



THE PROMOTION OF TOURISM ACT, 1991

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ACT NO. 9 OF 1991

I ASSENT

Salim Amour

SALMIN AMOUR
PRESIDENT OF ZANZIBAR
AND
CHAIRMAN OF THE REVOLUTIONARY
COUNCIL.

14 March 1992.

AN ACT TO REPEAL THE HOTEL ACCOMMODATION
(IMPOSITION OF LEVY) DECREE NO.13/67 AND
TO PROMOTE AND STRENGTHEN TOURISM AND TO
PROVIDE FOR THE PROCEDURES FOR BETTER
CARRYING OUT BUSINESS IN TOURISM AND MATTERS
CONNECTED THEREWITH AND INCIDENTAL THERETO.

ENACTED by the House of Representatives of
Zanzibar.

PART I

PRELIMINARY PROVISIONS

Short title and commencement. 1. This Act may be cited as the Promotion of Tourism Act, 1991 and shall come into operation on such date as the Minister may by notice in the Gazette appoint.

Interpretation. 2. In this Act, unless the context otherwise requires -
"Board" means the Board of Directors of Tourism established under the provisions of section 3 of this Act;



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- "Guest house" means a house which offers services to tourists and which consists of not less than ten and not more than twenty rooms;
- "Hotel owner" means any person who holds a valid licence issued under the provisions of section 9 of this Act;
- "Licensed tourist agency" means a tourist agency which holds a valid licence issued under the provisions of section 9 of this Act;
- "Licence" means a valid licence issued under the provisions of this Act for the purpose of conducting tourism business;
- "Member" means a member of the Tourism Board;
- "Minister" means the Minister responsible for tourism;
- "tourist shop" means a shop which sells handicrafts, souvenirs, postcards, carvings and any other items sold to tourists as remembrance of their journey or stay in Zanzibar;
- "President" means the President of Zanzibar and the Chairman of the Revolutionary Council;
- "restaurant" means any place which offers for sale food and drinks to tourists;
- "tourism agent" means a travel agent or tour operator or any person who organises tour for tourists, either by air, sea or by land or issues tickets or makes residence arrangements or offers consultation services on tourism in and outside Zanzibar and it includes travel agent, bicycle hirers, antique and souvenir sellers and tourist guides;
- "tourist bureau" means the Department of Tourism;

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"tourism business" means any business which offers services to tourists through tourism institutions;

"tourist hotel" means any place of business which offers to tourists accommodation services and or food and drinks facilities;

"tourist" means any person who is at a place not of his residence for a period of twenty four hours or more for the purpose of work, rest or for enjoyment;

"tour operator" means any person who engages himself in transportation of tourists either by air, sea or by land.

PART II

ESTABLISHMENT OF THE TOURISM BOARD

Establishment
of Board.

3. There is hereby established a Board to be known as the Tourism Board.

Composition
of the
Board.

4.(1) The Tourism Board shall consist of :-

- (a) Chairman who shall be appointed by the President;
- (b) Director of Tourism who shall be the Secretary to the Board;
- (c) The following other members to be appointed by the Minister to represent -
 - (i) Commission of Land and Environment;
 - (ii) Local Government;
 - (iii) Ministry of Health;
 - (iv) Institution dealing with investments;
 - (v) State security;
 - (vi) Hotelkeepers Association.

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- (vii) Tourism agencies;
- (viii) Organisation of Tanzania Trade Unions (O.T.T.U.)

(d) not more than two other members appointed by the Minister.

(2) The members shall elect one of their members to be the Vice-Chairman of the Board and any member elected as Vice-Chairman shall, subject to continuing to be a member, hold office for a term of three years from the date of his election but shall be eligible for re-election.

(3) A Chairman appointed by the President or a member appointed by the Minister respectively shall, unless his appointment is sooner terminated by the President or Minister respectively or he ceases in any other way to be a member, hold office for a period of three years but shall be eligible for re-appointment.

(4) Any member of the Board may at any time resign as a member of the Board by giving notice in writing addressed to the appointing authority, and from the date specified in the notice or if no date is so specified, from the date of the receipt of the notice by the appointing authority, he shall cease to be a member.

Functions of
the
Board.

5. Subject to the provisions of this Act, the functions of the Board shall be:-

- (a) to advise the Minister in matters related to tourism business and submit report on its implementation by the Board annually or at any time when needed;
- (b) to consider and decide upon application for licences in tourism;
- (c) to issue licences for tourism business;

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- (d) to keep record of those involved in tourism;
- (e) to change, suspend, alter or cancel licences issued in accordance with this law;
- (f) to classify and categorise institutions which carry on tourism business;
- (g) to hear and investigate complaints related to tourism;
- (h) to supervise hotel/restaurant tariffs;
- (i) to inspect institutions which carry on tourism business;
- (j) to protect areas allocated for tourism.

Registrar
and his
functions.

6.(1) The Director of Tourism shall be the Registrar of Tourism business.

