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TOURISM LAW

(1995 Revision)

TOURISM REGULATIONS

(1999 Revision)

Revised under the authority of the Law Revision Law (19 of 1975).

The Tourism Regulations, 1974 (G.N.114 of 1974) made the 25th June, 1974.

Consolidated with the-

Tourism (Amendment) Regulations, 1985 made the 19th February, 1985
Tourism (Amendment) Law 1994 (Law 6 of 1994) (part) enacted the 14th
September, 1994
Tourism (Amendment) Regulations, 1996 made the 19th November, 1996.

Consolidated and revised this 5th day of January, 1999.

*Note (not forming part of the Regulations): This revision replaces the 1996
Revision which should now be discarded.*

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x

2

2

2

Signed _____ Operator _____ Date _____

Form TL6

TOURISM LAW

(1995 Revision)

(section 12)

To the Minister of Tourism (per the Director of Tourism)

This is to give notice that I intend to apply to the Central Planning Authority/Development Control Board under the Development and Planning Law (1998 Revision) for planning permission the carry out the development specified in the application, a copy of which is enclosed, and that the application, if granted, would affect the availability of tourist accommodation in the Islands in the manner shown in the said application.

Signed _____ Date _____

Copy to the Central Planning Authority/Development Control Board.

I certify that the original of this notice was served upon the Director of Tourism on the _____ day of _____, 199__.

Signed _____ Date _____

Publication in consolidated and revised form authorised by the Governor in Council this 5th day of January, 1999.

Carmena H. Parsons
Clerk of Executive Council

TOURISM REGULATIONS

(1999 Revision)

ARRANGEMENT OF REGULATIONS

1. Citation
 2. Fees
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 4. Register of licences
 5. Minimum requirements
 6. Specific minimum requirements in respect of the advertising, etc., of locally owned facilities
 7. Travelling expenses
 8. Hospitality expenses
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- Schedule: Forms

Provided that if, by the ___ day of _____, 199__ you have complied with the conditions annexed hereto, such suspension shall not be put into effect.

You are further informed that if you are aggrieved by this decision you have, under section 11, a right to appeal to the Governor in Council, and a form of appeal is enclosed for your use should you wish to avail yourself of the said right.

To _____

From _____ Date _____

Hotels Licensing Board
by Director of Tourism

Served by _____ Date _____

FORM TL5

TOURISM LAW

(1995 Revision)

(section 11)

NOTICE OF APPEAL

To the Clerk of the Executive Council

From _____ Operator of Licence No. _____

I, _____ of _____

operator of the above licence, being aggrieved by the decision of the Hotels Licensing Board withholding/revoking/suspending/failing to renew* my above licence,
** Delete as necessary.*

hereby appeal thereagainst upon the grounds set forth in the memorandum annexed hereto and signed by me.

I enclose herewith a copy of the notice of suspension/revocation. *

**Delete as necessary.*

* I desire to appear in person.

**Delete if inappropriate.*

Form TL3

TOURISM LAW

(1995 Revision)

(section 8(11))

LICENCE TO OPERATE A TOURIST ACCOMMODATION

This is to certify that _____ of _____ is licensed by the Hotels Licensing Board to operate the (a) guesthouse (b) cottage colony (c) apartments (d) hotel* known as _____

located at _____ for the accommodation of a maximum of _____ persons in compliance with the Tourism Law (1995 Revision) and the Tourism Regulations (1999 Revision).

**Delete as necessary.*

Date of expiry _____

Signed _____

Hotels Licensing Board
by Director of Tourism

(Space for renewals)

Form TL4

TOURISM LAW

(1995 Revision)

(section 9(3))

This is to give notice that by reason of your non-compliance with the minimum requirements of the Tourism Regulations (1999 Revision) as specified on the back hereof, your licence No. _____ to operate the tourist accommodation known as _____

located at _____ is *revoked
*suspended

**Delete as applicable*

by the Hotels Licensing Board with effect from _____:

TOURISM REGULATIONS

(1999 Revision)

1. These regulations may be cited as the Tourism Regulations (1999 Revision). Citation

2. The fees required to be prescribed by section 8(2) and (5) are ten dollars in respect of each bedroom maintained for the accommodation of guests, with a minimum of one hundred and twenty dollars for each category of tourist accommodation. Fees

3. The forms required to be prescribed by section 8(2), (5) and (11), section 9(3) and section 12 are contained in the Schedule hereto as forms TL1, TL2, TL3, TL4 and TL6. Forms

