



**THE ZANZIBAR TOURISM (AMENDMENT)  
ACT, NO. 7 OF 2012**

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ACT NO. 7 OF 2012

I ASSENT

*Ali Mohamed Shein*  
{ DR. ALI MOHAMED SHEIN }  
PRESIDENT OF ZANZIBAR  
AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL

*28<sup>th</sup> May*, 2012

AN ACT TO AMEND THE ZANZIBAR TOURISM  
ACT, NO. 6 OF 2009

ENACTED by the House of the Representatives of Zanzibar.

**PART I  
PRELIMINARY PROVISIONS**

- Short title and commencement.      1. This Act may be cited as the Zanzibar Tourism (Amendment) Act, 2012 and shall come into operation after being assented to by the President.
- Construction.                      2. This Act shall be read as one with the Zanzibar Tourism Act, No. 6 of 2009 in this Act referred to as the "Principal Act".

**PART II  
AMENDMENT PROVISIONS**

- Amendment of section 2.            3. Section 2 of the Principal Act is amended by:
- (a) deleting the interpretation of the word "Board" and substituting with "Chairman";
- "Chairman" means the Chairman of the Commission appointed under section 5(1)(a) of this Act;
- (b) deleting the interpretation of the word "Board Committees";



- (c) deleting the interpretation of the word "Director General" and substituting with "Executive Secretary" as follows:

"Executive Secretary" means the Executive Secretary appointed under section 11 of this Act";

- (d) adding new interpretation of the following words:

"Commissioner" means a person appointed under section 5(1)(b) of this Act;

"Tourist" means any person who is at a place not of his residence for the purpose of work, rest or for enjoyment;

- (e) inserting the word "apartments" between the words "guest house" and "tour operator" in the interpretation of the word "Tourism Business";

- (f) inserting the words "and relating to" between the word "within" and "Zanzibar" in the interpretation of the word "Tourist Guide"; and

- (g) repeal the interpretation of the word "Zanzibari" and substituting by the following:

"Zanzibari" means a Zanzibari as defined under the Zanzibaris Act, No. 5 of 1985.

Amendment  
of section 4.

**4. Section 4 of the Principal Act is amended by:**

- (a) adding new paragraph (t) as follows:

"(t) to establish codes of practice and standards for carrying out operation of tourism enterprises and monitor compliance of such codes of practice and standards";

- (b) re-naming paragraph (t) as (u).

Repeal and  
replacement  
of section 5.

Composition  
of the  
Commission.

**5. Section 5 of the Principal Act is repealed and replaced by the following new section:**

**5.(1) The Commission shall consist of:**





- (a) Chairman who shall be head of the Commission on full time basis to be appointed by the President.
- (b) not more than other eighty Commissioners to be appointed by the Minister from:
  - (i) hospitality industry;
  - (ii) Association of Travel and Tour Operators;
  - (iii) Zanzibar Planning Commission;
  - (iv) Director of Planning, Policy and Research of the Ministry responsible for tourism;
  - (v) Zanzibar Investment Promotion Authority;
  - (vi) Any other member who shall be a woman;
  - (vii) Association of Tourism Investors;
  - (viii) Religious Institutions.

(2) Chairman shall hold office for a term of four years from the date of his appointment, and shall be eligible for re-appointment for one more term.

(3) A person may not be appointed to be Chairman unless he is a Zanzibari and has:

- (i) distinguished expertise in the field relevant to tourism, hospitality industry management or international relation;
- (ii) adequate advocacy skills;
- (iii) good public International Relation;
- (iv) diploma in tourism or any other related field.



Repeal and replacement of section 6.

Functions of the Chairman.

6. Section 6 of the Principal Act is repealed and replaced as follow:

6.(1) The Chairman of the Commission shall be non executive head of the Commission and shall have the following functions:

- (a) to provide strategic direction in the management, improvement and sustainability of tourism industry;
- (b) to be champion for tourism for all initiatives;
- (c) to oversee the implementation of tourism policy and issue directives to the management of the Commission in that respect;
- (d) to be the chairman of the Commissioner's meetings and stakeholders forum;
- (e) to advise, develop and undertake such initiatives for the purpose of improving community involvement in tourism industry in order to attain maximum community benefit from the industry;
- (f) to do such other things which are incidental or allied to his general duties.

(2) For avoidance of doubt, it is hereby expressly provided that the Chairman shall not undertake executive functions of the Commission; the mandate of which is reserved for the Executive Secretary.

(3) The Chairman shall be answerable to the Minister.

(4) Remuneration and terminal benefits of the Chairman shall, subject to the Public Service Act, No. 2 of 2011, be in accordance with the terms of his appointment.

