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THE TOURISM ACT, 2007

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NOTICE

This Bill to be submitted to the National Assembly is published for general information to the general public together with a statement of its objects and reasons.

Dar es Salaam,
31st May, 2007

PHILLEMONT L. LUHANJO
Chief Secretary

A Bill
for

An Act to provide for institutional framework, administration, regulation, registration and licensing of tourism facilities and activities for related matters

ENACTED by Parliament of the United Republic of Tanzania

PART I
PRELIMINARY PROVISIONS

Short title and
commence-
ment

1.-(1) This Act may be cited as the Tourism Act,
2007.

(2) This Act shall come into operation on such date
as the Minister may, by notice published in the *Gazette*,
appoint.

Interpretation

2. In this Act, unless the context requires otherwise

“activity” means and includes all acts commonly done or
performed by a person or group of persons at a
tourism facility;

“authorized officer” means a tourism officer, forest officer,
fisheries officer, game officer, park ranger, police
officer or any other officer authorized in writing by
the Director to exercise any power or to discharge
any duty under this Act or any subsidiary legislation
made thereunder;

“certificate of registration” means a certificate of

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G.N.No.7
of 2003

registration issued pursuant to section 12;

“college” means the National College of Tourism or a similar public college designated as such;’

“designated tourism facility or activity” means any premises, place or activity designated as such by the Minister under section 17;

“Director” means the Director of Tourism appointed under section 5;

“Division” means the Division responsible for tourism;

“guest” means any person who, in return for a payment of a sum of money, whether such payment is made by such person or any other person, occupies or reserves for occupation or accommodation in a tourism facility;

“Minister” means the Minister responsible for tourism;

“operator” means a tourism operator;

“tourism” means activities conducted by a person traveling to a place outside his usual environment for more than twenty four hours and less than a year and whose main purpose of travel is other than the exercise of an activity remunerated from within the place visited; and where this activity is taking place in Tanzania shall be known as a domestic tourism;

“tourism facility” means a place, thing or premises managed by a tourism operator and which regularly or occasionally provides services or products for utilization by tourists or visitors for purposes other than exercise of an activity remunerated from within the place visited;

“tourist” means a person who is traveling to a place outside his usual environment for the period between twenty-four-hours and one year and whose main purpose of travel is other than the exercise of an activity remunerated from within the place visited and whereas this activity is under taken by a resident shall be known as a domestic tourist;

“tourism business” includes negotiating, whether by correspondence or otherwise, soliciting, canvassing or accepting business connected with the tourism with any person;

“tourism officer” means an officer who has a duty under the law to execute functions under this Act;

“tourism operator” as used in this Act, means a tourist agent or photographic safaris operator or any person who for reward conduct an activity or operate a facility, or undertakes to provide services for tourists and other members of the public in relation to tours and travel within or outside the country;

“visitor” means any person whose usual place of residence is outside an area visited, for a period not exceeding one year and for reasons other than employment.

Promotion of Global Code of Ethics for Tourism eco-tourism, etc

3. All persons exercising powers or discharging any duties under this Act shall strive to promote -

- (a) the relevant provisions of the Global Code of Ethics for Tourism; and
- (b) eco-tourism, cultural tourism and any other forms of tourism that provides better sectoral linkages, create employment and foster sustainable development.

PART II

INSTITUTIONAL ARRANGEMENT AND ADMINISTRATION

Establishment of a Technical Advisory Committee

4.-(1) There is hereby established a Technical Advisory Committee which shall be responsible for advising the Minister on matters related to the management and regulation of tourism facilities and activities, designated tourism facilities and activities, tourism operators and any other functions assigned to it under this Act or regulations made thereunder.

(2) Notwithstanding subsection(1), the functions of the Technical Advisory Committee shall include to -

- (a) advise the Minister in matters relating to -
 - (i) issuance of licence;
 - (ii) grading of tourism facilities;
 - (iii) registration of tourism facilities and activities; and
 - (iv) tourism development,
- (b) advise on any matter as may be requested by the Minister.

(3) The composition, tenure of office, meetings and procedural matters of the Committee shall be as provided for in the First Schedule to this Act.

