

Travel and Trekking Agency Rules, 2062 (2005)

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Amendment :

1. Travel and Trekking Agency (First Amendment) Rules, 2063, 2063.02.19(02-JUN-2006)
2. Travel and Trekking Agency (Second Amendment) Rules, 2063 2063.05.19(04-SEP-2006)
3. Travel and Trekking Agency (Third Amendment) Rules, 2064 2064.04.2106-AUG-2007)
4. Travel and Trekking Agency (Fourth Amendment) Rules, 2065 2065.09.07(22-DEC-2008)
5. Travel and Trekking Agency (Fifth Amendment) Rules, 2066 2066.06.05(21-SEP-2009)

In exercise of the power conferred by the section 56 of the Tourism Act, 2035 (1978), the Government of Nepal has framed the following Rules.

1. **Short Title & Commencement** :- (1) These Rules may be called "Travel and Trekking Agency Rules, 2062 (2005)".
(2) These Rules come in to force immediately.
2. **Definitions** :- Unless the subject or context otherwise requires in these Rules :
 - (a) "Act" means Tourism Act, 2035 (1978).

- (b) "License" means license given to perform the job of travel and trekking agency pursuant to these rules.
- (c) "Ministry" means the Government of Nepal Ministry of Tourism and Civil Aviation.
3. **Application to be submitted for License** :- The person desiring to perform the job of Travel and Trekking Agency shall submit an application to the Ministry, for the license in the format prescribed by schedule-1.
4. **License to be issued** : If the application for license received pursuant to rule 3, the ministry shall make necessary inquiry on that application and on making the inquiry if found appropriate to issue the license to the applicant then by taking Fifteen Thousand Rupees fees shall issue the for license in the format prescribed in schedule-2.
5. **Provisions related to the registration of company and bank guarantee** : (1) The person desiring to perform the job of travel or trekking company shall have to register the firm or company taking the license and having the following current or paid capital.
- (a) In case of firm for the travel agency at least 5 lakhs (Five Hundred Thousand) Rupees and for trekking agency at least 3 lakhs (Three Hundred Thousand) Rupees,
- (b) In case of company, for travel agency at least 10 lakhs (One Million) Rupees and for trekking agency at least 6 lakhs (Six Hundred Thousand) Rupees,
- (2) The travel or trekking agency applying for license shall have to keep the bank guarantee for the tenure of license, in the name of the Ministry prior to taking the license as a security and equivalent to in case of travel agency, at least 3 lakhs (Three Hundred Thousand)

Rupees and in case of trekking agency 2 lakhs (Two Hundred Thousand) Rupees.

(3) The person taking the license before the commencement of these rules shall have to do as follows, within one year of commencement of these rules:-

- (a) Maintain the ¹current or paid up capital pursuant to sub rule (1),
- (b) Shall keep the bank guarantee pursuant to rule (2) in the name of the Ministry.

²

³(3a) Not withstanding anything contained in sub rule (3), the person who has holding the license and have not maintained the current or paid up capital or have not kept the bank guarantee in the Ministry within the period mentioned in that sub rule, shall have to submit the bank guarantee pursuant to sub rule (2) by maintaining the current or paid up capital pursuant to sub rule (1) to the Ministry, within the one year of commencement of this sub rule.

(3b) The license of the license holding person shall be ipso factor void, if he/she has not maintained the current or paid up capital or has not kept the bank guarantee within the period pursuant to sub rule (3a).

(4) Not withstanding anything contained anywhere in this rule, If any travel agency or trekking agency has to be registered as public limited company then the required paid up capital pursuant to prevailing law for public limited company shall be maintained.

¹ Amended by fifth Amendment

² The restrictive clause added by the first amendment has been removed by the third amendment.

³ Added by third amendment and amended by fourth amendment and again amended by fifth amendment.

6. **The terms or conditions to be followed by the license holding**

person: The license holding person shall have to follow the following terms or conditions :

- (a) To conduct the travel or trekking in the area allocated by Government of Nepal,
- (b) To take the service of the worker appointed for the concerned (related) job while conducting the travel & trekking.
- (c) To do the activities prescribed by the Ministry in relation to the environmental cleaning and waste management during travel and trekking.
- (d) To keep the received license in the office on the place which can be seen by all.
- (e) To obey the matters which has to be followed pursuant to prevailing law for travel and trekking.
- (f) To obey the code of conduct pursuant to rule 17.

