

THE STATUTES OF THE REPUBLIC OF SINGAPORE

TRAVEL AGENTS ACT
(CHAPTER 334)

Act
41 of 1975

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Travel Agents Act

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An Act for the licensing of travel agents and for the regulation of their operation and for purposes connected therewith.

[1st December 1976]

PART I

PRELIMINARY

- Short title. 1. This Act may be cited as the Travel Agents Act.
- Interpre-
tation. 2. In this Act, unless the context otherwise requires —
 “Board” means the Singapore Tourist Promotion
 Board established under section 3 of the Tourist
 Promotion Board Act;
 “Committee” means the Compensation Fund Com-
 mittee established under section 13;
 “Compensation Fund” means the Compensation Fund
 established under section 13;
 “licence” means a licence granted under this Act;
 “licensee” means any person who holds a licence
 granted to him or any other person on his behalf.
- Application. 3.—(1) Nothing in this Act shall be construed as
 requiring any executor, administrator, trustee, liquidator,
 official receiver, trustee in bankruptcy of a bankrupt estate,
 trustee under a composition or scheme of arrangement or
 under a deed of arrangement or under a deed of assignment,
 committee of the estate or person of a mentally ill person, or
 manager of the property of an incapable person, for the
 purpose of performing his functions, exercising his powers
 or carrying out his duties as such, to hold a licence.

(2) Notwithstanding anything in subsection (1), it shall not be lawful for any of the persons referred to in that subsection in whom is vested the management of the business of any travel agent to carry on that business at any time after the expiration of 3 months from the date on which the management of that business was so vested, unless that person holds a licence.

(3) Nothing in this Act shall be construed as relieving any person from the obligation to take out a licence under any written law for the performance of any function, the exercise of any power or the carrying out of any duty for which a licence shall have been required if this Act had not been passed or to pay the fee payable in respect of any such licence.

(4) Nothing in this Act shall be construed as requiring the Official Assignee performing his duties as the trustee in bankruptcy of the property of a bankrupt to hold a licence.

4.—(1) Subject to this section, a person carries on the business of a travel agent if that person —

Business of
travel agent.

- (a) sells tickets entitling an individual to travel, or otherwise arranges for a person a right of passage on any conveyance (not being a prescribed conveyance);
- (b) sells to, or arranges or makes available for, a person rights of passage to, and hotel or other accommodation at, one or more places (being places within or outside Singapore, or some of which are within and others of which are outside Singapore);
- (c) purchases for resale the right of passage on any conveyance (not being a prescribed conveyance);
- (d) carries out such activity as may be prescribed; or
- (e) holds himself out as, or advertises that he is, willing to carry on any activity referred to in paragraph (a), (b), (c) or (d).

(2) An individual does not carry on the business of a travel agent by reason only of carrying on in the course of his employment any activity referred to in subsection (1).

(3) A person does not carry on the business of a travel agent in respect of any activity referred to in —

(a) subsection (1) (a) if he carries on the activity in respect of a conveyance of which he is the owner; or

(b) subsection (1) (b) if he carries on the activity in respect of a conveyance and place of accommodation of which he is the owner.

(4) A person does not carry on the business of a travel agent by reason only of holding himself out as, or advertising that he is, willing to carry on any activity to which subsection (3) (a) or (b) applies.

Board responsible for the administration of this Act.

5. The Board shall be responsible for the administration of this Act and may authorise any of its officers to exercise any of the powers conferred upon and perform any of the functions imposed upon the Board by this Act on its behalf.

PART II

LICENSING OF TRAVEL AGENTS

Persons carrying on business of travel agent to be licensed.

6.—(1) No person shall carry on the business of a travel agent unless he is the holder of a licence granted to him or any other person on his behalf.

(2) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

Application for licence.

7.—(1) Any person who desires to obtain a licence shall make an application to the Board in such form as the Board may require.

(2) Upon receiving an application under subsection (1), the Board shall consider the application and may grant a licence, with or without conditions, or refuse to grant a licence.

(3) The Board shall refuse to grant a licence if —

(a) satisfactory evidence has not been produced of the good fame and character of the applicant or, if the applicant is a company, of its officers holding a managerial or an executive position or, if the applicant is a firm, of the members of the firm;

- (b) satisfactory evidence has not been produced to show that the applicant is a fit and proper person to hold a licence;
- (c) the applicant or, if the applicant is a firm, any member of the firm, has been convicted of any offence involving fraud or moral turpitude or, if the applicant is a company, any of its officers holding a managerial or an executive position has been convicted of any offence involving fraud or moral turpitude; or
- (d) the Board considers it in the public interest to do so.

(4) The Board may at any time vary or cancel any of the existing conditions of a licence or impose conditions or additional conditions thereto.

