



STATUTORY INSTRUMENTS.

S.I. No. 660 of 2010



TOUR OPERATORS (LICENSING) (AMENDMENT) REGULATIONS,
2010

(Prn. A10/1969)

TOUR OPERATORS (LICENSING) (AMENDMENT) REGULATIONS,
2010

The Commission for Aviation Regulation, in exercise of the powers conferred on it by section 7 of the Transport (Tour Operators and Travel Agents) Act, 1982 (No. 3 of 1982) and pursuant to section 9 of the Aviation Regulation Act, 2001 (No. 1 of 2001), hereby makes the following regulations:

1. These Regulations may be cited as the Tour Operators (Licensing) (Amendment) Regulations, 2010.

2. These Regulations shall come into operation on 1 January 2011.

3. In these Regulations, “Principal Regulations” means the Tour Operators (Licensing) Regulations, 1993, (S.I. 182 of 1993),

“the Commission” means the Commission for Aviation Regulation established by the Aviation Regulation Act, 2001 and

“the 1999 Act” means the Companies (Amendment) (No. 2) Act, 1999 (as amended by section 53 of the Companies (Auditing and Accounting) Act 2003 and amended by section 9 of the Investment Funds (Companies and Miscellaneous Provisions) Act, 2006.

4. The following Regulation is substituted for Regulation 7 of the Principal Regulations:

“7. (a) An application for a tour operator's licence shall be accompanied by the applicant's latest accounts, duly audited and certified, covering a 12 month accounting period ending on a date not earlier than 12 months before the date of application.

(b) Notwithstanding paragraph (a) of this Regulation the Commission may require an applicant to furnish to the Commission the applicant's audited financial statements by a specified date following the end of the applicant's 12 month accounting period as stipulated by the Commission.

(c) An applicant may apply to the Commission for an exemption from the requirement to provide audited accounts as set out in paragraph (a) above,

if the applicant provides the Commission, at the same time as or prior to, its application for a tour operator's licence, with evidence acceptable to the Commission that the applicant is entitled to

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 7th January, 2011.*

avail of the exemption provided for in Part III of the 1999 Act and, the applicant satisfies the conditions specified in section 32 of the 1999 Act, and the shareholders of the applicant have not served a notice on the company under section 33(1) in accordance with section 33(2) of the 1999 Act,

or, if the applicant is a sole trader or partnership.

- (d) the Commission shall refuse an exemption under paragraph 7(c) of this Regulation to an applicant if the Commission requires audited accounts in order to satisfy itself as to any of the matters specified in section 6(3) of the Act.”

5. The following Regulation is substituted for Regulation 16 of the Principal Regulations:

“16. A licensee shall maintain the following books, accounts and records in his principal place of business or in such other place as may be approved of by the Commission:—

- (a) annual accounts duly audited and certified, or accounts exempted from audit, in accordance with Regulation 7 of these Regulations,
- (b) a record, which may be in ledger, computer or other form, of all daily receipts and expenditures, duly analysed by the different methods of receipt and payment (cash, cheque, debit card, credit card, electronic funds transfer, voucher or any other type of payment), including all monies paid on deposit,
- (c) a full record of all bank lodgements and other transactions including cash and credit transactions from which regular financial information can be derived to ascertain the financial position of the business from time to time, and a regular and proper bank reconciliation, and
- (d) copies of all contracts entered by the licensee relevant to the business of the licensee and valid for the period of the licence,

and shall furnish copies or extracts on request by a person authorised by the Commission under section 11 of the Act.”

6. The following Schedule is substituted for the Second Schedule of the Principal Regulations:

SECOND SCHEDULE

TRANSPORT (TOUR OPERATORS AND TRAVEL AGENTS) ACT,
1982

Tour Operator's Licence No. T.O.

Name

Address

.....

.....

hereinafter referred to as the licensee is hereby licensed by the Commission to carry on business as a tour operator subject to the conditions set forth herein.

GENERAL CONDITIONS

1. This licence shall come into effect on and shall continue in force up to and including

2. This licence is non-transferrable.

3. (a) The Commission shall be advised immediately of the demise, removal or resignation of any director or partner of the licensee;

(b) Proposals for the appointment of additional directors or for changes in the directors of a company holding a licence or proposals for changes in the distribution of shares, or in the effective ownership or control of such company or of any partnership, or incorporated body holding a licence shall be notified to the Commission either before, or after, but not later than 7 days after, such changes become effective;

(c) Changes in the shareholders of a company shall be notified to the Commission either before, or after, but not later than seven days after, such changes have become effective.

4. The licensee shall notify the Commission of any new mortgages, liens, charges or other encumbrances made on the licensee during the period of validity of the licence.

5. The licensee shall comply with the provisions of the Transport (Tour Operators and Travel Agents) Act, 1982 (No. 3 of 1982), and of all orders and regulations made thereunder relating to tour operators.

6. The licensee shall ensure that contributions to the Travellers' Protection Fund are lodged with the Commission not later than the date provided for in Regulations made under the said Act.

7. The licensee shall not dispose of any capacity on a sub-contract basis except to another licensed tour operator.

8. Copies of this licence and the conditions attaching thereto shall be displayed for the information of the public in a prominent position on all premises owned or occupied by the licensee and in which he carries on business.

9. The licensee shall publish in a prominent position in all brochures and publicity material issued in connection with his business a statement that he is licensed by the Commission and shall also quote the licence number which appears on his licence.

10. The licensee shall maintain the following books, accounts and records in his principal place of business and shall make available copies or extracts on request to, and shall facilitate the entry and inspection of all such records and documentation by authorised officers of the Commission pursuant to section 11 of the Act:—

- (a) annual accounts duly audited and certified or accounts exempted from audit if authorised in accordance with Regulation 7 of these Regulations;
- (b) a record, which may be in ledger, computer or other form, of all daily receipts and expenditures, duly analysed by the different methods of receipt and payment (cash, cheque, debit card, credit card, electronic funds transfer, voucher or any other type of payment), including all monies paid on deposit;
- (c) a full record of all bank lodgements and other transactions including cash and credit transactions from which regular financial information can be derived to ascertain the financial position of the business from time to time, and a regular and proper bank reconciliation;
- (d) copies of all contracts entered by the licensee relevant to the business of the licensee and valid for the period of the licence.

11. A breach of any of the conditions set out herein may result in the revocation of this licence.

SPECIAL CONDITIONS

Dated this 31 day of December.

For the Commission

An officer authorised in this behalf by the said Commission.”



GIVEN under the seal of the Commission for Aviation Regulation.
31 December 2010.

CATHAL GUIOMARD,
Member of Commission.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

The purpose of these Regulations is to amend the Tour Operators (Licensing) Regulations, 1993 allowing certain applicants to seek an exemption from the requirement to provide audited accounts in support of their application and also amending certain provisions relating to the information to be held and made available by tour operators.

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