



Ministry of Tourism & Leisure

A Guide

to the

Tourism Authority Act 2006

Application for a Tourist Enterprise Licence



DISCLAIMER

This guide to the Tourism Authority Act 2006 published by the Ministry of Tourism and Leisure is intended to give you an appreciation of the provisions of the new legislation as at the time of publication. The Ministry cannot be held responsible for the accuracy, completeness or otherwise of the contents of the guide.

Users are advised to refer to the Tourism Authority Act 2006 together with subsequent amendments, (if any) and/or consult their legal adviser for further clarification.

1. What is the Tourism Authority ?

The Tourism Authority is a body corporate which is managed by a Board. The Board consists of a Chairperson and representatives of relevant public and private sector organisations appointed by the Minister. A Director, appointed by the Board is responsible for the implementation of the policies and decisions of the Board.

2. What is the role of the Tourism Authority ?

The Tourism Authority Act 2006 has reviewed and reinforced the role of the Tourism Authority as a regulatory and licensing body. Its main functions are to :

1. license, regulate and monitor tourist enterprises;
2. register, license, regulate and monitor pleasure crafts;
3. license and monitor the activities of skippers;
4. issue canvasser permits and monitor the activities of canvassers;
5. establish standards, guidelines and codes of practice;
6. monitor compliance with established standards, guidelines and codes of practice.

3. Which licences are issued by the Tourism Authority ?

1. A Tourist Enterprise Licence (TEL) is issued in respect of tourist establishments or activities listed at Annex I.
2. A Pleasure Craft Licence (PCL) is issued in respect of any craft used for pleasure or sports for either private or commercial purposes.
3. A Skipper's Licence is issued to a person who operates a pleasure craft.
4. A Canvasser Permit is issued to a person who invites business for a tourist enterprise or a pleasure craft.

4 What are the powers of the Tourism Authority ?

1. The Tourism Authority issues, renews, suspends, varies or revokes licences and canvasser permits;
2. The Tourism Authority can investigate if an offence has been committed under the provisions of the Act;
3. The Tourism Authority can inspect your tourist enterprise and pleasure craft;
4. The Tourism Authority can suspend or cancel the registration of your pleasure craft;
5. The Tourism Authority can detain your pleasure craft, affix a seal to it or dispose of it;
6. The Tourism Authority can make a provisional closing order in respect of your tourist enterprise if it is of the opinion that it will be in the interest of the tourism industry to do so;
7. The Tourism Authority can revoke a closing order if it is satisfied that the grounds for revocation have been remedied or no longer exist;
8. The Tourism Authority can grant a provisional skipper's licence;
9. The Tourism Authority can take possession of any wreck in a navigational area;
10. The Tourism Authority can remove any pleasure craft or any equipment of a pleasure craft within the maritime zone of Mauritius or on the beach if it is an eyesore or considered to be a danger to navigation and to the public;
11. The Tourism Authority can direct you to withdraw any advertisement or promotion in respect of your tourist enterprise or your pleasure craft if it is of the opinion that it is misleading or confusing.

5. When must you apply for a Tourist Enterprise Licence ?

If you run any tourist establishment, or carry out any tourist activity listed at Annex I, you must hold a valid TEL.

6. How do you apply for a Tourist Enterprise Licence ?

If you are embarking on your project, you are advised to apply for a Letter of Intent in the first instance. To avoid you incurring unnecessary expenditure, the Tourism Authority will issue a Letter of Intent to you specifying the conditions that need to be fulfilled for the issue of a TEL.

If your tourist enterprise is already in existence and you are in a position to start operations, you can apply directly for a TEL. Upon receipt of your application, the Tourism Authority will effect an inspection. If you do not fulfill all requirements, the Tourism Authority can issue a Letter of Intent to you specifying those conditions that must be met for the issue of a TEL.

The Tourism Authority cannot be held responsible for any expense incurred by you should your application for a Letter of Intent or for a TEL be turned down.

You must complete the appropriate application forms available at the Tourism Authority and on its website (www.tourism-authority.mu). You must pay the prescribed application fees as at Annex II and submit relevant documents. (*List available at the Tourism Authority*).