(5) The Board shall, prior to taking any action under subsection (4), notify its intention to take such action to the licensee concerned and shall give the licensee an opportunity to submit reasons why the conditions of his licence should not be so varied or cancelled.

(6) Where a licence is subject to conditions the licensee shall comply with those conditions.

(7) Any person who is aggrieved by a decision of the Board under this section may, within one month of being notified of the decision of the Board, appeal against such decision to the Minister whose decision shall be final.

8. The Board may, with the approval of the Minister, limit the number of licences to be granted under this Act.

Limit as to number of licences granted.

9. Every licensee shall pay such annual licence fee as may be prescribed.

Annual licence fee.

10.—(1) Every licensee shall exhibit his licence or a certified copy thereof in a conspicuous place at his principal place of business and at every branch where the licensee carries on the business of a travel agent.

Display of licence.

(2) Any person —

- (a) who contravenes or fails to comply with subsection (1); or

- (b) who not being the holder of a licence keeps up or exhibits on or near his office, house or place of business or exhibits anywhere or allows to remain unobliterated any sign, writing, painting or other mark implying that such office, house or place of business is that of a person licensed to carry on the business of a travel agent,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

Revocation
of licence.

11.—(1) The Board may by order revoke a licence —

(a) if the Board is satisfied that the licensee —

- (i) has ceased to carry on the business for which he has been licensed or, if the licensee being a company, goes into liquidation or is wound up or otherwise dissolved;
- (ii) improperly obtained his licence contrary to the provisions of this Act;
- (iii) is no longer a fit and proper person to continue to hold the licence;
- (iv) has been convicted of any offence involving dishonesty or moral turpitude or, if the licensee is a company, any of its officers holding a managerial or an executive position or, if the licensee is a firm, any member of the firm has been convicted of any offence involving fraud or moral turpitude;
- (v) is carrying on or has carried on the business of a travel agent in such a manner as renders him unfit to continue to hold a licence;
- (vi) is contravening or has contravened any of the provisions of this Act; or
- (vii) has been convicted of any offence under this Act or the regulations made thereunder or, if the licensee is a company, any of its officers holding a managerial or an executive position has been convicted of any offence under this Act or the regulations made thereunder; or

(b) if the Board considers it in the public interest to do so.

(2) The Board shall, before revoking any licence under subsection (1), give the licensee concerned notice in writing of its intention to do so, specifying a date, not less than 21 days after the date of the notice, upon which such revocation shall take effect and calling upon the licensee concerned to show cause to the Board why his licence should not be revoked.

(3) When the Board has revoked a licence under subsection (1), it shall forthwith inform the licensee concerned by notice in writing of the revocation.

(4) The person whose licence has been revoked may, within 14 days after the receipt of the notice referred to in subsection (3), or such extended period of time as the Minister may allow, appeal in writing against the revocation to the Minister whose decision shall be final.

(5) An order of revocation shall not take effect until the expiration of a period of 14 days after the Board has informed the licensee concerned of the order.

(6) If within that period the licensee concerned gives due notice of appeal to the Minister, the order shall not take effect unless the order is confirmed by the Minister or the appeal is for any reason dismissed by the Minister or is withdrawn.

12.—(1) Where an order of revocation becomes effective under section 11, the licensee concerned shall forthwith cease to carry on the business of a travel agent. Effect of revocation of licence.

(2) Subsection (1) shall not prejudice the enforcement by any person of any right or claim against the licensee concerned or by the licensee concerned of any right or claim against any person arising out of or concerning any matter or thing done prior to the revocation of the licence.

PART III

COMPENSATION FUND

13.—(1) The Board shall establish and keep a Compensation Fund which shall be administered by a Compensation Fund Committee on behalf of the Board. Compensation Fund.

(2) The Committee shall consist of such number of members as the Minister sees fit to appoint.

(3) The assets of the Compensation Fund shall be the property of the Board but shall be kept separate from all other property and shall be held in trust for the purposes set out in this section.

(4) The Compensation Fund shall consist of —

- (a) all moneys paid to the Board by persons carrying on the business of a travel agent in accordance with the provisions of this Part;
- (b) the interest and profits from time to time accruing from the investment of the Compensation Fund;
- (c) all moneys paid to the Compensation Fund by the Board; and
- (d) all other moneys lawfully paid into the Compensation Fund.

(5) All the moneys from time to time forming part of the Compensation Fund and all investments of the Compensation Fund may be applied for —

- (a) the payment of any costs, charges and expenses of establishing, maintaining and administering the Compensation Fund;
- (b) the payment of any costs, charges and expenses of the Committee and the Board for administering this Act; and
- (c) the payment of any grants which the Committee may make under this Part.

Contributions to Compensation Fund.

14.—(1) The Board may require any person who is licensed or applies for a licence to carry on the business of a travel agent to pay to the Compensation Fund such amounts as the Committee may from time to time determine and to furnish such security as the Board may require for the payment of any further amounts as the Board may require in the future.

