

EXTRAORDINARY

REGISTERED NO. S-2771



THE BALOCHISTAN GAZETTE

PUBLISHED BY AUTHORITY

No. 69 QUETTA TUESDAY MAY 27, 2014.

BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT.

NOTIFICATION.

Dated Quetta, 27th May, 2014.

No.PAB/Legis: V (16)/2014/585. The Balochistan Tourist Guides, Bill 2014, (Bill No.16 of 2014), having been passed by the Provincial Assembly of Balochistan on 20th May, 2014 and assented to by the Governor, Balochistan on 26th May, 2014 is hereby published as an Act of the Balochistan Provincial Assembly.

THE BALOCHISTAN TOURIST GUIDES ACT, 2014 (ACT NO. XV OF 2014)

(First published after having received the assent of the Governor Balochistan in the Balochistan Gazette (Extra-ordinary) dated 26th May, 2014).

AN
ACT

Printed by the Controller, Government Printing and Stationery Department Balochistan, Quetta.

Price Rs. 70/

D.No.69-200-Copies-08-2014.

to provide for the regulation and control of the profession of tourist guides in Balochistan.

Preamble.

WHEREAS it is necessary and expedient to provide for the regulation and control of the profession of tourist guides in Balochistan and for matters ancillary thereto or connected therewith;

It is hereby enacted as follows:-

Short title, extent, application and commencement

1. (1) This Act may be called the Balochistan Tourist Guides Act, 2014.
- (2) It extends to the whole of Balochistan, except Tribal Areas.
- (3) It shall apply to all those who are involved or in practice of the profession of tourist guide, wherever they may be practicing in Balochistan.
- (4) It shall come into force at once.

Definitions

2. In this Act, unless there is any thing repugnant in the subject or context,-
 - (a) "Act" means the Balochistan Tourist Guides Act, 2014;
 - (b) "Committee" means the Tourist Guide Regulatory Committee set up under section 3 of the Act;
 - (c) "Government" means the Government of Balochistan;
 - (d) "license" means license issued under section 4 of the Act;
 - (e) "prescribed" means prescribed by rules;
 - (f) "rules" means rules made under the Act; and
 - (g) "tourist guide" means a person licensed as such under section 4 of the Act.

Committee.

3. (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 Provincial Government in 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.

**Licensing of
tourist guides.**

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

(2) On receipt of an application under sub section (1) the Provincial 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 test a license in the prescribed form.

(3) The Provincial Government shall maintain a register in which the names and address 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 prescribed fee.

Code of conduct. 5. The Provincial Government shall in consultation with the committee, prescribe a code of conduct for tourist guides.

Suspension or cancellation of license. 6. (1) The Provincial Government may, after affording a tourist guide an opportunity of showing cause against the action proposed to be taken against him, 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 Provincial Government

may prefer an appeal to Provincial Government

within the prescribed time and in prescribed

manner and the orders of the Provincial

Government in such appeal shall be final.

- (b) The Provincial Government at any time of its own motion or on an application of any tourist guide aggrieved by a decision or order passed by the Provincial Government under this Act or the rules within 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.

Prohibition to act as a tourist guide.

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

Service charges of tourist guides.

8. (1) The Provincial 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 nay amount in excess of the maximum charges fixed under sub-section (1) for that service.

(3) The guides employed on a fixed salary on the 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.

**Penalty and
procedure.**

9. (1) Whoever----

- (a) being a person to who no license has been issued; or
- (b) being a person whose license has been cancelled or is for the time being suspended,

hold himself 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 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 Provincial Government.

**Power to
exempt.**

10. 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.

Delegation of powers.

11. 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---

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

Power to make rules.

12. (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 forgoing power, such rules may provide for or any of the following matters, namely: -

- (a) the fee payable for the issue and renewal of a license;
- (b) the form in which an application for a licence is to be made;
- (c) the form of the licence;
- (d) the code of conduct; and
- (e) the conditions to which a license shall be subject.

**Repeal and
saving.**

13. (1) The Pakistan Tourist Guides Act, 1976 (Act No. XXVI of 1976) as applicable and to the extent of the Province of Balochistan, is hereby repealed.

(2) Notwithstanding the repeal of the Pakistan Tourist Guides Act, 1976 (Act No. XXVI of 1976), under subsection (1) (hereinafter referred as the repeal Act), the rules, regulations by laws made or saved, orders, licenses and notifications issued, anything done, action taken, obligation, liability, penalty of punishment incurred, inquiry or proceeding commenced, person authorized, jurisdiction of powers conferred under any of the provisions of the repealed Act, if not inconsistent with the provisions of this Act, shall continue to be in force and deemed to have been done, taken, incurred, commenced, appointed, authorized, conferred, made, imposed or assessed, released or issued under this Act, until they are repealed, rescinded, withdrawn, cancelled, replaced or modified in accordance with the provisions of this Act.

**Removal of
difficulties.**

14. The Government may make such provisions as may be necessary to remove any difficulty in carrying out the purposes of this Act, by a notification in the official Gazette, subject to the condition that the same shall be presented in the Provincial Assembly within a period of sixteen months from the date of its approval by the Government; and if the same is not passed by the Provincial Assembly or is not presented in the Provincial Assembly, it shall cease to have effect at the expiration of the aforesaid period.

Secretary.

Balochistan Provincial Assembly.