

BILL NO. 37 OF 2021

A BILL

FOR AN ACT TO AMEND THE HOTELS AND GUEST HOUSES ACT 1973

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Hotels and Guest Houses (Amendment) Bill 2021.

(2) This Act comes into force on a date appointed by the Minister by notice in the Gazette.

Section 4 amended

2. Section 4 of the Hotels and Guest Houses Act 1973 is amended by—

(a) in subsection (5), deleting “one year” and substituting “not more than 5 years”; and

(b) after subsection (5), inserting the following new subsections—

“(5A) For the avoidance of doubt, every licence issued before the commencement of the Hotels and Guest Houses (Amendment) Act 2021 is valid for a period of one year from the date of its issue unless earlier cancelled.

(5B) Any application for a licence lodged before the commencement of the Hotels and Guest Houses (Amendment) Act 2021 and is yet to be processed, must be processed in accordance with this section, and any licence issued for such application, is to be issued for a period of not more than 5 years.”.

November 2021

HOTELS AND GUEST HOUSES (AMENDMENT) BILL 2021

EXPLANATORY NOTE

(This note is not part of the Bill and is intended only to indicate its general effect)

1.0 BACKGROUND

- 1.1 The Hotels and Guest Houses Act 1973 (**'Act'**) provides for the licensing and control of hotels and guest houses.
- 1.2 Section 4 of the Act provides for the requirements for and issuance of a licence to keep and manage a hotel (**'licence'**). Under section 4(2) of the Act, a person must not keep or manage any premises for the purpose of a hotel unless the person holds a licence which is issued by the Hotels Licensing Board in respect of that premises.
- 1.3 Section 4(5) of the Act provides that the licence is valid for a period of one year from the date of its issue.
- 1.4 A person applying for a licence (**'applicant'**) must, before 90 days from when the licence expires, submit 3 copies of the plan of the premises, 3 copies of the site plan and the building permit issued under the Public Health Act 1935. The applicant must also provide evidence of a permit issued by the respective local authority that the premises is reasonably suitable for use as a hotel.
- 1.5 The process for applying for a licence is time consuming and creates administrative and logistic difficulties which the applicant has to comply with every year.
- 1.6 Therefore, for ease of administration and of doing business, the Hotels and Guest Houses (Amendment) Bill 2021 (**'Bill'**) seeks to amend the Act to extend the period of the licence from one year to not more than 5 years.

2.0 CLAUSES

- 2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on a date appointed by the Minister by notice in the Gazette.

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2.2 Clause 2 of the Bill amends section 4(5) of the Act by deleting “one year” and substituting “not more than 5 years” to extend the period of a licence from one year to not more than 5 years.

2.3 Clause 2 of the Bill also amends section 4 of the Act to insert transitional provisions. These provisions provide clarification that the licences issued before the commencement of the amending legislation will continue to be valid for a period of one year from the date of its issue unless earlier cancelled. Furthermore, clause 2 of the Bill provides that any application lodged before the commencement of the amending legislation and is yet to be processed, must be processed in accordance with section 4 of the Act, and any licence issued for such application, is to be issued for a period of not more than 5 years.

3.0 MINISTERIAL RESPONSIBILITY

3.1 The Act comes under the responsibility of the Attorney-General.

A. SAYED-KHAIYUM
Attorney-General