

2025-07-24

### **OBJECTS AND REASONS**

This Bill would provide for

- (a)* the licensing, classification, designation and registration of tourist accommodation;
- (b)* the establishment of minimum standards for tourist accommodation;  
and
- (c)* the inspection and monitoring of tourist accommodation to ensure compliance with the minimum standards.

*Arrangement of Sections*

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## **BARBADOS**

A Bill entitled

An Act to provide for the licensing, classification, designation, registration, regulation, monitoring and inspection of tourist accommodation.

ENACTED by the Parliament of Barbados as follows:

PART I

PRELIMINARY

**Short title**

1. This Act may be cited as the *Tourist Accommodation Act, 2025*.

**Interpretation**

2. In this Act,

“apartment” means a self-contained unit for short-term accommodation of tourists for reward

- (a) which is within a building or group of buildings owned by a single owner or multiple owners without a separate legal title per unit;
- (b) which contains a sleeping area, living area, kitchen or kitchenette, dining area and bathroom, configured as a studio or with a separate bedroom; and
- (c) the occupants of which share grounds, common buildings and recreational facilities with occupants of other units;

“apartment hotel” means a hotel with apartments;

“approved form” means such form as the Minister may approve for the purposes of this Act;

“bedroom” means an individual and private sleeping area which is outfitted with a bed;

“classification” in relation to tourist accommodation, means a special category that

- (a) reflects the standard of the amenities, facilities and services offered by the accommodation; and
- (b) is assigned to the accommodation in accordance with section 8;



“designation”, in relation to tourist accommodation, means a special title that

- (a) reflects the nature or type of services and special attractions offered by the accommodation; and
- (b) is awarded to the accommodation in accordance with section 9;

“disability” has the meaning assigned to it by section 2 of the *Employment (Prevention of Discrimination) Act, 2020* (Act 2020-26);

“guest house” means any premises where

- (a) sleeping accommodation is provided in 3 or more bedrooms which may be individually rented;
- (b) there is a charge for the accommodation; and
- (c) meals may be provided or served to tourists by the operator;

“hotel” means

- (a) a building containing not less than 10 bedrooms, each of which is valued at not less than \$250 000; or
- (b) a group of buildings, whether cottages, bungalows or otherwise
  - (i) situated within the same precincts;
  - (ii) served by a common maid service; and
  - (iii) together containing not less than 10 bedrooms, each of which is valued at not less than \$250 000,

which is available for the accommodation of tourists for reward at any time of the year;

“hurricane season” means the period from the 1<sup>st</sup> day of June to the 30<sup>th</sup> day of November each year, during which hurricanes and similar weather systems occur in the Caribbean region;

“inspector” means such officer or other person authorized to conduct an inspection under this Act;

“international classification” means a global ranking system developed for consumers and the travel trade which expects certain minimum operational standards in accommodation, services and amenities, regardless of the location of the tourist accommodation;

“Minister” means the Minister responsible for tourism;

“multi-hazard” means a potentially damaging

- (a) physical event such as a flood, tropical storm, hurricane, tsunami or earthquake; or
- (b) phenomenon or human activity,  
that may cause loss of life or injury, property damage, social or economic disruption or environmental degradation;

“officer” has the meaning assigned to it by section 2 of the *Public Service Act*, Cap. 29;

“operating hours” means the period during which tourist accommodation is open in the usual course of business;

“operator” means a person who

- (a) controls or manages tourist accommodation; or
- (b) although he does not have complete control of the accommodation, has, for the time being, immediate control over the management of the accommodation;

“owner” means the person who

- (a) has the fee simple interest in the property on which the tourist accommodation is located; or
- (b) is entitled to the rights and interests of the lease of the tourist accommodation;

“persons with disabilities” includes persons with an impairment, including physical, mental, intellectual, developmental or sensory impairments, which

in interaction with various barriers may hinder full and effective participation in society on an equal basis with others;

“property manager” includes a real estate agent or another person employed by an operator or owner to manage tourist accommodation;

“short-term” in relation to the rental or use of tourist accommodation, means

- (a) for a period which may range from one night to a year;
- (b) for business, recreation or leisure or any other purpose not related to a remunerated activity for the purposes of the *Income Tax Act*, Cap. 73 while in the accommodation; and
- (c) with no intention of making the accommodation a permanent dwelling;

“tourist” means a person, other than a lessee, who, for leisure, business or another purpose, travels from his usual place of residence to another place, whether within or outside his country of residence, and stays in that other place, for less than a year and for a price, in accommodation operated as a business for profit;