(2) The Registrar shall perform such functions as the Minister or Board may specify from time to time and shall in addition perform the following prescribed duties :-

- (a) to register all institutions which carry on tourism business in accordance with conditions of that particular category or classification;
- (b) to issue a registration certificate to the operator of the tourism business in accordance with the class or category of that institution;
- (c) not to register any institution which carries on tourism business which fails to comply with the specified conditions;
- (d) to keep the register for the registration of institutions and owners of tourism business.

Schedule.

7.(1) The Schedule to this Act shall have effect as to the proceedings of and otherwise in relation to the Board of Directors.

(2) The Minister may in consultation with the Board and by order published in the Gazette, vary or replace any of the provisions of the Schedule to this Act.

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Publication of conditions for registration.

8. The Board shall from time to time cause to be published in the Gazette :-

- (a) the particulars, terms and conditions required to be fulfilled by an institution which is carrying on tourism business before being registered;
- (b) terms and conditions required for the purpose of classification and categorisation of institutions carrying on tourism business prior to such classification to be fulfilled by such institution;
- (c) amendments, changes or alterations of any terms or conditions prescribed in paragraphs (a) and (b) of this section.

PART III

LICENCES

Issue of licence by the Board.

9.(1) The Board may, subject to the provisions of this Act, issue licence to any person who engages himself in tourism business.

(2) Licence issued under subsection (1) of this section shall be -

- (a) in the prescribed form;
- (b) valid for a period of one year;
- (c) valid not later than 31st December of the same year of issue;
- (d) subject to such terms and conditions as may from time to time be prescribed or endorsed in the licence;
- (e) issued subject to the payment of the fee prescribed thereof.

(3) No person shall operate or advertise himself as an operator of tourism business -

- (a) unless he is in possession of valid licence issued under the provisions of subsections (1) and (2) of this section; and



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(b) except in accordance with the terms, conditions and the purpose to which such licence is subject.

(4) The Board shall prescribe the form of licence and set the terms and conditions thereof.

Power of
the
Board.

10.(1) The grant or refusal of a licence shall be in the discretion of the Board.

(2) The Board may cancel or suspend a licence in any case where the licensee fails to comply with the terms and conditions of his licence or for other good and sufficient cause and such cancellation or suspension, as the case may be, shall be in addition to any penalty to which the licensee may be liable under the provisions of this Act.

(3) Notwithstanding the provisions of subsection (2) of this section the Board shall prior to the suspension or cancellation of the licence issued to the operator of tourism business give opportunities to the said licensee to defend his case.

Appeals.

11. Any person aggrieved by the decision of the Board may appeal to the Minister.

Application
for
licence.

12.(1) All applications for the licence shall be made to the Board through the Board's Secretary.

(2) The Board shall prescribe the form and procedures for the applications, renewals and extensions of licences.

Exhibition
of
licence.

13. Every licence issued under this Act shall be kept on conspicuous in the place of business to which such licence relates and shall be produced for inspection upon demand by authorized officer.

Duties of
the
Licensee.

14. Every licensee under this Act shall -

(a) keep his books of account, operational cost and business statistics in a proper and acceptable manner;



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- (b) not deny the Board or its authorized agent when so requested to have access to and to inspect and to verify the income outlay accounts of the said business;
- (c) obey existing laws and laws to be enacted from time to time.
- Issue of a copy of licence. 15. In the event of any licence issued under this Act being lost or destroyed the Board shall issue a copy of the licence on payment of the fees prescribed by the Board.
- Applicant may request reasons for disapproval. 16. Any person whose application for licence has not been approved by the Board may request the Board to give the reasons for its decision.
- Restriction on issuance of licence. 17. Notwithstanding the provisions of section 9 of this Act -
- (a) No licence of tourist hotel or guest house shall be licensed to operate as a tour operator, travel agent or caterer;
- Provided that organised trips by tourist hotels which are part of the hotel's recreation shall not be deemed as tour operators business.
- (b) licence for tour operators, travel agents and caterers shall be issued only to Zanzibaris:
- Provided that any person other than a Zanzibari may enter into a joint venture, special arrangements or contract with a tour operator, travel agent or caterer licensed under the provisions of this Act.

PART IV

DUTIES OF THE HOTEL OWNERS

- Owner of hotel to keep Register. 18.(1) Every licensed tourist hotel or guest house owner shall keep a register and shall register all guests offered service at their place of business.

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(2) The Register shall contain the following particulars :-

- (a) name;
- (b) address;
- (c) residence;
- (d) nationality;
- (e) place of birth;
- (f) number of passport/travel documents;
- (g) destination;
- (h) duration of her/his stay in Zanzibar;
- (i) person(s) accompanying and their particulars;
- (j) any other particulars directed by the Board.

Name of
tourism
institution
to be
displayed.

19. Every licensed tourism institution shall display in a conspicuous place at its Head Office a board indicating its specific business.

Management
to be
known to
the
Board.

20. Every licensed tourism institution shall have a management known to the Board managed by the owner or any other person employed by the owner.

Right of
lien.

