

CHAPTER 65
THE TOURISM ACT
[PRINCIPAL LEGISLATION]
ARRANGEMENT OF SECTIONS

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SCHEDULES

- “Division” means the Division responsible for tourism;
- “guest” means a person who, in return for a payment of a sum of money, whether a payment is made by a 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 utilisation 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 tourism;
- “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” 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 a person whose usual place of residence is outside an area visited, for a period not exceeding one year and for reasons other than employment.

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

3. The 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 provide better sectoral linkages, create employment and foster sustainable development.

PART II

INSTITUTIONAL ARRANGEMENT AND ADMINISTRATION

Establishment of Technical Advisory Committee

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.

(2) Notwithstanding subsection (1), the functions of the Technical Advisory Committee shall include to-

- (a) advise the Minister on matters relating to-
 - (i) issuance of licence;
 - (ii) grading of tourism facilities;
 - (iii) registration of tourism facilities and activities; and
 - (iv) tourism development; and
- (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.

Director of
tourism
Cap. 298

5.-(1) There shall be a Director of Tourism who shall be appointed in accordance with the Public Service Act and proven with academic and professional knowledge in tourism matters.

(2) The Director shall be-

- (a) the officer in-charge of the Division; and
- (b) the principal advisor to the Government in 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 functions and, where the Director has delegated any of his functions, he shall include references to the public officer to whom the functions have been delegated.

(5) The Director shall have powers as are necessary or expedient for the performance of the functions of his office.

Functions of
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 establish and maintain registers of 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 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, undertake studies on cultural, social, environmental and socio-economic impacts of tourism activities and monitor the 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 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 various public authorities where tourism activities are undertaken.

Tourism officers 7.–(1) There shall be appointed a number of tourism officers as are necessary for proper and effective execution of the

functions of the Division as are necessary for management of tourism in accordance with the provisions of this Act.

(2) The officers referred to under this section shall be allocated or delegated functions and located in 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

Tourism facility and activity to be registered

8. A person shall not conduct or operate a tourism facility or activity unless the tourism facility or activity is registered.

Director to establish and keep register

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

Application for registration of tourism facility and activity
Act No.
5 of 2021 s. 59

10. A person who intends to conduct or operate a tourism facility or activity shall be registered by the Director and issued with a certificate of registration in the manner prescribed in the regulations.

Registration of tourism facility and activity
Act No.
5 of 2021 s. 60

11.-(1) Subject to subsection (2) and (3), 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, the 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, before registration of any tourism facility or activity, cause the tourism facility or activity to be inspected and may-

- (a) call for a report from health officer; or
- (b) make or cause to be made further investigations in respect of the tourism facility or activity.

Cap.191 (3) The Director shall, in determining the matter under subsection (2), ensure that, the provisions of the Environmental Management Act relating to Environmental Impact Assessment have been complied with.

(4) A tourism facility or activity that was registered before the coming into operation of this Act shall not be subject of new registration unless the registration was or is cancelled.

Certificate of registration of tourism facility and activity
Act No
5 of 2021 s.61

12.–(1) Upon registration 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 specify the registration into which it has been classified.

(2) Where a tourism facility or activity ceases to be registered or its registration is altered, the operator of facility or activity shall forthwith return to the Director the certificate of registration referred to under subsection (1).

Publication of list of registered tourism facilities and activities

13. The Director shall publish in the *Gazette* once in a year or at 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 facilities or activities.

Grading of facility
Act No.
5 of 2021 s.62

14.–(1) The Director may-

- (a) upon application by a facility operator in a manner prescribed; or
- (b) in his own motion,

grade a facility which meets the required standard and the operator of the facility shall be required to pay relevant fees.

(2) Upon grading or regrading of a tourism facility, the Director shall issue to the operator of the facility a certificate of grading in the form prescribed in the regulations.

Regrading of tourism facility
Act No.
5 of 2021 ss. 63 and 64

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

section 14(1), where in the Director's opinion, reasonable and sufficient grounds exist for so doing.

(2) The operator of a tourism facility which has been regraded may, subject to conditions as may be imposed, apply for a licence to the Director in the form prescribed in the regulations.

(3) The Director shall, within thirty days of the receipt of an application made under subsection (2), give decision and take action as he considers appropriate.

Cancellation of
registration of
tourism facility or
activity
Act No
5 of 2021 s. 65

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 a good reason has not 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 operator of a tourism facility whose registration has been cancelled may, subject to conditions as may be prescribed, apply to the Director in the manner prescribed for the re-registration of the tourism facility.

(5) The Director shall, after consultation with the Minister, consider the application and make a decision.

Designation of
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 tourism facility or activity to comply with any conditions attached to the designation.

