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PART I : SECTION (I) — GENERAL Government Notifications

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TOURISM ACT, No. 38 OF 2005

REGULATIONS made by the Minister of Tourism Development, Wildlife and Christian Religious Affairs, on the advice of the Sri Lanka Tourism Development Authority, under Section 69 of the Tourism Act, No. 38 of 2005 read with subsections (3), (6) and (7) of Section 48 and Subsection (1) of Section 50 of the aforesaid Act.

JOHN ANTHONY EMMANUEL AMARATHUNGA,
Minister of Tourism Development, Wildlife
and Christian Religious Affairs.

Colombo,

Regulations

1. These regulations may be cited as the Tourism (Registration and Licensing of Ayurvedic Tourist Health Care Centres) Regulations No. 3 of 2019.

2. No person shall carry on the business of an Ayurvedic Tourist Health Care Centre as a Tourist Service unless such service is registered with the Sri Lanka Tourism Development Authority (hereinafter referred to as the “Authority”) and obtained a license for such service from the Authority.

3. Every business of an Ayurvedic Tourist Health Care Centre shall be a registered business with the relevant Government Authority.



4. Every person who already carries on a business of an Ayurvedic Tourist Health Care Centre shall register with the Sri Lanka Tourism Development Authority, within a period of six months from the date of publication of these regulations in the *Gazette*.

PART I

Registration of Ayurvedic Tourist Health Care Centres

5. Every person who wishes to register an Ayurvedic Tourist Health Care Centre as a registered Tourist Service shall -

- (a) submit an application to the Director-General of the Authority (hereinafter referred to as the "Director-General") in a form as may be determined by him ; and
- (b) be accompanied by such fees specified in the Order made under subsection (5) of section 48 of the Tourism Act, No. 38 of 2005 and published in *Gazette Extraordinary* No. 2071/57 of May 16, 2018.

6. The Director-General may request for further information or documents to be furnished, including any clarification that he may consider to be necessary for the purpose of deciding such application.

7. An application found to contain false, misleading or incorrect information or particulars shall be rejected.

8. Where the Director-General is satisfied that the applicant possess the requirements, the Director-General shall register such applicant as registered proprietor of such Ayurvedic Tourist Health Care Centre and, issue a Certificate of registration to such registered proprietor.

PART II

Licensing of Registered Ayurvedic Tourist Health Care Centres

9. Every person who desires to carry on a business of an Ayurvedic Tourist Health Care Centre registered under these regulations shall -

- (a) submit an application to the Director-General substantially in a form as may be determined by him ; and
- (b) be accompanied by such fees specified in the Order made under subsection (5) of Section 48 of the Tourism Act, No. 38 of 2005 and published in *Gazette Extraordinary* No. 2071/57 of May 16, 2018.

10. Upon the receipt of an application for the issuance of a license from the proprietor of the Ayurvedic Tourist Health Care Centre, the Director-General may direct the applicant to furnish such further information, documents or clarifications pertaining to the application within such period as may be specified, for issuance of license.

11.(1) The Director-General shall, on being satisfied that the applicant possesses the minimum standards specified in the schedule hereto for an Ayurvedic Tourist Health Care Centre issue a license to the proprietor of the Ayurvedic Tourist Health Care Centre.

(2) The Director-General shall, inform the applicant of his decision in writing within a period of one month and in a case of a refusal to issue a license, he shall state his reasons therefore.

12. The license issued under regulation 11 of these regulations -

- (a) may be subject to such terms and conditions as specified in the license, which the Director-General may deem appropriate for securing due compliance with provisions of Tourism Act, No. 38 of 2005 or any regulations made thereunder.
- (b) shall come into force on the date specified therein ;
- (c) shall, unless it is earlier cancelled or revoked by the Director-General, remain in force for a period of one year from the date specified in the license.

PART III

General

13. The Director-General may refuse to issue a license under regulation 11 where the applicant -

- (a) has failed to register the Tourist Service or himself as the registered proprietor under these regulations ; or
- (b) has failed to comply with the minimum standards specified in the Schedule hereto.