4. The Director shall maintain a register of licences currently issued under this Law and records of all other information collected for the purpose of the function of the Minister and of the Department in such manner and by such methods as appear to him expedient, and shall in his discretion disseminate such information by advertisement and other media for the promotion and benefit of the tourist industry, and shall furnish such statistics and other guidance to persons engaged in the tourist industry as are likely to benefit therefrom. Register of licences

5. The minimum requirements in respect of accommodation for the purposes of section 15 (d) are- Minimum requirements

- (a) bedrooms and public spaces to be adequately furnished and provided with reasonable floor covering;
- (b) premises, including the curtilage, to be maintained in good order and condition;
- (c) employees to be properly trained, supervised and dressed, and sufficient in number to carry out their duties efficiently;
- (d) food supplied to be wholesome and adequate;
- (e) toilet facilities to be of modern design, maintained in a condition of scrupulous cleanliness and properly equipped and serviced;
- (f) an adequate supply of ablution and drinking water to be provided and (in the case of hotels) running water in all bedrooms;
- (g) hygiene arrangements (including pest control) to be of a high standard;
- (h) guests in bedrooms not to be exposed to unreasonable noise;

- (i) adequate security arrangements for the protection of guests and their property and reasonable security precautions for the checking in of guests;
- (j) telephone facilities provided at reasonable charge;
- (k) priced menus supplied for all meals, describing the fare in English in addition to any other language used;
- (l) price lists of soft and alcoholic drinks displayed in rooms where such drinks are served to the public; and
- (m) printed rates of charges for all rooms or other units available in the reception area.

(2) Further general minimum requirements for the purpose of section 15(d) are-

- (a) no discrimination against any prospective guest on grounds of race, origin, political opinion, creed or membership or otherwise of any club or other organised body;
- (b) no entertainment provided that is calculated to offend normal standards or decorum;
- (c) operators to give all reasonable assistance in the promotion of such training schemes as the Director may institute, from time to time, for the purpose of improving the skill and efficiency of staff generally;
- (d) no misleading or inaccurate statement to be made to the public in or by any advertisement or other medium for the purpose of attracting guests;
- (e) the display in suitable public rooms of such information on public transport and such brochures and other literature as may be supplied for the purpose by the Director from time to time;
- (f) bars on the premises to be furnished to reasonable standards of comfort and prices to be commensurate with the portions of drink sold and the amenities provided;
- (g) in describing accommodation the following symbols to have the meanings ascribed to them-
 - a= air-conditioned (with reference to a bedroom);
 - A= all bedrooms air-conditioned;
 - B= bathtubs and toilet facilities in all bedrooms;
 - E= public entertainment or dancing at least once a week;
 - F= direct access to the beach for bathing;
 - H= hot water provided in all bedrooms and washrooms;
 - L= liquor licence;
 - R= restaurant available to non-residents;
 - S= swimming pool; and

Form TL2

TOURISM LAW

(1995 Revision)

(section 8(5))

APPLICATION FOR RENEWAL OF A LICENCE

To the Hotels Licensing Board
through the Director of Tourism.

I apply for a renewal of the licence referred to below:

From _____ (Operator) _____
 Licence No. _____
 Address _____
 Name and location of accommodation _____

Enclosed is the licence now about to expire.

* No relevant change has been made in the accommodation since the issue of the above licence; or

* The following alterations have been made to the accommodation since the issue of the above licence:

Fee tendered herewith _____ \$ _____

Signed _____

Date _____

* Delete as appropriate.

SCHEDULE

FORMS

Form TL1

TOURISM LAW

(1995 Revision)

(section 8(2))

APPLICATION FOR A LICENCE TO OPERATE TOURIST ACCOMMODATION

To the Hotels Licensing Board through the Director of Tourism.

From _____ (Operator)

I apply for a licence under the above Law.

Address for service of licence _____

Name and location of accommodation _____

Category for which licence is sought-

(a) guesthouse (b) cottage colony (c) apartments (d) hotel* (*Delete as necessary.)

Maximum number of persons for whom accommodation is offered. _____

Fee tendered herewith _____ \$ _____

Name of manager in residence _____

If granted a licence I undertake to conform with the Tourism Law (1995 Revision) and the regulations and in particular with the minimum requirements therein set forth.

