
THE UNITED REPUBLIC OF TANZANIA

BILL SUPPLIMENT

No. 7

22nd June, 2007

to the Gazette of the United Republic of Tanzania No. 25 Vol. 88 dated 22nd June, 2007
Printed by the Government Printer, Dar es Salaam, by Order of Government

THE TOURISM ACT, 2007

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NOTICE

The following Bill to be submitted to the National Assembly is published for general information to the 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 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

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

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

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 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;

Short title and
commence-
ment

Interpretation

G.N.No 7
of 2003

- "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. .

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 NATIONAL ARRANGEMENT AND ADMINISTRATION

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
- (iy) 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.

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.

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

- (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;
- (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;

Function of
the Division

- (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 dle tourism facility 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.

Act No. 20 of 2004

(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.

Certificate of registration or grade of a tourism facility and activity

12.-(1) Upon registration or grading of a tourism IT 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

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 a 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.

(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.

15.-(1) The Director may, after giving the operator of 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.

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 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 1 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 of 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

Establi-
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 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

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 assists in providing such a service, as the case may be, unless he holds a licence for that purpose issued by the Board.

(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.

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.

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.

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.

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 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.

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.

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 container fastened and sealed by the deposition; 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 stat~ 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 demand to the person depositing such goods or property any surplus money remaining.

Register of guest

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 operator 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.

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.

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.

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.

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

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

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.

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.

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

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.

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

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 dishonest 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 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.

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.

Tour guides
to be
registered

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

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 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

Protection of
bonafide acts

conviction be liable to a fine of not less than ten million shillings or imprisonment for a term of three months or to both.

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

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).

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.

53.-(1) The Director or authorized officer may, in the performance of his functions, 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;
- (c) any tourism operator, where he has reasonable cause to believe that such premises are kept in contravention of this Act and may make such examination and inquiry as it may be necessary.

(2) In entering or inspecting the premises of a facility, activity or a tourism operator, the Director or an authorized officer may:

- (a) examine and take copies of any books, accounts and documents found in the premises relating or appearing to relate to the business of a facility, activity or tourism operator;

- (b) seize any books, documents or accounts found in the premises which he has reasonable cause to believe that they contain evidence of an offence committed against this Act;
- (c) question any person who appears to him to be engaged in, or carrying on, or employed in the business of a tourism facility, activity or tourism operator on the premises on any matter concerning the application of this Act;
- (d) require, by notice in writing, any person who appears to be engaged in, or carrying out the business of a tourism operator, to produce to him at such time and place as he may specify in such notice, any of the books, accounts or documents relating to the business of a tourism operator; or
- (e) stop and seize or search any vehicle on which he has reasonable grounds for suspecting that it is used or contains any matter which may be used as evidence in respect of an offence committed under this Act.

(3) The Director *or* an authorized officer shall, if so required, produce evidence of his authority to examine or make any inquiry or enter the premises of any facility in respect of which an application for registration has been made or of any registered tourism facility or activity.

(4) Notwithstanding the provisions of subsections (1), (2), and (3), no premises shall be entered into except after the Director or authorized officer has informed the person who is for the time being in charge or control of such premises of the purpose of his visit.

(5) Any person seizing anything under the provisions of paragraph (e) of subsection (2) shall, at the time when such thing is seized, give a written receipt thereof.

(6) Where any person who conducts, operates or intends to operate a tourism facility or activity, without just cause:

- (a) refuses to permit the Director or an authorized officer to enter any premises under subsection (1) or to conduct any examination or inquiry of that facility or activity; .
- (b) otherwise hinders or obstructs the Director or an authorized officer in the exercise of his powers under subsection(1);or
- (c) conceal any relevant information, such refusal, hindrance, obstruction or concealment of information, as the case may be, shall afford a ground for refusing to register the facility or activity or cancelling its registration, or refusing to issue a licence to that person or cancelling the licence, as the case may be.

54. The Director may require a tourism operator, whether or not the facility or activity is registered or the person is licensed, to furnish such information and statistics in regard to customers and the operation of the facility or activity as he considers necessary.

