

Subsidiary Legislation made under ss. 3, 36 and 51.

Licensing (Tour Guides) Rules 1989**LN.1989/035**

		<i>Commencement</i>	1.11.1989
Amending enactments	Relevant current provisions		Commencement date
LN. 1989/074	rr. 1(2), 3(1), 6(4)		1.11.1989
1991/203	rr. 3(1), 18(1)		1.11.1991

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In exercise of the powers conferred upon him by sections 3, 36 and 51 of the Licensing and Fees Act and of all other enabling powers the Governor has made the following rules –

Title and commencement.

1.(1) These rules may be cited as the Licensing (Tour Guides) Rules 1989.

(2) These rules shall come into force on the 1st day of November 1989.

Interpretation.

2. In these rules, unless the context otherwise requires–

“authorised person” means a police officer or an inspector;

“tour guide” means a person to whom a licence has been issued;

“inspector” means a person appointed by the licensing authority under rule 16;

“licence” means a licence as a guide issued under section 28 of the Act;

“passenger” means a person who is conducted on a prescribed tour by a tour guide, whether on foot or in a public service vehicle;

“prescribed tour” means a tour for the time being prescribed under rule 10;

“ticket” means a ticket produced in accordance with rule 11.

Appointment of licensing authority.

3.(1) Gibraltar Tourism Agency Limited is hereby appointed to be the licensing authority for the purposes of section 28 of the Act in so far as it relates to guides.

(2) The licensing authority shall exercise all the powers conferred upon the Financial and Development Secretary by section 35 of the Act.

Licences.

Licences.

4. Every licence shall be in such form as the licensing authority may from time to time determine and each licence shall bear a distinguishing number.

Application for licences.

5.(1) Every application for a licence shall be made in writing to the licensing authority and shall contain such information as the licensing authority may reasonably require.

(2) All fees payable in respect of the issue of licences and for examinations as to qualification to act as a guide shall be paid to the licensing authority.

Qualification for licences.

6.(1) Subject to sub-rule (2) and (4), no licence shall be issued to any person unless the licensing authority is satisfied –

- (a) that he has attained the age of 18 years;
- (b) on oral or written examination, that the person has a good working knowledge of the English and Spanish languages;
- (c) on written examination, that he has a working knowledge of, and is capable of explaining clearly, the matters set out in sub-rule (3); and
- (d) that he has not been subject to an order made under rule 18(2).

(2) Paragraphs (a), (b) and (c) in sub-rule (1) shall not apply to a tour guide who is applying for the issue of a licence upon the expiry of a licence previously issued to him:

Provided that the licensing authority may require an applicant for a second or subsequent licence to undergo such refresher course as the licensing authority may determine.

(3) Sub-rule (1)(c) refers to the following matters-

- (a) local history, including-
 - (i) the first occupation of Gibraltar;
 - (ii) the recovery of Gibraltar by Spain from the Moors;
 - (iii) the capture of Gibraltar by the British;
 - (iv) the various sieges of Gibraltar;
 - (v) Gibraltar's trading history; and
 - (vi) other matters of local historical interest;

- (b) local geography, including-
 - (i) the physical situation of Gibraltar;
 - (ii) climatic and weather conditions;
 - (iii) the geology of the area; and
 - (iv) flora and fauna;
- (c) local places and objects of interest, including Gibraltar's water supply system; and
- (d) the prescribed tours.

(4) Notwithstanding the provisions of sub-rule (1), any person who, on the 27th day of April 1989, was the holder of any of the following licences under the Traffic Act-

- (i) a licence to drive hackney carriages,
- (ii) a licence to drive a public service vehicle,
- (iii) a licence to act as conductor of public service vehicle,

and who demonstrates to the satisfaction of the licensing authority that prior to that date he had been engaged in conducting tours shall be entitled to a licence upon written application to the licensing authority made no later than the 1st day of November 1989.

Register of licences.

7.(1) The licensing authority shall keep and maintain an up-to-date register of the name, address and telephone number (if any) of each tour guide and the distinguishing number of the licence issued to him.

(2) The register shall be open to inspection free of charge to members of the public during normal office hours.