Signed _____

Date _____

T= tennis court;

- (h) as and when required by the Director, returns to be made to the Department under the following heads-
 - (i) in May and November, returns of accommodation charges for the next succeeding six months period from December to May and from June to November respectively;
 - (ii) immediate returns of any change of rates quoted in (i);
 - (iii) monthly returns of occupancy of accommodation;
 - (iv) monthly returns of advance bookings covering a period of four months from the beginning of the next month succeeding the return;
 - (v) an annual return, in each July, showing a percentage breakdown of income and expenditure for the past year in respect of accounts which have been completed;
 - (vi) a return of persons employed at the quarter year periods ending on 31st March, 30th June, 30th September and 31st December;
 - (vii) such other returns (not being of a confidential financial nature) as the Director may, from time to time, require; and
 - (viii) every change in proprietorship or in the capacity or nature of accommodation or amenities offered to the public;
- (i) operators to observe conditions fixed from time to time by the Director governing the making of deposits by prospective guests and the circumstances in which such deposits shall be refundable; and
- (j) operators to conduct their business with courtesy to the public and to make no excessive charges.

(3) The requirements in subsections (1) and (2) are independent of and not in derogation of the requirements of any other law.

6. (1) In addition to the minimum requirements in respect of accommodation and the further general minimum requirements set out in regulation 5(1) and (2), the following are the minimum requirements in respect of the advertising, promotion and sale of locally owned tourism related tours and facilities within the precincts of a tourist accommodation holding a licence under the principal Law-

Specific minimum requirements in respect of the advertising, etc of locally owned facilities

- (a) the provision, in a prominent place in the main foyer or entrance hall of the tourist accommodation, of a display rack of not less than five feet by three feet in dimensions wherein the operators of locally owned tourism related tours and facilities may place brochures of the services that they offer;

- (b) operators of the tourist accommodation to permit, at all reasonable times, representatives of locally owned tourism related tours and facilities to enter the area wherein brochures are displayed under paragraph (a) for the purpose of contacting, meeting and collecting visitors who have pre-booked such tours or facilities; and for such purposes to permit such representatives to remain on the premises for such period, not exceeding twenty minutes, as may be required, and to use, free of charge, the internal telephone system within the tourist accommodation for the purpose of contacting such visitors.

(2) In this regulation-

“locally owned tourism related tour and facility” means any fishing, snorkelling, diving, scuba diving or similar boating operation, car hire business or sight-seeing tour bus operation which is owned either by a person having Caymanian Status or by a local company as defined in the Local Companies(Control) Law (1998 Revision).

1998 Revision

Travelling expenses

7. Where the Minister or any officer has incurred travelling expenses (including expenses of board and lodging) in the course of his duties under this Law he may be reimbursed out of public funds:

Provided that-

- (a) the reimbursement is specifically approved in writing by the responsible Permanent Secretary;
- (b) the reimbursement is made from funds expressly allocated for the purpose by the Legislative Assembly; and
- (c) the expenses are not incurred in connection with the attendance at the premises of the Department or upon the Council at a meeting held in Grand Cayman.

Hospitality expenses

8. Where the Minister or any officer has incurred expense in extending hospitality to any person in the course of the performance of his duties under this Law he may be reimbursed such expense:

Provided that-

- (a) the reimbursement is specifically approved in writing by the responsible Permanent Secretary; and
- (b) the reimbursement is made from funds specifically allocated for that purpose by the Legislative Assembly.

9. (1) An appeal under section 11 shall be initiated by the appellant serving upon the Clerk of the Executive Council and the Director the completed Form TL5 in the Schedule together with originals or, in the absence of originals, copies of all documents which, in the opinion of the appellant, are relevant to the appeal. Appeals

(2) In considering the appeal the Governor may, at his discretion, hear the appellant in person or by his representative who may or may not be an attorney-at-law.

(3) In the event of the Governor deciding to hear the appellant in person or by his representative he shall cause a notice to be served upon the appellant with copy to the Director of the date, time and place where the hearing shall take place, which date shall be within twenty-eight days of the service upon the Clerk of the Executive Council of Form TL5 in the Schedule.

(4) At the hearing of the appeal the Governor shall permit the appellant or his representative to address him, and thereafter may call upon the Director to reply and may then, at his discretion, allow either or both parties to address him further.

(5) The Governor shall, within twenty-eight days of service of the notice of appeal or termination of the hearing under these regulations, whichever is the later, communicate his decision to the appellant and may, but shall not be bound, to give reasons in writing for such decision.

(6) If the Governor’s decision is unfavourable to the appellant the Governor may appoint a day before which the appellant shall not be permitted to make further application for a licence under this Law with respect to the relevant premises.

(7) The Governor may allow an appeal in whole or in part upon such conditions, if any, as he may decide to impose.