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Director of
Tourism
Cap.298

5.-(1) There shall be a Director of Tourism who shall be appointed in accordance with the Public Service Act and who shall be a person with proven knowledge in tourism matters.

(2) The Director shall be -

- (a) the officer-in-charge of the Division; and
- (b) the principal advisor to the Government in all matters related to tourism.

(3) The Director shall, subject to direction by the Minister, be responsible for the proper administration of this Act.

(4) The Permanent Secretary may, with the approval of the Minister and by notice published in the *Gazette*, delegate to any public officer any of such functions and, where the Permanent Secretary has delegated any of his functions, he shall include references to the public officer to whom such functions have been delegated.

(5) The Director shall have such powers as are necessary or expedient for the performance of the functions of his office.

Functions of
the Division

to - 6.-(1) The general functions of the Division shall be

- (a) promote, assist and facilitate the efficient development and marketing of tourism;
- (b) promote and encourage the establishment and development of appropriate tourism facilities, activities and amenities;
- (c) register, classify and grade tourism facilities, and to establish and maintain registers of such facilities and activities;
- (d) implement provisions for the licensing and regulation of providers of tourism facilities and services;
- (e) promote high quality tourism through the establishment of standards, training and human resources development, either alone or in cooperation with other stakeholders;
- (f) encourage and promote the recruitment, training, education and development of persons for the purpose of employment in connection with the tourism industry;

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- (g) conduct and facilitate research in tourism, related subjects and to compile and publish information relevant to the tourism industry;
- (h) design and advise on suitable educational programmes intended to stimulate interest in, and understanding of the tourism industry;
- (i) investigate on any matter affecting the tourism industry and advise the Minister accordingly;
- (j) manage tourism information system;
- (k) licence and regulate the business of tourism operators;
- (l) identify tourist attractions and diversification of tourism activities;
- (m) without prejudice to any other relevant law, to undertake studies on cultural, social, environmental and socio-economic impacts of tourism activities and monitor such impacts;
- (n) take legal action against persons violating any of the provisions of this Act, regulations or orders made thereunder;
- (o) appraise investment proposals concerning the tourism industry;
- (p) promote domestic tourism; and
- (q) do such other activities on its own initiatives or at the direction of the Minister, as are necessary to carry out effectively the purposes of this Act.

(2) The Director shall, in consultation with other public authorities, devise strategies geared towards promotion and maintenance of sound working relationship between the Division and such various public authorities where tourism activities are undertaken.

Tourism
officers

7.-(1) There shall be appointed such number of tourism officers as are necessary for proper and effective execution of the functions of the Division as is necessary for management of tourism in accordance with the provisions of this Act.

(2) Officers referred to under this section shall be allocated or delegated such functions and be located in such offices or institutions as the Director may determine.

PART III

DESIGNATION, REGISTRATION AND GRADING
OF TOURISM FACILITIES AND ACTIVITIES

- Tourism facility and activity to be registered
8. No person shall conduct or operate a tourism facility or an activity unless such tourism facility or activity is so registered.
- Director to establish and keep a register
9. The Director shall keep and maintain a register of classes of tourism facilities and activities.
- Application for registration and grading of a tourism facility and activity
- 10.-(1) Any person who is conducting, operating or intends to conduct or operate a tourism facility or activity which is required to be registered or graded under this Act shall apply to the Director for a certificate of registration in the form set out in the Second Schedule to this Act.
- (2) An application made under subsection (1) shall be accompanied by such documents, and other information or particulars relating to a tourism facility or activity as may be prescribed.
- (3) Grading conducted under this Act shall be subject to such costs as the Minister may, by order published in the *Gazette*, prescribe.
- Registration and grading of a tourism facility and activity
- 11.-(1) Subject to subsections (3) and (4), on receipt of an application made under section 10, the Director shall where he is of the opinion that the prescribed requirements for registration -
- (a) have been complied with, register the tourism facility or activity by entering in the register such particulars as may be prescribed; or
- (b) have not been complied with, refuse to register the facility or activity and give reasons for the refusal.
- (2) The Director shall be required to determine an application for grading of a tourism facility within forty five days following the date of lodging.
- (3) The Director shall, before registration or grading of any tourism facility or activity, cause the tourism facility

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or activity to be inspected and may -

- (a) call for a report from the Health Officer; or
- (b) make or cause to be made such further investigations in respect of the tourism facility or activity.

