

Tourist Guide Licence - Q&A

1. Who requires a tourist guide licence?

Any person, who intends to guide persons in a language of their choice and who shall be interpreting the cultural and natural heritage of Malta and/or a specific area/s in Malta, requires a licence issued by the Malta Tourism Authority authorising him to act as a tourist guide.

If any person is found to be acting or providing services of a tourist guide or using the title of a tourist guide or advertising such services, without being in possession of a valid licence issued by the Malta Tourism Authority, is deemed to be in breach of the law and is subject to fines contemplated in the Malta Travel and Tourism Services Act (Chapter 409 of the Laws of Malta) and its Regulations.

2. Who can apply for a tourist guide licence from the Malta Tourism Authority?

In order for a person to be eligible for a tourist guide licence, he must, to the satisfaction of the Malta Tourism Authority, possess and/or demonstrate the following:

- a. Be a Maltese national, is an EU national or is otherwise permitted to work in Malta under any applicable law;
- b. Have in his possession any relevant qualification to act as a tourist guide in Malta; or Demonstrate that he has the practical and theoretical competencies and experience deemed and recognised to be equivalent by the Malta Tourism Authority to the possession of a relevant qualification to act as a tourist guide;
- c. Is at least eighteen (18) years of age;
- d. Is of a good character standing and is a fit and proper person to act as a tourist guide; and
- e. Satisfy relative requirements as laid out in the Malta Travel and Tourism Services Act (Chapter 409 of the Laws of Malta) and its Regulations.

If a person has pursued tourist guiding on a full-time basis for one year during the previous ten years in a Member State that does not regulate tourist guiding and possesses one or more attestations of competence or documents providing evidence of formal qualifications, then such person is also eligible to apply for a tourist guide licence with the Malta Tourism Authority.

3. How can one obtain a tourist guide licence from the Malta Tourism Authority? What documentation does one need to submit?

In order to obtain a licence to act as a tourist guide in Malta and/or specific area/a in Malta one is required to apply by following the link: <https://licence.mta.com.mt/> and submit the same together with the following documentation:

- a. A copy of the applicant's legally valid identification document or passport;
- b. A recent certificate of conduct (*fedina penali*) of the applicant. If the applicant has been residing in Malta for less than five years, he is to also provide a certificate of conduct issued from his country of establishment;
- c. (i) A certificate or diploma proving successful completion of a qualification programme for tourist guides at least at Level 5 of National Qualifications Framework attained from a training institution recognised by the Malta Tourism Authority, such as the Higher National Diploma in Tourist Guiding offered by the Institute for Tourism Studies;

or

(ii) Proof of competence equivalent to the successful completion of a training programme as referred to paragraph (i), attested by a pass in practical and theoretical assessments, which shall be written and oral and being set for the purpose by the Malta tourism Authority, or by any person on the Authority's behalf from time to time:

Provided that where the Authority considers that the equivalence of the qualification certificate or diploma required as referred to in paragraph (i) is only partial, it shall be possible for the applicant to provide his competence in the areas where it is deemed to be lacking by means of any assessment set by the Malta Tourism Authority as referred to in paragraph (ii) above.

- d. A detailed curriculum vitae (CV) of past work-experience;
- e. Two colour passport size photographs;
- f. Two character references; and
- g. An application fee of twenty-five Euro (€25) payable to the Malta Tourism Authority.

In the case of non-EU nationals, a copy of relative work permit is to also be provided.

4. Does the tourist guide licence apply to all places of interest in Malta?

A tourist guide licence authorises you to carry out guided tours in non-special designated locations around Malta. If one intends to carry out guided tours in special designated locations then the necessary authorisation is to be obtained from the Malta Tourism Authority to carry out guided tours in all Special Designated Locations or to any or more of them.

5. Which are the Special Designated Locations?

The following are deemed as Special Designated Locations for which authorisation to carry out guided tours in such locations is required from the Malta Tourism Authority as can be found in the Second Schedule of the Tourist Guides Regulations:

- a. All prehistoric sites;
- b. All museums and museum sites;
- c. All places of worship currently or formerly used as such;
- d. Calypso' cave and Dwejra in Gozo;
- e. All fortifications of any period currently or formerly used as such;
- f. Walled cities except walk-throughs; and
- g. All UNESCO Heritage Sites, which include but are not limited to they Hypogeum, Ggantija Temples, Ta' Hagra, Skorba, Hagar Qim, Tarxien Temples and Valletta

6. How can I obtain a licence to carry out guided tours in Special Designated Locations?

Apart from following the procedure as provided for in the reply to question 3 in order to qualify for a licence to act as a tourist guide in special designated locations the applicant must demonstrate to the satisfaction of the Authority that he possesses specific skills and knowledge on the cultural and natural heritage as well as the environment of the relevant specific designated location or locations for which the application is being made. The Authority will take into consideration the level of outcome attained by the applicant in the certificate or diploma referred to in the reply to question 3 or their equivalent, in the parts that are relevant to any specific designated location for which a specific licence that the applicant has applied for.

7. Until when does a tourist guide licence remain valid?

If the tourist guide licence obtained is not a temporary tourist guide licence, then it shall remain valid for a period of two years from the date of issue unless terminated earlier by the Malta tourism Authority. The licence may be renewed by the Malta Tourism Authority, subject to the Authority's satisfaction of the continued compliance of relative applicable laws by the licence holder.

8. Does one still require a tourist guide licence if they only intend to provide tourist guiding on a temporary basis?

A licence to act as a tourist guide is still required in such instance. However, the Malta Tourism Authority does grant tourist guide licences on a temporary basis to those that provide tourist guiding services in Malta on a temporary and occasional basis. The licence issued will cover the period indicated on such licence document issued by the Malta Tourism Authority.