“tourist accommodation” means a villa, hotel, apartment hotel, apartment, guest house or vacation rental property;

“unit” means a separate and private lodging area which can be rented independently, whether or not it

- (a) is fully self-contained;
- (b) has an *en suite* bathroom;
- (c) is a separate room with a shared bathroom and living area; or
- (d) has an internal door with access to an adjoining separate and private lodging area;

“vacation rental property” means any type of tourist accommodation excluding a villa, hotel, apartment hotel, apartment, or guest house that is systematically or periodically rented by tourists during the year where

- (a) there is sleeping accommodation;
- (b) there is a charge for the accommodation;
- (c) the grounds, common areas or recreational facilities are for the use of tourists; and
- (d) the property is managed by a property manager or any other person;

“villa” means a house that is valued at not less than \$2 000 000 and is systematically or periodically rented by tourists during the year, where

- (a) there are at least 3 bedrooms;
- (b) there is a charge for the accommodation;
- (c) the grounds and common areas or recreational facilities are for the use of the occupants of a single booking;
- (d) the property is managed by a property manager or other person; and
- (e) at least 3 persons are employed in the operation of the property.

### **Application**

3.(1) This Act applies to the rental or use of tourist accommodation by tourists on a short-term basis for payment or reward but does not apply to a lease or other long-term arrangement in respect of accommodation.

(2) The common law relating to

- (a) inns applies to tourist accommodation; and
- (b) the duties, liabilities, rights and powers of an innkeeper

applies to an operator, except where the common law is inconsistent with this Act.

## PART II

### LICENSING OF TOURIST ACCOMMODATION

#### **Licence to operate tourist accommodation**

4.(1) Subject to subsection (2), no person shall operate or advertise tourist accommodation without a tourist accommodation licence issued in respect of the accommodation.

(2) Notwithstanding subsection (1), a grace period of 6 months is given to first time applicants effective after the date of commencement of this Act.

(3) A person who contravenes subsection (1) is guilty of an offence and is liable on, summary conviction, to a fine of \$250 000.

#### **Application for licence**

5.(1) An owner or operator of tourist accommodation or a prospective owner or operator or the agent of such a person may, in the approved form and upon payment of the prescribed fee, apply to the Minister for a tourist accommodation licence.

(2) An applicant shall submit with his application

- (a) a copy of any licence or permit required under the *Health Services Act*, Cap. 44 in relation to the accommodation;
- (b) a copy of any certificate issued pursuant to an inspection of the accommodation under the *Fire Service Act*, Cap. 163;
- (c) a copy of a public liability insurance certificate issued in respect of the accommodation;
- (d) a list of the number and type of rooms offered by the tourist accommodation;
- (e) a multi-hazard management plan for the accommodation; and

- (f) such other information as the Minister may require to determine the application.

**Determination of application and issue of licence**

6.(1) The Minister may, upon consideration of an application under section 5, the report on the inspection of the tourist accommodation to which the application relates and such other information as may be relevant to the application

- (a) approve the application and issue a tourist accommodation licence upon payment of the prescribed fee;
- (b) suspend consideration of the application until the matters identified by the Minister as requiring rectification are rectified to the satisfaction of the Minister; or
- (c) refuse the application.

(2) An applicant shall be notified in writing of the decision on his application and where

- (a) consideration of the application is suspended, of the matters to be rectified for the applicant to meet the standard for the issue of a licence;
- (b) the application is refused, of the grounds for the refusal; or
- (c) the property is not fully constructed and operational, a licence shall not be issued.

**Form and duration of licence etc.**

7.(1) A tourist accommodation licence

- (a) shall be in the approved form;
- (b) is valid for a period of 2 years from the date it is issued;
- (c) is renewable upon application and payment of the prescribed fee;
- (d) is not transferable; and

- (e) shall be surrendered on request where it is suspended or revoked.
- (2) Where the sale of property upon which tourist accommodation is situated results in a change of the owner
  - (a) the tourist accommodation licence issued in respect of the accommodation shall be deemed to be revoked; and
  - (b) any person seeking to operate the accommodation after the sale must apply for a new tourist accommodation licence.
- (3) Where there is a change of name in respect of tourist accommodation, the holder of a tourist accommodation licence shall, within 14 days and in writing, notify the Authority of
  - (a) the new registered name;
  - (b) the effective date of the new registered name; and
  - (c) any changes in services and amenities.
- (4) Where there is a change in operator or property manager in respect of tourist accommodation, the tourist accommodation shall, within 14 days and in writing, notify the Authority.

