
First published in the *Government Gazette*, Electronic Edition, on 27 December 2017 at 5 pm.

No. S 761

TRAVEL AGENTS ACT (CHAPTER 334)

TRAVEL AGENTS REGULATIONS 2017

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In exercise of the powers conferred by section 28 of the Travel Agents Act, the Singapore Tourism Board, with the approval of the Minister for Trade and Industry (Industry), makes the following Regulations:

PART 1
PRELIMINARY

Citation and commencement

1.—(1) These Regulations are the Travel Agents Regulations 2017 and, except for regulations 17, 20, 23 and 24, come into operation on 1 January 2018.

(2) Regulations 17, 20, 23 and 24 come into operation on 1 June 2018.

Definitions

2. In these Regulations —

“applicant” means an applicant for a licence;

“guiding services” has the same meaning as in section 19A(1) of the Singapore Tourism Board Act (Cap. 305B);

“institution of a public character” has the same meaning as in section 40A of the Charities Act (Cap. 37);

“key executive officer” means the individual appointed or acting as the key executive officer under regulation 15;

“net value” means —

(a) in relation to a person that is a sole proprietor or an unincorporated association, the amount that the person has set aside as capital for the person’s activity as a travel agent after deducting any debit balance appearing in the profit and loss account of the person;

(b) in relation to a person that is a partnership, the capital of the partnership, after deducting any debit balance appearing in the profit and loss account of the partnership; or

(c) in relation to a person that is a company, limited liability partnership or other body corporate, the excess of the value of the assets owned by the corporation over its liabilities;

“place of business”, in relation to a licensee, does not include a place where the licensee carries on business as a travel agent at a temporary booth or stall at a fair or an exhibition;

“tourist” has the same meaning as in section 19A(1) of the Singapore Tourism Board Act;

“tourist guide” has the same meaning as in section 19A(1) of the Singapore Tourism Board Act.

Minimum financial requirements for applicants

3.—(1) For the purposes of section 7(3)(b) of the Act, the minimum financial requirements for an applicant are as follows:

- (a) where the applicant is a sole proprietor, partnership or an unincorporated association, the applicant’s net value must not be less than \$100,000;
- (b) where the applicant is a company, limited liability partnership or other body corporate, the applicant’s issued and paid-up capital must not be less than \$100,000 and the applicant’s net value not less than \$100,000.

(2) For the purposes of paragraph (1), an applicant must, together with the application for a licence, submit a financial statement that presents the applicant’s financial position as at a date within 6 months before the date the applicant submits the application.

PART 2

LICENCES

Fees

4.—(1) The fees specified in the second column of the Schedule are payable in respect of the matters specified opposite in the first column.

(2) The Board may waive or refund the whole or any part of any fee payable or paid under paragraph (1).

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- (3) Despite paragraph (2), no fee paid is refundable for —
- (a) a licence that is suspended or revoked under section 9 of the Act; or
 - (b) a withdrawal of any application or appeal.

Licence not to be assigned

5. A licensee must not transfer or assign the benefit of the licensee's licence to any other person.

Display of licence

6. A licensee must exhibit the licensee's licence, or a copy of the licence certified by the Board, in a conspicuous place at every place of business where the licensee carries on the business of a travel agent.

Cessation of business

7. Where a licensee ceases to carry on the licensee's business as a travel agent, the licensee must, within 7 days after the cessation —
- (a) inform the Board in writing of the cessation; and
 - (b) surrender the licensee's licence to the Board.

Surrender of licence on revocation

8. Where the Board has revoked a licence under section 9(1) of the Act, the former licensee granted the licence must surrender the licence to the Board within 7 days after the date the revocation of the licence takes effect under section 9(6) of the Act.

PART 3

DUTIES OF LICENSEES

Division 1 — General duties

Minimum financial requirements for licensees

9.—(1) A licensee must, at all times during the currency of the licensee's licence, ensure that —

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- (a) where the licensee is a sole proprietor, partnership or an unincorporated association, the licensee's net value is not less than \$100,000; or
 - (b) where the licensee is a company, limited liability partnership or other body corporate, the licensee's issued and paid-up capital is not less than \$100,000 and the licensee's net value is not less than \$100,000.
- (2) A licensee that is a company must not reduce its paid-up capital during the currency of its licence without the prior written approval of the Board.