55.-(1) The Director shall monitor curricula of hotel and tourism training provided by public and private institutions to ensure that:

- (a) the institutes are kept at desirable standards;
- (b) the institutes are accredited under relevant laws; and
- (c) the institutes abides by any other relevant laws.

- (2) The Minister may make regulations prescribing:
- (a) the desirable facilities of the hotel and tourism training institutes; and
 - (b) any thing which can be prescribed under this section for purposes of promotion and development of hotel and tourism trainings.

56.-(1) Subject to subsection (2), the Minister may make regulations for better carrying out of the provisions and purposes of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations prescribing:

- (a) the registration of any tourism facility or activity;
- (b) the requirements to be complied with before any facility or activity may be registered;
- (c) the grades of tourism facilities and the requirements to be complied with, before a facility or activity can qualify for any particular grade;
- (d) the licensing of any person who owns, conducts or operates a tourism facility or activity, or provides or assists in -providing any service which is a facility or an activity;
- (e) the requirements to be complied with or the qualifications to be held by a person before he may be issued with a licence referred in paragraph (b) or his facility or activity be classified;
- (f) the issuance or replacement of licences and certificate of registration;
- (g) insignia or logos for various- groups and grades of tourism facilities or activities and licensed persons, the circumstances and manners in which they shall be used- and displayed;
- (h) the publication and display of particulars relating to the nature. grade, name or style of tourism facilities, activities and licensed persons;
- (i) duties of licensed persons and operators of tourism facilities or activities in relation to the provision of services;
- (j) records and accounts to be kept by licensed persons and operators of tourism facilities or activities;
- (k) insurance to be taken out by licensed persons and' operators of tourism facilities and activities in respect of any death, injury of, or loss sustained by clients anti other persons;
- (l) fees and charges payable for registration, certificates, licences and other documents issued, inspections carried out and other things done under this Act;
- (m) the provision of bonds or other security by licensed persons in respect of their operations or business;
- (n) the undertaking of training or instruction by, or certification of persons employed in the tourism industry;
- (o) the declaration of tourism development zones for the orderly development of the industry in such zones and, for that purpose, providing for the rights, privileges and obligations of person who establish, operate, propose to establish or operate facilities in such zones;

- (p) submission by licensed tourism operators of returns and information relating to their business;
- (q) the activities of tourism operators with respect to the issuing, of travel tickets and making of reservation for accommodation of facility;
- (r) the activities undertaken in facilities and activities by tourism operators in order to maintain a high standard of services in tourism industry;
- (s) conditions or requirements for application of licence of a tourism facility;
- (t) penalties for contravention of any regulations or any other subsidiary legislation made thereunder;
- (u) formation of any committee or sub-committee under this Act;
- (v) prohibition of use of certain words or phrases under this Act;
- (w) manners under which the tourism operators may contribute on cost relating to grading;
- (x) manners under which tour or photographic safaris may be conducted;
- (y) qualification of, and manners under which tour guides may operate; and
- (z) anything with promotion, development and regulation of a tourism industry in the country.

Matters relating to employment Act No. 6 of 2004

57.-(1) The rights, privileges, benefits and any other matters relating to employees and employers, as the case may be under this Act, shall be as provided under the Employment and Labour Relations Act, 2004 and any other relevant Jaw.

(2) All matters relating to employment of foreigners under this Act shall be as provided under the relevant law.

(3) Without prejudice to any other written law, for the purposes of enforcement of subsection (2), the Director may, in consultation with the relevant authority, appoint in writing such number of authorized officers for purposes of inspection and compliance.

Arrangements for residents and local communities

58.-(1) The Minister may specify facilities and activities which can only be operated by Tanzanian citizens, and put in place mechanism on how tourism facilities and activities can benefit local communities surrounding the same.

(2) Without prejudice to subsection (1), no person who is not a Tanzanian citizen shall engage himself in a business of:

- (a) travel agency;
- (b) mountain climbing or trekking;
- (c) tour guide; or
- (d) any other activity the Minister may, by order published in the *Gazette*, specify.

(3) The Minister may exempt any person or group of persons from any of the provisions of subsection (2).