7. **The Duration and Renewal of License** : (1) The duration of the license shall be for five years.

(2) The person desiring renew the license shall renew the license by paying Ten Thousand Rupees fee, prior to the end of the duration of the license.

(3) If someone desires to renew the license after the completion of the duration pursuant to sub rule (2), may renew the license by paying the additional renewal fee as follows:—

- ⁴(a) For the first three months, Twenty Five percent of the renewal fee,

⁴ Amended by fifth Amendment

⁵(b) For the three months from the date of expiry of the duration pursuant to clause (a), Fifty percent of renewal fee.

(4) If someone has not renewed the license within the duration pursuant to sub rule (3), such license shall be ipso facto void.

⁶(5) Notwithstanding anything contained anywhere in this rule, a license holding person who has been unable to renew the license upto the date of commencement of this sub rule, if desires to renew such license he/she shall submit an application to the Ministry within the six months of commencement of this sub rule.

⁷(6) If the application pursuant to sub rule (5) has been received, the Ministry may renew the license for once by taking the double fee for each year for which the renewal has not been made, at the rate of the fee that has to be taken pursuant to part (b) of sub rule 3.

8. The procedure to be followed to repeal the license: (1) The Ministry shall provide the fifteen days duration to submit the clarification to the concerned license holder person prior to the repeal of the license pursuant to section 7a of the Act.

(2) If the license holder person has not submitted the clarification within the duration pursuant to sub rule (1) or the clarification submitted has not been satisfactory then the Ministry may repeal the license given to such travel or trekking agency.

9. To be deployed in the job only after making the contract: The license holder person shall deploy the worker accompanying the tourist only after making the contract for the duration of the job pursuant schedule-3.

⁵ Amended by fifth Amendment

⁶ Amended by fifth Amendment

⁷ Amended by fifth Amendment

10. **The rate of remuneration to be given to the worker** : The tourist shall provide the facilities managed pursuant to schedule-4 to the leader and workers travelling with him/her.

11. **The provisions related to personal accident insurance** : (1) The tourists prior to leaving for the travel or trekking shall make the personal accident insurance of the leader and the workers travelling with him/her, till the date of their returning after completion of the mission of the travel or trekking agency, from the Insurance company which has been incorporated within the state of Nepal in such a way that the following amount shall not be reduced :-

(a) For the leader of the worker, Three Hundred Fifty Thousand rupees,

(b) For the workers, Two Hundred Fifty Thousand rupees,

(2) If the person having insurance pursuant to sub rule (1) has been deformed or dead by accident then the responsibility of providing the amount that has to be provided by the insurance company to such person, or if he/she has been died then to the person desired by him/her, if such person exists and if such person does not exists then to the nearest successor of him/her shall be on the concerned tourist and license holder person.

(3) If the person receiving the amount pursuant to sub rule (2) has been a minor then the amount that has to be received by him/her shall be submitted to the Ministry by the concerned Insurance Company or the person holding the license and the Ministry shall make the appropriate arrangement of such amount to organize the necessary management for caring of such minor till he/she has not become the adult.

(4) The concerned license holder person or tourists shall have to make the insurance of at least Fifty Thousand rupees from the insurance

company incorporated in the state of Nepal for the treatment of other injuries than the deformities to the leader of the workers or workers, due to the cause of accident.

12. **Provision related to the environmental cleaning and waste management** : Tourist and the license holding person shall burn or bury the goods used by themselves in various camps during the travel or trekking by collecting it in such a place which has not belonged to the source of drinking water (*Pani ghat*), religious place or place of public importance or place for public use/utility (*Sandhi Sarpan*).

⁸12a. **Permission to be taken to open a branch office** : (1) The license holding person if desires to open a branch office in a place except than the place mentioned in the license, shall submit an application for approval before the Ministry specifying the place where such office has to be situated.

(2) If the application has been received pursuant to sub rule (1), the Ministry shall give the approval to open the branch office as per the request of the applicant after making the required inquiry about it.

