



THE PROMOTION OF TOURISM ACT, 1996
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SCHEDULE.



ACT NO. 9 OF 1996

I ASSENT

Salim Amour

SALMIN AMOUR

PRESIDENT OF ZANZIBAR AND
CHAIRMAN OF THE REVOLUTIONARY COUNCIL

16th April,

..... 1997

AN ACT TO REPEAL THE PROMOTION OF TOURISM ACT, 1991 AND
TO ENACT THE PROMOTION OF TOURISM ACT, 1996 AND
TO MAKE BETTER PROVISIONS FOR MATTERS
CONNECTED OR 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 1996, 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:-

"Commission" means the Commission for Tourism
established under the provisions of section 3 of
this Act;

"Government" means the Government of
Zanzibar.



"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 8 of this Act;

"House" means the House of Representatives.

"Licensed tourist agency" means a tourist agency which holds a valid licence issued under the provisions of section 8 of this Act;

"Licence" means a valid licence issued under the provisions of this Act for the purpose of conducting tourism business;

"Minister" means the Minister responsible for tourism development;

"Tourist shop" means a shop which sells handicrafts, souvenirs, postcards, carvings, antique 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 tours 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;



"Tourist bureau" means any tourism establishment which offers information service to tourists;

"Tourism business" means any business which offers services to tourists including but not limited to restaurant, dancing and disco clubs, resorts etc, tourist hotel, tourist bureau, guest house, tour operator, tourist shop, tourist guide, tourism agent, bicycle, motorbike, car rental, money change, transportation of tourists either by air, sea or by land, sea sports operator and any business or establishment of the like or similar nature;

"Tourist guide" means a person who introduces, instructs, directs or shows tourists for gain on or about site, locations, vegetation, culture, nature, geography, history and any other matter within and relating to Zanzibar;

"Tourist hotel" means any place or business which offers to tourists accommodation services and or food and drinks facilities in return for payment;

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

PART II

ESTABLISHMENT OF THE COMMISSION FOR TOURISM

Establishment
of Commission.

3.(1) There is hereby established a Commission to be known as the Commission for Tourism and shall be deemed to have been so established from the date it was first established by the order of the President made under the Zanzibar Constitution.



(2) The Commission shall be an autonomous body corporate and shall:-

- (a) Have perpetual succession and common seal;
- (b) In its corporate name, be capable of suing and being sued;
- (c) Be capable of purchasing and otherwise acquiring, and of alienating, any movable or immovable property, and;
- (d) Have power from time to time to borrow such sums as it may require for its purpose save that any such borrowing shall be made with due regard to public financial regulations.

(3) Any property, asset, right, concession or franchise granted to the Commission prior to the commencement of this Act shall, unless revoked within ninety days of the coming into force of this Act, be deemed to have been conveyed to the Commission under this Act and no further conveyance or assignment shall be necessary.

(4) Notwithstanding the foregoing provisions the Minister may, for the protection or furthering of the government interest in the Commission, extend to the Commission any assistance, government privilege or right.

(5) The Commission may, for the purpose of furthering any of its functions establish offices in any country not restricted by the government and may for the same purpose join any respective regional or international organisation.



Composition
of the
Commission

4.(1) The Commission shall consist of:-

- (a) Chairman who shall be appointed by the President;
- (b) Executive Secretary who shall be the Chief Executive and who shall be appointed by the President;
- (c) Any other Directors as the Minister may advise to be appointed all of whom shall be appointed by the President.

(2) The Minister may appoint a Tourism Advisory Board whose functions, powers, tenure and terms shall be provided by the Minister by way of regulations made for that purpose.

Functions of
the Commission.

