



A Guide

to the

Tourism Authority Act 2006

Application for a Canvasser Permit



DISCLAIMER

This guide to the Tourism Authority Act 2006 published by the Ministry of Tourism and Leisure is intended to give you an appreciation of the provisions of the new legislation as at the time of publication. The Ministry cannot be held responsible for the accuracy, completeness or otherwise of the contents of the guide.

Users are advised to refer to the Tourism Authority Act 2006 together with subsequent amendments, (if any) and/or consult their legal adviser for further clarification.

1. What is the Tourism Authority ?

The Tourism Authority is a body corporate which is managed by a Board. The Board consists of a Chairperson and representatives of relevant public and private sector organisations appointed by the Minister. A Director, appointed by the Board is responsible for the implementation of the policies and decisions of the Board.

2. What is the role of the Tourism Authority?

The Tourism Authority Act 2006 has reviewed and reinforced the role of the Tourism Authority as a regulatory and licensing body. Its main functions are to :

1. license, regulate and supervise tourist enterprises;
2. register, license, regulate and supervise pleasure crafts;
3. license and supervise the activities of skippers;
4. issue canvasser permits and supervise the activities of canvassers;
5. establish standards, guidelines and codes of practice;
6. monitor compliance with established standards, guidelines and codes of practice.

3. Which licences are issued by the Tourism Authority?

1. A Tourist Enterprise Licence (TEL) is issued in respect of tourist establishments or activities listed at Annex I.
2. A Pleasure Craft Licence (PCL) is issued in respect of any craft used for pleasure or sports either for private or commercial purposes.
3. A Skipper's Licence is issued to a person who operates a pleasure craft.
4. A Canvasser Permit is issued to a person who invites business for a tourist enterprise or a pleasure craft.

4. What are the powers of the Tourism Authority?

1. The Tourism Authority issues, renews, suspends, varies or revokes licences and canvasser permits;
2. The Tourism Authority can investigate if an offence has been committed under the provisions of the Act;

3. The Tourism Authority can inspect your tourist enterprise and pleasure craft;
4. The Tourism Authority can suspend or cancel the registration of your pleasure craft;
5. The Tourism Authority can detain your pleasure craft, affix a seal to it or dispose of it;
6. The Tourism Authority can make a provisional closing order in respect of your tourist enterprise if it is of the opinion that it will be in the interest of the tourism industry to do so;
7. The Tourism Authority can revoke a closing order if it is satisfied that the grounds for revocation have been remedied or no longer exist;
8. The Tourism Authority can grant a provisional skipper's licence;
9. The Tourism Authority can take possession of any wreck in a navigational area;
10. The Tourism Authority can remove any pleasure craft or any equipment of a pleasure craft within the maritime zone of Mauritius or on the beach if it is an eyesore or considered to be a danger to navigation and to the public;
11. The Tourism Authority can direct you to withdraw any advertisement or promotion in respect of your tourist enterprise or your pleasure craft if it is of the opinion that it is misleading or confusing.

5. What is canvassing ?

Canvassing is the act of inviting business for an enterprise or activity. The person who acts as such is a canvasser.

6. How are canvassers categorised ?

Canvassers are categorised into :

1. Owner canvasser is the holder of a tourist enterprise licence or pleasure craft licence;
2. Employee canvasser is a person employed by the licensee to act as a canvasser.

7. Who can apply for a canvasser permit ?

Only the holder of a Tourist Enterprise License (TEL) or a Pleasure Craft Licence (PCL) can apply for either:

1. an owner canvasser permit in his own name; or
2. an employee canvasser permit on behalf of his employee.

8. How do you apply for a canvasser permit ?

You must fill-in the application form precising the region where canvassing will be carried out. You must submit relevant information for the consideration of your application and prove to the Tourism Authority that you are fit and proper to hold a canvasser permit.

You can hold but one canvasser permit for a particular region against payment of the prescribed fee as at Annex II and subject to such terms and conditions as may be set by the Tourism Authority.

9. Can there be any restriction in the issue of a canvasser permit ?

The Minister can after consultation with the Tourism Authority, delimit the region where canvassing will be carried out. The list is available at the Tourism Authority. He can moreover, if it is in the public interest or public security to do so, direct the Tourism Authority to restrict the number of canvasser permits for any region.

10. When must you renew your canvasser permit ?

You must fill-in the appropriate form for renewal of your canvasser permit not later than one month before its expiry.

11. What is the validity period of a canvasser permit ?

A canvasser permit is valid for a period of 12 months as from the date of issue unless otherwise stated by the Tourism Authority.