21. Owner of a licensed tourist hotel or guest house shall, in accordance with the law, have lien on the property of any person who has been offered services and has not paid for such services.

PART V

GENERAL PROVISIONS

Hotel levy.

22.(1) There shall be a levy to be known as hotel levy imposed on any person for services rendered to him at any licensed tourist hotel, guest house or restaurant.

(2) The levy charged under the provisions of subsection (1) of this section shall be fifteen per centum (15%) of the price of the service rendered.



(3) The manager of a licensed tourist hotel, guest house or restaurant shall collect the levy imposed under this section and remit such levy to the Accountant General not later than fourteen days from the end of each calendar month.

(4) Any manager of the licensed tourist hotel, guest house or restaurant who fails to collect the levy imposed under this section or fails to remit such levy to the Accountant General within the prescribed period shall pay such levy and shall in addition pay a fine of five per centum (5%) of the levy collected or to be collected.

Formation of
tourism
organisations.

23. Any licensed tourism institutions having the same or related objective may in accordance with the provisions of this Act form organisations.

Minister to
alter levy.

24. The Minister may in consultation with the Minister of Finance vary, alter or amend the levy imposed under section 22 of this Act.

Declaration
of areas
for tourism.

25. The Commission for Land and Environment may by order published in the Gazette declare areas allocated for tourism.

Offences.

26. Any person who -

- (a) carries on tourism business without a valid licence;
- (b) commits or attempts to commit breach of any of the provisions of this Act;
- (c) denies access or obstructs any officer authorised by the board to inspect tourism institution;

(d) refuses to produce licence or give information when requested to do so by an officer authorised by the Board,

is guilty of an offence and shall on:



- (i) first conviction where the offender is a foreigner be liable to a fine not exceeding five hundred United States dollars (US \$500) where the offender is a Tanzanian shall be liable to a fine equivalent to five hundred United States dollars payable in Tanzania shillings or to imprisonment for a term not exceeding two years to both offenders; or to both such fine and imprisonment;
- (ii) second or subsequent conviction be liable to the same penalty provided under the provisions of sub-paragraph (i) of this section.

Regulations.

27. The Minister may make Regulations for carrying into effect the purposes and provisions of this Act, and without prejudice to the generality of the foregoing, may by such regulation -

- (a) provide for orderly construction of tourist hotels and guest houses;
- (b) provide for classification of tourism hotels and guest houses and criteria for such classification;
- (c) provide for the registration of tourist hotels and guest houses;
- (d) prescribe fees payable in respect of applications for licences and registration;
- (e) prescribe for records keeping related to tourism industry;
- (f) provide for appeal to himself against any decision or order of the Board;
- (g) prescribe anything for the better carrying out of or rendering effective the provisions of this Act.



Repeal of
Decree No.
13 of
1967.

28.(1) The Hotel Accommodation (Imposition of Levy) Decree, 1967 is hereby repealed.

(2) Notwithstanding the repeal of the Hotel Accommodation (Imposition of Levy) Decree, 1967 anything done under the provisions of the Hotel Accommodation (Imposition of Levy) Decree, 1967 which is in force on the effective date shall be deemed to be made under the provisions of this Act.

SCHEDULE
(Section 7(1))

Meeting
of the
Board.

(1) The Board shall ordinarily meet at such times and places as it deems necessary for the transaction of its business but shall meet at least once in every three months.

(2) The Chairman or in his absence, the Vice-Chairman, may at any time call a special meeting of the Board, and shall call a special meeting upon a written request by a majority of the members of the Board.

(3) The Chairman or in his absence, the Vice-Chairman, shall preside at every meeting of the Board. In the absence of both the Chairman and Vice-Chairman, the members present shall appoint a member from amongst themselves to preside over the meeting.

Quorum.

(4) The quorum at any meeting of the Board shall be more than half of the total number of members.

Decision
of the
Board.

(5) Any question proposed at a meeting of the Board shall be decided by a majority of votes of the members present and voting and in the event of an equality of votes the person presiding shall have a casting vote.

Minutes
of the
meetings.

(6) The Board shall cause to be recorded minutes of all proceedings of its meetings and the minutes so recorded shall be read and confirmed at the next meeting of the Board and signed by the Chairman or other person presiding.



Interested parties.

(7) Any member of the Board who has interest in the subject matter of discussion before the Board shall declare his interest and shall not take part neither in the discussion nor in voting.

Vacancies not to invalidate proceedings.

(8) The validity of any act or proceeding of the Board shall not be affected by any vacancy among its members or by any defect in the appointment of any of them.

Board may regulate its own proceedings.

(9) Subject to the provisions of this Schedule the Board may regulate its own proceedings.

Proof of documents.

(10) Any document purporting to be made under the hand of the Registrar as to any resolution of the Board or as having been issued on behalf of the Board shall be deemed to be so executed or issued until the contrary is proved.

Passed in the House of Representatives on the 31st day of December, 1991.

Kh Chande
KHAMIS JUMA CHANDE

CLERK TO THE HOUSE OF REPRESENTATIVES.