Protection of tradition and culture

59. Every tourism operator shall ensure that any person who takes photographs takes into consideration -

- (a) laws, practices and customs of Tanzania;

- (b) attributes and tradition of local communities;
- (c) the survival and flourishing of traditional cultural products, crafts and folklore;
- (d) protection of social and cultural identities; and
- (e) that, no person takes a photograph of another person with the intention of, or for the purposes of dehumanizing, making fun of or otherwise using such photograph in a manner that lowers the esteem of that person or class or group of person where he belongs.

60. The Minister may, by order published in the *Gazette*, amend any Schedule to this Act.

61. The Hotels Act and the Tourist Agents (Licensing) Act are hereby repealed.

62. Notwithstanding the repeal of the Acts referred to in section 61:

- (a) all hotels, restaurants and other tourism facilities and activities which fall under the category of tourism facility or activity as provided for under this Act shall, immediately after the commencement of this Act, be deemed to be tourism facilities and activities required to be registered;
- (b) any person who was required to be licensed under the repealed Acts shall be required to be licensed under this Act;
- (c) any register kept pursuant to the repealed Act, on or after the commencement date, shall continue to be kept under this Act;
- (d) any requirements or qualification for registration or the issuance of a licence which were applicable under the repealed Acts shall be deemed to have been provided for under this Act;
- (e) any registration, classification, grading, certificate or licence effected or issued pursuant to the repealed Acts and in force, shall continue to be in force as if it had been effected, made or issued under this Act; and
- (f) any application or decision made or any other thing whatsoever made, done or commenced under the repealed Acts which had acquired or was capable of acquiring force or effect, shall continue to have or -to be capable of acquiring such force or effect,' as the case may be, as .if it has been made, done or commenced under this Act.

Made under section 4 (3)

COMPOSITION, TENURE OF OFFICE, MEETINGS
AND PROCEDURAL MATTERS OF THE TECHNICAL
ADVISORY COMMITTEE

1. The Technical Advisory Committee shall be composed of:

- (a) a Chairman;-
- (b) a representative of the Attorney General;
- (c) a member from the ministry responsible for public safety and security;
- (d) the Director of Wildlife Division;
- (e) the Conservator of the Ngorongoro Conservation Area Authority;
- (f) the Executive Secretary of the Hotel Association of Tanzania;
- (g) the Managing Director of Tanzania Tourism Board (TTB);
- (h) the Executive Secretary of Tourism Confederation of Tourism;
- (i) the Executive Secretary of Tanzania Association of Tour Operators;
- (j) one member from the National Environment Management Council;
- (k) the Manager of the Marine Parks and Reserves; and
- (l) the Director of Tanzania National Parks.

2. The Committee may co-opt any person to attend on its meeting without a voting right.

3. The Chairman of the Committee shall be appointed by the Minister.

4. The members shall select amongst their numbers a Vice- Chairman.

5.-(1) The Committee shall meet four times a year, however, it may convene an extraordinary meeting where circumstances allow.

(2) All meetings of the Committee shall be convened by the Chairman, on his absence, the Vice- Chairman.

(3) The quorum at any meeting of the Committee shall be two third of all members in office.

6.-(1) The tenure of office of the members of the Committee other than ex-officio members shall be three years Subject to their further appointment.

(2) Where any member ceases to be a member for any reason before expiration of his term of office, the appointing authority may appoint another person in his place and the person so appointed shall hold office for the remainder of the term of office of his predecessor.

7. All matters proposed at any meeting of the Committee shall be decided by a majority of votes of the members present and voting; in the event of equality of votes, the Chairman or the Vice- Chairman, as the case may be, shall have a second vote or casting vote in addition to his original or deliberative vote.

8. The Committee shall cause to be recorded and kept minutes of all business conducted or transacted at its meetings., and the minutes of each meeting of the Committee shall be read and confirmed or amended at the next meeting of the Committee and signed by the person presiding at the meeting. .

9. The availability of any act or proceedings of a properly constituted Committee meeting shall not be affected by the absence of any member or by the defect subsequently raised by the absent member.