The Tourism Authority will issue your TEL only if all conditions are fulfilled and against payment of the prescribed fee as at Annex II.

7. What is the validity period of a Tourist Enterprise Licence ?

A TEL is valid for a period of 12 months as from the date of issue unless otherwise stated by the Tourism Authority.

8. Can there be any restriction in the issue of a Tourist Enterprise Licence ?

The Minister can, if it is for public security and in the public interest to do so, restrict the number of tourist enterprise licences for any particular activity.

9. When must you renew your Tourist Enterprise Licence ?

You must submit the application form for renewal within 3 months before the date of expiry of your licence and pay the application fee for renewal as at Annex II.

10. What if you apply for renewal after the expiry of your licence ?

If you apply for renewal within 30 days after the date of expiry of your licence, the Tourism Authority will renew your licence but you will have to pay a 50% surcharge.

If you have not done so within 30 days after the date of expiry of your licence, it will lapse and you will be required to submit a new application.

11. What if your lost Tourist Enterprise Licence is found ?

If you subsequently, find your lost TEL, you must inform the Tourism Authority and return your duplicate licence.

12. In which cases can the Tourism Authority refuse to issue a Tourist Enterprise Licence to you ?

The Tourism Authority will not issue a TEL to you under the following circumstances:

1. Conviction

You have been convicted of any offence involving fraud or dishonesty within 3 years preceding the date of your application. The same applies to a director, manager, officer or majority shareholder of a company and a majority partner of a société.

2. ***Revocation***

If your TEL has been revoked within a period of 3 years preceding the date of your application.

3. ***Misleading, Confusing or Deceptive Business /Trade name***

Your business/trade name :

- (i) is contrary to public order or morality;
- (ii) can deceive any person as to the true nature of your enterprise;
- (iii) is misleading ,deceptive and confusing.

13. Can the Tourism Authority vary, revoke or refuse to renew your Tourist Enterprise Licence ?

The Tourism Authority can vary, revoke or refuse to renew your TEL if :

- 1. the information provided by you for the purpose of obtaining the licence is false;
- 2. you have failed to comply with any requirement of the Act, regulation, standard, guideline or code of practice made under it or direction issued by the Tourism Authority;
- 3. you have failed to pay any fee or charge in accordance with the Act or any regulation made under it;
- 4. you or any director, manager, officer, majority shareholder of your company or the majority partner of your société has been convicted of an offence;
- 5. you have acted in a dishonorable, improper, fraudulent, dishonest, disorderly or immoral manner;
- 6. you have engaged in a violent conduct on your business premises;
- 7. you have stopped occupying or managing your business premises;

8. your business premises are no longer suitable for the purpose for which a licence was issued;
 9. there is a change in the control of your company or société;
 10. your business/trade name is deceptive or confusing and can lead to misinterpretation;
 11. you have put in danger public health, public order or public safety while carrying out your activity;
 12. you have assigned or transferred your licence without the written authorisation of the Tourism Authority;
 13. you are only nominally the licensee.
- 14. What safeguards have been provided for, in the case of revocation or refusal to renew your licence?**

Prior to revocation or refusal to renew your licence, the Tourism Authority will request you to justify why your licence should not be revoked.

If the Tourism Authority considers that your TEL should not be revoked, it can either suspend the licence for a period of time or request you to take corrective measures within a specified time limit.

If the Tourism Authority is satisfied that you have complied with its requirements, it can renew your licence. On the contrary, it can revoke your licence if you have failed to comply with its requirements.

However, the Tourism Authority reserves the right to suspend or revoke your licence if it is in the public interest to do so.

15. Is there any refund if your licence is revoked or suspended ?

No refund will be made to you in respect of the unexpired portion of your licence if the Tourism Authority revokes or suspends your TEL.

16. When can you assign or transfer your licence ?

In case of death, insanity or physical/mental disability, the Tourism Authority can give a written authorisation to your widow, heir, representative or agent to pursue the business for the unexpired portion of the licence.

17. Can an authorised officer inspect your tourist enterprise ?

An authorised officer can either be a police officer, a public officer authorised by the Permanent Secretary or an employee of the Tourism Authority.