(2) Any security required shall be given in the manner and form approved by the Board and may, subject to that approval, be by bond, guarantee or any other method.

15.—(1) Where it is proved to the satisfaction of the Committee that any person has sustained loss in consequence of —

Payments out of Compensation Fund.

- (a) any dishonesty on the part of a person who carries on the business of a travel agent or on the part of that person's employees or agents; or
- (b) the inability of a person carrying on the business of a travel agent to meet his obligations in the course of his business,

the Committee may, if it thinks fit, make a grant to the first-mentioned person out of the Compensation Fund for the purpose of relieving or mitigating that loss or for the purpose of helping the first-mentioned person out of any difficulties which the first-mentioned person may be put to as a result of any act of such person carrying on the business of a travel agent.

(2) Any grant made by the Committee under this section may be made directly to the person who has suffered loss or to any other person who would be arranging for assistance for the person who has suffered the loss.

(3) In making any payments under this section, the Committee may in its discretion restrict payments out of the Compensation Fund to such person or classes of persons as the Committee thinks fit.

16. Any moneys in the Compensation Fund that are not immediately required for its purposes may be invested by the Board after consultation with the Committee in any manner in which trustees are for the time being authorised by law to invest trust funds.

Investment of moneys in Compensation Fund.

17.—(1) The Committee may appoint such other sub-committees as it thinks fit for the purpose of carrying out its work under the provisions of this Part and may delegate to the sub-committee or the members thereof any power, authority or discretion conferred on the members of the Committee.

Delegation of powers.

(2) Any such delegation may at any time in like manner be rescinded or varied.

(3) The Committee may at any time remove any member of the sub-committee appointed by it under this section and may fill any vacancy in the sub-committee howsoever arisen.

PART IV

GENERAL

Furnishing
incorrect
particulars in
application.

18. Any person who in any application for a licence makes any statement which is not correct in any material particular shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Wrongful
conversion
and false
accounts.

19.—(1) Any licensee who —

(a) fraudulently converts to his own use or to the use of any other person —

(i) any moneys, or any part of any moneys, received by him on behalf of any person in respect of any transaction in his capacity as a travel agent; or

(ii) any moneys, or part of any moneys, so received which are held by him in trust pending the completion of any transaction;

(b) fraudulently omits to account for, deliver or pay —

(i) any such moneys or any part thereof so received by him on behalf of any person to such person; or

(ii) any such moneys or any part thereof so received by him which are or were held by him in trust as aforesaid pending the completion of the transaction to the person or persons entitled to such moneys; or

(c) fraudulently renders an account knowing such account to be false in any material particular —

(i) of any such moneys or any part thereof so received by him on behalf of any person;

(ii) of any moneys so received by him which are or were held by him in trust pending the completion of any transaction or any part of such moneys; or

(iii) of expenses, commission or other charges incidental to any transaction or proposed or contemplated transaction as a travel agent,

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 3 years.

(2) Nothing in this section shall be construed to limit or in any way affect the provisions of any other written law.

20. The officers of the Board and any police officer on being satisfied upon any information and after any further inquiry which they think necessary that there is good reason to believe that any place is used for the carrying on of the business of a travel agent by a person who is not the holder of a licence, may with such assistance and by such force as is necessary, by day or by night, enter or go to such place and search the place and all persons found therein, and seize all documents and things reasonably supposed to have been used or intended to be used in connection with the business of a travel agent which are found in such place or on such persons, and also detain all such persons until they and the place have been searched.

Power to search premises.

21.—(1) Any police officer, and any officer of the Board duly authorised in writing in that behalf by the Board, may without warrant arrest any person whom he reasonably suspects to have committed an offence under this Act.

Power to arrest.

(2) Any police officer, and any officer of the Board duly authorised in writing by the Board, arresting a person under subsection (1) may search that person and take possession of all articles found on him which there is reason to believe were used in connection with the offence:

Provided that no woman shall be searched except by a woman.

(3) Every person so arrested shall be taken to the offices of the Board or a police station.

22. In any case relating to the commission of an offence under this Act, any police officer and any officer of the Board duly authorised in writing in that behalf by the Board, may exercise all or any of the special powers in relation to seizable offences given by the Criminal Procedure Code.

Power to investigate.

Cap. 68.

23. Any police officer, and any officer of the Board duly authorised in writing in that behalf by the Board, shall, for

Powers of Board.

the purposes of the execution of this Act, have power to do all or any of the following:

- (a) to enter, inspect and examine by day or by night the place of business of any licensee;
- (b) to require the production of records, accounts and documents kept by a licensee and to inspect, examine and copy any of them; and
- (c) to make such inquiry as may be necessary to ascertain whether the provisions of this Act are complied with so far as regards any person employed by a licensee to assist in the work of a travel agent.