PART IV ESTABLISHMENT OF THE BOARD

Repealed

18–20. [Repealed by Act No. 5 of 2021 s. 66]

PART V LICENSING OF TOURISM FACILITIES AND ACTIVITIES

Persons required
to be licenced
Act No.
5 of 2021 s. 63

21.—(1) A person who owns, conducts or operates a tourism facility or activity and provides or assists in providing service in a tourism facility or activity, shall not own or operate the facility or activity or provide or assist in providing a service, unless he holds a licence for that purpose issued by the Director.

(2) A licence referred to in subsection (1) shall not be transferable.

(3) A person who contravenes the provisions of subsection (1) or (2), commits an offence.

Licensing
authority
Act No.
5 of 2021 s. 63

22. Subject to this Act and any directions that the Minister may give, the Director shall be the licensing authority of licences issued under this Act.

Application for
licence or renewal
Act No.
5 of 2021 s. 67

23.—(1) An application for or renewal of a licence shall be made to the Director in the manner prescribed in the regulations.

(2) On receipt of an application referred to under subsection (1), the Director shall, where he 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.

(3) For the purpose of facilitating scrutiny process of applications for licence, the Minister may establish a system for scrutiny involving all government institutions necessary for scrutiny of the applications.

Cancellation of
licence
Act No.
5 of 2021 s. 63

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

- (a) is no longer qualified to hold the licence;
- (b) is 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,

he shall cancel the licence.

(2) Before cancellation of the licence, the Director 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 Director reasons why the licence should not be cancelled.

Requirement to
apply for licence
Act No.
5 of 2021 s. 63

25. Where immediately before the date of commencement of this Act, any tourism facility was in operation, a person who is required to hold a licence in respect of a tourism facility or activity shall, within thirty days after commencement or further period as the Director may allow, apply for a licence in accordance with the provisions of this Act.

Tourism facility
or activity to be
open to all guests

26.—(1) An operator of a tourism facility or activity shall receive a person as a guest, unless he has reasonable ground for refusing to receive a person.

(2) Notwithstanding subsection (1), an operator of a tourism facility or activity may demand reasonable payment in advance as a condition for provision of services to a guest.

Limitation
of liability to
operators of
tourism facility or
activity

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 property except where-

- (a) at the time of the loss or damage, accommodation or service at the tourism facility had been engaged for the guest; or
- (b) the loss or damage occurred during the period of which the guest was at the tourism facility or activity and entitled to use the accommodation or service 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 26, the operator shall do so, where-

- (a) the property was stolen, lost or damaged through the default, neglect or wilful act of the operator or any person in his employment;
- (b) the property was deposited by or on behalf of the guest expressly for safe custody with the operator or a person in his employment authorised or appearing to be authorised, for the purpose and where required by the operator or a 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 the operator or a person in his employment refuses to receive it, or the guest or some other guests acting on his behalf wished to offer the property but, through the default of the operator or a person in his employment, was unable to do so.

Notice to be displayed
Act No.
5 of 2021 s.68

28. An operator shall cause a notice prescribed in the regulations to be conspicuously displayed at the place where it can conveniently be read by guests, and the notice shall state the benefit of section 24 in respect of property brought to the facility or activity.

Right of sale by operator of goods or property deposited or left at 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 the goods or property, is or becomes indebted to the operator.

(2) Notwithstanding subsection (1)-

- (a) a sale shall not 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 the debt being paid or satisfied;
- (b) the debt for the payment of which the sale is made shall not be 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 sale is effected, the operator shall cause a notice to be published in a newspaper circulating in the area where the goods or property have been deposited or left.

(3) The operator of the facility shall, out of proceeds of the sale 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 the goods or property any surplus money.

Register of guests, clients, etc.

30. A tourism operator shall keep in a tourism facility a register or a roster, which contain the name, address and other prescribed particulars of a guest or client who-

- (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

Tourism
operators to be
licensed
Act No.
5 of 2021 s. 63

31.—(1) A person shall not carry on or hold himself out as a tourism operator unless a licence has been granted by the Director for that purpose.

(2) A licence issued under subsection (1) shall not be transferable.

(3) A person shall not 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 by the Director under the provisions of this Act.

(4) The provisions of subsection (1) shall not apply to a 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, a tour guide shall be approved by the relevant authority responsible for management of the area and a permit thereof shall be issued.

(6) A person who contravenes the provisions of this section, commits an offence and on conviction, shall 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.

Application for
licence
Act No.
5 of 2021 s. 69

32. An application for a licence under this Part shall be in the prescribed form and submitted to the Director in accordance with the provisions of this Act or regulations made there under.

Exemption from
this Act
Act No.
5 of 2021 s. 63

33. 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, the taxi-cab, vehicle or any employee of any proprietor is registered; or

- (b) the business of carriage of persons by a proprietor of a public service vehicle, in respect of whom the Director is satisfied that, he does not use the vehicle or any employee of any proprietor solely or mainly for transport of tourists.