10. The Committee may make its own procedures.

SECOND SCHEDULE

FORMS

Made under section 28(1)

THE TOURISM ACT, 2007

NOTE: THE APPLICATION WILL NOT BE PROCESSED IF IN THE OPINION OF THE AUTHORITY THERE IS MISREPRESENTATION OR NON-DISCLOSURE OF ANY MATERIAL FACT

APPLICATION FOR A TOURISM OPERATOR'S CERTIFICATE OF REGISTRATION

1. BUSINESS OR TRADING NAME:

Location of Premises for which Certificate of Registration is being sought:
.....
.....

2. DETAILS OF APPLICANTS:

If applicant is an individual or sole trader: name of individual. If applicant is an organization, names of two directors and organization secretary.

If applicant is a partnership, names of ALL partners.

NAME IN BLOCK CAPITAL LETTERS ONLY

Name of applicant A:

TIN number:

Name of Applicant B:

TIN number:

Name of Applicant C:

TIN number:

3. DETAILS OF ORGANISATION:

(Where the Applicant is a Company or Corporate identity)

Company Registration No:

.....

Registered Office address:

.....

Contact details: Telephone Number

Fax Number:

E-mail address: Website address: ...

Name of person who can be contacted about this application:.....

.....

Telephone number of contact person:

4. State Type of Certificate of Registration being applied for:

.....
5. State principal activities of the company (e.g. travel agent; outbound travel; group handler; guiding services or specialist operator)

Activities:
.....
.....

6. Level of Operations and Turnover:

- (i) total licensable turnover last year;
- (ii) projected licensable turnover for coming year.

7. Provide capitalisation details:

Specify:

- (i) Authorised share capital.
- (ii) Issued, fully paid up capital
 - (a) for cash
 - (b) otherwise than for cash
- (iii) If any share capital not fully paid up, give details
- (iv) Full names, addresses and nationality of each shareholder and full details of shares held by each
.....

8. Provide details of borrowing or other credit arrangements: Specify:

- (i) Authorised share capital
- (ii) Issued, fully paid up capital
- (a) for cash :
- (b) otherwise than for cash.
- (iii) If any share capital not fully paid up, give details,.....
- (iv) Full names, addresses and nationality of each shareholder and full details of shares held by each

9. Provide details of Assets: Specify:

- (i) Details of premises and whether the premises are owned, leased, rented or mortgaged
- (ii) A List of all other assets of the Applicant.

10. Other particulars:

- (i) State whether applicant, the director or Manager or any officer of the applicant company has been convicted of any offence involving fraud or dishonesty in the last five years, or if there is any such case pending.
- (ii) State whether the applicant or any officer of the applicant company is a charged bankrupt.
- (iii) State whether the company or business is in liquidation or if any order has been made by any court in Tanzania or elsewhere against the company.

If the answer to items above is yes, please provide details; Details:

.....
.....

11. Submission of Documents

In the case that the application for the Certificate of Registration is being made by an individual or partnership, he/she/they shall submit the following documents with the application form:

- (a) The application (fee as prescribed by the Tourism Division.
- (b) Evidence that the business is licensed' by BRELA.
- (c) Evidence that the business is registered with the appropriate local authority and that the premises complies with the appropriate local government planning and development Acts.
- (d) The site plan and floor area of premises intended to be used for the conducting of a tourism enterprises.
- (e) Details of managerial staff and their TIN numbers.
- (f) Details of any foreign employees, their residency and employment status.
- (g) Fire Department clearance certificate.
- (h) A Business plan relating to the proposed enterprise.
- (i) Financial information including opening balance sheet, projected cash flows, trading, profit and loss accounts for first years trading and projected balance sheet for end of first year trading.
- (j) The curriculum vitae of the owner or, in the case of partnerships, the owners or managing representative of the owner.
- (k) A statement detailing the scale of charges which the applicant proposes for services provided during the period while such registration will remain in force.

In the case that the application for the Certificate of Registration being made by a body corporate shall be accompanied by:

- (a) The Certificate of Incorporation or similar deed.
- (b) The Memorandum and. Articles of Association or similar constitutive document.
- (c) The list of Directors, their titles, their TIN numbers and their qualifications.