### PART III

#### CLASSIFICATION AND DESIGNATION OF TOURIST ACCOMMODATION

##### **Classification of tourist accommodation**

**8.(1)** Subject to subsection (5), an operator who holds a tourist accommodation licence may, in the approved form and upon payment of the prescribed fee, apply to the Minister for a classification of the tourist accommodation.

- (2) Where an application is made under subsection (1), the Minister may, by order, assign to the tourist accommodation
- (a) the classification for which the application is made; or
  - (b) subject to subsection (4), such other classification as the Minister considers suitable for the accommodation.
- (3) Where the Minister determines that a classification assigned to tourist accommodation no longer applies to the accommodation, the Minister may withdraw the classification and, subject to subsection (4), assign such other classification to the accommodation as the Minister considers suitable.
- (4) The Minister shall not assign a classification to tourist accommodation under subsection (2)(b) or (3) without prior notification to the operator of the classification.
- (5) An operator shall notify the Minister where his tourist accommodation is assigned an international classification and the Minister shall record such classification.

## PART IV

### DUTIES OF OPERATOR

#### **Name and licence**

- 9.(1) An operator shall display the name of the tourist accommodation
- (a) conspicuously at the entrance to the accommodation; and
  - (b) on correspondence and invoices issued, and in print or electronic media used, in respect of the accommodation;



- (2) The tourist accommodation licence of an operator of
  - (a) an apartment hotel, an apartment, a guest house, a hotel or a vacation rental property shall be displayed in a conspicuous place close to the entrance; or
  - (b) a villa shall be provided to a guest upon request.
- (3) The tourist accommodation licence shall be framed for the purposes of display under subsection (2)(a).
- (4) An operator may, upon payment of the prescribed fee, obtain official copies of a tourist accommodation licence where he requires multiple copies of the licence for the purposes of display under subsection (1) or for any other purpose.
- (5) An operator who contravenes
  - (a) subsection (2)(a) is guilty of an offence and is liable on summary conviction to a fine of \$100 000; or
  - (b) subsection (2)(b) is guilty of an offence and is liable on summary conviction to a fine of \$200 000.

### **Staff**

- 10.(1)** An operator of an apartment hotel, an apartment, a guest house, a hotel or a vacation rental property shall ensure that
  - (a) there are employed at the tourist accommodation, persons with the training necessary to maintain the prescribed standards of service; and
  - (b) at least one member of staff is in attendance or on call at all times during the operating hours of the accommodation.
- (2) An operator of a guest house, a vacation rental or a villa shall ensure that at least one member of staff can be contacted during the operating hours of the guest house, vacation rental or villa.

### **List of charges**

- 11.(1)** An operator, an online booking platform or an agent shall
- (a) provide a list of charges for all rooms, services and facilities available to tourists at the tourist accommodation including services and facilities available free of cost;
  - (b) ensure that the list of charges is readily available to tourists; and
  - (c) ensure that each tourist is given
    - (i) a detailed invoice which shows the duration of the stay, all itemized charges, taxes and discounts, and a total charge for the stay; and
    - (ii) a receipt for payment, at the time of payment of the invoice.
- (2)** An operator who
- (a) fails to comply with subsection (1)(b) or (c); or
  - (b) charges for the provision of any service or facility to a tourist an amount in excess of that specified in the list of charges,
- is guilty of an offence and is liable on summary conviction to a fine of \$5 000.

### **Reservation and check-in**

- 12.** An operator shall
- (a) on reservation or on check-in, request one form of photographic identification of the tourist;
  - (b) at the time of reservation or on check-in
    - (i) clearly identify the facilities and services available for the unit reserved by the tourist and explain the cancellation policy to the tourist;

- (ii) where the unit or any facility or service available to the tourist is not located on the main property of the tourist accommodation, notify the tourist of that fact and of any variance in amenities or comfort which is likely to be experienced as a result of the unit not being located on the main property; and
- (iii) notify the tourist if any pets are kept at the accommodation; and
- (c) except in the case of a villa or vacation rental, provide a representative to check-in and familiarize the tourist with the facilities and services of the accommodation.

**Duty to entertain**

**13.** An operator or his agent or employee who, without reasonable cause, refuses or neglects to receive a tourist who appears able and willing to pay for his accommodation and is in a fit state to be received at the tourist accommodation is guilty of an offence and is liable on summary conviction to a fine of \$5 000.