Repeal and replacement of section 7.

Role and powers of the Commissioners.

7. Section 7 of the Principal Act is repealed and replaced as follows:

7. The Commissioners shall have the following roles:





- (a) to be key advisers to the Government and to the management of the Commission on all matters relating to the development, regulation, improvement and sustainability of the tourism industry and allied services;
- (b) to spearhead the promotion of tourism domestically, regionally and internationally;
- (c) to oversee initiatives in developing and implementing tourism for all; and
- (d) to provide general direction in the management of the Commission and of tourism industry.

(2) The powers of the Commission provided under this Act shall, unless otherwise provided, be exercised by resolutions of the Commissioners sitting in accordance with the rules of their proceedings.

Repeal and replacement of section 8.

**8. Section 8 of the Principal Act is repealed and replaced as follows:**

Meeting of the Commissioners.

**8.(1)** The Commissioners shall meet after every three months, but at any time if the need arises may convene any other meeting.

(2) The quorum of any meeting of the Commissioners shall not be more than half of the total number of Commissioners of the Commission.

(3) All meetings of the Commissioners shall be presided by the Chairman, but in his absence the Commissioners present shall appoint one among them to preside such meeting.

(4) Subject to other provisions of this Act, the Commissioners may regulate their own proceedings.

Repeal and replacement of section 9.

**9. Section 9 of the Principal Act is repealed and replaced as follows:**

Decision of the Commissioners.

**9.** The decision of the Commissioners shall be by consensus but if members fail to reach a consensus on any agenda, then the agenda shall be decided by voting and upon equality of votes, the Chairman shall have the casting vote in addition to his deliberative vote.



- 10.** The Principal Act is amended by adding new section 9A immediately after section 9 as follows:
- 9A.** The Commissioners shall be paid such allowances as the Minister may, subject to the prevailing Public Service regulations on payment of allowances, determine.
- 11.** Section 10 of the Principal Act is amended as follows:
- (a) in subsection (1) by deleting the words "Board for consideration and approval" and substituting with words "Commissioners for consideration and to the Minister for approval"; and
  - (b) in sub section (3) by inserting the word "implementation" between the words "programmes" and "strategies".
- 12.** Section 11 of the Principal Act is repealed and replaced as follows:
- 11.**(1) There shall be Executive Secretary who shall be the Chief Executive Officer of the Commission to be appointed by the President.
- (2) A person shall not be eligible to be appointed as Executive Secretary unless he has the following qualifications:
- (a) is a holder of at least first degree or its is equivalent and working experience of not less than seven years; or
  - (b) has adequate knowledge of and experience in tourism or business administration or economics or is conversant in public service administration.
- (3) The Executive Secretary shall be:
- (a) the head of secretariat of the Commission;
  - (b) incharge for the day-to-day operations of the Commission;





- (c) accountable for the management of funds, property and business of the Commission;
- (d) responsible for the control of other officers and staff of the Commission;
- (e) the custodian of the seal and all records and documents of the Commission;
- (f) answerable to the Commission.

(4) The Executive Secretary shall attend all meeting of the Commissioners.

(5) There shall be Directors of Directorates of the Commission to be appointed by the President.

Addition of  
new section  
11A.

**13.** The Principal Act is amended by adding new section 11A immediately after section 11 as follows:

Tourism  
Stakeholders  
Forum.

**11A(1)** There shall be established a tourism stakeholders forum to meet in every six months in order to discuss matters relating to tourism development issues.

(2) The Chairman of the Commission shall be the Chairman of the Tourism Stakeholders Forum.

(3) The Forum shall undertake the following functions;

- (a) to provide inputs and suggestions on any matter relevant to the promotions and development of tourism industry;
- (b) to advise the Commission and the government on any matter of benefit or interest in the promotion and development of tourism industry;
- (c) to develop proposals for initiatives necessary for the promotion and development of tourism industry;





(d) to undertake such other function which is incidental to the main functions of the Forum;

(4) Subject to the regulations made by the Minister for the purpose of regulating the manner of operation of the Forum, the Forum shall have power to regulate its proceedings.

Amendment of section 12.

**14.** Section 12 of the Principal Act is amended by repealing paragraph (a) of sub section (2) and substituting by the following:

“(a) any such money as subvention as appropriated by the House of Representatives”.

Repeal of section 13.

**15.** Section 13 of the Principal Act is repealed.

Amendment of section 14.

**16.** Section 14 of the Principal Act is amended by deleting the word “Board” and substituting with the word “Chairman”.

Amendment of section 15.

**17.** Section 15 of the Principal Act is amended by repealing sub section (2) and substituting by the following:

“(2) Subject to subsection (1) of this section, a person shall not run or carry on or advertise himself as undertaking a tourism business unless he holds a valid tourism business licence issued by the Commission”.