14. The Director-General may, on the approval of the Authority amend, modify or rescind any term or condition attached to the Certificate of Registration or the license.

15. The Director-General may cancel the Certificate of Registration issued under regulation 8 or the license issued under regulation 11 of these regulations on the ground -

- (a) that any provision of the Tourism Act, No. 38 of 2005 has been violated ;
- (b) that any regulations made under the Tourism Act, No. 38 of 2005 has been violated ; or
- (c) that any condition attached to the Certificate of Registration issued under regulation 8 or license issued under regulation 11 has not been complied with.

16. A license issued under regulation 11 of these regulations shall be renewable on -

- (a) an application being made on that behalf to the Director-General in a form as may be determined by him ;
- (b) not later than three months before the expiry of the license ; and
- (c) accompanied by such fees as are payable in terms of the order made under subsection (5) of section 48 of the Tourism Act, No. 38 of 2005 and published in *Gazette Extraordinary* No. 2071/57 of May 16, 2018.

17. Any person aggrieved by a decision of a refusal to issue the Certificate of Registration or refusal of a renewal or a cancellation of a license issued may, within one month of the date of receipt of the written communication informing such person of the refusal or the cancellation, as the case may be, submit an appeal to the Tribunal established under Section 51 of the Tourism Act, No. 38 of 2005.

18. Every registered and licensed proprietor shall ensure the registered Ayurvedic Tourist Health Care Centre complies with the minimum requirements as specified in Schedule hereto.

19. The Director-General shall cause to maintain a Register of Ayurvedic Tourist Health Care Centre which shall contain such particulars of the registered and licensed Ayurvedic Tourist Health Care Centre and be maintained in such form as may be determined by the Director-General.

20. In these regulations -

“Ayurvedic Tourist Health Care Centre ” means a dedicated centre with facilities to conduct Ayurveda for Tourism.

Schedule

(Regulation 11)

Minimum Requirements for Ayurvedic Tourist Health Care Centres

1. Location

The minimum requirements of the particular classified Hotel or Boutique Hotel to be complied with.

2. Buildings

The buildings shall be suitably designed and constructed for provision of Ayurvedic health care services.

3. Compound/Garden

The compound and the garden shall be well laid out and maintained to harmonize with the requirements of Ayurvedic health care services, preferably grown with Ayurvedic herbs.

4. Parking

There shall be a dedicated parking space for the guests of the Ayurvedic health care centre.

5. Reception/Information

A separate Reception/Information desk shall be made available to receive and provide detailed information on Ayurvedic health care services to the guests.

6. Consultation Rooms and Guest Waiting Rooms

6.1 There shall be one or more consultation room with adequate space and facilities for physicians.

6.2 These rooms shall be demarcated and adequately lit and ventilated and shall be well maintained.

6.3 Comfortable seating facilities shall be provided for the guests seeking treatment.

6.4 A copy of the Ayurvedic Practitioner's Certificate issued by Department of Ayurveda or the Ayurvedic Medical Council, indicating the specialization, shall be displayed in the guest waiting area or in the consultation room.

7. Types of Ayurvedic Treatment

7.1 The Ayurvedic Health Care Centre shall provide the following types of Ayurvedic treatments.

7.1.1 Poorva Karma (Sneha an Sweda Karma, namely (a) Thaila Abyanga and Sheera Abyanga, (b) Shirodhara, (c) Sarwangadhara, (d) Pinda and Wasshpa Swedha, (e) Agni and Niranga Swedha.

7.1.2 Pradhana Karma (Pancha Karma) namely (a) Vamana Karma, (b) Viredhana Karma, (c) Nasya Karma, (d) Vasthi Karma, (e) Raktha Mokshana Karma.

7.1.3 Paschath Karma, (a) Patya Ahara Viharana.

7.1.4 Kshudra Karma, namely (a) Gandusha, (b) Kavalangraha and (c) Akshi Tharpana.

7.2 Guest/patient records with name, age, family history, allergies, type of medicine, dosage, current medicine and reaction to medicine shall be maintained.

