in appeal, of the Controller under the Act or these rules may appeal to the Government.

(3) An appeal under sub-section (1) of section 13 shall be preferred within thirty days of the date of the decision or order appealed against.

(4) An appeal shall state the relevant facts of the case and the grounds therefore with a specific prayer in the matter and the supporting documentary evidence, if any and shall also be accompanied by the original order in question or a certified copy thereof.

(5) The appellate authority shall call for a report thereon from the officer or authority that had passed the order appealed against as well as the complete records of the case and decides the appeal in the light of the facts of the case.

20. Review. — No application for review shall be entertained after the expiry of thirty days from the date of the order passed in appeal,

FORM I
[See rule 3 (1)]
Form of application for license

1. Name of the person/firm.
2. Business address (if registered, please give registered address), *if the principal place of business is outside Pakistan or the company is incorporated outside Pakistan, give %name and address of the duly authorized agent in Pakistan*
3. Nature of the firm whether proprietary, partnership, private company, public company, limited or unlimited.
4. Year of establishment (year of registration in case of partnership company. Please attach attested copy of registration certificate)
5. (a) Telephone number with number of lines,
6. Telegraphic/telex/cable address.
7. Details of branch offices, if any proposed,
8. Capital invested (please indicate clearly the paid-up capital and enclose certificate of appropriate authority in support of your statement).
9. Names and addresses of directors/partner and manager, indicating qualifications and experience of each in travel business (separately for those heading each branch office.)
10. Name/Names of banker (please attach reference from the bank).
11. Name of address of auditors, *if any*.
12. Number of staff category-wise proposed to be employed (separately for each branch office).
13. Nature of business (give details indicating clearly the field of operation proposed to be undertaken),
14. Whether any other activities are proposed to be undertaken, if so in what field?
15. Please indicate airline, rail, shipping agencies (including foreign agencies, negotiated or proposed to be acquired).
16. 14. Please give the following details
 (I) Assets, (II) Liabilities, clearly showing investments, tangible and intangible assets loan and other liabilities, reserve funds, cash and bank balance.
17. Do you hold a license to deal in foreign-exchange? If so, please give your license number and date (enclose attested copy of the license) with a statement of foreign exchange earned during the last three calendar years, duly certified by your bankers.
18. Please give details of your connections with foreign travel agents and tour operators (enclose copies of agreements, *if any*, entered into with them).
19. Please state if you or your manager or a partner or any of the directors of your company have ever been convicted of an offence. If so, please give details.
20. Please give a detailed plan of *your* office (including each branch office, if any) indicating the space, various counters, show windows, etc.

Declaration. — I/we hereby solemnly declare that all the particulars given above are correct.

I/we hereby solemnly declare that *if* a license is granted to me/us. I/we will abide by the Travel Agencies Act, 2013, and the rules made there under, the terms of *the* license granted to me/us, and the Code of Conduct,

Date : _____ Signature of applicant Place of application

Note. — This application should be accompanied by (1) the last three years audited account reports duly certified by the auditors of the applicant (for the existing agencies-only), (2) up-to-date income-tax clearance certificate from the appropriate authority.

FORM II

**[See rule 3 (3)]
Form of License**

Insignia of Pakistan
D. T. S.

Mr/Miss/Mrs/Messrs _____
_____ address

_____ is hereby granted a license to operate as a travel agency under the
Travel Agencies Act, 2013, for the following field/fields of operation:

- (i)
- (ii)
- (iii)
- (iv)

This License is also valid for the following branches, namely

- 1. (with the full address of each branch).
- 2.
- 3.

This License is valid for the year _____ and shall expire on-the 30th
June _____ unless renewed in accordance with the said Act and the rules made there
under from time to time.

day of _____ (date)(month and year) under my authority and signature.

(Conditions of license to be printed at the back) Signature of the
Controller Renewals.

(1) Renewals for the Signature of the
Year..... Controller

FORM - III
[See rules 3(3), 5, 11 &13(q)]

FEES**A. — Annual fee for grant and renewal of license.**

Field of Operation	License fee for main office (Rs.)	License fee for each branch office (Rs.)
(1)	(2)	(3)
(a) Booking of passages and baggage by air rail, road or sea for citizens of Pakistan or tourists for any destination.	10,000	5,000
(b) Organizing group tours for citizen of Pakistan to a foreign country or Countries.	10,000	5,000
(c) Organizing group tours of Citizens of Pakistan or foreigners within Pakistan.	10,000	5,000
(d) Organizing or arranging sightseeing, providing or arranging sports, including shooting (Shikar), entertainment or arranging trekking or mountain climbing for tourists within Pakistan.	8,000	4,000
(e) Providing or arranging Accommodation and transportation for tourists within Pakistan or outside Pakistan."	5,000	2,000

B Fee for alteration in license or issuance of duplicate [License]

- (I) For change in the nature or composition of a travel agency. Rs, 10,000.
- (II) For change in the number of branch offices. Rs. 2000 for each branch office,
- (III) For change in the field of operation. Rs.5000 In respect of main office.
Rs. 2000 in respect of each branch office,
- (IV) For the issuance of duplicate license, Rs, 10,000.
- (V) For shifting of office premises, Rs. 1000/- for Head Office
and
Rs.500/- for each branch office,

FORM IV
[See rule 14 (2)]

BANK GUARANTEE FORM

Know all men by these present that we,

.....
Bankers at in the district of hereinafter Place called the Guarantor, find ourselves to stand as guarantor to the (Controller) and -undertake to pay at any time to the order of the Controller any amount not exceeding Rupees on behalf of Mr/Miss/Mrs/Messers a licensed travel agency without prior reference or confirmation from the said licensee.

This guarantee shall be valid and shall remain in force and binding on the Guarantor [until it is redeemed by order of the Controller or an officer duly authorized by him in this behalf

Dated **Manager**
Place **(Bank)**
Official seal of the Bank

- 1. Witness**
- 2..Witness'**

N. B. — This guarantee shall be executed on stamp paper of the appropriate value prescribed under the Stamp Act, 1899.

FORM V
 [See Rule 14(3)]
FORM OF FURNISHING BANK GUARANTEE OR CASH SECURITY

(Apply the following in case of bank guarantee)

I/We,do hereby intimate that , I/WE has/have obtained open bank guarantee of Rs. in favor of Controller, vide Account No.the original bank guarantee is being furnished with the Controller.

Date
Place
Signature of the Licensee

(Apply the following in case of Cash Security)

I/We,.....do hereby intimate that ,I/we has/have deposited the amount of Rsas cash security to the controller 's account no.....vide Bank Challan No..... dated

Date
Place
Signature of the Licensee

USAID Firms Project
info@epfirms.com