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

- (a) To advise the Minister in matters related to tourism business and submit report by the Commission on its implementation 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;
- (d) To keep record of those involved in tourism;
- (e) To change, suspend, alter or cancel licences issued in accordance with this Act;
- (f) To classify and categorise institutions which carry on tourism business;



- (g) To hear and investigate complaints related to tourism;
- (h) To supervise hotel and restaurant tariffs and taxes in tourism;
- (i) To inspect institutions which carry on tourism business;
- (j) To protect areas allocated for tourism;
- (k) To plan and direct tourism in a manner which is in conformity with the overall government development policy and strategies;
- (l) To promote Zanzibar as a tourism destination;
- (m) To improve and upgrade tourism products so as to attract high spending tourists;
- (n) To monitor tourists expenditure and to ensure that foreign exchange earnings are appropriately collected and accounted for according to the laid down procedures;
- (o) To train manpower for all subsectors of tourism industry and of all levels - basic, medium and high class levels;
- (p) To assist potential investors and to facilitate tourism investments in Zanzibar, through publications of investment procedures, guidelines, organising of investment seminars, workshops and helping investors in acquiring other requirements such as land and infrastructure;



- (q) To coordinate efforts of all institutions within the tourism industry, and between tourism and other sectors of the economy at all levels - regional, national and international;
- (r) To educate the public on the importance of tourism to the national economy and their role and responsibility in the development of tourism.

Registrar and
his functions.

6. (1) The Commission shall appoint a Registrar who shall be the Registrar of Tourism business.

(2) The Registrar shall perform such functions as the Commission 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;
- (e) To supervise his duties and any other duties that might be provided to him.



Publication of
conditions
for
registration.

7. The Commission 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 Commission

8. (1) The Commission 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;



issued subject to the payment of the fee prescribed thereof.

- (3) Notwithstanding any provision in this Act or any other Act no person shall be granted a licence under this section unless he obtains a clearance of satisfactory payment of the Hotel levy and other taxes from the Commissioner of Revenue and where the amount payable is disputed temporary licence may be issued by the Commission on such terms and conditions it may deem appropriate.
- (4) No person shall operate or advertise himself as an operator of tourism business:-
- (a) Unless he is in possession of a valid licence issued under the provisions of subsections (1) and (2) of this section; and
 - (b) Except in accordance with the terms, conditions and the purpose to which such licence is subject.
- (5) The Commission shall prescribe the form of licence and set the terms and conditions thereof.
- (6) Where an applicant fails to comply with the requirements within the terms specified under subsection (4) above the application shall be deemed to be withdrawn and shall not be further proceeded with, but without prejudice to a fresh application being made by the applicant.
- (7) All the applications for licence shall be made in writing to the Commission and addressed to the Executive Secretary.
- (8) The Commission shall prescribe the form and procedures for the applications, renewals and extensions of licences which may differ as between



different classes, categories or descriptions of applicants.

Power of
the Commission

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

(2) The Commission may cancel or suspend a licence in any case where a licensee:-

- (a) Fails to comply with the terms and conditions of the licence;
- (b) Contravenes any condition imposed under the licence, any provisions of this act or any other written law, regardless that there has been no prosecution for an offence in respect of such contravention;
- (c) Provides the Commission for tourism either during the application or at any time after misleading or inaccurate information, document or declaration by or on behalf of licensee of tourism business;
- (d) Carries out business in a manner which is prejudicial to the interest of the public, the tourism industry or to the national economy;
- (e) Has not conducted any business in respect of which it is licensed for any continuous period of six months or has ceased to carry on any of the business or operations for which it is licensed;
- (f) Has insufficient assets to meet its liabilities;
- (g) A winding up order has been made against the licensed tourism business or resolution



for its voluntary winding up has been passed;

- (h) For other good and sufficient cause as the case may be, shall be in addition to any penalty to which the licence may be liable under the provisions of this Act.

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

(4) Where the Commission decides to revoke a licence, a notice in writing shall be made to inform the tourism business immediately. Revocation order shall take effect if no appeal is lodged within fourteen days from the date of the order.

(5) Where revocation of a licence has taken effect the Commission shall as soon as practicable, cause such revocation to be advertised in at least one national daily for at least three consecutive days.

(6) Where an appeal has been made against revocation of a licence, the licensee whose licence has been so revoked shall not transact any other tourism business until the appeal has been disposed of and the revocation has been set aside by the Minister.

- (7) (a) Where revocation, suspension of a licence under subsection (2) of this section has taken effect, or where a licence has expired, the licensee shall immediately cease to carry on or operate any business in respect of which the licence was granted;



(b)

Notwithstanding paragraph (a) above a licensee whose licence shall have expired shall be entitled to carry on its business as if its licence had not expired upon proof being submitted to the Commission that the licensee has applied for a renewal of licence at least a week before expiry of his licence.

Appeals.