**Duty not to discriminate**

- 14.(1)** An operator shall not discriminate against a tourist in
- (a) fixing or charging a price for tourist accommodation or any service or facility at the accommodation; or
  - (b) granting or refusing access to any facility or service at the accommodation.
- (2) For the purposes of subsection (1), an operator discriminates against a tourist where the operator
- (a) on a ground specified in subsection (3), directly or indirectly, whether intentionally or not, makes a distinction, creates an exclusion or shows a preference, the intent or effect of which is to subject the tourist to any disadvantage, restriction or other detriment; or

- (b) directly or indirectly, whether intentionally or not, subjects the tourist to any disadvantage, restriction or other detriment in the following circumstances:
  - (i) a ground specified in subsection (3) applies to the tourist;
  - (ii) as a consequence of the ground the tourist does not comply, or is not able to comply, with a particular requirement of the operator;
  - (iii) the nature of the requirement is such that a substantially higher proportion of persons to whom the ground does not apply complies, or is able to comply, with the requirement; and
  - (iv) the requirement is not reasonable in the circumstances.
- (3) The grounds referred to in subsection (2) are:
  - (a) race;
  - (b) origin;
  - (c) political opinion;
  - (d) trade union affiliation;
  - (e) colour;
  - (f) creed;
  - (g) sex;
  - (h) sexual orientation;
  - (i) social status;
  - (j) marital status;
  - (k) domestic partnership status;
  - (l) pregnancy;
  - (m) medical condition;
  - (n) disability;

- (*o*) age;
  - (*p*) physical feature; and
  - (*q*) any characteristic which appertains generally or is generally imputed to a person on the basis of any ground referred to in paragraphs (*a*) to (*q*).
- (4) For the purposes of this section,
- (*a*) where an operator acts on several grounds including a ground referred to in subsection (3), the operator acts on the ground referred to in subsection (3) if the ground is a substantial reason for the operator's action;
  - (*b*) an operator shall be taken to have discriminated against a tourist even though the operator acts on the basis of a mistaken assumption; and
  - (*c*) it is not necessary to show that a ground referred to in subsection (3) applies to the tourist discriminated against where it is shown that the ground, whether on a mistaken assumption or not, was thought to apply to a relative or associate of the tourist discriminated against and that fact was a substantial reason for the discrimination.
- (5) For the avoidance of doubt and without prejudice to the generality of subsections (1) and (3)(*f*), an operator discriminates on the ground of creed where the operator
- (*a*) directly or indirectly, whether intentionally or not, subjects a tourist to any disadvantage, restriction or other detriment because of the tourist's appearance or dress and that appearance or dress is required by, or symbolic of, the tourist's creed; or
  - (*b*) requires the tourist to alter his appearance or dress and that appearance or dress is required by, or symbolic of, the tourist's creed.
- (6) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$5 000.

(7) In this section, the terms “detriment”, “domestic partnership status”, “marital status”, “medical condition” and “physical feature” have the meanings assigned to them respectively in the *Employment (Prevention of Discrimination) Act, 2020* (Act 2020-26).

### **Universal access**

**15.(1)** Tourist accommodation which is built or renovated after the commencement of this Act shall be universally accessible for the benefit of persons with disabilities in accordance with the prescribed requirements.

(2) Subject to subsection (3), an operator or owner of tourist accommodation existing prior to the commencement of this Act shall make their properties universally accessible within 5 years of the commencement of this Act or shall apply to the Minister for an exemption where it is not practicable to do so.

(3) The Minister may grant an exemption referred to in subsection (2) to an operator or owner of tourist accommodation in the following circumstances:

- (a) the design of the tourist accommodation prohibits universal accessibility;
- (b) the topography of the land where the tourist accommodation is situate prohibits universal accessibility;
- (c) the property is designated a United Nations Educational, Scientific and Cultural Organization world heritage site; or
- (d) any other condition as the Minister determines.

### **Maintenance of tourist accommodation**

**16.** An operator shall

- (a) ensure that the interior and exterior of the tourist accommodation are kept in a sanitary, aesthetically pleasing and clean condition and do not pose a threat to health and safety or become a hazard;

- (b) ensure that the fixtures, fittings, furnishings, equipment and facilities at the accommodation are properly maintained and functional; and
- (c) provide adequate and separate storage facilities for all food, cleaning equipment and maintenance equipment, and all other supplies necessary for the operation of the accommodation.

#### **Notification on refurbishment**

**17.(1)** An operator shall notify a tourist, at the time of reservation, at check-in and during his stay, of any major renovation or refurbishment being undertaken at the tourist accommodation even where the renovation or refurbishment relates to facilities that are not on the same premises as the unit of the tourist, provided that the facilities are available for the use of tourists.