Amendment of section 16.

**18.** Section 16 of the Principal Act is amended as follows:

(a) in sub section (1) by deleting the words “Director General” and substituting by the words “Executive Secretary”; and

(b) by adding new sub sections (3) and (4) as follows:

“(3) In the event of any licence issued under this section being lost or destroyed, the Commission shall issue a copy of the licence on payment of fees as prescribed in the Regulations.



(4) Every license issued under this Act shall be kept in a conspicuous place of the business to which such licence relates and shall be produced for inspection upon demand by an authorized officer”.

Amendment of section 17. **19.** Section 17 of the Principal Act is amended by deleting the word “Board” and substituting by “Commission”.

Amendment of section 18. **20.** Section 18 of the Principal Act is amended as follows:

- (a) in sub section (1) by deleting the word “admitted” and substituting with “served”; and
- (b) in sub section (2) by inserting the word “management” between the words “change of” and “the Commission”.

Addition of new section 19A. **21.** The Principal Act is amended by adding new section 19A immediately after section 19 as follows:

Restrictions of changes of tourism business.

**19A.** Any person who is authorised to operate tourism business shall not make any changes on physical structure of his office or buildings, share holders or directors, business name or service rendered without furnishing the Commission with particulars in writing of any such proposed amendment, alteration or changes.

Addition of new sections 23A and 23B. **22.** The Principal Act is amended by adding new sections 23A and 23B immediately after section 23 as follows:

District Tourism Committees.

**23A.**(1) There shall be a District Tourism Committee in each District which shall be composed with the members appointed by the Minister in consultation with respective District Commissioner from the following institutions:

- (a) District Commanding Police Officer;
- (b) Chairman of Shehas in the District;
- (c) One officer from Museum and Heritage;
- (d) One Tradesman in Tourism Sector in the District;





- (e) One Agriculturist in the District;
- (f) Member from the hospitality Industry;
- (g) One officer from Ministry responsible for Lands;
- (h) One officer from Ministry responsible for Environment;
- (i) One officer from NGO's in the District;
- (j) Religious leaders in the District;
- (k) One officer from Zanzibar Investment Promotion Authority;  
and
- (l) District Cultural Officer.

(2) The District Tourism Committee shall collaborate with the Commission for tourism to spearhead the development of tourism within the district.

(3) The District Commissioner shall be the Chairman of the respective District Tourism Committee and the District Tourism Officer shall be the Secretary of the respective District Tourism Committee.

(4) The Commission shall, in collaboration with the main tourism stakeholders, develop guidelines for the District Tourism Committee.

(5) The Commission shall coordinate and provide funds to the District Tourism Committee.

Duties of  
the District  
Tourism  
Committee.

**23B.**(1) The District Tourism Committee shall exercise the following duties:

- (a) to promote tourism for all;
- (b) to maintain peace and security of visitors and community in tourism zones;



- (c) to set up community funds by imposing 1% of the investors' earnings that will be utilized in the development of local villages;
- (d) to support the Community-Based Tourism Associations and facilitate their involvement in the planning process by collaborating with Commission and other stakeholders in tourism;
- (e) to conserve, develop and promote Zanzibar cultural heritage as an integral part of the tourism products;
- (f) to maintain ethical value in the district;
- (g) to promote linkages between tourism and other economic sectors;
- (h) to promote value addition for local product; and
- (i) to promote public awareness as a tool for tourism for all.

(2) Subject to sub section (1) of this section, the District Tourism Committees shall develop annual action plans and its implementation strategies to be submitted to the Commission for approval.

Amendment  
of section  
24.

**23.** Section 24 of the Principal Act is amended as follows:

- (a) in sub section (1)(g) by deleting number "19(1)(b)" and substituting by "20(1)"; and
- (b) by repealing sub section (3) and substituting by the following:

"(3) Any Tourist business operator who employs non Tanzanian for the services under subsection (1) of this section shall have a written permission from the Commission after satisfying the Commission, that there is no local person to fill the vacant position".

Amendment  
of section 25.

**24.** Section 25(b) of the Principal Act is amended by deleting the word "bar".





Amendment  
of section 28.

**25.** Section 28 of the Principal Act is amended by repealing paragraph (c) and substituting by the following:

“(c) refuses to produce licence or give information or failed to attend before the Commission when requested to do so by an officer authorised by the Commission”.

**PASSED** in the House of Representatives of Zanzibar on 5<sup>th</sup> day of April, 2012.

{ YAHYA KHAMIS HAMAD }  
CLERK OF THE HOUSE OF REPRESENTATIVES  
ZANZIBAR