(4) The Director shall, in determining the matter under subsection (3), ensure that the provisions of the Environmental Management Act, 2004 relating to Environmental Impact Assessment have been complied with.

(5) A tourism facility or activity that was registered before the coming into operation of this Act shall not be subject of new registration unless such registration was or is cancelled.

Act No.20
of 2004

Certificate of
registration or
grade of a
tourism
facility and
activity

12.-(1) Upon registration or grading of a tourism facility or activity, the Director shall issue to the operator of the facility or activity, a certificate of registration in the prescribed form which shall specify the registration or grade into which it has been classified.

(2) Where a tourism facility or activity ceases to be registered or graded or its registration or grade is altered, the operator of such facility or activity shall forthwith return to the Director the certificate of registration referred to under subsection (1).

Publication of
a list of
registered
tourism
facilities and
activities

13. The Director shall publish in the *Gazette* once in a year or at such other intervals as the Minister may direct, a list of tourism facilities and activities that have been registered or graded, including any other information relating to the grades and standards of such facilities or activities.

Notification
of addition or
alteration to a
registered
tourism
facility

14.-(1) An operator of a registered tourism facility who intends to make addition or alteration to the tourism facility in a manner that is likely to affect the facility or any service provided to tourists or the registration or grading of the facility shall, in writing and within ninety days before commencing of any such addition or alteration, notify the Director and submit such plans, documents and other information or particulars relating to the addition or alteration, as may be prescribed.

(2) The Director shall reply in writing within thirty days from the date of receipt of the notification and give advice in relation therewith.

Tourism Act

(3) Within thirty days after completion of addition or alteration or within such longer period as the Director may allow, the operator of the tourism facility shall inform the Director of such completion.

Regrading of
a tourism
facility

15.-(1) The Director may, after giving the operator of a tourism facility a reasonable opportunity of making written representation on the matter, regrade the tourism facility under subsection (1) of section 14, if in the Director's opinion, reasonable and sufficient grounds exist for so doing.

(2) The operator of a tourism facility which has been regraded may, subject to such condition as may be imposed, apply for a licence to the Director in the form set out in the Second Schedule to this Act.

(3) The Director shall, within thirty days of the receipt of an application made under subsection (2), give such decision and take such action as he considers appropriate.

Cancellation
of registration
of a tourism
facility or
activity

16.-(1) Where the Director considers that there has been a failure in respect of a registered tourism facility or activity to comply with any of the conditions or requirements regarding registration he may, with the consent of the Minister, issue a notice to the operator requiring him to comply with the conditions or requirements, within a period not exceeding thirty days, failure of which shall render the certificate of registration liable for cancellation.

(2) The operator of the tourism facility or activity in respect of which a notice has been issued under subsection (1) may, before the expiry of the period specified by the Director, make written representation to the Minister with regard to the proposed cancellation.

(3) Where, upon expiry of the period specified in the notice, the Minister considers that the requirement has not been complied with and no good reason has been shown as to why the tourism facility or activity should remain registered, he shall direct the Director to cancel the registration, and forthwith give notice of the cancellation to the operator.

(4) The notice made under subsection (3) shall be published in the *Gazette*.

(5) The operator of a tourism facility whose

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registration has been cancelled may, subject to such conditions as may be prescribed, apply to the Director in the manner prescribed for the re-registration of the tourism facility.

(6) The Director shall, after consultation with the Minister, consider the application and make a decision.

Designation
of a tourism
facility or
activity

17.-(1) Notwithstanding any preceding provision of this Part, the Minister may, after consultation with the Director and by order published in the *Gazette*, declare any premises, place, facility or activity which affords amenities to tourists, to be a designated tourism facility or activity.

(2) The Minister may require the owner or operator of any such tourism facility or activity to comply with any conditions attached to such designation.

PART IV

ESTABLISHMENT OF THE BOARD, LICENSING OF TOURISM FACILITIES AND ACTIVITIES

Establish-
ment of the
Board

18.-(1) There is established a Board to be known as Tanzania Tourism Licensing Board.

