

[Subsidiary]

**SUBSIDIARY LEGISLATION**

**Regulations under section 26**

S. 12/81

**TRAVEL AGENTS REGULATIONS**

*Commencement: 1st January 1982*

Citation

1. These Regulations may be cited as the Travel Agents Regulations.

Cap. 104

2. In these Regulations, unless the context otherwise requires —

“the Board” means the Brunei Economic Development Board established under section 3 of the Economic Development Board Act and shall include the Tourist Promotion Committee established under section 5(2) of the Act;

“the Act” means the Travel Agents Act.

Date of  
expiry of  
licence and  
conditions

3. (1) A licence issued under section 7 of the Act shall be in the form set out in the First Schedule to these Regulations and shall expire on 31st day of December next following the date of its issue or renewal.

(2) A licensee shall not transfer or assign the benefits of his licence to any other person.

(3) Where a licence is granted to a partnership and there is a change in the partnership, the new partnership shall within 14 days thereof apply for the licence to be transferred to them and the Board may in its discretion permit the transfer.

(4) Where a licence is granted to an incorporated company and there is —

(a) a change in the share capital of the company; or

(b) a change in the shareholders,

the licensee shall notify the Board of such change within 14 days thereof.

(5) Every such licence shall be subject to such conditions in addition to those provided by the Act and these Regulations as the Board may impose.

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4. No licensee shall, in addition to his principal place of business, open or operate any branch, agency or office without the prior approval in writing of the Board.

Branch,  
agency or  
office

5. (1) An applicant for a licence or renewal of a licence shall furnish the particulars required in the forms set out in the Second Schedule to these Regulations and shall also satisfy the Board that —

Additional  
particulars

(a) the applicant or his manager is residing in Brunei and has at least two years executive experience in the travel agency business;

(b) neither the applicant nor his manager has been convicted of any criminal offence involving moral turpitude.

(2) A statutory declaration by the applicant of the matters mentioned in paragraph (1) of this regulation may be accepted by the Board as sufficient evidence thereof.

(3) An applicant for a licence, renewal of a licence or a duplicate licence shall pay the fees prescribed in the Third Schedule.

6. (1) The applicant shall, before the issue of a licence, deposit with the Board such sums of money as the Board may require not exceeding \$25,000.

Deposit

(2) The Board may in lieu of a cash deposit accept a bank guarantee.

(3) In the event of the cancellation of a licence for breach or non-compliance with any of its conditions or the provisions of the Act or these Regulations, any money paid to the Board under a bank guarantee or any cash deposited by the licensee with the Board shall be forfeited.

(4) All moneys which are forfeited under this Regulation shall be applied or disposed of in such manner as His Majesty the Sultan and Yang Di-Pertuan in Council may direct.

7. Any licensee who published (whether in a newspaper or otherwise) any advertisement relating to or in connection with the business of a travel agent shall include the following particulars —

Advertise-  
ments

(a) the number of the licence issued to him; and

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(b) the place of business under which the licensee carries on business.

Contents of  
advertisements

8. (1) A licensee shall not publish, distribute or cause to be published or distributed any document, pamphlet, picture, advertisement or literature relating to the tours or services offered by the licensee which —

(a) is either false or misleading;

(b) offers travel at air fares or offers tours based on air fares which are lower than those approved by or on behalf of the Government.

(2) A document, pamphlet, picture, advertisement or literature issued by or on behalf of a licensee relating to any tour offered by the licensee shall contain at least the following particulars —

(a) the duration of the tour;

(b) the price of the tour;

(c) the means of travel (e.g. ship, coach, etc.);

(d) the destination and itinerary, where applicable;

(e) the date, time and place of departure and return;

(f) the nature of accommodation (e.g. with bath and air-conditioning) and the type of meals (e.g. breakfast lunch and dinner) offered;

(g) any additional facilities or special arrangements offered;

(h) the procedure of making bookings and the conditions under which bookings are made of if any;

(i) other incidentals, such as transfer to and from airport and hotel; portrages, tips, taxes; and

(j) the cancellation fee payable if the booking is cancelled by the client and the terms and conditions upon which a booking may be cancelled.

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9. Where there are any material alterations to be made to any tour that has been advertised or for which bookings have already been accepted, the licensee shall inform his client of the alterations not later than one week prior to the planned date of departure and give the client an option of either accepting the modified tour or to cancel his booking in which event the licensee shall forthwith refund any money paid by the client.