Registration and publication of list of tourism operators

34.—(1) Notwithstanding any provisions of this Act, a tourism operator shall be registered under this Act, and the provisions of Part III regarding registration shall, *mutatis mutandis*, apply to a tour operator.

(2) The Director shall register and keep the register of tourism operators licensed under this Act.

(3) The Director shall cause to be published in the *Gazette*, at the intervals as he may deem appropriate, a list of tourism operators licensed under this Act.

Disqualification from obtaining licence
Act No.
5 of 2021 s. 63

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 Director, 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.

Duration of licence under this Act

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

- Contents of licence granted Act No. 5 of 2021 s. 70
- 37.** A licence for a tourism business shall be in the form prescribed in the regulations and specify-
- (a) the name and address of the person to whom it is granted;
 - (b) the physical address of the place where the business of the tourism operator shall be carried out; and
 - (c) the nature of the business for which a licence is granted.
- Breach of condition to be offence
- 38.** A person granted a licence to carry out 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.
- Variation of conditions attached Act No. 5 of 2021 s. 63
- 39.** The Director 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 is given prior to a variation.
- Licensee's right to be heard Act No. 5 of 2021 s. 63
- 40.**-(1) Notwithstanding section 39, the Director 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 Director in a manner as may be prescribed.
- Revocation of licence Act No. 5 of 2021 s. 63
- 41.**-(1) The Director may revoke a licence granted to any person under the provisions of this Act where a person-
- (a) is convicted of any offence under this Act or involving fraud or dishonesty under any other written law;
 - (b) in the opinion of the Director, has obtained the licence by fraud, misrepresentation or non- disclosure of any material fact; or
 - (c) in the opinion of the Director, 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 a person granted a licence under the provisions of this Act has conducted himself that, in the opinion of the Minister, it is in the public interest that a person should cease to be a tourism operator, the Minister may direct the Director to revoke his licence.

PART VII REGISTRATION OF TOUR GUIDES

Tour guides to be registered

42.—(1) A tour guide shall be required to be registered in accordance with the provisions of this Act.

- (2) A person shall not 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 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 where the 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 a history or record of being a criminal; or
- (c) does not fall within the qualifications provided for under this Part.

(5) Where the Director refuses to register a person under subsection (1) he shall, in writing, inform that person the reasons for the 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 class or level of tour guide as may be prescribed in the regulations.

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

43. A 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; and
- (d) be polite, hospitable, helpful and friendly to tourists or visitors.

Complaint against tour guide

44.-(1) A person may, in writing, lodge a complaint with the Director against any tour guide who has contravened any provisions of this Act or regulations made thereunder.

(2) Where the Director is satisfied that, the tour guide has contravened any of the provisions of this Act, he may reprimand, suspend or deregister the tour guide.

Director may restrict 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) A person who contravenes any of the provisions of this Part commits an offence and on conviction, shall 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, a person who-

- (a) conducts or operates a tourism facility or activity in contravention of this Act;
- (b) hinders or obstructs the Director or an authorised officer to exercise his functions under this Act;

- (c) knowingly furnishes to the Director or an authorised officer any information or statistics which are 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 authorised officer; or
 - (f) fails to comply with any requirement made to him under the provisions of this Act,
- commits an offence.

(2) A person who commits an offence under subsection (1) on conviction shall 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) A tourism operator who employs in his facility or activity any agent, worker or other person shall be answerable for the acts and omissions of a person in so far as the acts or omissions concern the business of the operator.

(2) In the case of act or omission made by the 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 the operator, and his agent, worker or other person shall be jointly and severally guilty of the offence and be liable to penalties provided under this Act.

Offences by body corporate

48. Where an offence is committed under this Act by a body corporate and it is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of any officer, member or servant of the body corporate or a person who purported to act in any capacity, the officer, member, servant or other person as well as the body corporate commits an offence.

General penalty

49. Where a person contravenes any provisions of this Act or any subsidiary legislation made thereunder and a specific penalty is not provided, on conviction, shall be liable to a fine

of not less than two million shillings or imprisonment for a term of six months or to both.

Protection of
bona-fide acts
Act No.
5 of 2021 s.71

50. A matter or thing done by the Director, tourist officer or authorised officer shall not, in performance of the functions under this Act and if done in good faith, render him personally liable for the matter or thing done.

PART IX MISCELLANEOUS PROVISIONS

Appeals
Act No.
5 of 2021 s. 72

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

- (a) an application for the registration of a facility, an activity, a tour guide or renewal of registration;
- (b) the cancellation or alteration of the registration of a facility or an activity;
- (c) an application or revocation of a licence;
- (d) the grading or regrading of a facility or an activity; or
- (e) variation of the conditions attached to any registration issued under this Act,

may, within thirty days after being notified of the decision and after 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 on.