- (2) The Board shall be composed of -
- (a) a Chairman, to be appointed by the Minister;
 - (b) Chairman of Tourism Confederation of Tanzania;
 - (c) Chairman of the Trade Union Congress of Tanzania;
 - (d) Chairman of Tanzania Chambers of Commerce, Industry and Agriculture;
 - (e) the representative of the Attorney General;
 - (f) Chairman of Tanzania Hotels Association;
 - (g) the Chairman of Tanzania Tourists Board; and
 - (h) the Chairman of Tanzania Business Council.
- (3) The Director shall be the Secretary to the Board.

Functions of
the Board

19.-(1) The functions of the Board shall be -

- (a) to receive and consider applications of licences;
- (b) to issue licences under this Act;
- (c) to advise the Minister on matters relating to

Tourism Act

licences issued under this Act;

(d) to perform any other function in respect of licences as may be directed by the Minister.

(2). Tenure of office, meetings and other procedural matters of the Board shall be as set out in the Third Schedule to this Act.

Appeals
Authority

20.-(1) Subject to subsection (2), there shall be an Appeal Authority consisting of -

(a) a Chairman to be appointed by the Minister;

(b) a lawyer representing the Tanganyika Law Society;

(c) two other members being persons with knowledge in tourism matters; and

(d) one person representing private sector dealing in tourism industry.

(2) Members of the Appeal Authority shall serve on part time basis and shall convene as there are appeals to be determined.

(3) Any person aggrieved by the decision of the Board on matters provided for under section 19 may, within twenty one days from the date of decision of the Board, appeal to the Appeal Authority.

(4) The Board may appear as respondent and be heard on any appeal against its decision, and for purposes of enabling directions to be given as to the costs of any appeal, the Board shall be deemed to be a party thereto, whether or not it shall appear at the hearing of the appeal.

(5) The Minister may, after consultation with the Attorney General, make rules for regulating the conduct of appeals before the Appeal Authority and prescribing for any other matter relating to appeals under this Act.

PART IV

LICENSING OF TOURISM FACILITIES AND ACTIVITIES

Persons
required to be
licensed

21.-(1) Any person who owns, conducts or operates a tourism facility or activity and who provides or assists in providing service in a tourism facility or activity, shall not own or operate such facility or activity or provide or assist in providing such a service, as the case may be, unless he holds a licence for that purpose issued by the Board.

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(2) Any licence referred to in subsection (1) shall not be transferable.

(3) Any person who contravenes the provisions of subsection (1) or (2), commits an offence.

Licensing authority

22. Subject to this Act and any directions that the Minister may give, the Board shall be the licensing authority of all licences issued under this Act.

Application for a licence or renewal

23.-(1) An application for a licence or renewal of a licence shall be made to the Secretary of the Board in the form set out in the Second Schedule to this Act.

(2) On receipt of an application referred to under subsection (1), the Board shall, if it is satisfied that the applicant -

- (a) has complied with the requirements, issue a licence to the applicant; or
- (b) has not complied with the requirements or does not possess the prescribed qualifications, refuse to issue a licence to the applicant and give reasons for the refusal.

Cancellation of a licence

24.-(1) Where the Board is satisfied that the holder of a licence -

- (a) is no longer qualified to hold the licence;
- (b) has been guilty of contravention of this Act or a conduct which renders him unsuitable to hold the licence; or
- (c) has failed to comply with any term or condition of the licence,

it shall cancel the licence.

(2) Before cancellation of the licence, the Board shall in writing, issue a notice of intention to make cancellation to the person to whom the licence has been issued specifying the reasons for the cancellation and inform the holder, not later than thirty days from the date on which the notice is given, to submit to the Board reasons why the licence should not be cancelled.

Requirement to apply for a licence

25. Where, immediately before the date of commencement of this Act, any tourism facility was in operation, any person who is required to hold a licence in

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respect of a tourism facility or activity shall, within thirty days after such commencement or such further period as the Board may allow, apply for a licence in accordance with the provisions of this Act.

Tourism facility or activity to be open to all guests

26.-(1) An operator of a tourism facility or activity shall receive any person as a guest, unless he has reasonable ground for refusing to receive any such person.