12. What if you apply for renewal after the expiry of your licence ?

If you apply for renewal within 30 days after the date of expiry of your licence, the Tourism Authority will renew your licence but you will have to pay a 50% surcharge.

If you have not done so within 30 days after the date of expiry of your licence, it will lapse and you will be required to submit a new application.

13 When does your canvasser permit cease to be valid ?

Your canvasser permit is no longer valid when :

1. the holder of a TEL or a PCL no longer requires your services;
2. there is a change in ownership of the tourist enterprise;
3. the business has stopped its operations.

14. Can the Tourism Authority vary, suspend or revoke your canvasser permit?

You must make a written application if you wish to vary the terms and conditions of your canvasser permit.

The Tourism Authority can vary, suspend or revoke your canvasser permit if :

1. you have submitted false and misleading information to the Tourism Authority;
2. you have failed to comply with guidelines, standards or codes of practice;
3. You have contravened any provision of the Act, regulation made under it or condition of your canvasser permit;
4. Your services are no longer required by the holder of a TEL or PCL;
5. Your employer is no longer the holder of a TEL or PCL;
6. You have been convicted of an offence;
7. You have acted in a dishonorable , improper, fraudulent, dishonest, disorderly or immoral manner or have engaged in a violent conduct;
8. You are no longer fit and proper to hold such a permit.

15. What safeguards have been provided for, in the case of variation, suspension or revocation of your canvasser permit ?

The Tourism Authority will have to inform you accordingly and request you to justify why your permit should not be suspended, varied or revoked. After consideration of your explanations, you will be informed of the decision of the Tourism Authority.

If the Tourism Authority considers that your canvasser permit should not be revoked, it can suspend your permit for a period of time.

16. Can the Tourism Authority issue a duplicate canvasser permit to you ?

If your canvasser permit is lost or is illegible because of wear and tear, the Tourism Authority can issue a duplicate upon payment of the prescribed fee as at Annex II.

17. What if your lost canvasser permit is found?

If you subsequently, find your lost canvasser permit, you must inform the Tourism Authority and return your duplicate canvasser permit.

18. What are your obligations under this section of the Act ?

1. You must at all times carry your canvasser permit or a copy of it.
2. You must not transfer your canvasser permit.
3. You must not for the purpose of obtaining a canvasser permit provide false and misleading information.
4. You must comply with guidelines, standards and codes of practice made by the Tourism Authority.
5. You must not carry out your activity in such a manner that it puts in danger public health, public order or public safety.
6. You must not contravene any provision of the Act or regulation made under it or condition of your permit.
7. You must not act in a dishonorable, improper, fraudulent, dishonest, disorderly or immoral manner or engage in a violent conduct.
8. You must at the request of an authorised officer, produce your canvasser permit or a copy of it. If not in possession of your original permit, you must produce it within 5 days at the Tourism Authority.
9. You must not refuse to give your name and address or give a name and address which is false to a police officer or any other authorised officer.
10. You must not retain your duplicate permit if your lost permit has been found and you must not at any time, be in possession of your original licence and its duplicate without sufficient grounds to do so.

11. You must not provide false or misleading information for the purpose of obtaining or renewing your canvasser permit or to an authorised officer in the exercise of his powers.
12. You must not obstruct or impede an authorised officer in the exercise of his powers.
13. You must submit in writing, information required by the Director of the Tourism Authority within the specified time limit.

19. What if you fail in your obligations ?

If you fail in your obligations, you will commit an offence and if found guilty by the Court, you will be liable to a fine and to imprisonment as detailed hereafter:

1. If you fail to comply with any condition of your canvasser permit, or any requirement of the Act, or regulation, standard, guideline and code of practice made under it, you will be liable to a fine not exceeding Rs 100 000 and to imprisonment for a term not exceeding 3 years.
2. If you carry out your activity in a manner that puts in danger public health, public order and public safety, you will be liable to a fine not exceeding Rs 100 000 and to imprisonment for a term not exceeding 3 years.
3. If you obstruct or impede an authorised officer in the exercise of his powers, fail to provide him with all assistance and information requested for or give him information which is false or misleading, you will be liable to a fine not exceeding Rs 25 000 and to imprisonment for a term not exceeding 6 months.
4. If you provide false or misleading information for the purpose of the grant or the renewal of your canvasser permit, you will be liable to a fine not exceeding Rs 25 000 and to imprisonment for a term not exceeding 6 months.
5. If you fail to produce your canvasser permit or a copy of it at the request of an authorised officer, you will be liable to a fine not exceeding Rs 5 000 and to imprisonment for a term not exceeding 3 months.

