



THE STATUTES OF THE REPUBLIC OF SINGAPORE

TRAVEL AGENTS ACT

(CHAPTER 334)

(Original Enactment: Act 41 of 1975)

REVISED EDITION 1998

(30th May 1998)

Prepared and Published by

THE LAW REVISION COMMISSION
UNDER THE AUTHORITY OF
THE REVISED EDITION OF THE LAWS ACT (CHAPTER 275)

Informal Consolidation – version in force from 2/1/2011

Travel Agents Act

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title
2. Interpretation
3. Application
4. Business of travel agent
5. Board responsible for the administration of this Act

PART II

LICENSING OF TRAVEL AGENTS

6. Persons carrying on business of travel agent to be licensed
7. Application for licence
8. Limit as to number of licences granted
9. Annual licence fee
10. Display of licence
11. Revocation and suspension of licence
12. Effect of revocation and suspension of licence

PART III

GENERAL

13. Furnishing incorrect particulars in application
14. Wrongful conversion and false accounts
15. Power to search premises
16. Power to arrest
17. Power to investigate
18. Powers of Board
19. Obstruction of search, etc.
20. Liability of directors, partners, etc.
21. Disclosure of information
22. Service of notices, orders and subpoenas

Section

23. Service of notice, summons, writ or other proceedings on Board
 24. Authentication of documents
 25. Consent of Public Prosecutor
 26. Conduct of proceedings
 27. Composition of offences
 28. Regulations
-

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.

Interpretation

2. In this Act, unless the context otherwise requires —
 - “Board” means the Singapore Tourism Board established under section 3 of the Singapore Tourism Board Act (Cap. 305B);
 - “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.

[24/93]

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, or deputy appointed or deemed to be appointed by the High Court for a person who lacks capacity under the Mental Capacity Act 2008 with power in relation to such person for the

purposes of this Act, to hold a licence for the purpose of performing his functions, exercising his powers or carrying out his duties as such.

[21/2008 wef 01/03/2010]

(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.

Business of travel agent

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

- (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.

Limit as to number of licences granted

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

Annual licence fee

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

Display of licence

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.

(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 licenced 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 and suspension of licence

11.—(1) The Board may by order revoke or suspend 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 any regulations made thereunder; or
- (vii) has been convicted of any offence under this Act or any 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 any regulations made thereunder; or

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

[24/93]

(2) The Board shall, before revoking or suspending 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 or suspension shall take effect and calling upon the licensee concerned to show cause to the Board why his licence should not be revoked or suspended.

[24/93]

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

[24/93]

(4) The person whose licence has been revoked or suspended 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 or suspension to the Minister whose decision shall be final.

[24/93]

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

[24/93]

(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.

[24/93]

Effect of revocation and suspension of licence

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

[24/93]

(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 or suspension of the licence.

[24/93]

PART III

GENERAL

Furnishing incorrect particulars in application

13. 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.

[18

Wrongful conversion and false accounts

14.—(1) Any licensee who —

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

- (i) any money or part thereof received by him on behalf of any person in respect of any transaction in his capacity as a travel agent; or
 - (ii) any money or part thereof 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 money or part thereof so received by him on behalf of any person to such person; or
 - (ii) any such money or 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 money; or
- (c) fraudulently renders an account knowing such account to be false in any material particular of —
- (i) any such money or part thereof so received by him on behalf of any person;
 - (ii) any money so received by him which is or was held by him in trust pending the completion of any transaction or any part of such money; or
 - (iii) 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.

[19

Power to search premises

15. Any officer of the Board or any police officer, on being satisfied upon any information and after any further inquiry which he thinks 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 —

- (a) enter or go to the place and search the place and all persons found therein;
- (b) 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 the place or on such persons; and
- (c) detain all such persons until they and the place have been searched.

[20]

Power to arrest

16.—(1) Any police officer or 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.

(2) Any police officer or any officer of the Board duly authorised in writing in that behalf 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.

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

(4) No woman shall be searched except by a woman.

[21]

Power to investigate

17. 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 (Cap. 68).

[22]

Powers of Board

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

[23]

Obstruction of search, etc.

19. Any person who —

- (a) refuses any police officer or any officer 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 12 months or to both.

[24]

Liability of directors, partners, etc.

20.—(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.

[25

Disclosure of information

21.—(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 —

- (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.

[26]

Service of notices, orders and subpoenas

22. Any notice, order, determination, certificate or subpoena that may be given, made or issued under this Act may be served —

(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 residence 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 residence 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.

[27]

Service of notice, summons, writ or other proceedings on Board

23. 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.

[28]

Authentication of documents

24. 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 Chief Executive of the Board.

[29]

Consent of Public Prosecutor

25. No court shall try any offence under this Act or any regulations made thereunder except with the consent of the Public Prosecutor.

[30]

*[15/2010 wef 02/01/2011]***Conduct of proceedings**

26. Proceedings in respect of any offence under this Act or any regulations made thereunder may, with the authorisation of the Public Prosecutor, be conducted by any officer authorised in writing in that behalf by the Chairman or the Chief Executive of the Board.

[31]

*[15/2010 wef 02/01/2011]***Composition of offences**

27.—(1) The Board may, in its discretion, compound any offence under this Act or any regulations made thereunder which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$1,000.

(2) The Board may, with the approval of the Minister, make regulations to prescribe the offences which may be compounded.

[31A]

*[24/93]***Regulations**

28.—(1) The Board may, with the approval of the Minister, make regulations generally for the carrying out of the provisions of this Act and, in particular, 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 the 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 conditions for a licence granted under this Act;
- (g) regulating the conduct of travel agents in their business and prescribing a code of conduct for travel agents; and
- (h) to exempt any persons or classes of persons from the provisions of this Act.

[24/93]

(2) Such regulations may provide that a contravention thereof shall be punishable with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 12 months or with both and, in the case of a continuing offence, with a further fine not exceeding \$1,000 for every day during which the offence continues after conviction.

[32]

LEGISLATIVE HISTORY
TRAVEL AGENTS ACT
(CHAPTER 334)

This Legislative History is provided for the convenience of users of the Travel Agents Act. It is not part of the Act.

1. Act 41 of 1975 — Travel Agents Act 1975

Date of First Reading : 29 July 1975 (Bill No. 41/75
published on 1 August 1975)

Date of Second and Third Readings : 11 November 1975

Date of commencement : 1 December 1976

2. 1985 Revised Edition — Travel Agents Act

Date of operation : 30 March 1987

3. Act 24 of 1993 — Travel Agents (Amendment) Act 1993

Date of First Reading : 28 May 1993
(Bill No. 18/93 published on
29 May 1993)

Date of Second and Third Readings : 30 July 1993

Date of commencement : 3 December 1993

4. 1998 Revised Edition — Travel Agents Act (Chapter 334)

Date of operation : 30 May 1998

5. Act 21 of 2008 — Mental Health (Care and Treatment) Act 2008
(Consequential amendments made to Act by)

Date of First Reading : 21 July 2008
(Bill No. 11/2008 published on
22 July 2008)

Date of Second and Third Readings : 15 September 2008

Date of commencement : 1 March 2010

6. Act 15 of 2010 — Criminal Procedure Code 2010
(Consequential amendments made to Act by)

Date of First Reading : 26 April 2010
(Bill No. 11/2010 published on
26 April 2010)

Date of Second and Third Readings : 19 May 2010

Date of commencement : 2 January 2011