(2) An operator shall cordon off areas of the tourist accommodation that are under construction, renovation or refurbishment from guests, staff or the inspectorate in order to avoid a hazard.

#### **Pets**

**18.(1)** A guest who is a pet owner shall take such precautions as may be necessary to protect staff, tourists and the public from harm by pets kept at the tourist accommodation.

(2) Where a guest who is a pet owner fails to take such precautions as may be necessary to protect staff, tourists and the public from harm by pets kept at the tourist accommodation, the operator is entitled to revoke accommodation of the pet owner.

(3) An operator who is a pet owner shall take such precautions as may be necessary to protect staff, tourists and the public from harm by a pet owned by the operator kept at the tourist accommodation.

(4) Where an operator fails to comply with subsection (3), the licence of that operator may be suspended or revoked.

## **Security**

- 19.(1)** An operator shall
- (a) implement procedures and install security equipment or engage security personnel to ensure the safety and security of persons at the tourist accommodation; and
  - (b) provide a safe in each unit.
- (2) An operator shall have a grace period of one year from the commencement of this Act to comply with this section.

## **Multi-hazard management plan**

- 20.(1)** An operator shall ensure that there is a multi-hazard management plan for the tourist accommodation.
- (2) The multi-hazard management plan shall include
- (a) multi-hazard preparedness and contingency plans for various types of multi-hazards;
  - (b) the emergency procedures to be followed by the staff;
  - (c) a list of persons in each department to whom clearly identified tasks are assigned in preparation for, during, and after a multi-hazard;
  - (d) duties of staff and management with respect to the protection and care of tourists; and
  - (e) details of necessary emergency supplies.
- (3) Where the tourist accommodation consists of more than 10 units, there shall be kept at the tourist accommodation, a generator and a water-tank as emergency supplies.
- (4) An operator shall ensure that
- (a) the multi-hazard management plan is implemented;



- (b) employees and tourists are familiar with the multi-hazard management plan; and
  - (c) the planning and conducting of emergency drills is based on the multi-hazard management plan.
- (5) An operator shall take such precautions as may be necessary to ensure the safety of tourists at the accommodation in the event of a national emergency.
- (6) An operator shall have a grace period of 2 years after the commencement of this Act to comply with this section.

### **Emergency numbers**

- 21.** An operator of
- (a) an apartment, an apartment hotel, a guest house, a hotel or a vacation rental property shall display the emergency numbers for the police, fire and ambulance services in public or common areas, guest rooms and staff facilities; and
  - (b) a villa shall provide a guest on arrival with a list of the emergency numbers for the police, fire and ambulance services.

### **Communicating emergencies**

- 22.(1)** An operator of a hotel or apartment hotel shall
- (a) have at the tourist accommodation, equipment or machinery that allows or facilitates simultaneous, audible communication to tourists in all rooms and all public areas;
  - (b) provide for the simultaneous communication of information to tourists with disabilities; and
  - (c) notify all guests promptly,
- in the event of an emergency which affects the property.

- (2) An operator of a villa, guest house, apartment or vacation rental property shall promptly notify guests of an emergency which affects the property.
- (3) An operator of a tourist accommodation shall promptly notify all guests of a national emergency.
- (4) For the purposes of subsection (3), a “national emergency” means
  - (a) a public emergency declared under section 28(1) of the *Emergency Management Act*, Cap. 160A, on account of the threat or occurrence of a disaster;
  - (b) a serious occurrence that takes place unexpectedly and demands an urgent response or attention; or
  - (c) a public health emergency declared under section 28A(1) of the *Emergency Management Act*, Cap. 160A;

#### **Report of accidents or incidents**

- 23.(1)** An operator shall make a written report in respect of a guest who suffered an accident or an incident at the tourist accommodation and the operator shall retain the written report in a register of accidents or incidents.
- (2) A written report referred to in subsection (1) shall
  - (a) state the name of the person who suffered the accident or incident;
  - (b) state the date, time and place of the accident or incident;
  - (c) state the details of the accident or incident and the first aid given;
  - (d) state any action taken in the aftermath of injury or illness arising out of that accident or incident;
  - (e) state the name of the member of staff to whom the report of the accident or incident was made; and
  - (f) be signed by the operator.

- (3) An operator shall keep a written report referred to in subsection (1) for a period of 7 years.

#### **Communicable diseases**

**24.** An operator who has a reasonable suspicion that a tourist or an employee at the tourist accommodation may have a communicable disease within the meaning of the *Health Services (Communicable and Notifiable Diseases) Regulations, 1969* (S.I. 1969 No. 179), shall report his suspicion to the Chief Medical Officer.

