



THE UNITED REPUBLIC OF TANZANIA

THE TOURISM ACT, 2008

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THE UNITED REPUBLIC OF TANZANIA

ACT SUPPLEMENT

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THE TOURISM ACT, 2008

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THE UNITED REPUBLIC OF TANZANIA



No. 29 OF 2008

I ASSENT,

JAKAYA MRISHO KIKWETE,
President4th April, 2008

An Act to provide for institutional framework, administration, regulation, registration and licensing of tourism facilities and activities; and 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, 2008.

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

Short title
and
com-
mence-
ment

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, wildlife officer, park ranger, antiquities officer, police officer or any other person 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;

Interpreta-
tion

G.N.No. 7
of 2003

- "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;
- "tour guide" means a person who leads tourists who visit tourist facilities by giving commentary on the history, features and significance of the respective location;
- "tourism" means activities conducted by a person travelling 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 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 travelling 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 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 National Tourism Policy;
- (b) the relevant provisions of the Global Code of Ethics for Tourism; and
- (c) eco-tourism, cultural tourism and any other forms of tourism that provides better sectoral linkages, create employment and foster sustainable development.

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

PART II

INSTITUTIONAL ARRANGEMENT AND ADMINISTRATION

4.-(1) There is 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.

Establish-
ment of a
Technical
Advisory
Committee

(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.

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 academic and professional knowledge in tourism matters.

Director of
Tourism
Cap 298

(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 the direction of the Minister, be responsible for the proper administration of this Act.

(4) The Director 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 Director 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

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

- (a) 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;
- (f) encourage and promote the recruitment, training, education and development of persons for the purpose of employment in connection with the tourism industry;
- (g) 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) regulate the business of tourism operators;
- (l) identify tourist attractions and diversify 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.

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.

Tourism
officers

(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, in consultation with the Permanent Secretary, determine.

PART III

DESIGNATION, REGISTRATION AND GRADING OF TOURISM FACILITIES AND ACTIVITIES

8. No person shall conduct or operate a tourism facility or activity unless such tourism facility or activity is so registered.

Tourism
facility
and
activity to
be
registered

9. The Director shall keep and maintain a register of classes of tourism facilities and activities.

Director to
establish
and keep a
register

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 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.

Cap. 191

(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.

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.

Certificate of registration or grade of a tourism facility and activity

(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).

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.

Publication of a list of registered tourism facilities and activities

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 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.

Notification of addition or alteration to a registered tourism facility

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

Regrading of a tourism facility

(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 Board 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 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 provisions 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

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

Establish-
ment of the
Board

(2) The Board shall be composed of -

- (a) a Chairman to be appointed by the Minister; and
- (b) eleven other members six from the public and five from the private sector to be appointed by the Minister.

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

Functions
of the
Board

- (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; and
- (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.

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

Appeals
Authority

- (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 Appeals 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 Appeals 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 V

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.

(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.

Applica-
tion 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.

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

Cancellation 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.

Requirement to apply for a licence

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.

Tourism facility or activity to be open to all guests

(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.

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 -

Limitation of liability to operators of a tourism facility or activity

- (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 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 27 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.

30. Every tourism operator shall keep in a tourism facility a register or a roster, as the case may be, which shall contain the name, address and other prescribed particulars of every guest or client who -

Register of
guests,
clients, etc

- (a) lodges at the tourism facility; or
- (b) boards any vehicle or vessel enrouting to a tourism facility or activity.

PART VI

LICENSING OF TOURISM OPERATORS

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.

Tourism
operators
to be
licensed

(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 may 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 the 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.

Applica-
tion 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.

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.

Registra-
tion and
publication
of a 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.

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; or
- (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.

Disqualifi-
cation
from
obtaining
a licence

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

Duration
of a
licence
under this
Act

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

Contents of
a licence

- (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.

Breach of
condition
to be an
offence

Variation
of
conditions
attached

39. The Board may at any time vary the conditions attached to a licence granted under the provisions of this Act, provided that a notice of three months has been given prior to such variation.

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.

Revoca-
tion 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 VII 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 twenty one 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.

(6) Notwithstanding the provisions of this section, the Minister may allow a registration of a Tanzanian citizen aged below twenty one years or who has attained education below O-level to such class or level of tour guide as may be prescribed in the regulations.

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 friendly to tourists or visitors.

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

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.

Complaint against a tour guide

(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.-(1) The Director may order restriction of activities of any tour guide in respect of an area specified in the order.

(2) Any person who contravenes any of the provisions of this Part commits an offence and shall on conviction be liable to a fine of not less than one million shillings or to imprisonment for a term not exceeding six months or to both.

PART VIII

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.

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.

Offences
by a body
corporate

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 two million shillings or imprisonment for a term of six months or to both.

General
penalty

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.

Protection
of
bonafide
acts

PART IX

MISCELLANEOUS PROVISIONS

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

Appeals

- (a) an application for the registration of a facility, an activity, a tour guide 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 (2).

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;
- (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.

Statistics
and
informa-
tion

Division
to monitor
curricula
of hotel
and
tourism
training
institutes

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

- (a) the institutes maintain high academic and practical standards;
- (b) the institutes are accredited under relevant laws; and
- (c) the institutes abide 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 training institutions.

Regula-
tions

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 and 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) the manner under which tourism operators may contribute to costs related to upgrading of facilities;
- (x) the grading and classification of tour guides, and the manner under which tour and photographic safari may be conducted;
- (y) qualification of, and the manner under which tour guides may operate; and
- (z) anything with promotion, development and regulation of a tourism industry in the country.

Matters
relating to
employ-
ments
Cap.366
and 300

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, Labour Institutions Act and any other relevant laws.

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

(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.

Arrange-
ments for
residents
and local
communi-
ties

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) save for foreign air lines, travel agency;
- (b) mountain climbing or trekking;
- (c) tour guide;
- (d) car rental; or
- (e) any other activity the Minister may, by order published in the *Gazette*, specify.

(3) Subsections (1) and (2) shall not be construed as to prohibit any foreign tour leader to accompany or lead any foreign tourist or group of foreign tourists visiting Mainland Tanzania.

Develop-
ment levy

59.-(1) There is established a levy to be known as a tourism development levy.

(2) The Minister shall, after consultation with the Minister responsible for finance, make regulations prescribing the manner and modality under which the levy may be collected and used.

Protection
of
tradition
and
culture

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

- (a) laws, practices and customs of Mainland 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.

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

Minister
may
amend
Schedules

62. The Board established under the Tanzania Tourist Board Act shall, in respect of promotion and marketing of tourism products within and outside Mainland Tanzania have effect to this Act.

Tanzania
Tourist
Board to
apply to
this Act.
Cap. 364

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

Repeals
Caps 105
and 65

64. Notwithstanding the repeal of the Acts referred to in section 63:

Transi-
tional
provisions

- (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.

FIRST SCHEDULE

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 Tanzania;
 - (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;
 - (l) the Director General of Tanzania National Parks;
 - (m) the Director of Antiquities; and
 - (n) two members vested with tourism matters to be appointed by the Minister.
2. The Committee may co-opt any person to attend 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 a half 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 validity 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 10(1)

THE TOURISM ACT

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: Web site 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 plans development Acts.
- (d) The site plan and floor area of premises intended to be used for the conducting of a tourism enterprise.
- (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 a half 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 be confirmed or amended at the next meeting of the Board and signed by the person presiding at the meeting.
8. The validity 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.

Passed in the National Assembly on 5th February, 2008.

DAMIAN S. L. FOKA,
Clerk of the National Assembly