An authorised officer can inspect your tourist enterprise upon receipt of your application for the issue or renewal of your TEL or if there are sufficient grounds to believe that you have contravened the law. However, if your tourist enterprise is your residence, the authorised officer will have to produce a warrant from a Magistrate.

When the authorised officer who is inspecting your premises removes any document or copies or extracts or record in relation to your business, he will give to you or to the person in charge of your business premises a receipt signed by him giving details of the documents or record removed.

18. Can the Court order the closing of your tourist enterprise ?

The Court can order the closing of your tourist enterprise if :

1. you are operating a tourist enterprise or carrying out a tourist activity without holding a valid TEL;
2. you have contravened any condition of your TEL;
3. you are conducting your business in such a manner that it is a danger to public health, public order or public safety.

19. What are your obligations under this section of the Act ?

1. You must not operate a tourist enterprise or carry out a tourist activity listed at Annex I unless you hold a valid licence.

2. You must renew your licence within 3 months before the date of its expiry. If renewed within 30 days after the date of expiry, you will have to pay a 50% surcharge.
3. You must not operate a tourist enterprise or carry out a tourist activity listed at Annex I if your licence has been suspended or revoked.
4. You must not act in a dishonorable, dishonest or immoral manner or engage in a violent conduct on your business premises.
5. You must not run your business or carry out your activity in such a manner that it puts in danger public health, public order or public safety.
6. You must not provide false or misleading information for the purpose of obtaining a TEL or to an authorised officer in the exercise of his powers.
7. You must inform the Tourism Authority of any change in information submitted.
8. You must comply with all conditions of your licence, requirements of the Act, regulations, standards, guidelines and codes of practice made under it and directions issued by the Tourism Authority.
9. You must pay all fees and charges, if any, in accordance with the Act.
10. You must at the request of an authorised officer, produce your TEL or a copy of it. If not in possession of your original licence, you must produce it within 5 days at the Tourism Authority.
11. You must not obstruct or impede an authorised officer in the exercise of his powers nor must you refuse him access to your premises.

12. You must give all assistance to an authorised officer who is on inspection and provide him with all information as well as any document or record required.
13. You must keep a true record of all transactions made for a period of at least 5 years.
14. You must not assign or transfer your licence without the written authorisation of the Tourism Authority.
15. You must not use any description or add any business name to your tourist enterprise which can mislead as to the true nature of your business.
16. You must not run a business under a business name which includes any of the words at Annex III unless you hold a valid TEL.
17. You must not make any advertisement or promotion in respect of your tourist enterprise which can mislead or confuse consumers or withhold information as to their rights and obligations under any consumer transaction.
18. You must not refuse to give your name and address or give a name or an address which is false to a police officer or any other authorised officer.
19. You cannot retain your duplicate licence if your lost licence has been found and you cannot at any time, be in possession of your original licence and its duplicate without sufficient grounds to do so.
20. You must submit in writing, information required by the Director of the Tourism Authority within the specified time limit.

20. What if you fail in your obligations ?

If you fail in your obligations, you will commit an offence and if found guilty by the Court, you will be liable to a fine and to imprisonment as detailed hereafter :

1. If you operate a tourist enterprise without a valid licence, you will be liable to a fine not exceeding Rs 100 000 and to imprisonment for a term not exceeding 2 years. If you repeat the offence, you will be liable to a fine not exceeding Rs 200 000 and to imprisonment for a term not exceeding 5 years.
2. If you use or add any misleading or deceptive word to the business name of your tourist enterprise or use a business name as at Annex III without holding a valid TEL, you will be liable to a fine not exceeding Rs 100 000 and to imprisonment for a term not exceeding 2 years.
3. If you operate your tourist enterprise or carry out your activity after your licence has been suspended, revoked or a closing order issued, you will be liable to a fine not exceeding Rs 100 000 and to imprisonment for a term not exceeding 2 years. If you repeat the offence, you will be liable to a fine not exceeding Rs 200 000 and to imprisonment for a term not exceeding 5 years.
4. If you make any advertisement or promotion in respect of your tourist enterprise which misleads or confuses consumers or withholds adequate information as to their rights and obligations under any consumer transaction, you will be liable to a fine not exceeding Rs 100 000 and to imprisonment for a term not exceeding 2 years.
5. If you fail to comply with any condition of your licence, or any requirement of the Act, or regulation, standard, guideline and code of practice made under it, you will be liable to a fine not exceeding Rs 100 000 and to imprisonment for a term not exceeding 3 years.