13. **The goods not to be sold or transferred the right not to be transferred without the approval**: The goods purchased by the license holder person receiving the privilege of foreign currency or any other kinds of privilege from the Government of Nepal shall not be sold or be transferred the right to any other person without the approval of the Ministry.

14. **The purchasing selling of ticket (ticketing) or the job of an agent shall not be performed (done) without the license**: No one has been allowed to perform the job of purchasing-selling of air ticket (ticketing) or as a general sells agent (GSA), without taking the license of travel agent pursuant to these rules.

⁸ Amended by fifth Amendment

15. The amount may be recovered: (1) If any worker has submitted an application to recover the due remuneration with the travel or trekking agency to the Ministry and if it has found appropriate on the inquiry of the application given as such, the Ministry may give the payment of the amount to the concerned applicant in such a way that it shall be deducted from the amount kept as an bank guarantee in the name of the Ministry by such travel or trekking agency.

(2) If the Ministry has given the payment pursuant to sub rule (1), than the paid amount shall be deposited again by the concerned license holding person, in the name of the Ministry as a bank guarantee within the thirty five days.

16. Report to be submitted: The license holding person shall submit the report of every year of from the 1st date of *Shrawan* to the last date (*Masant*) of *Paush* and from the 1st date of *Magh* to the last date (*Masant*) of *Asar* within the thirty five days of completion of the period and also with the details of his/her transaction to the Ministry in the format prescribed in schedule-5.

17. Code of conduct may be made and commenced : Ministry may frame and commence the code of conduct that has to be obeyed by the license holding travel or trekking agency and it shall be the duty of concerned license holding person to obey such code of conduct.

18. Direction may be issued : Government of Nepal may issue (give) the necessary direction to the license holding person about the travel and trekking business and It shall be the duty of concerned license holding person to follow such direction.

19. The language of the license : The forms under these rule also may be printed in English and used.

20. **The change or Amendment in the schedule** : The Government of Nepal may make the necessary change or amendment in the schedules by publishing a notice in Nepal Gazette.

21. **Repeal** : (1) Travel and Trekking Agency rules, 2037 has been repealed.

(2) The functions and activities that had performed pursuant to travel or trekking agency rules, 2037 shall be considered as performed pursuant to these rules.

Note : The words that has changed by the travel and trekking agency (Fifth Amendment) Rules, 2066.

- (a) In place of the words "Kingdom of Nepal", "State of Nepal"
- (b) In place of "Ministry of Culture, Tourism and Civil Aviation", Ministry of "Tourism and Civil Aviation".

Schedule – 1

(Related to Rule 3)

Application to be given for license

The Ministry of Tourism and Civil Aviation

Singh Durbar, Kathmandu.

I have submitted this application desiring to perform the job of travel / trekking agency and mentioning the following details :-

1. Proposed travel or trekking agency's :-

(a) Name :

(b) Address :

(c) Founder/share holder/proprietor's name & details :

S.N.	Name	Age	Address	Share of Portion	
				Amount	Percent

2. Capital investment made in travel/trekking :

(a) Authorized capital

(b) Issued capital

(c) Paid up capital

(d) Fixed capital

(e) Current capital

3. If the branch of travel/trekking agency to be opened :
- (a) Number :
- (b) Within the State of Nepal :
- (c) Out of the State of Nepal :
4. Estimated Number of tourists to be served in upcoming three years and details of foreign currency to be earned :

Year	Number of Tourists	Foreign Currency to be earned	The major countries bringing the tourists
First			
Second			
Third			

5. Details of proposed Human Resource :

No.	Ticketing Officer	Travel/Trekking officer	Administrative Employee	Account Employee	Others	Total

6. Proposed provision for vehicles :

Vehicles	Number	To be taken in Lease	To be purchased
Bus			
Mini Bus			
Micro Bus			
Jeep			
Car			
Others			

7. If application has to be made with foreign travel and trekking or any other agencies of similar nature then theirs :-

Name : Telephone :

Address : Fax :

Internet : email :

8. If any other matters :

9. Documents to be attached :

- (a) Copy of memorandum of Association and Article of Association.
- (b) Certificate of registration of firm.
- (c) The attested copy of citizenship certificate if the proprietor, partner or promoter share holder has been a Nepali citizen and if foreign citizen then attested copy of his/her passport and visa issued by the Government of Nepal (Amended by the second Amendment).