#### **Tourist complaints**

**25.** An operator shall prepare and implement a complaint policy and reporting procedures which guests can readily access and use in order to make complaints in relation to the tourist accommodation.

#### **Records**

**26.(1)** An operator shall maintain records for the purpose of inspection and reporting under this Act or any other enactment.

(2) Without prejudice to the generality of subsection (1), an operator shall keep a record of each guest from the time of reservation until after check-out or cancellation of the reservation for a period of 7 years.

(3) The record referred to in subsection (2) shall include

- (a) the name and address (inclusive of the postal code and country) and nationality of the guest;
- (b) the check-in and check-out dates of the guest;
- (c) a copy of a form of identification of the guest; and
- (d) such other information as may be required by the Minister.

(4) An operator shall, by the 15<sup>th</sup> day of each month, submit a report in the prescribed form to the Minister on

- (a) occupancy in the tourist accommodation for the previous month;
- (b) projected occupancy for the current month; and
- (c) such other information as may be required.

## PART V

### INSPECTION, WARNING, SUSPENSION AND REVOCATION OF LICENCE

#### **Inspection of tourist accommodation**

**27.(1)** An inspector may inspect tourist accommodation

- (a) for the purposes of determining an application for
  - (i) a tourist accommodation licence or renewal of a tourism accommodation licence;
  - (ii) a classification; or
  - (iii) a designation;
- (b) to ensure that the accommodation
  - (i) is in compliance with this Act;
  - (ii) continues to meet the requirements for the licence issued, classification assigned or designation awarded; or
- (c) where there is a reasonable suspicion that this Act or the terms and conditions of a tourist accommodation licence are being or have been contravened.

- (2) An inspector may, for the purposes of an inspection under subsection (1)
  - (a) enter any tourist accommodation or premises or private road connected with the accommodation;
  - (b) inspect and assess the accommodation or any area on the premises of the accommodation;
  - (c) conduct such surveys, examinations, investigations or other studies as may be necessary to assess the accommodation;
  - (d) make such copies of documents, take such photographs, make such videos or voice recordings or use such equipment, technology or facility as may be necessary to ensure that evidence to support the findings of the inspection is acquired;
  - (e) require the production of any document which he reasonably believes contains information relevant to the purposes of the inspection;
  - (f) make reasonable inquiries of any person, whether orally or in writing; and
  - (g) exercise such other powers as may be necessary for the purposes of the inspection.
- (3) An inspector
  - (a) shall, on the day of an inspection
    - (i) produce official proof of his authority to conduct the inspection and explain the purpose of the inspection to the operator of the tourist accommodation; and
    - (ii) specify the rooms to be inspected and, where a selected room is occupied, the room to be substituted for the occupied room; and

(b) may

- (i) require and conduct, on the basis of his findings during the inspection, a further inspection of additional units of the accommodation; and
- (ii) be assisted with the inspection by such expert as the Minister may appoint in writing for the purpose at such remuneration as Minister may determine.

(4) An expert appointed under subsection (3)(b)(ii) shall be received and granted access to the tourist accommodation and shall be accompanied by an inspector.

#### **Inspection before licence issued**

**28.(1)** Without prejudice to the generality of section 27, where an application is made for a tourist accommodation licence, an inspector shall inspect the tourist accommodation to which the application relates to determine whether the accommodation satisfies the prescribed minimum requirements.

(2) An operator shall be given at least 7 days' written notice of

- (a) the date and time of an inspection under subsection (1);
- (b) the expected duration of the inspection; and
- (c) the number of officers who will perform the inspection.

(3) Tourist accommodation shall be inspected in the manner determined by the inspector.

(4) The operator shall

- (a) permit and facilitate the inspection; and
- (b) notify staff and tourists of the inspection.

**Re-inspection**

**29.** An inspector shall, where required to do so by the Minister for the purposes of determining an application for a tourist accommodation licence or otherwise, re-inspect the tourist accommodation and submit a further written report to the Minister.

**Report on inspection**

**30.(1)** An inspector shall, within 21 days of an inspection of tourist accommodation, submit to the Minister a written report on the inspection.

(2) The report shall contain

- (a) the registered name of the property;
- (b) the date and time of the inspection;
- (c) a description of the tourist accommodation with photographs;
- (d) the findings of the inspection and assessment of the accommodation;  
and
- (e) in the case of an inspection
  - (i) pursuant to an application for a tourist accommodation licence, any recommendations with respect to the issue of the licence; or
  - (ii) of tourist accommodation for which a tourist accommodation licence was issued, a statement on whether the accommodation is in compliance with this Act and where the accommodation is not in compliance,
    - (A) particulars of the breach of this Act or the terms and conditions of the licence;
    - (B) the action to be taken to rectify the breach and the date by which the action must be completed; and

- (C) the proposed date for re-inspection of the accommodation to assess compliance.

