



THE PAKISTAN HOTELS AND RESTAURANTS ACT, 1976



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THE PAKISTAN HOTELS AND RESTAURANTS ACT, 1976.

¹ACT No. LXXXI OF 1976

[1st December, 1976]

An Act to provide measures for controlling and regulating the standards of service and amenities for tourists in hotels and restaurants.

WHEREAS it is expedient to provide measures for controlling and regulating the standards of service and amenities for tourists in hotels and restaurants and for matters ancillary thereto or connected therewith ;

AND WHEREAS the Provincial Assemblies of the Punjab, Sind and North-West Frontier Province, and Parliament, exercising the powers of the Provincial Assembly of Baluchistan under Article 234 of the Constitution of the Islamic Republic of Pakistan, have passed resolutions under Article 144 of the Constitution to the effect that Parliament may by law regulate the standards of service and amenities for tourists in hotels and restaurants ;

It is hereby enacted as follows :-

1. Short title, extent, application and commencement.—(1) This Act may be called the Pakistan Hotels and Restaurants Act, 1976.

(2) It extends to the whole of Pakistan.

(3) It shall apply to all the hotels and restaurants in Pakistan.

(4) It shall come into force at once.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

(a) "apprentice" means any person who has contracted with a hotel or a restaurant to perform the stipulated apprenticeship in such hotel or restaurant ;

(b) "Committee" means the committee set up by the Federal Government under section 4 ;

(c) "Controller" means a Controller appointed under section 3 and includes a Deputy Controller and an

¹For Statements of Objects and Reasons, see Gaz., of P., 1976, Ext., Pt. III, pp. 1353-54.

Assistant Controller and such other person as may be authorised by the Federal Government by notification in the official Gazette to perform all or any of the functions of the Controller ;

- (d) "customer" means a person availing facilities offered in a restaurant on monetary consideration ;
- (e) "fair rates" means the rates fixed under section 10 and includes revised rates ;
- (f) "guest" means a person who is in possession or enjoyment of accommodation provided to him in a hotel on monetary consideration ;
- (g) "hotel" means a lodging, or boarding and lodging, establishment with a minimum of ten lettable bed rooms, provided for tourists on monetary consideration, which conforms to any of the prescribed minimum criteria, but does not include-
 - (i) a home or hostel which is exclusively or mainly used for the aged or invalid persons or students and is run by or under the control of a charitable or educational institution ; or
 - (ii) any rest house, hostel or circuit house exclusively meant for visiting Government officials or officials of other organisations, though run on a commercial basis ;
- (h) "manager" means the person incharge of the management of a hotel or a restaurant;
- (i) "owner" means the person who holds title to a hotel or restaurant and is entitled to receive the whole or any part of the earnings received from a guest or customer on account of accommodation or services provided in the hotel or restaurant, and includes a keeper or assignee for the time being discharging the responsibility of the owner in respect of such hotel or restaurant ;
- (j) "prescribed" means prescribed by rules made under this Act ;
- (k) "public rooms" means rooms in a hotel which are meant for the common use of all guests ;
- (l) "restaurant" means a public eating house providing standard and variety of cuisines on monetary consideration to tourists which conforms to the minimum prescribed criteria ;
- (m) "service" means any service provided in a hotel or a restaurant ; and
- (n) "tourist" means a person, whether a citizen of Pakistan or not, who stays over-night or more as a guest in a hotel at a place other than his normal place of residence.

3. Appointment of Controller, Deputy Controllers and Assistant Controllers.— (1) The Federal Government may, by notification in the official Gazette, appoint a person to be the Controller for the purposes of this Act and such number of Deputy Controllers and

Assistant Controllers as may be necessary for the performance and discharge of such functions and duties as may be assigned to them by or under this Act and may, by general or special order, provide for the distribution or allocation of work to be performed by them.

(2) Subject to the provisions of this Act, the Controller shall perform his functions and discharge his duties under the general supervision and control of the Federal Government.

(3) Subject to the provisions of this Act and of such orders as may from time to time be made by the Federal Government in this behalf, the Deputy Controllers and Assistant Controllers shall perform their functions and discharge their duties under the general supervision and control of the Controller.

4. Setting-up of Advisory Committee. As soon as may be after the commencement of this Act, the Federal Government may set up a Hotels and Restaurants Committee, consisting of as many members as the Federal Government may determine, to aid and advise the Federal Government in relation to such matters relating to the administration of this Act as may be prescribed.

5. Registration of hotels and restaurants.—(1) The owner of every hotel and restaurant shall, within a period of two months from the commencement of this Act, or from the opening of the hotel or restaurant, or from the date on which this Act becomes applicable to such hotel or restaurant, whichever is later, apply to the Controller for registration of his hotel or restaurant and for determination of fair rates in relation thereto and, in the case of a hotel, also for its classification, on payment of such fee as may be prescribed.

(2) No hotel or restaurant shall be registered, unless—

- (a) it conforms to the prescribed standard of health, hygiene and comfort, provided that the Controller may allow provisional registration subject to such conditions as he may deem fit and, for good and sufficient reasons, modify, alter or withdraw any such condition at any time ;
- (b) it furnishes at its expense certificates of medical fitness from a Medical Officer of the civil hospital of the area in respect of its staff in such form as may be prescribed ;
- (c) its building is structurally safe and adequately protected against fire or an accident arising out of electricity or gas and safety of the tourists is ensured.

(3) The Controller, or an officer authorised by him in this behalf, or a member of the Committee may, at any time, inspect the premises of a hotel or restaurant, call for any information, plan or data in respect of any matter concerning such hotel or restaurant or, at the cost of the owner, carry out, or require the owner to carry out, test of any articles or appliances or foodstuff.

6. Classification of hotels. Subject to such general or particular directions as the Federal Government may issue the Controller shall, according to the prescribed minimum criteria, by notification in the official Gazette, classify hotels, according to the star classification system, as—