(3) The Director shall take necessary steps to comply with any order made by the Minister pursuant to subsection (2).

Surrender of
licence
Act No.
5 of 2021 s. 73

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 Director.

(2) A person who contravenes subsection (1), commits an offence.

Power to enter premises

53.—(1) The Director or authorised officer may, in the performance of his functions, enter and inspect at any reasonable time, the premises of-

- (a) a facility in respect of which an application for registration has been made;
- (b) a registered tourism facility or activity; or
- (c) a tourism operator,

where he has reasonable cause to believe that, the premises are kept in contravention of this Act and make 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 authorised 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 a time and place as he may specify in the 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 authorised officer shall, where 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), a premises shall not be entered into except after the Director or authorised officer has informed the person who is for the time being in charge or control of the premises of the purpose of his visit.

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

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

- (a) refuses to permit the Director or an authorised officer to enter any premises under subsection (1) or conduct any examination or inquiry of that facility or activity;
- (b) otherwise hinders or obstructs the Director or an authorised officer in the exercise of his powers under subsection (1); or
- (c) conceal any relevant information,

the 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.

Statistics and
information

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

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 the institutes -

- (a) maintain high academic and practical standards;
 - (b) are accredited under relevant laws; and
 - (c) 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) anything which can be prescribed under this section for purposes of promotion and development of hotel and tourism training institutions.

Compounding of offences
Act No.
5 of 2021 s. 74

56.-(1) Notwithstanding the provisions of this Act relating to penalties, where a person admits in writing that, he has committed an offence under this Act, the Director or a person authorised by him in writing may, subject to the regulations made under subsection (6), at any time prior to the commencement of proceedings by a court of competent jurisdiction, compound the offence and order a person to pay a sum of money not exceeding one half of the maximum amount of fine to which a person would otherwise have been liable to pay if he had been convicted of the offence.

(2) Where a person fails to comply with a compounding order issued under this section, the Director may in addition to the sum ordered require, the person to pay an interest at the rate prescribed in the regulations.

(3) The moneys charged under this section shall, unless otherwise directed by the Minister responsible for finance, be paid into the Consolidated Fund.

(4) Where an offence is compounded in accordance with subsection (1) and proceedings are brought against the offender for the same offence, it shall be a good defence for the offender to prove to the satisfaction of the court that, the offence with which the offender is charged has been compounded.

(5) The Director shall submit to the Director of Public Prosecutions quarterly reports of compounded offences under this section.

(6) The sum to be charged for compoundable offence, forms and manner of compounding of offences shall be as prescribed in the regulations.

[s. 55A]

Regulations

57.–(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 zones and, for that purpose, providing for the rights, privileges and obligations of person who establish, operate, propose to establish or operate facilities in 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 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) matters regarding promotion, development and regulation of a tourism industry in the country.

[s. 56]

Matters relating
to employment
Cap. 366
Cap. 300

58.—(1) The rights, privileges, benefits and any 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) 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 a number of authorised officers for purposes of inspection and compliance.

[s. 57]

Arrangements
for residents
and local
communities

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

(2) Without prejudice to subsection (1), a person who is not a Tanzanian citizen shall not engage in a business of-

- (a) save for foreign airlines, travel agency;
- (b) mountain climbing or trekking;
- (c) tour guide;
- (d) car rental; or

(e) any other activity which 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.

[s. 58]

Development levy **60.**—(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.

[s. 59]

Protection of tradition and culture

61. A tourism operator shall ensure that, a 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) a person shall not take a photograph of another person with the intention of, or for the purposes of dehumanising, making fun of, or otherwise using the photograph in a manner that lowers the esteem of that person or class or group of person where he belongs.

[s. 60]

Minister may amend Schedules

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

[s. 61]

Tanzania Tourist Board to apply this Act.
Cap. 364

63. 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.

[s. 62]

Repeals
Acts Nos.
22 of 1963,
2 of 1989

64. Repeals the Hotels Act and the Tourist Agents (Licensing) Acts.

[s. 63]

Transitional
provisions

65. Notwithstanding the repeal of the Acts referred to in section 64-

- (a) 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) a person who was required to be licensed under the repealed Acts shall be required to be licensed under this Act;
- (c) a register kept pursuant to the repealed Act, on or after the commencement date, shall continue to be kept under this Act;
- (d) a 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) a 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) an 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 force or effect, as the case may be, as if it has been made, done or commenced under this Act.

[s. 60]

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) The 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 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 a 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 appointed shall hold office for the remainder of the term of office of his predecessor.

7. Matters proposed at any meeting of the Committee shall be decided by a majority of votes of the members present and 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 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 shall make its own procedures.

SECOND SCHEDULE

Repealed by Act No. 5 of 2021, s. 75.

THIRD SCHEDULE

Repealed by Act No. 5 of 2021, s. 75.