(3) An operator shall be notified in writing of the results of an inspection of his tourist accommodation including the information set out in subsection (2)(e)(ii) and, where applicable, the prescribed fee for re-inspection.

### **Warning**

**31.(1)** Where an inspection of tourist accommodation reveals a matter which was the subject of a prior request for rectification, the Minister may issue a written warning to the operator requiring that the matter be rectified within a specified period.

(2) The warning shall

- (a) indicate the matter to be rectified, the action to be taken and the date by which compliance is required;
- (b) give details of prior written requests for rectification of the matter including the number of times such requests were issued; and
- (c) explain that non-compliance may result in
  - (i) a change in the classification assigned or designation awarded to the tourist accommodation; or
  - (ii) the suspension or revocation of the tourist accommodation licence.

(3) An operator who rectifies a matter by the date specified in subsection (2)(a) may, upon payment of the prescribed fee, request a re-inspection of his tourist accommodation.

(4) Where the Minister has cause to write more than 3 warnings under subsection (1) the Minister may

- (a) change the classification or designation of the tourist accommodation; or
- (b) suspend the tourist accommodation licence for a specified period.



### **Suspension or revocation of licence**

**32.(1)** The Minister may with immediate effect suspend or revoke a tourist accommodation licence where

- (a) the owner or operator fails or refuses to comply with this Act or with any written request or direction made or given under this Act;
- (b) the owner or operator is convicted of an offence under this Act or under any other enactment.
- (c) there is a direct or indirect danger to the health or safety of any person
  - (i) using the tourist accommodation;
  - (ii) employed at the accommodation; or
  - (iii) who may reside or operate within close proximity to the accommodation,

and the relevant authority has given the necessary notification under the *Health Services Act*, Cap. 44, the *Safety and Health at Work Act*, Cap. 356 or under any other relevant enactment, as the case may be;

- (d) the owner or operator alters the operations of the accommodation in such a manner that it no longer complies with the prescribed minimum requirements for the category of tourist accommodation licence issued; or
- (e) the owner or operator refuses to permit an inspection of the accommodation in accordance with this Act.

**(2)** Where the Minister intends to suspend or revoke a tourist accommodation licence, the Minister shall notify the operator in writing of his intention

- (a) stating reasons for the suspension or revocation and, where the matter can be rectified, the date by which the matter must be rectified to avoid the suspension or revocation; or

- (b) giving the operator 10 days, from the date of the notice, to supply reasons that the licence should not be suspended or revoked.
- (3) The Minister may suspend or revoke a tourist accommodation licence where
  - (a) the matter referred to in subsection (2)(a) is not rectified by the date specified in that subsection; or
  - (b) the operator does not supply sufficient reasons within the period specified in subsection (2)(b).
- (4) Where the Minister revokes or suspends a licence, the Minister shall
  - (a) notify the operator in writing; and
  - (b) cause notice of the suspension or revocation and, where applicable, the period of suspension, to be published in the *Official Gazette*.
- (5) Where a licence is suspended or revoked, no person shall operate the tourist accommodation to which the suspension or revocation applies.
- (6) A person who contravenes subsection (5) is guilty of an offence and is liable, on summary conviction, to a fine of \$250 000.

**Arrangements for tourists upon suspension or revocation of licence**

- 33.(1)** Where the Minister suspends or revokes a tourist accommodation licence, the operator of the tourist accommodation shall
- (a) make arrangements for the accommodation of any tourist affected by the suspension or revocation; and
  - (b) refund sums paid for bookings affected by the suspension or revocation.
- (2) A person who contravenes subsection (1) is guilty of an offence and is liable, on summary conviction, to a fine of \$250 000.

## PART VI

## MISCELLANEOUS

**Register of tourist accommodation**

**34.(1)** There shall be a register maintained by the Minister, to be known as the “Tourist Accommodation Register”, containing the following particulars

- (a) the name and address, including email and mailing address, of any tourist accommodation in respect of which a tourist accommodation licence is issued;
- (b) the name and contact information of the operator;
- (c) the date the licence was issued and the date of its expiration;
- (d) the classification of the accommodation;
- (e) the designation of the accommodation, if any;
- (f) the services offered by the accommodation;
- (g) the name of any restaurant at the accommodation;
- (h) any removal of the classification or designation of the accommodation;  
and
- (i) any period of suspension of the licence or any revocation of the licence.