10. Any person aggrieved by the decision of the Commission may within fourteen days appeal to the Minister and upon appeal being lodged the Commission may grant temporary order pending the determination of the appeal.

Exhibition
of
Licence.

11. Every licence 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.

Duties of
the
Licensee.

12. Every licensee under this Act shall:-

- (a) Keep his books of account, operational cost and business statistics in a proper and acceptable manner;
- (b) Not deny the Commission 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.

13. In the event of any licence issued under this Act being lost or destroyed the Commission shall issue a copy of the licence on payment of the fees prescribed by the Commission.



Applicant
may request
reasons for
disapproval.

14. Any person whose application for licence has not been approved by the Commission may request the Commission to give the reasons for its decision.

Restriction
on issuance
of licence.

15. Notwithstanding the provisions of section 8 of this Act:-

- (a) No licensee of tourist hotel or guest house shall be licensed to operate as a tour operator or travel agent;
- (b) Licence for tour operators shall be issued only to Zanzibaris;
- (c) Except with the consent of the Commission, no person, not being licensed to carry on tourism business, shall assume or use the words "tourism, tour, travel, tourist agency, travel agent or tour operator" as the case may be or any derivative of these words in any language capable of being construed as indicating the carrying on of operation of any such business, in relation to the business or any representation to such effect in any bill head, letter, paper/notice, advertisement or any other manner whatsoever.

PART IV

REQUIREMENTS AND DUTIES OF THE TOURISM BUSINESS

Owner of
hotel to keep
Register.

16.(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.



(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 Commission.

Name of
tourism
institution
to be
displayed.

17. 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
Commission.

18. Every licensed tourism institution shall have a management known to the Commission whether managed by the owner or any other person employed by the owner and in the event of change the Commission shall be informed within thirty days.

Right of
Lien.

19. Owner of a licensed tourist hotel or guest house shall, in accordance with the law, have lien on the property paid for such services.

Tourism
business
to provide
information.

20.(1) Without prejudice to subsection (2), a licensed tourism business shall submit to the Executive Secretary such information and particulars including financial statements, audited balance sheets and profit or loss account relating to its entire business operations as may from time to time be required by the Executive Secretary within such time as he may determine.



(2) Upon request by the Commission, a licensed tour operator or travel agent shall submit the following to the Commission.

- (a) Itineraries for both inbound and outbound tours;
- (b) Reports on tariffs;
- (c) Details of business activities carried out by them including the charges for and the terms and conditions of such activities;
- (d) Details of any contract entered by them with any other local or overseas tourism business;
- (e) names and particulars of licensed tourist guides employed by them on full-time basis;
- (f) Registration numbers and particulars of excursion vehicles to be used for any tour.

Control of
operation.

21.(1) The Commission shall have the right to determine and impose from time to time the proportion of inbound and outbound tours to be undertaken by a licensed tour operator and may, with the approval of the Minister, grant to all outbound tour operators a grace period to be specified by the Commission from time to time to undertake the prescribed proportion of inbound tours.

(2) The Commission may disallow any of the business activities of any licensed tour operator.

Commission
to be
informed of
change of

22.(1) Every licensed tourism business shall, prior to the making of any amendment or alteration to any of its constituent documents, or prior to any change in its director or chief executive officer, furnish the



organization.

Commission with particulars in writing of any such proposed amendment, alteration or change.

(2) Every licensed tourism business shall immediately notify the Commission of any amendment or alteration to any information or document which has been furnished to the Commission in connection with the licence.

Condition of
publication
and
advertisements.

23. Licensed tourism business shall not publish, whether in a newspaper, brochure, or otherwise any advertisement or information relating to or in connection with tourism business without including:-

- (a) The licence number;
- (b) The business name under which business is carried out.
- (c) Any other particulars relating to any services offered as the Commission deems necessary.

Licensed
tourist guide.

24. No licensed tourism business shall employ, or obtain for a tourist or any other person the services of a tourist guide who is not licensed under this Act or whose licence has been suspended or revoked.

Only licensed
vehicles
to be used.

25. No licensed tourism business shall use or allow to be used any vehicle for the transportation of tourists on tours except excursion vehicle which has been duly licensed by the appropriate authorities for such purposes.

Tourism
inspectors.