Changes to  
tours

10. A licensee shall state clearly in all documents, pamphlets, or literature relating to any sightseeing or shopping tour and at the time a client makes his booking —

Cancellation  
of bookings

(a) the amount of the cancellation fee which the client shall be liable to incur should he cancel his booking; and

(b) the terms and conditions under which the client shall be liable to pay such cancellation fee.

11. A licensee shall not employ or otherwise engage the services of any person who in the opinion of the Board is not suitable to be employed by the licensee in his business.

Persons not  
to be  
employed by  
licensee

12. The licensee shall not later than 31st January in every year submit to the Board an annual sales report, in the form set out in the Fourth Schedule or as near thereto as circumstances permit, covering the period from 1st January to 31st December of the previous year.

Annual Sales  
Report

13. The licensee shall forthwith inform the Board in writing in the event that he ceases to carry on his travel agent business or transfers his business to some other person.

Cessation or  
transfer of  
business

14. Where a licence has been revoked by the Board pursuant to section 11 of the Act, the licensee shall surrender the licence to the Board within 7 days after the date the order for revocation of the licence takes effect.

Surrender of  
licence

15. Any person who contravenes any provision of these Regulations shall be guilty of an offence: Penalty, a fine of \$10,000 and imprisonment for one year.

Offences

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*Travel Agents*

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FIRST SCHEDULE

(Regulation 3)

TRAVEL AGENTS ACT

CAP. 103

TRAVEL AGENTS REGULATIONS

Travel Agent's Licence No.

(Name)

(Address)

is hereby licensed to carry on the business of a travel agent\_\_\_\_\_

subject to the provisions of the Travel Agents Act and the regulations  
made thereunder\_\_\_\_\_

This licence will continue in force until the 31st day of December\_\_\_\_  
\_\_\_\_\_ unless revoked or suspended prior to such date under the provi-  
sions of the said Act or any of the regulations made thereunder.

Dated this\_\_\_\_\_ day of\_\_\_\_\_

.....  
*Director,  
Economic Development Board  
Brunei.*

Fee Received \$\_\_\_\_\_

SECOND SCHEDULE

(Regulation 5)

TRAVEL AGENTS ACT FORM A

CAP. 103

TRAVEL AGENTS REGULATIONS

APPLICATION FOR A LICENCE TO CARRY ON THE BUSINESS OF TRAVEL AGENT

1. Full name of Firm/Company: .....  
Chinese characters, if any: .....
2. Registered address of Firm/Company: .....  
.....Tel. No: .....
3. Office Facilities: Area: ..... sq. ft. Type of Tenancy:  
Rent: .....
4. Address(es) or Branch(es) and subsidiary(ies) in Brunei (if any):  
.....  
.....  
.....
5. Please tick  in appropriate box:—  
 Sole Proprietorship     Partnership      
Limited Company
6. If applicant is a firm, state:—
  - (a) Business Registration No: .....
  - (b) Date of Registration: .....
  - (c) Capital invested in the travel agency business: .....

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- 7. If applicant is a company, state:—
  - (a) Authorised Capital:.....
  - (b) Paid-up capital: .....
  - (c) Date of Incorporation: .....
- 8. Name(s) and address(es) of Banker(s): .....
- .....
- .....
- .....
- 9. Name and address of Auditors: .....
- .....
- 10. Services to be provided by applicant (delete as necessary):—  
 Local tours/overseas tours/hotel bookings/transfers/car rental/sales  
 of airline/shipping tickets/others (please specify): .....
- .....
- .....
- 11. Name(s) and address(es) of local and foreign connections for the  
 travel agency business if any: .....
- .....
- .....

I/We..... the abovenamed applicant hereby certify that the information given above and in the forms attached hereto are true and correct.

I/We enclose a copy of each of the following documents (delete as necessary):—

- (a) Certificate of registration/incorporation from Registrar of Business Names/Companies and other documents pertaining to registration of firm/Company e.g. Return of Allotment of Shares etc.

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- (b) Memorandum and Articles of Association.
- (c) Audited Reports and Balance Sheet for the previous year.
- (d) Tenancy Agreement and rental receipts for main office and branch office(s).
- (e) Supporting evidence for item 11 in the form of letters or contracts for bringing travellers into or out of Brunei.