(2) Notwithstanding subsection (1), an operator of a tourism facility or activity may demand reasonable payment in advance as a condition for provision of services to a guest.

(3) Every operator shall keep and maintain a register of all guests in a manner to be prescribed by the Director.

Limitation of liability to operators of a facility or activity

27.-(1) Without prejudice to other expenses incurred by him in respect of any property brought to the facility or activity, an operator shall not be liable to make good to a guest for any loss of or damage to such property except where -

- (a) at the time of the loss or damage, accommodation or service at the tourism facility had been engaged for the guest; or
- (b) the loss or damage occurred during the period of which the guest was at the tourism facility or activity and entitled to use the accommodation or service so engaged.

(2) Where an operator of a tourism facility or activity is liable under subsection (1) to make good any loss of or damage to property brought to the tourism facility or activity, subject to the provisions of section 29, the operator shall do so, if:

- (a) the property was stolen, lost or damaged through the default, neglect or wilful act of such operator or any person in his employment;
- (b) the property was deposited by or on behalf of the guest expressly for safe custody with such operator or a person in his employment authorized or appearing to be authorized, for the purpose and if so required by the operator or such person in his employment, in a

Tourism Act

- container fastened and sealed' by the depositor; or
- (c) at a time after the guest had arrived at the facility or activity, either the property was offered for deposit as aforesaid and such operator or a person in his employment refuse to receive it, or the guest or some other guests acting on his behalf wished to offer the property but, through the default of such operator or a person in his employment, was unable to do so.

Notice to be displayed

28. Every operator shall cause a notice in the form set out in the Second Schedule to this Act be conspicuously displayed at the place where it can conveniently be read by guests, and the notice shall state the benefit of section 26 in respect of property brought to the facility or activity.

Right of sale by the operator of goods or property deposited or left at a facility

29.-(1) An operator shall have a right to sell and dispose of by public auction any goods or property deposited with him, left in a tourism facility, premises or appurtenant belonging thereto, where the person depositing or leaving such goods or property, as the case may be, is or becomes indebted to such operator.

(2) Notwithstanding subsection (1)

- (a) no such sale shall be made until after the said goods or property have been for a period of ninety days in his charge, custody or upon his premises without such debt being paid or satisfied;
- (b) the debt for the payment of which the sale is made shall not be other or greater than that for which the goods or other property could have been retained by the operator under his lien as an operator; and
- (c) at least one month before such sale is effected, the operator shall cause a notice to be published in a newspaper circulating in the area where such goods or property have been deposited or left.

(3) The operator of the facility shall, out of proceeds of the sell of any goods or property sold pursuant to this

section and after paying himself the amount of debt and the cost and expenses of the same, pay on demand to the person depositing such goods or property any surplus money remaining.

Register of
guests

30. Every tourism operator shall keep in a tourism facility a register, which shall contain the name and address of every guest who lodges at the tourism facility and such other particulars as may be directed.

PART V LICENSING OF TOURISM OPERATORS

Tourism
operators to
be licensed

31.-(1) No person shall carry on or hold himself out as a tourism operator unless a licence has been granted to him by the Board for that purpose.

(2) A licence issued under subsection (1) shall not be transferable.

(3) No person shall take and use the title of, or describe himself as, a tourism operator, travel agent or a tourist agent or any other term which might reasonably imply that he is a licensed tourism operator, unless he is a holder of a licence granted to him by the Board under the provisions of this Act.

(4) The provisions of subsection (1) shall not apply to any person who is employed by any licensed tourism operator in respect of any act or thing done on behalf of his employer in the course of employment.

(5) Notwithstanding the provisions of this section, where a person licensed in accordance with subsection (1) employs a tour guide, such tour guide shall be approved by relevant authority responsible for management of such area and a permit thereof shall be issued.

(6) Any person who contravenes the provisions of this section, commits an offence and shall on conviction be liable to a fine of not less than two million shillings or to imprisonment for a term not exceeding two years or to both.

Application
for a licence

32. Every application for a licence under this Part shall be in the prescribed form and shall be submitted to the Secretary of the Board in accordance with the provisions of this Act or regulations made thereunder.