6. If you run your business or carry out your activity in a manner that puts in danger public health, public order and public safety, you will be liable to a fine not exceeding Rs 100 000 and to imprisonment for a term not exceeding 3 years.
7. If you fail to produce your TEL or a copy of it at the request of an authorised officer, you will be liable to a fine not exceeding Rs 5 000 and to imprisonment for a term not exceeding 3 months.
8. If you were not in possession of the original licence at the time the request was made by an authorised officer and you fail to produce it within 5 days at the Tourism Authority, you will be liable to a fine not exceeding Rs 25 000 and to imprisonment for a term not exceeding one year.
9. If you assign or transfer your licence without the written authorisation of the Tourism Authority, you will be liable to a fine not exceeding Rs 25 000 and to imprisonment for a term not exceeding one year.
10. If you obstruct or impede an authorised officer in the exercise of his powers, refuse him access to your premises, fail to provide him with all assistance and information requested for or give him information which is false or misleading, you will be liable to a fine not exceeding Rs 25 000 and to imprisonment for a term not exceeding 6 months.
11. If you provide false or misleading information for the purpose of the grant or the renewal of your licence, you will be liable to a fine not exceeding Rs 25 000 and to imprisonment for a term not exceeding 6 months.
12. If you do not keep a true written record of every transaction made for a period of at least 5 years, you will be liable to a fine not exceeding Rs 10 000 and to imprisonment for a term not exceeding 6 months.

13. If you refuse to give your name and address or give a name and address which is false to a police officer, you will be liable to a fine not exceeding Rs 10 000 and to imprisonment for a term not exceeding 3 months.
14. If you retain your duplicate licence when your lost one has been found and are in possession at any time, of both your original licence and its duplicate without sufficient grounds to do so, you will be liable to a fine not exceeding Rs 10 000 and to imprisonment for a term not exceeding 6 months.
15. If you fail to submit in writing, information required by the Director of the Tourism Authority within the specified time limit, you will be liable to a fine not exceeding Rs 10 000 and to imprisonment for a term not exceeding 3 months.

Appeal

21 Can you appeal against a decision of the Tourism Authority ?

If you believe that you have been aggrieved by any decision of the Tourism Authority, you can within 21 days of the notification of the decision to you, appeal against the decision to the Regulatory Authorities Appeal Tribunal.

Pending the coming into operation of the Regulatory Authorities

Appeal Tribunal, you can appeal to the Minister of Tourism, Leisure and External Communications through the Permanent Secretary.

Annex I

Tourist Enterprise

A. Establishment

1. Tourist accommodation:

- (a) Guesthouse
- (b) Hotel
- (c) Tourist Residence

2. Places where food, beverages and entertainment services are provided:

- (a) Restaurant (including liquor and other alcoholic beverages) with entertainment
- (b) Restaurant (excluding liquor and other alcoholic beverages) with entertainment
- (c) Restaurant (including liquor and other alcoholic beverages) without entertainment
- (d) Restaurant (excluding liquor and other alcoholic beverages) without entertainment
- (e) Table d'Hôte

3. Nightclub

B. Activity

- (a) Hawking on beaches facing hotels
- (b) Hawking in tourist sites
- (c) Helmet diving
- (d) Karting
- (e) Operating aquarium displaying fish or marine animals for public viewing
- (f) Operating beauty parlour, including hairdressing, within hotel premises
- (g) Operating eco-tourism activities
- (h) Operating golf course
- (i) Operating a boat house
- (j) Operating of cable car
- (k) Operating pleasure craft for commercial purpose, other than by a pleasure craft licensee
- (l) Operating of non-motorised water sports (pedaloos, canoes, kayaks and laser)
- (m) Operating a rental agency for bicycles
- (n) Operating a rental agency for buses, including mini-buses
- (o) Operating a rental agency for cars
- (p) Operating a rental agency for jet ski
- (q) Operating a rental agency for kite surf
- (r) Operating a rental agency for motorcycles
- (s) Operating a rental agency for paraglide
- (t) Operating a rental agency for quads
- (u) Operating a rental agency for windsurf
- (v) Operating as a travel agent
- (w) Operating spa within hotel premises