Place of business

10.—(1) A licensee must, for every place of business where the licensee carries on the business of a travel agent, obtain the Board's prior written approval before carrying on the business of a travel agent at that place.

(2) The licensee must use and maintain at least one place of business for the purposes of carrying on the business of a travel agent.

(3) Where the licensee ceases to use any place of business for carrying on the business of a travel agent, the licensee must, within 14 days after the cessation, notify the Board of the cessation.

Contact information

11. A licensee must within 14 days after the date of any change in any of the following contact information, notify the Board of the change:

- (a) the licensee's telephone number;
- (b) the licensee's email address, if any;
- (c) the licensee's fax number, if any.

Display of signs

12.—(1) Subject to paragraph (2), a licensee must, at the entrance to every place of business where the licensee carries on the business of a travel agent, display a sign containing the registered name and the trade mark or logo, if any, of the business.

(2) Where it is proved to the satisfaction of the Board that, owing to any other written law or any other reasonable cause, the licensee is prevented from displaying a sign in accordance with paragraph (1), the licensee may instead display the sign at another place approved by the Board.

Change in financial year

13. A licensee must, before changing the licensee's financial year, inform the Board of the intended change within 6 months after the close of the preceding financial year.

Financial and other information required by Board

14.—(1) Every licensee must submit the following information to the Board by the following times:

- (a) within 6 months after the close of the financial year of the licensee, the annual business profile returns of the licensee in the form as the Board requires;
- (b) within 6 months after the close of the financial year of the licensee, a copy of the licensee's audited statement of accounts;
- (c) where requested by the Board and within such time specified by the Board, any other information relating to the licensee's business as a travel agent.

(2) In paragraph (1)(a) or (b), a reference to a financial year includes a reference to the first financial year subsequent to a change in the licensee's financial year, despite that the financial year is not 12 months.

Division 2 — Duties relating to persons working for licensee

Appointment of key executive officer

15.—(1) Subject to paragraph (2), a licensee must, upon the grant of a licence, appoint one of the licensee's employees as the key executive officer who must be responsible for the proper management and operation of the licensee's business of a travel agent.

(2) Where the licensee is a sole proprietor or a partnership, then, as the case may be —

- (a) the sole proprietor may instead be the key executive officer; or
- (b) one of the partners of the partnership may instead be the key executive officer.

(3) If a vacancy occurs in the post of key executive officer by reason of the death, resignation or revocation of appointment of the key executive officer, the licensee must —

- (a) within 14 days after the vacancy arises, notify the Board of that fact; and
- (b) within 3 months after the vacancy arises, have another person appointed or act as key executive officer in accordance with paragraph (1) or (2), as the case may be.

No unlicensed tourist guide for local tours

16. Where a licensee supplies guiding services in a tour within Singapore and any participant of the tour is a tourist, the licensee must ensure that the guiding services are only provided by —

- (a) a tourist guide who holds a valid licence granted or renewed under section 19D(4)(a) of the Singapore Tourism Board Act (Cap. 305B); or
- (b) a tourist guide who is exempt from section 19B(1) of the Singapore Tourism Board Act by reason of section 19B(2) of that Act or under section 25C of that Act.

Carrying of itinerary

17. A licensee that supplies a tour mentioned in regulation 16 must ensure that the individual who accompanies the participant or participants of the tour and is not a participant of the tour, carries an itinerary or other schedule in respect of the tour stating the following:

- (a) the name of any tourist guide providing guiding services for the tour;

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- (b) except where the tourist guide is a tourist guide described in regulation 16(b), the tourist guide badge number of the tourist guide.

Prohibition against touting

18. A licensee must not, in connection with the licensee's carrying on of a business of a travel agent (whether or not in a place of business approved by the Board under regulation 10), solicit or cause the soliciting of any person persistently or in any manner as to cause or be likely to cause annoyance to the person.

Division 3 — Duties relating to potential customers and customers

Advertisements

19.—(1) A licensee must include all of the following particulars in every advertisement relating to the licensee's supply of a travel product:

- (a) the name of the licensee;
- (b) the number of the licensee's licence;
- (c) any contact information relating to the licensee mentioned in regulation 11.

(2) A licensee must not publish or distribute, or cause to be published or distributed, any advertisement —

- (a) that the licensee knows, or ought to know, is false or misleading; or
- (b) that is inaccurate.

