

THE PROMOTION OF TOURISM ACT, 1996  
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**SCHEDULE**

**ACT NO. 9 OF 1996  
I ASSENT**

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

**16<sup>TH</sup> April, 1997**

**AN ACT TO REPEAL THE PROMOTION OF TOURISM ACT, 1991 AND TO  
ENACT THE PROMOTION OF TOURISM ACT, 1996 AND TO MAKE  
BUTTER PROVISIONS FOR MATTERS CONNECTED  
OR INCIDENTAL THERATO.**

**ENACTED by House of Representatives of Zanzibar.**

**PART I  
PRELIMINARY PROVISIONS**

- |    |   |                                     |
|----|---|-------------------------------------|
| 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.  | Short title<br>And<br>Commencement. |
| 2. | In this Act, unless the context otherwise requires:-<br><br>"Commission" means the Commission for Tourism established under the provisions of section 3 of this Act.<br><br>"Government" means the Government of Zanzibar.<br><br>"Guest House" means a house which offers services to tourists and which consists of not less that ten and not more then twenty rooms;<br><br>"Hotel owner" means any person who holds a valid licence issue under the provisions of section 8 of this Act:<br><br>"House" means the House of Representatives;<br><br>"Licensed tourist agency" means a tourist agency which holds a valid licence issue under the provisions of section 8 of this Act;<br><br>"Licence" means a valid licence issued under the provisions of this Act for the purpose of conducting tourism business; | Interpretation                      |

“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 tourist 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 organizes tours for tourists, either by air, sea or 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, bicycle, motorbike, car rental, money change, transportation of tourists either by air, sea or by land, sea sports operator 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**

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. Establishment of Commission.
- (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 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 organization.
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.
- Composition of the commission

(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 the 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 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 licenses in tourism;

(c) To issue licenses for tourism business;

(d) To keep record of those involved in tourism

(e) To change, suspend, alter or cancel licenses issued in accordance with this Act;

(f) To classify and categories 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 area 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

(n) To improve and upgrade tourism products so as attract high spending tourist;

(m) To monitor tourism 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 sub sectors 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 publication for investment procedures, guidelines, organizing of investment seminars, workshops and helping investors in acquiring other requirement such as land and infrastructure
- (q) To coordinate efforts of all institution 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 the national economy and their role and responsibility in the development of tourism.

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

Registrar  
and his  
functions

- (2) The Registrar shall perform such functions as the Commission may specify from time to time and shall addition perform the following prescribed duties:-
  - (a) To register all institutions which carry 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 condition;
  - (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;

7. The Commission shall from time to time cause to be published in the Gazette:-
- Publication of  
Conditions  
For  
registration
- (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 categorization 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 license to any person who engages himself in tourism business.
- (2) License 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 31<sup>st</sup> 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 license;
  - (e) issued subject to the payment of the fee prescribed therefor;
- (3) Notwithstanding any provision in this Act or any other Act no person shall be granted a license 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 license may be issued by the Commission such terms and conditions as 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 license 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 license is subject.
- (5) The Commission shall prescribe the form of license 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 further proceed 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.
- (9) (1) The grant of refusal of a license 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 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;

Power of the Commission
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- (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 licensee 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 licensee 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 newspaper 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 this license.

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.

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.
- Exhibition of Licence
12. Every licensee under this Act shall:-
- Duties of the Licensee
- (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;
- (b) obey existing laws and laws to be enacted from time to time.
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.
- Issue of a Copy of licence
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.
- Applicant May request reason for disapproval
15. Notwithstanding the provisions of section 8 of this Act:-
- Restriction on issuance of licence
- (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 Zanzibar;
- (c) except with the consent of the Commission, no person, not being licensed to carry on tourism business, shall assume or use the word "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 on 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 whats ever.

