

EXTRAORDINARY

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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

REGISTERED NO. S-2771

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

Preamble.

Short title,
extent,
application and

commencement

Definitions

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:-

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.

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.

Licensing of

tourist guides.

iS. (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;

(6) assist the Government in the preparation of the code of conduct for tourist guides:

and

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(c) such other functions as are in consonance with provisions of this Act and which the Government may entrust to it

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.

Code of conduct.

Suspension or
cancellation of
license.

(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.

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

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

Prohibition to
act as a tourist
guide.

Service charges

of tourist guides.

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Government in such appeal shall be final.

(6) 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.

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.

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

Penalty and
procedure.

Power to

exempt.

agencies shall not charge any fee from a tourist.

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 ruies 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 ina 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 shail 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.

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.

Power to make

rules.

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.

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.

Removal of
difficulties.

43. (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 sub-section (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.

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.