(2) The particulars of the register, except the particulars at paragraph (b), shall be open at all reasonable times for inspection by the public.

**Publication of tourist accommodation**

**35.** The Minister shall cause to be published in the *Official Gazette* every 6 months in each year, an alphabetical list of tourist accommodation in respect of which a licence exists, and the classification assigned and designation, if any, awarded to the accommodation.

### **Right of appeal**

- 36.** A person who is aggrieved by a decision in respect of
- (a) an application for a tourist accommodation licence;
  - (b) a classification or designation; or
  - (c) the suspension or revocation of a tourist accommodation licence,
- may appeal to the High Court within 28 days of the decision.

### **Confidentiality**

**37.(1)** An officer in the performance of his duties or otherwise and any other person employed in the administration of this Act shall regard and deal with as secret and confidential information

- (a) received pursuant to this Act; or
- (b) contained in databases and records or documents kept pursuant to this Act.

(2) Notwithstanding subsection (1), a person referred to in that subsection may disclose information

- (a) pursuant to an order of the court;
- (b) where he is authorized or required to do so in writing by the Minister; or
- (c) where the disclosure is permitted under this Act or under any other enactment.

(3) A person who receives information pursuant to subsection (2) shall regard and deal with the information as secret and confidential.

(4) A person who contravenes subsection (1) or (3) is guilty of an offence and is liable on summary conviction to a fine of \$10 000.

## Offences

### 38.(1) A person who

- (a) advertises tourist accommodation, whether in print or by electronic means, in a manner which does not accurately reflect
  - (i) the licensing of the accommodation as a villa, a hotel, an apartment hotel, an apartment, a guest house or a vacation rental property;
  - (ii) the classification assigned to the accommodation; or
  - (iii) the designation awarded to the accommodation; or
- (b) uses a classification in relation to tourist accommodation
  - (i) which has not been assigned or awarded in accordance with Part III;
  - (ii) notification of which has not been published in accordance with section 8; or
  - (iii) for which the tourist accommodation licence has been suspended or revoked;

is guilty of an offence and is liable, on summary conviction, to a fine of \$100 000.

### (2) A person who

- (a) threatens, assaults or obstructs an officer in the execution of his duties under this Act;
- (b) knowingly provides false or misleading information to
  - (i) another person in the execution of the other person's duties under this Act; or
  - (ii) the public in advertising any tourist accommodation or otherwise conveying information in respect of the accommodation; or

- (c) refuses to provide information or documentation required under this Act,

is guilty of an offence and is liable, on summary conviction, to a fine of \$100 000.

### **Regulations**

**39.(1)** The Minister may make regulations for

- (a) the licensing of tourist accommodation;
- (b) licensing fees;
- (c) the classification of tourist accommodation and any designation to be awarded to the accommodation;
- (d) the standards of service to be maintained in relation to tourist accommodation;
- (e) the inspection and monitoring of tourist accommodation to ensure compliance with this Act;
- (f) any matter to be prescribed under this Act; and
- (g) generally giving effect to this Act.

(2) Where regulations made under subsection (1) create an offence, the regulations may provide for a person who is guilty of the offence to be liable, on summary conviction, to a fine of \$50 000.

### **Order**

**40.** The Minister may, by order, declare a facility to be a tourist accommodation for the purposes of this Act.

### **Directives and guidelines**

**41.** The Minister may issue administrative directives and guidelines, generally, to provide information and guidance in relation to compliance with this Act and any statutory instruments made thereunder.

### **Transitional provision**

**42.(1)** Notwithstanding anything contained in this Act, a person who holds a licence that

- (a) was issued in respect of tourist accommodation before the commencement of the *Barbados Tourism Product Authority (Repeal) (Transfer of Assets & Liabilities) Act, 2025* (Act 2025-); and
- (b) is deemed valid and saved pursuant to sections 6 and 7, respectively, of the *Barbados Tourism Product Authority (Repeal) (Transfer of Assets & Liabilities) Act, 2025* (Act 2025-),

is not in contravention of section 4 of this Act, and shall, for the duration of the licence, be treated as if he holds a tourist accommodation licence issued under this Act.

(2) For the avoidance of doubt, nothing in subsection (1) entitles a person, solely by virtue of holding a licence described in that subsection, to a tourist accommodation licence.

### **Repeal**

**43.** The *Hotel Proprietors Act*, Cap. 309 is repealed.

### **Commencement**

**44.** This Act comes into operation on a date to be fixed by Proclamation.