I/we the undersigned, hereby apply for Certificate of Registration to carry on the business of a Tour Agent/Tour Operator/Services provider and declare that to the best of our abilities and belief, the particulars given herein are true and complete.

Signature of Applicant A:

Signature of Applicant B:

Signature of Applicant C:.....

If applicant is an individual or sole trader: signature of individual.

If applicant is an organization, signature of two directors and organization secretary.

If applicant is a partnership, signature of ALL partners.

Date of Application.....

DO NOT WRITE IN THIS SPACE FOR OFFICIAL USE
ONLY

Renewal of Certificate of Registration granted/rejected.....

issued on

Certificate of Registration type:Number

Comment:

Fee paid:Receipt No.....

Signature:

THIRD SCHEDULE

Made under section 19(2)

TENURE OF OFFICE, MEETINGS AND PROCEDURAL MATTERS OF THE BOARD

- 1.** The Board may co-opt any person to attend on its meeting without a voting right.
- 2.** The Chairman of the Board shall be appointed by the Minister.
- 3.** The members shall select amongst their numbers a Vice- Chairman.

4.-(1) The Board shall meet four times a year, however, it may convene an extraordinary meeting where circumstances allow.

(2) All meetings of the Board shall be convened by the Chairman, on his absence, the Vice- Chairman.

(3) The quorum at any meeting of the Board shall be two third of all members in office.

5.-(1) The tenure of office of the members of the Board other than ex-officio members shall be three years subject to their further appointment.

(2) Where any member ceases to be a member for any reason before expiration of his term of office, the appointing authority may appoint another person in his place and the person so appointed shall hold office for the remainder of the term of office of his predecessor.

6. All matters proposed at any meeting of the Board shall be decided by a majority of votes of the members present and voting; in the event of equality of votes, the Chairman or the Vice- Chairman, as the case may be, shall have a second vote or casting vote in addition to his original or deliberative vote.

7. The Board shall cause to be recorded and kept minutes of all business conducted or transacted at its meetings, and the minutes of each meeting of the Board shall be read and confirmed or amended at the next meeting of the Board and signed by the person presiding at the meeting.

8. The availability of any act or proceedings of a properly constituted Board meeting shall not be affected by the absence of any member or by the defect subsequently raised by the absent member.

9. The Board may make its own procedures.

OBJECTS AND REASONS

The Bill is intended to repeal the Hotels Act, Cap.105 and the Tourist Agents (Licensing) Act, Cap.65 so as to make better provisions for the regulation and promotion of tourism facilities and activities in Mainland Tanzania. The Bill will strengthen and improve the regulation of tourism facilities and activities for both domestic and international tourists.

The Bill is divided into eight major parts.

Part I of the Bill deals with Preliminary Matters which include short title and commencement of the Act. It also provide for the interpretation of certain important terms and words used in the Act, promotion of National Tourism Policy and global Code of Ethics for Tourism by various persons exercising powers or dealing with tourism activities under the Act. .

Part II provides for the establishment of the Technical Advisory Committee, its functions and composition. It also makes provisions for the appointment of the Tourism Director, functions of the Division and the tourism officers. The Part also provides for other administrative arrangements.

Matters relating to designation, registration and grading of various tourism facilities and activities are provided for under Part III of the Bill.

Part IV of .the Bill deals with licensing of tourism facilities and activities. This Part establish a Board and an Appeal Authority which will deal with issuance of licences and appeals lodged thereto, respectively; and it lays out the process of application, granting and cancellation of tourism licences. It also provides for the right and obligation of tourism facilities and activities' owners and tourists.

Part V makes provisions for tourism business and tour operators. It provides for their licensing, rights and conditions of their operations. Establishment of "register and publication of a list of tourism operators are also specified therein.

Provisions relating to registration and other conditions relating to tour guides are provided under Part VI.

Part VII makes proposals for various offences and penalties to be provided in the Act.