**PART IV**

**REQUIREMENTS AND DUTIES OF THE TOURISM BUSINESS**

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|-----|--|--|
| 16. | <p>(1) Every licensed tourist hotel or guest house owner shall keep a register and shall register all guest offered service at their place of business.</p> <p>(2) The register shall contain the following particular:-</p> <ul style="list-style-type: none"> <li>(a) name</li> <li>(b) address</li> <li>(c) residence</li> <li>(d) nationality</li> <li>(e) place of birth</li> <li>(f) number of passport /travel documents</li> <li>(g) destination</li> <li>(h) duration of her/his stay in Zanzibar</li> <li>(i) person (s) accompanying and their particulars</li> <li>(j) any other particulars directed by the Commission</li> </ul> | <p>Owner of Hotel to keep register</p>             |
| 17. | <p>Every licensed tourism institution shall display in a conspicuous place at its head office a board indicating its specific business.</p>  | <p>Name of tourism institution to be displayed</p> |
| 18. | <p>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.</p>   | <p>Management to be know to the commission</p>     |
| 19. | <p>Owner of a licensed tourism hotel or guest house shall, in accordance with the law, have lien on the property paid for such services.</p>   | <p>Right lien</p>                                  |
| 20. | <p>-(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 may determine.</p> <p>(2) Upon request by the Commission, a licensed tour operator or travel agent shall submit the following to the Commission:-</p> <ul style="list-style-type: none"> <li>(a) Itineraries for both inbound and outbound and outbound tours:</li> </ul>    | <p>Tourism business to provide information</p>     |

- (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 guide 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 organization

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 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 license.

Condition of publication and advertisement

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

(a) The license 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.
24. No licensed tourism business shall employ, or obtain for a tourism or any other person the services of a tourism guide who is not licensed under this Act or whose license has been suspended or revoked. Licensed Tourism guide
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. Only licensed vehicles to be used
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 the Commission. Tourism inspectors
- (2) Upon such appointment the said person shall be 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 cause of his duties.

**PART V**  
**FUNDS OF THE COMMISSION**

27. The funds and resources of the Commission shall consist of:- Funds of the commission
- (a) Such sums 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 or licensed, permits or approval and any other revenues 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 organizing or conducting of any fare, exhibition or promotional function;

- (e) Any money collected as donations, grants, royalty, agency fees goodwill any such type of revenue.
- (2) Notwithstanding the provision any law and for the purpose 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 use of the Commission;
  - (b) The Revenue Board the Revenue Commission shall jointly prepare a monthly reports on collection of Hotel levy and submit the same to the Commission showing relevant particulars of collection.
  - (c) The Revenue Commission 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 or remitted to the Commission the same shall be deposited in the account to 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 licensing 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 paid out of the revenue of the fund 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 license or permission required under this Act;
  - (c) Any other measure sufficient to restrain continues breach against this Act;
- (2) Any emergency measure shall continue not later than the determination of the case or fulfillment of the required formality whichever is earlier.
- (3) Emergency measure shall not be a bar to any prosecution or suit.
30. Any licensed tourism institution having the same or related objective may in accordance with the provisions of this Act from organization. Formation of Tourism Organization
31. The Minister may in consultation with the Minister of Finance recommend the alteration of the hotel levy imposed under the provision of the Hotel levy Act, Minister to alter levy
32. The Commission for land and Environment may by order published in the Gazette declare areas allocated for tourism. Declaration Of area for tourism
33. Any person who:-
- (a) Carries on tourism business without a valid license;
  - (b) Commits or attempts to commit breach of any of the provision of this Act.
  - (c) Denies access or obstructs any officer authorized by the Commission to inspect tourism institution;



- (d) Refuses to produce licence or give information when requested to do so by an officer authorized 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 imprisonment for a term not exceeding two years or to both such fine and imprisonment on subsequent continued breach be liable to a fine ten thousand shillings for each day of default or to one month imprisonment for each such day.

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

Regulations

- (a) Provide for orderly construction of tourism hotels and guest house;
- (b) Provide for classification of tourism hotels and guest house criteria for such classification;
- (c) Provide for the registration of tourist hotels and guest houses;
- (d) Prescribe fees payable in respect of application 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; and
- (g) Prescribe anything for the better carrying out of or rendering effective the provisions of this Act;

35. -(1) The promotion of tourism Act, 1991 is hereby repealed.

Repeal of Act  
No. 9 of 1991

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

Passed in the House of Representatives on 19<sup>th</sup> day of December, 1996.

**(KHAMIS JUMA CHANDE)**  
**Clark of the House of Representatives of Zanzibar.**