I/We undertake to provide any further information that may be required by the Board if requested to do so in support of this application.

I/We undertake to abide by the Travel Agents Act and the Travel Agents Regulations and such other regulations that may be in force from time to time.

.....  
Signature of Applicant\*

.....  
Date

.....  
Designation of person signing  
on behalf of a Firm/Company.

\*If applicant is a firm, the application must be signed by a partner or the sole proprietor of the firm. If applicant is a company, the application must be signed by a director, secretary or manager of the company and the designation of the signatory should be given. Please affix the firm/company's official stamp or seal.



**TRAVEL AGENTS ACT**

**FORM B**

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**TRAVEL AGENTS REGULATIONS**

**PARTICULARS OF DIRECTOR(S), PARTNERS, PROPRIETOR AND MANAGEMENT AND SUPERVISORY STAFF**

(To be completed in quadruplicate and accompanied by four recent passport size photographs of each person)

*Travel Agents*

**LAWS OF BRUNEI**

Full Name and Aliases, Surname to be underlined	Name in Chinese Characters, if applicable	Residential Address	Age	Status in Company or Agency	Identity Card/ Passport No.	Period of Validity of Work Permit	Nationality

Indicate whether persons listed above have at any time been adjudicated a Bankrupt or convicted of any criminal offence. If so, please give details.

\_\_\_\_\_  
\_\_\_\_\_

Signature of applicant.....  
(Please affix firm/company's official stamp or seal).

Date:.....

TRAVEL AGENTS ACT

FORM C

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TRAVEL AGENTS REGULATIONS

PARTICULARS OF SHAREHOLDERS

(To be completed in duplicate and accompanied by two recent passport size photographs of each person)

Full Name of Shareholders and Aliases if any	Residential Address	Age	Identity Card/ Passport No.	Nationality	Value of Share Held

Indicate whether persons listed above have at any time been adjudicated a Bankrupt or convicted of any criminal offence. If so, please give details.

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Signature of applicant.....  
(Please affix firm/company's official stamp or seal).

Date:.....

LAWS OF BRUNEI

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**TRAVEL AGENTS ACT**

**FORM D**

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**TRAVEL AGENTS REGULATIONS**

**CAP. 103**

**PARTICULARS OF STAFF INCLUDING TOURIST GUIDES**

*Travel Agents*

**LAWS OF BRUNEI**

Full Name and Aliases, Surname to be underlined	Name in Chinese Characters, if applicable	Residential Address	Age	Status in Company or Agency	Identity Card/ Passport No.	Period of Validity of Work Permit	Nationality

Indicate whether persons listed above have at any time been adjudicated a Bankrupt or convicted of any criminal offence. If so, please give details.

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Signature of applicant.....  
(Please affix firm/company's official stamp or seal).

Date:.....

TRAVEL AGENTS ACT

FORM E

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TRAVEL AGENTS REGULATIONS

PARTICULARS OF VEHICLE(S) OWNED AND USED FOR TRAVEL AGENCY BUSINESS

Model	Registration No.	Seating Capacity		Model	Registration No.	Seating Capacity		Model	Registration No.	Seating Capacity	
		Car	Coach			Car	Coach			Car	Coach

Indicate with (X) if vehicle is air-conditioned.

Signature of Applicant.....  
 (Please affix firm/company's official stamp or seal).

Date:.....

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**THIRD SCHEDULE**

**(Regulation 5)**

Annual Licence Fee (Issue or renewal)	\$250.00
Duplicate Licence Fee	\$ 50.00

**FOURTH SCHEDULE  
(Regulation 12)  
TRAVEL AGENTS ACT  
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TRAVEL AGENTS REGULATIONS  
REPORT ON TRAVEL AGENCY SALES**

FOR THE PERIOD FROM 1 JAN .....

REPORT FROM ..... LICENCE NUMBER..... TO 31 DEC .....

Specify Carriers or Tour Operator to whom payment was made e.g. RBA, SIA, BA, C & E, etc.	Value of Air Travel	Value of Inclusive Tours	Value of Sea Passages	Value of Ground Transport	Other Ground Arrangements N.E.S.	TOTAL VALUE
<b>TOTAL SALES</b>						
<b>COMMISSION RECEIVED</b>						

Prepared by .....

On date .....

Signature and Chop .....

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