Part VIII of the Bill contains miscellaneous provisions pertaining to appeals on matters relating to registration, regulations, training and information, arrangement for residents and local communities surrounding tourism attractions and protection of traditions

cultures during photographic safaris. It also repeals the Hotels Act, Cap. 105 and the Tourism Agents (Licensing) Act, Cap.65.

MADHUMUNI NA SABABU

Muswada huu unakusudia kufuta Sheria ya Hoteli Sura ya 105 na Sheria ya Mawakala wa Hoteli (Leseni) Sura ya 65 kwa dhamira ya kuweka utaratibu mzuri zaidi katika kusimamia na kukuza biashara ya utalii Tanzania Bara.

Muswada huu pia unakusudia kuimarisha na kuboresha usimamizi wa shughuli hizo nchini kwa watalii wa ndani na nje ya nchi.

Muswada huu umegawanyika katika Sehemu kuu nane.

Sehemu ya Kwanza inahusu masuala ya utangulizi ambayo yanajumuisha jina la Sheria na kuanza kutumika kwa Sheria. Pia inatoa tafsiri kwa baadhi ya misemo na maneno muhimu yaliyoka kwenye Sheria na uzingatiaji wa Sera ya Taifa ya Utalii na Kanuni za Maadili ya Utalii Duniani kwa watu mbalimbali wanaotekeleza majukumu au kushiriki katika shughuli za utalii kama ilivyoainishwa chini ya Sheria inayopendekezwa.

Sehemu ya Pili inaweka masharti yanayohusu uanzishaji wa Kamati ya Ushauri ya Wataalamu, kazi zake na Wajumbe wa Kamati hiyo. Pia inatoa masharti ya uteuzi wa Mkurugenzi wa Utalii, kazi za Idara na maofisa utalii. Sehemu hii pia inaweka taratibu nyingine zinazohusu utawala.

Masuala yanayohusu uteuzi (designation of tourism facilities and activities), uwekaji madaraja ya hoteli na shughuli za kiutalii yanaainishwa katika Sehemu ya Tatu ya Muswada huu.

Sehemu ya Nne ya Muswada inahusu utoaji wa leseni za utalii (tourism facilities and activities). Sehemu hii inaunda Bodi ya leseni na Mamlaka ya Rufaa katika masuala yanayohusu leseni na pia inaweka mchakato wa utaratibu wa uombaji, utoaji na ufutaji wa leseni za utalii. Sehemu hii pia inaweka masharti yanayohusu haki na wajibu wa wamiliki wa shughuli za utalii na za watalii.

Sehemu ya Tano ya Muswada inahusu warn wanaoendesha shughuli za utalii (tourism facilities and activities operators). Sehemu hii inaweka utaratibu wa utoaji wa leseni zao, haki na wajibu wao chini ya Sheria inayopendekezwa pamoja na utangazaji wa orodha yao katika Gazeti la Serikali.

Masuala ya utaratibu wa usimamizi, usajili na masharti ya shughuli za waongoza watalii (tour guides) yanaainishwa katika Sehemu ya Sita.

Sehemu ya Saba inaainisha makosa na adhabu mbalimbali ambazo zinaweza kutolewa chini ya Sheria hii pindi ukiukaji wa Sheria inayopendekezwa utakapotokea.

Sehemu ya Nane inahusu masuala ya jumla yanayohusu rufaa katika utaratibu wa usajili, utayarishaji wa kanuni, mafunzo, takwimu na habari, utaratibu wa kuwapa kipaumbele wananchi katika baadhi ya shughuli za kitalii na kuweka utaratibu wa jinsi wenyeji wanaoishi katika maeneo yenye vituo vya utalii wanavyoweza kunufaika na rasilimali hizo, na utunzaji na uimarishaji wa mila na tamaduni wakati wa upigaji wa picha za kitalii. Sehemu hii pia inafuta Sheria ya Hoteli Sura ya 105 na Sheria ya Wakala wa Utalii (Utoaji wa Leseni) Sura ya 65.

Dar es Salaam
30 April, 2007

JUMANNE ABDALLAH MAGHEMBE
Waziri wa Maliasili na Utalii