- (y) Working as a tour operator
- (z) Working as tourist guides, including tourist guides employed by a tour operator

- (x) Scuba diving

Annex II

FEES

	Rs
1. For an application for a licence	1 000
2. For an application for the renewal of a licence	1 000
3. For an application for the variation of the terms of a licence	1 000
4. For the issue of a letter of intent	1 000
5. For the issue of a duplicate licence	1 500

FEES FOR THE ISSUE AND RENEWAL OF A LICENCE

A. Establishment

1. *Tourist accommodation*

		<i>Rs</i>
Guest house	Up to 4 bedrooms	10 000
	5 to 9 bedrooms	11 000
	10 to 25 bedrooms	20 000
	26 to 50 bedrooms	35 000
	51 to 75 bedrooms	75 000
	Above 75 bedrooms	150 000
Hotel	Up to 25 bedrooms	25 000
	26 to 50 bedrooms	50 000
	51 to 75 bedrooms	100 000
	76 to 100 bedrooms	150 000
	101 to 200 bedrooms	250 000
	Above 200 bedrooms	500 000
Tourist residence	Up to 4 bedrooms	10 000
	5 to 9 bedrooms	11 000
	10 to 25 bedrooms	20 000
	26 to 50 bedrooms	35 000

51 to 75 bedrooms	75 000
Above 75 bedrooms	150 000

2. Places where food, beverages and entertainment services are provided –

	Rs
(a) Restaurant (including liquor and alcoholic beverages) with entertainment	10 000
(b) Restaurant (excluding liquor and alcoholic beverages) with entertainment	5 000
(c) Restaurant (including liquor and alcoholic beverages) without entertainment	7 000
(d) Restaurant (excluding liquor and alcoholic beverages) without entertainment	4 000
(e) Table d'Hôte	3 000
3. Night Club	50 000

B. Activity

<i>Nature of tourist enterprise</i>	<i>Rs</i>
Hawking on beaches facing hotels	2 000
Hawking in tourist sites	2 000
Helmet diving	1 000
Karting	10 000
Operating aquarium displaying fish or marine animals for public viewing	10 000
Operating beauty parlour, including hairdressing, within hotel premises	10 000
Operating eco-tourism activities	10 000

Operating golf course (9 holes)	50 000
Operating golf course (18 holes)	100 000
Operating a boat house	10 000
Operating of a cable car	100 000
Operating pleasure craft for commercial purpose, other than by a pleasure craft licensee	10 000
Operation of non-motorised water sports (pedaloos, canoes, kayaks and laser)	10 000
Operating a rental agency for bicycles	500 (per bicycle)
Operating a rental agency for buses, including minibuses	3 000 (per bus)
Operating a rental agency for cars	2 500 (per car)
Operating a rental agency for jet ski	10 000
Operating a rental agency for kite surf	10 000
Operating a rental agency for motorcycles	1 000 (per motorcycle)
Operating a rental agency for paraglide	10 000
Operating a rental agency for quads	2 000 (per quad)
Operating a rental agency for windsurf	10 000
Operating as a travel agent	10 000
Operating spa within hotel premises	10 000
Scuba diving	10 000
Working as tour operator	10 000
Working as tourist guide, including tourist guides employed by a tour operator	1 500

Restriction on use of business names

Aparthotel	Inn
B&B	Karting
Bed and Breakfast	Lodge
Big game fishing	Marche sous l'eau
Café	Motel
Cafeteria	Parasail
Car rental	Parasailing
Cottage	Pensionnat
Cruise	Pension de famille
Diving	Pub
Eco-tourism	Resort
Excursion	Resto
Food & Beverage outlet	Scuba diving
Guest-house	Table d'Hôte
Guide	Tour
Helmet diving	Tourist
Holiday	Travel
Hostel	Undersea walk
Hotel	Tourist residence



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