(3) The licensing authority may include in the register a note to the effect that a tour guide has a knowledge of any language (other than the English and Spanish languages) upon being satisfied that the tour guide has a good working knowledge of that language.

Carrying of licences.

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8. A tour guide when employed or seeking employment as such shall carry his licence with him at all times and shall produce the same when required to do so by an authorised person or by any person by whom he is employed or to whom he is offering his services.

Wearing of badges.

9.(1) The licensing authority shall, on payment of a deposit of £5.00, issue to each tour guide a badge bearing the same distinguishing number as the tour guide's licence.

(2) Every badge issued by the licensing authority under subrule (1) shall remain the property of the Government and shall be returned to the licensing authority within seven days of the expiry or forfeiture of the licence in respect of which it has been issued unless in the meantime a further licence has been issued to the tour guide.

(3) Upon the return of the badge in good condition, fair wear and tear excepted, within the period of seven days, the licensing authority shall return the deposit of £5.00, but not otherwise except in its discretion.

(4) A tour guide shall wear the badge issued to him under sub-rule (1) in such position on his person as to be clearly visible at all times when acting as such tour guide.

Prescribed tours.

10.(1) The licensing authority may from time to time prescribe the routes and content of tours to be conducted by tour guides and in respect of any such tour may specify the starting and finishing points of the tour.

(2) The licensing authority may prescribe different tours for tour guides on foot and in public service vehicles.

(3) The licensing authority shall cause details of all tours prescribed by it under sub-rule (1) to be supplied free of charge to all tour guides.

Tickets for prescribed tours.

11.(1) The licensing authority shall cause tickets to be printed in respect of each prescribed tour and each such ticket shall set out –

- (a) details of the prescribed tour in respect of which the ticket has been printed;
- (b) details of any historical site or other premises to which access may be had without further payment upon production of the ticket;

- (c) a date after which the ticket will no longer be valid; and
 - (d) such other information as the licensing authority may determine.
- (2) Tickets may be purchased from the licensing authority and the cost of tickets purchased under this sub-rule shall be prescribed by the licensing authority and different prices may be prescribed in respect of different prescribed tours.
- (3) In determining the price for the purpose of sub-rule (4), regard shall be had to –
- (a) the licensing authority's costs of production of the tickets and the administration of these rules; and
 - (b) the admission fees chargeable in respect of the places mentioned in sub-rule (1)(b).

Tour guides to conduct only prescribed tours.

12. A tour guide shall not without the approval of the licensing authority allow himself to be engaged as such for the purpose of conducting any tour which is not a prescribed tour.

Passengers to carry tickets.

13.(1) A tour guide shall not permit any person to be a passenger unless that person is the holder of a valid ticket.

(2) Every passenger shall carry his ticket with him and shall produce the same for examination whenever required to do so by an inspector.

Hiring of vehicles.

14. A tour guide shall not be authorised to make any additional charge for any service performed by him in using a vehicle for the purpose of the tour and should he be required to hire a taxi he shall engage the first taxi of the required seating capacity or type on the rank which bears a vehicle plate in accordance with regulation 4(6) of the Traffic (Upper Rock Restriction) (Amendment) Regulations 1986.

Exemption for couriers and conductors.

15. Nothing in this part shall apply to a person who is recognised by the licensing authority as a courier or conductor unless such person is at the time acting as a tour guide within the meaning of these rules.

Inspectors.

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16. The licensing authority may appoint one or more persons to act as inspectors for the purposes of these rules and any inspector shall have power, upon production of some written proof of his appointment, to exercise such powers as are conferred upon him by these rules.

Saving.

17. Nothing in these rules shall be taken to exempt any person from the requirement to obtain a licence under any other Act, or in any manner affect any such requirement.

Offences and penalties.

18.(1) A person who-

- (a) holds himself out as a tour guide without being the holder of a licence;
- (b) whilst acting as a tour guide acts in contravention of these rules;
- (c) wilfully obstructs an inspector acting in the exercise of the powers conferred upon him by these rules,

is guilty of an offence and is liable on summary conviction to a fine at level 1 on the standard scale.

(2) Any court before which a tour guide is convicted of a second or subsequent offence under these rules may order his licence to be forfeit.

Revocation.

19. Part VII of the Licensing Rules is revoked.