9. Who can apply for a temporary tourist guide licence from the Malta Tourism Authority?

Any person may apply for a temporary tourist guide licence from the Malta Tourism Authority if such person satisfies the following requisites:

- a. Proves that he is legally established in any Member State for the purposes of providing tourist guiding services:
Provided that where the provision of tourist guiding services, or the practical and theoretical training leading to the qualification as a tourist guide is not regulated in the Member State where he is legally established, the person applying shall not be prohibited from providing temporary and occasional services in Malta as a tourist guide if he has provided such services in the Member State where he is legally established for at least one year during the ten years preceding the provision of the same services on a temporary and occasional basis in Malta;
- b. Has the necessary knowledge of the language or languages necessary for providing tourist guiding services in Malta; and
- c. Has submitted to the Authority a written declaration and the documentation referred to in the reply to question 10.

The Malta Tourism Authority determines, at its discretion, whether the services will indeed be provided on a temporary and occasional basis in Malta on a case-by-case basis. The Malta Tourism Authority takes into account all relevant circumstances, including but not limited to frequency, regularity, and continuity, in conformity with all applicable legislation.

10. Which documentation does one need to submit to obtain a temporary tourist guide licence?

Prior to the commencement of the temporary tourist guiding services in Malta, one is to submit the following:

- a. a written declaration in the form established by the Malta Tourism Authority, and which declaration currently must be provided using the form found on <https://www.mta.com.mt/en/file.aspx?f=34487> and which declaration must set out the following information:
 - i. The full name of the applicant that shall be providing temporary tourist guiding services;
 - ii. The full legal address of the applicant;

- iii. If applicable, the name and details of the national or regional register in which the applicant is enrolled, his registration number, or any equivalent means of identification contained in that register;
 - iv. The details of any professional association or similar body with which the temporary service provider is registered or is a member thereof; and
 - v. The professional title or designation used, or in the event that such title or designation does not exist, the formal qualifications of the temporary service provider which entitles him to act as a tourist guide in the Member State of his establishment, and the Member State in which it was awarded.
- b. Evidence of his nationality by providing a copy of passport;
 - c. An attestation from the relevant competent authority in the Member State of his establishment that he is legally established in that Member State for the purposes of pursuing tourist guiding and that he is not prohibited, even temporary from providing such services. A copy of any valid tourist guiding licences that the applicant may already have in his possession are to also be provided;
 - d. In the situation mentioned in the proviso to regulation 7(1)(a) of the Tourist Guides Regulations or paragraph (a) of the reply to question 9 above, evidence that the temporary service provider has provided tourist guiding services for at least one year during the previous ten years;
 - e. Evidence of the formal qualifications which entitles him to act as a tourist guide in the Member State of his establishment, together with a detailed curriculum vitae ('CV'); and
 - f. A copy of the full itinerary of the tourist guiding services that the applicants intends to provide temporarily in Malta.

Should there be a material change in the status of the applicant, the written declaration and the documents submitted with the declaration to the Malta Tourism Authority no longer effect such status, the temporary service provider shall submit to the Authority an updated written declaration or the documents reflecting such change in status within fifteen days from the date when such change occurred.

If the applicant intends to provide tourist guiding services in a calendar year immediately following the year when the written declaration referred to in paragraph (a) was filed, then a new written declaration is to be submitted covering the particular year when such temporary tourist guiding services are to be provided.

11. Are there any obligations on licence holders of a tourist guide licence?

All licenced tourist guides are required to adhere to the provisions of the Malta Travel and Tourism Services Act (Chapter 409 of the Laws of Malta) and its Regulations, including but not limited to the Tourist Guides Regulations (S.L. 409.12 of the Laws of Malta), such conditions include the obligation to continue to undergo professional development training, not guide a party of more than 52 persons or conduct. Failure to adhere to such provisions of the law can lead to the cancellation, withdrawal or suspension of the licence, imposing of administrative fines and/or criminal action being instituted against such person acting in breach of the law.

12. Does one have a right of redress in the event that the Malta Tourism Authority decides to not grant a tourist guide licence or if licence is suspended, cancelled or withdrawn?

The applicant or the licence holder aggrieved by the decision of the Malta Tourism Authority has the right to appeal said decision on payment of the fee of €116.47 before the Tourism Appeals Board as

established under the Malta Travel and Tourism Services Act (Chapter 409 of the Laws of Malta) within fifteen days from the date of the relative decision on which the appeal is entered is communicated to the person concerned. Any person aggrieved with a decision of the Authority is encouraged to seek legal advice.

Any refusal to grant a licence or suspension, cancellation or withdrawal of the such licence, does not preclude one from applying again with the Malta Tourism Authority where circumstances have changed.

Disclaimer

The criteria to obtain a tourist guide licence and the relative documents which may be required by the Malta Tourism Authority may change from time to time due to changes in the law and/or policy.

The above is for meant for guidance purposes only and does not purport to give legal advice. If you have any queries you are to kindly contact the Malta Tourism Authority by phone on 22915000 or by email at licensing.mta@visitmalta.com and should you require legal advice you are to contact a lawyer.

For further information as regards to legal standards one needs to abide to kindly refer to the Malta Travel and Tourism Services Act, Chapter 409 of the Laws of Malta, and its Regulations, including but not limited to the Tourist Guides Regulations, Subsidiary Legislation 409.12. Relative legislation can be accessed on <https://legislation.mt/Legislation>