8. Treatment Rooms

8.1 The treatment rooms shall be located away from the public areas and there shall be adequate privacy in and around the room.

8.2 Adequate number of treatment rooms shall be provided in relation to the number of guests seeking following therapeutical treatment, namely (a) massages, (b) steam baths, (c) herbal baths, (d) acupuncture (if provided), meditation and yoga and counseling.

8.3 There shall be separate treatment rooms for males and females.

8.4 The following facilities and equipment shall be made available for treatment purposes, namely (a) examination bed/s, (b) wooden beds for massage/Shirodhara and (c) Caskets for steaming, made out of wood (preferably Margosa).

8.5 Treatment rooms shall have sufficient light and ventilation.

8.6 All guests shall be provided with clean and sanitized cotton linen which shall include bath robes, bath towels, face towels, hand towels, bed sheets, inhalation sheets, scarves and eye guards.

9. Post - Treatment Relaxation Lounge/Area

9.1 There shall be a separate post-treatment relaxation lounge or are for relaxation after treatment.

9.2 It shall be well equipped and furnished with relaxing chairs and shall be quiet without any disturbance.

10. Pharmacy/Medical preparation room

10.1 There shall be a spacious pharmacy for stocking of Ayurvedic supplies and for preparation of medicine.

10.2 Preparation of medicine shall be done under the supervision of a qualified Ayurvedic Physician or a qualified pharmacist, registered with the Ayurvedic Medical Council.

- 10.3 Suitable racks and storing devices shall be provided for storage of medicinal items and tables, equipment and utensils shall be provided for mixing and preparation of medicine.
- 10.4 The pharmacy shall be fitted with a wash basin with running hot and cold water.
- 10.5 All drugs/medicines shall be prepared according to the accepted standards using permitted utensils.
- 10.6 Separate stores shall be available to stock manufactured drugs and raw materials.
- 10.7 Proper and adequate heating and fermentation methods shall be observed.
- 10.8 The Pharmacist should maintain an inventory of all pharmaceuticals, indicating date of manufacture, date of expiry, ingredients used and details of suppliers of manufacturers.
- 10.9 The Health Care Unit shall purchase manufactured medicine from a manufacturer registered with the Department of Ayurveda.

11. Herbal Kitchen

- 11.1 There shall be a herbal kitchen adequately staffed with knowledgeable and experienced staff for the preparation of required solid and liquid herbal products, decoction, pastes and bundles.
- 11.2 Utensils used in the preparation of all Ayurvedic medicine in the Health Care Unit shall have the approval of the Department of Ayurveda.

12. Casual Toilets Units

- 12.1 There shall be separate casual toilet units for males and females.
- 12.2 Each toilet unit shall be provided with water closet units, wash basins, mirrors, towel rails, clothes hooks, clean towels, sanitary bin with paper bags, soap, soap trays, toilet paper with holders, bidets or hand bidets and hot and cold water.
- 12.3 The fixtures and fittings in the casual toilet units shall be in good working order.
- 12.4 The toilet units shall be adequately lit and ventilated and also well maintained.
- 12.5 The floor and walls up to 1.5 m of the toilet shall be of impervious material.

13. Staff and Facilities

- 13.1 There shall be at least one Ayurvedic Physician certified by Department of Ayurveda/Ayurveda Medical Council as a consultant attached to the Ayurvedic Health Care Unit, preferably with an Assistant Physician who shall have a Degree or a Diploma from an institute recognized by the Department of Ayurveda. Any traditional Indigenous Ayurvedic Physician shall have obtained necessary clearance from the Department of Ayurveda, based on their proven records.
- 13.2 There shall be an adequate number of therapists, both male and female with at least six months training on Ayurvedic treatments and their certificate of training shall be accepted by the Department of Ayurveda.
- 13.3 Attendants, both male and female, with at least six months training and/or practical experience on Ayurveda, to treat the male and female patients respectively, shall be available.