Particulars required in contract documents

20. A licensee must include all of the following particulars in every document constituting a contract for the licensee's supply of a travel product:

- (a) the name of the licensee;
- (b) the number of the licensee's licence;

- (c) the address of any one or more of the licensee's places of business approved under regulation 10;
- (d) any contact information relating to the licensee mentioned in regulation 11.

Travel insurance

21.—(1) Subject to paragraph (2), a licensee must, before receiving any payment that is in full or the first part payment (including by way of a refundable deposit) for an eligible travel product bought in Singapore by an individual —

- (a) ask the individual to consider buying travel insurance —
 - (i) against any failure or disruption in the provision of the eligible travel product arising out of any insolvency on the part of the licensee; and
 - (ii) in favour of each traveller under the eligible travel product; and
- (b) inform the individual of one or more insurers from which the individual may buy travel insurance.

(2) Paragraph (1) does not apply —

- (a) where the individual buying the eligible travel product is doing so for or on behalf of another person who is registered under the Business Names Registration Act 2014 (Act 29 of 2014) or on behalf of a body corporate;
- (b) where the travel product includes travel insurance against any failure or disruption in the provision of the eligible travel product arising out of any insolvency on the part of the licensee; or
- (c) if no payment for the eligible travel product is made until after the date of departure from Singapore.

(3) The licensee must keep a record (whether in electronic form or otherwise) of the following in respect of each individual to whom paragraph (1) applies:

- (a) the name of the individual;

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- (b) the licensee's reference number in respect of the travel product;
 - (c) the names of all the travellers under the travel product;
 - (d) whether the individual wishes to purchase such travel insurance;
 - (e) where the individual buys travel insurance through the licensee, the particulars of each certificate of insurance in respect of the travel product, including the name of the insurer, the name of the policy, the policy reference number and the names of the insured travellers;
 - (f) the individual's acknowledgment that the licensee has complied with paragraph (1).
- (4) The licensee must preserve a record made under paragraph (3) for a period of not less than 12 months after the date the payment mentioned in paragraph (1) is received by the licensee from the individual to whom the record relates.

(5) In this regulation —

“eligible travel product” means a travel product offered by a licensee that is delivered wholly or partly outside Singapore and where —

- (a) the licensee requires part payment (including by way of a refundable deposit) of \$500 or more per traveller;
or
- (b) the price (including the amount attributable to the applicable goods and services tax) of the eligible travel product per traveller is \$1,000 or more;

“traveller” means an individual travelling under an eligible travel product.

Licensee must inform of cancellation terms

22. A licensee must, before agreeing to supply a travel product to a person, inform the person in writing of any consequences of a cancellation of the travel product by the person, including any fee payable by the person for such cancellation.

Licensee must issue receipt with breakdown

23. Where a licensee receives an amount of \$500 or more (including by way of a refundable deposit) for any individual under a travel product sold to a person, the licensee must, as soon as practicable after receiving the payment, issue to the person —

- (a) a written receipt for the amount paid; and
- (b) an itemised list of the components of the amount paid.

Prohibition of payment to personal bank accounts

24.—(1) A licensee must not cause or permit any payment relating to a travel product sold by the licensee to be made to a bank account in Singapore that is held in the name of one or more individuals.

(2) Paragraph (1) does not apply to a bank account held —

- (a) in the name of a sole proprietor who is a licensee; or
- (b) in the name or names of the partners of a partnership that is a licensee.

Changes to travel products, etc.

25.—(1) Where the licensee intends to make a material change to a travel product that has been sold but not fully delivered, the licensee must inform every person who has bought the travel product (called in this regulation the customer) of the intended change.

(2) Where a customer does not accept the material change on such terms as may be agreed with the licensee, the licensee must —

- (a) where the licensee has not delivered any part of the travel product to the customer, allow the customer to cancel the travel product and offer to refund to the customer all payments received from the customer for the travel product; or
- (b) where the licensee has delivered any part of the travel product to the customer —
 - (i) allow the customer to cancel the undelivered part of the travel product and offer to refund to the customer

such amount attributable to the undelivered part of the travel product; or

- (ii) where the customer does not cancel the undelivered part of the travel product and the change results in a reduction in value of the travel product, offer to refund to the customer such amount corresponding to the reduction in value.