26.(1) It shall be lawful for the Commission to appoint any person whether employee of the Commission or not to be tourism inspector to do all the duties assigned to him by the Commission.



(2) Upon such appointment the said person shall be an officer of the Commission for the purpose of this Act.

(3) The Commission shall cause such officer to be properly identified as such officer in the course of his duties.

PART V

FUNDS OF THE COMMISSION

Funds of the
Commission.

27. The funds and resources of the Commission shall consist of:-

- (a) Such sums as may be provided for the purposes of the Commission by the House either by way of grant, general recurrent expenditure or loan;
- (b) Such sums equivalent to thirty five per centum collected by the Revenue Board or any other collector from the Hotel levy imposed under the Hotel levy Act 1995 or any substitute legislation;
- (c) Such sums as may be collected by the Commission for issue of licenses, permits or approval and any other revenue imposed or arising from the operation of this Act;
- (d) Any other money accrued by the Commission in the cause of its duties including but not limited to organising or conducting of any fare, exhibition or promotional functions;
- (e) Any money collected as donations, grants, royalty, agency fees, goodwill or any such type of revenue.



(2) Notwithstanding the provision of any law and for the purpose of efficient disbursement of the amount due to the Commission out of the Hotel levy:-

- (a) The amount so reserved for the Commission shall be deemed to have been permanently appropriated by the House for the use of the Commission;
- (b) The Revenue Board and the Revenue Commissioner shall jointly prepare a monthly report on collection of Hotel levy and submit the same to the Commission showing relevant particulars of collection;
- (c) The Revenue Commissioner shall upon every collection directly remit to the account of the Commission its due amount.

(3) The funds of the Commission shall be expended in accordance with the government budget and financial regulations and in the event of any excess revenue being collected or remitted to the Commission the same shall be deposited in the account of Tourism Development Fund before the end of financial year and no such money from the account of the Fund shall be withdrawn without express written permission of the paymaster - general.

Tourism
Development
Fund.

28.(1) It is hereby established a Tourism Development Fund whose trustee and administrator shall be the Commission.

(2) There shall be deposited into the account of the fund such proportion amount of Hotel levy and licencing fees payable to the Commission and such donations, grants and other payment as the Minister may direct and the revenue of the fund shall be separate from that of the Commission.



(3) It shall be paid out of the revenue of the fund all such money for purposes directed by the Minister in the regulations.

PART VI
GENERAL PROVISIONS

Emergency
measures.

29.(1) The Commission may, notwithstanding any provision herein contained, take any of the following emergency and temporary measure against the defaulter of this Act:-

- (a) May detain any vehicle operating in tourism business without proper license or permit required under this Act;
- (b) Close any shop, bar, restaurant, hotel or any tourism business operating without proper licence or permission required under this Act;
- (c) Any other measure sufficient to restrain continued breach against this Act.

(2) Any emergency measure shall continue not later than the determination of the case or fulfilment of the required formality whichever is earlier.

(3) Emergency measure shall not be a bar to any prosecution or suit.

Formation of
tourism
Organisations.

30. 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

31. The Minister may in consultation with the Minister of Finance recommend the alteration of the Hotel levy imposed under the provisions of the Hotel Levy Act.



Declaration
of areas
for tourism.

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

Offences.

33. 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 Commission to inspect tourism institution;
- (d) Refuses to produce licence or give information when requested to do so by an officer authorised by the Commission, is guilty of an offence and shall on conviction be liable to a fine not exceeding five hundred United States Dollars (US \$ 500) payable in Tanzania Shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment and on subsequent continued breach be liable to a fine of ten thousand shillings for each day of default or to one month imprisonment for each such day.

Regulations.

34. 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;



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Regulations.

34. 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 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 record keeping related to tourism Industry;
- (f) Provide for appeal to himself against any decision or order of the Commission;
- (g) Prescribe anything for the better carrying out of or rendering effective the provisions of this Act.

Repeal of
Act No. 9
of 1991

35.(1) The Promotion of Tourism Act, 1991 is hereby repealed.

(2) Notwithstanding the repeal of the Act anything done under the provisions of the Act which is in force on the effective date shall be deemed to be made under the provisions of this Act.

Passed in the House of Representatives on 19th day of December, 1996.


(KHAMIS JUMA CHANDE)

Clerk of the House of Representatives of Zanzibar.