6. If you were not in possession of your original canvasser permit at the time the request was made by the authorised officer, and you fail to produce it within 5 days at the Tourism Authority, you will be liable to a fine not exceeding Rs 25 000 and to imprisonment for a term not exceeding one year.
7. If you refuse to give your name and address or give a name and address which is false to a police officer or to any other authorised officer, you will be liable to a fine not exceeding Rs 10 000 and to imprisonment for a term not exceeding 3 months.
8. If you retain your duplicate permit when your lost one has been found and you are in possession at any time, of both your original permit and its duplicate without sufficient grounds to do so, you will be liable to a fine not exceeding Rs 10 000 and to imprisonment for a term not exceeding 6 months.
9. If you fail to submit in writing, information required by the Director of the Tourism Authority within the specified time limit, you will be liable to a fine not exceeding Rs 10 000 and to imprisonment for a term not exceeding 3 months.

Appeal

20. Can you appeal against a decision of the Tourism Authority ?

If you believe that you have been aggrieved by any decision of the Tourism Authority, you can within 21 days of the notification of the decision to you, appeal against the decision to the Regulatory Authorities Appeal Tribunal.

Pending the coming into operation of the Regulatory Authorities Appeal Tribunal, you can appeal to the Minister of Tourism, Leisure and External Communications through the Permanent Secretary.

TOURIST ENTERPRISE

A. Establishment

1. Tourist accommodation:
 - (a) Guesthouse
 - (b) Hotel
 - (c) Tourist Residence
2. Places where food, beverages and entertainment services are provided :
 - (a) Restaurant (including liquor and other alcoholic beverages) with entertainment
 - (b) Restaurant (excluding liquor and other alcoholic beverages) with entertainment
 - (c) Restaurant (including liquor and other alcoholic beverages) without entertainment
 - (d) Restaurant (excluding liquor and other alcoholic beverages) without entertainment
 - (e) Table d'Hôte
3. Nightclub

B. Activity

- (a) Hawking on beaches facing hotels
- (b) Hawking in tourist sites
- (c) Helmet diving
- (d) Karting
- (e) Operating aquarium displaying fish or marine animals for public viewing
- (f) Operating beauty parlour, including hairdressing, within hotel premises
- (g) Operating eco-tourism activities
- (h) Operating golf course

- (i) Operating a boat house
- (j) Operating of cable car
- (k) Operating pleasure craft for commercial purpose, other than by a pleasure craft licensee
- (l) Operation of non-motorised water sports (pedaloos, canoes, kayaks and laser)
- (m) Operating a rental agency for bicycles
- (n) Operating a rental agency for buses, including minibuses
- (o) Operating a rental agency for cars
- (p) Operating a rental agency for jet ski
- (q) Operating a rental agency for kite surf
- (r) Operating a rental agency for motorcycles
- (s) Operating a rental agency for paraglide
- (t) Operating a rental agency for quads
- (u) Operating a rental agency for windsurf
- (v) Operating as a travel agent
- (w) Operating spa within hotel premises
- (x) Scuba diving
- (y) Working as a tour operator
- (z) Working as tourist guides, including tourist guides employed by a tour operator

CANVASSER PERMIT FEES

	Owner Canvasser	Employee Canvasser
	(Rs)	(Rs)
1. Issue of canvasser permit	3000	5000
2. Renewal of canvasser permit	3000	5000
3. Issue of duplicate canvasser permit	1500	1500

2. Places where licences for canvassers are provided:

- Restaurant, bar, club, disco and other alcoholic beverages with entertainment
 - Restaurant, bar, club, disco and other alcoholic beverages with entertainment
 - Restaurant, bar, club, disco and other alcoholic beverages without entertainment
 - Restaurant, bar, club, disco and other alcoholic beverages without entertainment
 - Table d'Hôte
3. Nightclub
- Working as tourist guides, including tourist guides employed by a tour operator

B. Activity

- Hawking on beaches facing hotels
- Hawking in tourist sites
- Helmet diving
- Karting
- Operating aquarium displaying fish or marine animals for public viewing
- Operating beauty parlour, including hairdressing, on hotel premises
- Operating eco-tourism activities
- Operating golf course



Ministry of Tourism and Leisure
Level 12, Air Mauritius Centre,
John Kennedy Street, Port Louis
Tel. : 211 7930 fax : 208 6776/211 8161
e-mail : mtou@intnet.mu