(3) To avoid doubt, this regulation —

- (a) does not affect the customer's rights against the licensee for the material change to the travel product; and
- (b) applies whether the material change is made due to reasons within or outside of the licensee's control.

Settlement of disputes

26.—(1) A licensee must not wilfully refuse or, without reasonable excuse, neglect to settle a dispute between the licensee and a person regarding —

- (a) whether the licensee and the person have entered into a contract for a travel product;
- (b) the cancellation, whether by the person or the licensee, of a contract for the provision of a travel product; or
- (c) the contractual obligations, whether express or implied, of the licensee in respect of any travel product.

(2) The Board may require a licensee to inform the Board of the terms of any settlement between the licensee and a person relating to the licensee's supply of a travel product.

(3) A licensee who is required under paragraph (2) to inform the Board of the terms of a settlement must do so within 7 days after the Board's request.

PART 4

DUTIES OF KEY EXECUTIVE OFFICER

Duties of key executive officer

- 27.—(1) A key executive officer of a licensee must —
- (a) furnish to the Board such information or documents relating to the licensee as may be required, from time to time, by the Board within such time and in such manner as the Board may specify; and
 - (b) discharge such other duties relating to the proper administration and management of the affairs of the licensee as the Board may, from time to time, by notice in writing impose in any particular case.
- (2) A key executive officer must —
- (a) maintain —
 - (i) a residential address;
 - (ii) a telephone number;
 - (iii) an email address; and
 - (iv) a fax number, if any,at which the key executive officer may be contacted by the Board in relation to any matter concerning the licensee;
 - (b) upon the key executive officer's appointment, notify the Board of the contact information mentioned in sub-paragraph (a); and
 - (c) within 14 days of any change in the contact information mentioned in sub-paragraph (a), notify the Board of the change.

PART 5

MISCELLANEOUS

Board may require licensee to cease conducting tours

28. Where the Board, upon receiving a complaint from any person, is of the opinion that any tour supplied by a licensee is undesirable or contrary to the interest of tourists, the Board may by notice in writing require the licensee to, within the time specified in the notice —

- (a) stop supplying that tour indefinitely or for a specified period; and
- (b) refund such amount attributable to the undelivered part of the tour.

Offences

29.—(1) Any person who contravenes regulation 16 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a second or subsequent offence, to a fine not exceeding \$10,000.

(2) Any person who contravenes regulation 5, 7(b), 8 or 19(2)(a) or fails to comply with a notice under regulation 28 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 6 months or to both.

Compoundable offences

30. The following offences may be compounded by the Board in accordance with section 27 of the Act:

- (a) any offence under section 6(2), 10(3) or 21(2) of the Act;
- (b) an offence under regulation 29(1) or (2), other than an offence under that regulation for a contravention of regulation 19(2)(a).

Exemption

31. Section 6 of the Act does not apply to the following persons:

- (a) any person who supplies a tour where participants only visit places or points of interest within Singapore and where —
 - (i) the person does not provide any conveyance to the participants of the tour; or
 - (ii) every participant is required to contribute to the movement of the conveyance provided;
- (b) any person who supplies a right to travel on any conveyance only within Singapore and does not carry on a business of supplying any tour;
- (c) any person who supplies services to a licensee for the purposes of a tour;
- (d) any institution of a public character.

Revocation and saving

32.—(1) The Travel Agents Regulations (Rg 1) are revoked.

(2) Despite regulation 9, regulation 13(2) and (3) of the revoked Travel Agents Regulations continues to apply, for a period of 2 years from and including 1 January 2018, to a licensee who holds a valid licence immediately before that date and who is unable to comply with regulation 9(1) (including where the licence is renewed during the 2 years).

THE SCHEDULE

Regulation 4(1)

FEES

<i>First column</i>	<i>Second column</i>
1. Application fee for a new licence	\$200
2. Licence fee for a new licence or a renewed licence	\$400
3. Fee for a certified copy of a licence	\$40
4. Fee for replacement of a licence or a certified copy previously issued	\$10

Made on 21 December 2017.

CHALY MAH CHEE KHEONG
Chairman,
Singapore Tourism Board.

[MTI 119/01-1-10; AG/LEGIS/SL/334/2015/1 Vol. 1]