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Exemption
from this Act

33. Nothing in this Act shall apply to-
- (a) the business of carriage of persons by a proprietor of any taxi-cab or a private hire vehicle plying for hire or reward within the area of a local authority under whose by-laws such taxi-cab, vehicle or any employee of any such proprietor is registered; or
 - (b) the business of carriage of persons by a proprietor of a public service vehicle, in respect of whom the Board is satisfied that he does not use such vehicle or any employee of any such proprietor solely or mainly for the transport of tourists.

Registration
and
publication of
list of tourism
operators

34.-(1) Notwithstanding any provisions of this Act, every tourism operator shall be registered under this Act, and the provisions of Part III regarding registration shall, *mutatis mutandis*, apply to every tour operator.

(2) The Director shall register and keep the register of all tourism operators licensed under this Act.

(3) The Director shall cause to be published in the *Gazette*, at such intervals as he may deem appropriate, a list of all tourism operators licensed under this Act.

Disqualificati
on from
obtaining a
licence

35. A licence referred to under section 32 shall not be granted to a person who:

- (a) has not attained the age of eighteen years;
- (b) is of unsound mind;
- (c) has been convicted of any offence under this Act or any other offence involving fraud or dishonesty under any other written law, within three years immediately preceding the date of his application for a licence;
- (d) is an undischarged bankrupt having been adjudicated bankrupt by any court or, in the case of a corporation, the corporation is in liquidation or has been wound up or is one in respect of which a winding up order made by the court is subsisting;
- (e) in the opinion of the Board, does not have at his disposal the means, resources, vehicles or other necessary facilities or equipment for the

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proper and efficient carrying out of the business to which the application for the grant of a licence relates.

Duration of a licence under this Act

36. Any licence issued under this Act shall be valid for twelve calendar months.

Contents of a licence

37. A licence for a tourism business shall be in the form set out in the Second Schedule to this Act, and shall specify:

- (a) the name and address of the person to whom it is granted;
- (b) the physical address of the place where the business of the tourism operator shall be carried out; and
- (c) the nature of the business for which a licence is granted.

Breach of condition to be an offence

38. Any person granted a licence to carry out a tourism business who fails to comply with any of the conditions of the licence or carries out a tourism activity other than the activity specified in his licence, commits an offence.

Variation of the conditions attached

39. The Board may at any time vary the conditions attached to a licence granted under the provisions of this Act.

Licensee's right to be heard

40.-(1) Notwithstanding section 39, the Board shall not revoke or vary to more onerous way the conditions under section 39 without first giving the licensee an opportunity to show cause why the licence should not be revoked or the conditions be varied.

(2) Where called upon, a licensee shall make representations to the Board in such manner as may be prescribed.

Revocation of a licence

41.-(1) The Board may revoke a licence granted to any person under the provisions of this Act if such person-

- (a) is convicted of any offence under this Act or is convicted of any offence involving fraud or dishonesty under any other written law;

- (b) in the opinion of the Board, has obtained the licence by fraud or by misrepresentation or non-disclosure of any material fact; or
- (c) in the opinion of the Board, has ceased to have at his disposal the capacity, means, vehicles or other equipment necessary for the proper and efficient running of the services to which the licence relates.

(2) Where any person granted a licence under the provisions of this Act has so conducted himself that, in the opinion of the Minister, it is in the public interest that such person should cease to be a tourism operator, the Minister may direct the Board to revoke his licence.

PART VI REGISTRATION OF TOUR GUIDES

Tour guides
to be
registered

42.-(1) Every tour guide shall be required to be registered in accordance with the provisions of this Act.

(2) No person shall be registered as a tour guide, unless he:

- (a) is a Tanzanian citizen who has attained the age of 21 years;
- (b) has at least completed an O-level education;
- (c) holds a valid First Aid Certificate;
- (d) has adequate knowledge of the area and has knowledge in the field applied for; and
- (e) has other qualifications as the Minister may, by order in the *Gazette*, specify.

(3) the person registered under subsection (1) shall be issued with an identity card which shall be possessed and displayed in the manner as may be prescribed.

(4) Notwithstanding the foregoing provisions, the Director may refuse to register a person under this section if that person -

- (a) has been convicted of any criminal offence particulars of which related to dishonesty within five years immediately preceding the date of his application for registration;
- (b) has history or record of being a criminal; or
- (c) does not fall within the qualifications provided

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under this Part.