Obstruction
of search,
etc.

24. Any person who —

- (a) refuses any police officer or any of the officers of the Board authorised to enter or search access to any place;
- (b) assaults, obstructs, hinders or delays him in effecting any entrance which he is entitled to effect under this Act, or in the execution of any duty imposed or power conferred by this Act;
- (c) fails to comply with any lawful demand of a police officer or an officer of the Board in the execution of his duty under this Act; or
- (d) refuses or neglects to give any information which may reasonably be required of him and which he has it in his power to give,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding one year or to both.

Liability of
directors,
partners, etc.

25.—(1) Where an offence under this Act has been committed by a company, any person, who at the time of the commission of the offence was a director, secretary, manager or other officer of the company or who was purporting to act in any such capacity, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly unless he proves that the offence was committed without his consent or connivance and that he exercised such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his function in that capacity and to all the circumstances.

(2) Any person who would have been guilty of an offence if anything had been done or omitted to be done by him personally shall be guilty of the offence and shall be liable to the same penalty if such thing had been done or omitted to be done by his partner, agent or servant in the course of partnership business or in the course of his employment, as the case may be, unless he proves that the offence was committed without his knowledge or consent and that he took all reasonable precautions to prevent the doing or omission to do such thing.

(3) Nothing in subsection (2) shall relieve any partner, agent or servant from any liability for an offence.

26.—(1) A person shall not disclose any information obtained by him in connection with the administration or execution of this Act, unless the disclosure is made — Disclosure of information.

- (a) with the consent of the person from whom the information was obtained;
- (b) in connection with the administration or execution of this Act;
- (c) for the purposes of any legal proceedings arising out of this Act or of any report of such proceedings; or
- (d) for the purpose of objecting to an application for a licence or of any investigation conducted under this Act.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

27. A notice, order, determination, certificate or subpoena that may be given, made or issued under this Act may be served — Service of notices, orders and subpoenas.

- (a) by delivering it personally to the person to whom it is addressed; or
- (b) where it is addressed to the licensee —
 - (i) by delivering it to any place shown on the application for the licence as the licensee's place of abode or business and by leaving it there with some person for that licensee; or

- (ii) by posting it by registered post in an envelope duly stamped and addressed to the person to whom it is addressed at any place shown on the application for the licence as the licensee's place of abode or business,

and shall be deemed to have been served upon its being so delivered or, in the case of a notice, order, certificate or subpoena served as referred to in paragraph (b) (ii), shall be deemed to have been served when it would be delivered in the ordinary course of post.

Service of
notice of pro-
ceedings on
Board.

28. Any notice, summons, writ or other proceedings required to be served on the Board may be served by being left with some person apparently employed in the administration of this Act at the office of the Board or, in the case of a notice, by posting it by registered post in an envelope duly stamped and addressed to the Board at its office, and shall be deemed to have been served upon its being left or, in the case of a notice served by so posting it, shall be prima facie deemed to have been served when it would be delivered in the ordinary course of post.

Documents
— how
authenti-
cated.

29. Every summons, process, demand, order, notice, statement, direction or document requiring authentication by the Board may be sufficiently authenticated without the seal of the Board if signed by the Chairman or the Director of the Board.

Sanction for
prosecution.

30. No court shall take cognizance of any offence under this Act or the regulations made thereunder except with the sanction in writing of the Public Prosecutor.

Conduct of
proceedings.

31. Proceedings in respect of any offence under this Act or of any regulations made thereunder may be conducted by any officer authorised in writing in that behalf by the Chairman or the Director of the Board.

Regulations.

32.—(1) The Board may, with the approval of the Minister, make regulations generally for the carrying out of the provisions of this Act and, without prejudice to such general power, may make regulations for all or any of the following purposes:

- (a) prescribing the information and documents to be furnished by an applicant for a licence;

- (b) prescribing any forms to be used under this Act;
- (c) prescribing the procedure to be followed on applications and other proceedings under this Act;
- (d) prescribing the books, accounts (including trust accounts) and records to be kept by a licensee and the form and mode of keeping such books, accounts and records;
- (e) prescribing the fees payable in respect of licences granted under this Act;
- (f) prescribing the initial contributions and different annual contributions payable to the Compensation Fund in respect of different classes of travel agents;
- (g) prescribing the conditions for a licence granted under this Act;
- (h) regulating the conduct of travel agents in their business and prescribing a code of conduct for travel agents; and
- (i) to exempt any persons or classes of persons from the provisions of this Act.

(2) Such regulations may provide that a contravention thereof shall be punishable by a fine not exceeding \$10,000 or with imprisonment for a term not exceeding one year or with both, and in the case of a continuing offence may provide that a contravention thereof shall be punishable by a further fine not exceeding \$1,000 for every day during which the offence continues.