The details mentioned above is true, if proved false, I/we shall be liable for it as per the laws.

Applicants,

Signature :-

Name :-

Full Address :-

Date :-

Schedule – 2

(Related to Rule 4)

License

⁹License Number :-

Shree

This license has been guaranteed to you to perform the travel and trekking agency's job.

1. License holder person's :-

(a) Name :

(b) Address :

(c) Owner/promoter/share holder/proprietor's :-

Name and details :

2. Travel or Trekking Agency's :-

(a) Name :

(b) Address of the head office :

(c) Address of the branch office :

Seal of the office

License Issuing Officers',-

Signature :

Name :

Designation :

Office :

Date :

⁹ Added by Second Amendment

Schedule – 3

(Related to Rule 9)

Contract between the License holding person and worker

We the both parties has made this agreement by agreeing on receiving or providing the facilities mentioned here under for doing or employing Mr/Mrs./Ms the son/daughter/wife of residing in District Village Development Committee/Municipality, Ward No. from the travel/trekking agency in the region from to for days.

The facilities to be provided by

License holding person.

- 1.
- 2.
- 3.

on behalf of worker, –

Signature :

Name :

Address :

On behalf of license holding person

Signature :

Name :

Designation :

Address :

Done on the date year month day

Schedule – 4

(Related to rule 10)

- (a) At least Three Hundred rupees for the leader of the worker visiting upto 3700 meters height and at least two Hundred Fifty rupees for worker.
- (b) At least Three Hundred Fifty rupees for the leader of the worker visiting more than 3700 meters height and at least Three Hundred Rupees for the workers .

NEPAL LAW COMMISSION

Schedule – 5

(Related to rule 16)

Report

Shree Ministry of Tourism and Civil Aviation,
Singh Durbar, Kathmandu.

I/we have submitted this report with the details of to date
for the purpose of rule 16 of the travel and trekking agency rules, 2062.

1. The details of travel and trekking arranged for tourists in or out of the State of Nepal.
 - (a) In :
 - (b) Out :
2. (a) Number of tourists (for the use of travel agency)

Nationality	Number		
	Ticketing	Tour	Total

- (b) The details of providing service in trekking and expedition sector (for trekking agency) :

Details of Mountaineer's		Details of Trekking				Grand Total number
Mountaineering Team	Mountaineer's Number	General area	Specified Area	Controlled Area	Total Area	

3. The Details of advertisement of business in and out of State of Nepal.

Produced Advertized Material	Quantity	Advertized or distributed place	Times

4. Details of booked Hotel for the tourists and Number :

Name of the Hotel	Number of Tourists

5. Details of participation in International Seminar.

Tourism Fair	
Sales Mission	
Seminar & workshop related to tourism	
Miscellaneous	

6. Details of persons invited from abroad for the development of Tourism Business.

Name of the invited person & country	Times

7. The Details of Audit report of Annual Income & Expenditure.

8. Details related to employees.

Name	Designation	No. of post	Date of Appointment	Remuneration

9. Details of currencies situation in total transaction.

Domestic or National Currency	Indian Currency	Convertible Foreign Currency	Total

10. Details of received foreign currency from transaction :

Indian Currency	Convertible Foreign Currency	Total

11. Paid During this period,

- (a) Income Tax :-
- (b) Value Added Tax :-
- (c) Tourism Service Charge :-

12. (a) Details of Physical Infrastructures :

Particulars		Types	Before Reporting Period	Added During Reporting Period	Total
Vehicles					
Telephone Fax					
Computer					
Trekking Equipments	Tent,				
	Sleeping Bag				
	Others				

(b) Details of physical goods brought on privilege :

Particulars	Types	Before Reporting Period	Added During Reporting Period	Total
Vehicles (Mention the Number)				
Others				

13. Travel or Trekking Agency :

(a) Name :

(b) Address :

On Behalf of License holding person

Signature :

Full Name :

Designation :

Telephone :

Fax :

email :

website :

Date :