(5) Where the Director refuses to register any person under subsection (1) he shall, in writing, inform that person reasons for refusal.

Tour guides to undergo medical examination, comply with rules ,etc.

43. Every tour guide shall be required to -
- (a) undergo medical examination annually;
 - (b) comply with rules and regulations made by the relevant authority;
 - (c) in the course of work, use approved route or trails, as the case may be; and
 - (d) be polite, hospitable, helpful and friendlier to tourists or visitors.

Complaint against a tour guide

44.-(1) Any person may, in writing lodge a complaint with the Director against any tour guide who has contravened any provisions of this Act or regulations made thereunder.

(2) Where the Director is satisfied that the tour guide has contravened any of the provisions of this Act, he may reprimand, suspend or deregister the tour guide.

Director may restrict a tour guide

45. The Director may order restriction of activities of any tour guide in respect of an area specified in the order.

PART VII OFFENCES AND PENALTIES

Offences and penalties

46.-(1) Without prejudice to any provisions of this Act or any other written law, any person who:

- (a) conducts or operates a tourism facility or activity in contravention of this Act;
- (b) hinders or obstructs the Director or an authorized officer to exercise his functions under this Act;
- (c) knowingly furnishes to the Director or an authorized officer any information or statistics which is false or misleading in material respects;
- (d) without just cause, fails or refuses to furnish the Director with the information or statistics

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concerned;

- (e) fails to keep a register or conceal registration of any guest to an authorized officer; or
- (f) fails to comply with any requirement made to him under the provisions of this Act,

commits an offence.

(2) Any person who commits an offence under subsection (1) shall on conviction be liable to a fine of not less than ten million shillings or to imprisonment for a term not exceeding two years or to both.

Liability for acts of agents, etc.

47.-(1) Any tourism operator who employs in his facility or activity any agent, worker or other person shall be answerable for the acts and omissions of such person in so far as such acts or omissions concern the business of such operator.

(2) In the case of any act or omission made by such agent, worker or other person which is an offence against the provisions of this Act, or which shall be an offence when committed or made by such operator, and his agent, worker or other person shall be jointly and severally guilty of the offence and be liable to penalties provided under this Act.

Offences by a body corporate

48. Where an offence is committed under this Act by a body corporate and it is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of any officer, member or servant of such body corporate or any person who purported to act in any such capacity, such officer, member, servant or such other person as well as the body corporate shall be guilty of the offence.

General penalty

49. Where a person contravenes any provisions of this Act or any subsidiary legislation made thereunder and no specific penalty have been provided, that person shall on conviction be liable to a fine of not less than ten million shillings or imprisonment for a term of three months or to both.

Protection of *bonafide* acts

50. No matter or thing done by the Director, tourism officer, authorized officer or a member of the Board shall, in performance of the functions under this Act and if done in

good faith, render him personally liable for the matter or thing done.

**PART VIII
MISCELLANEOUS PROVISIONS**

Appeals

51.-(1) A person who is aggrieved by a decision of the Director with regard to:

- (a) an application for the registration of a facility or an activity, or for the renewal of registration;
- (b) the cancellation or alteration of the registration of a facility or an activity;
- (c) the grading or regrading of a facility or an activity; or
- (d) variation of the conditions attached to any registration issued under this Act,

may, within thirty days after being notified on the decision and after the payment of a prescribed fee, appeal in writing to the Minister.

(2) For the purpose of determining an appeal referred to in subsection (1), the Minister may require the Director to furnish him with the reasons for the decision that is the subject of the appeal and a copy of any evidence upon which the decision appealed against was based.

(3) The Director shall take necessary steps to comply with any order made by the Minister pursuant to subsection (3).

Surrender of a licence

52.-(1) A person whose licence is cancelled under the provisions of this Act shall, within fourteen days from the date of cancellation, surrender the licence to the Secretary of the Board.

(2) A person who contravenes subsection (1), commits an offence.

Power to enter premises

53.-(1) The Director or authorized officer may, in the performance of his functions, enter and inspect at any reasonable time, the premises of -

- (a) any facility in respect of which an application for registration has been made;
- (b) any registered tourism facility or activity;