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PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

*Islamabad, the 18th May, 1976*

The following Acts of Parliament received the assent of the President on the 11th May, 1976, and are hereby published for general information :—

ACT No. XXVI OF 1976

*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 follows :—

1. **Short title, extent and commencement.**—(1) This Act may be called the Pakistan Tourist Guides Act, 1976.

(2) It extends to the whole of Pakistan and applies to all tourist guides wherever they may be.

(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) "licence" means licence 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.

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**3. Committee.**—(1) As soon as may be after the commencement of this Act, the Federal 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 Federal Government may appoint.

(2) The Chairman and other members of the Committee shall hold office during the pleasure of the Federal Government on such terms and conditions as the Federal Government may determine.

(3) The Committee shall perform the following functions, namely :—

- (a) advise the Federal Government in the implementation of the provisions of this Act and the rules ;
- (b) assist the Federal 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 Federal Government may entrust to it.

**4. Licensing of tourist guides.**—(1) Any person operating or intending to operate as tourist guide shall apply to the Federal Government on the prescribed form for grant of a licence.

(2) On receipt of an application under sub-section (1), the Federal 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 licence in the prescribed form.

(3) The Federal Government shall maintain a register in which the names and addresses of all tourist guides shall be entered.

(4) The licence 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 Federal Government shall, in consultation with the Committee, prescribe a code of conduct for tourist guides.

**6. Suspension or cancellation of licence.**—(1) The Federal 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 licence of the tourist guide if he—

- (a) violates the terms and conditions of the licence ; 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 Federal Government may prefer an appeal to the Federal Government within the prescribed time and in the prescribed manner and the orders of the Federal Government in such appeal shall be final.
- (b) The Federal Government may at any time of its own motion or on an application of any tourist guide aggrieved by any decision or order passed by the Federal 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 has been given an opportunity of showing cause against it and of being heard.

**7. Prohibition to act as a tourist guide.**—Except as otherwise provided in the Act, no person shall hold himself out or act, as a tourist guide unless he holds a licence.

**8. Service charges of tourist guides.**—(1) The Federal 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.

(2) A tourist guide shall not demand from any person to whom he has 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 whole-time basis by any travel agency 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 licence has been issued, or
- (b) being a person whose licence has been cancelled or is for the time being suspended,

holds himself out, or acts, as a tourist guide or otherwise contravenes the provisions of this Act or the rules or, being a tourist guide, contravenes the terms or conditions of the licence 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 hundred 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 (Act V of 1898), may try summarily an offence punishable under this Act in accordance with the provisions 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 Federal Government.

**10. Power to exempt.**—The Federal Government may exempt any class of persons from the operation of all or any of the provisions of this Act, subject to such conditions, if any, as it may deem fit.

**11. Delegation of powers.**—The Federal 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—

- (a) by an officer or authority subordinate to the Federal Government, or
- (b) by a Provincial Government or any Officer or authority subordinate to such Government.

**12. Power to make rules.**—(1) The Federal 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 licence ;
- (b) the form in which an application for a licence is to be made ;

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- (c) the form of the licence ;
  - (d) the code of conduct ; and
  - (e) the conditions to which a licence shall be subject.
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