

THE TOURISM AND HOSPITALITY ACT, 2015

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GOVERNMENT OF ZAMBIA

ACT

No. 13 of 2015

Date of Assent: 14th August, 2015

An Act to provide for the sustainable development of the tourism industry through effective tourism planning, management, promotion and coordination to ensure sustainable tourism; provide for an enabling and facilitating environment for the growth of the tourism industry by ensuring that Zambia responds to changing tourism trends in the macro and competitive tourism market environment; provide effective mechanisms for co-ordination amongst the Government, private sector and local communities for the sustainable development of tourism through public-private partnerships and community participation; provide for integration of tourism into national development planning, budgeting and decision-making processes related to infrastructure development, environmental management and protection and empowerment of local communities; strengthen linkages and co-ordination between tourism development and key subsectors such as arts and culture, heritage, transport, education, energy, forestry, fisheries, wildlife and water resource management by using a whole of Government approach; ensure that the tourism value chain is enhanced by positive linkages between tourism and supporting services and sectors, including police, immigration, customs, health and safety; establish the Zambia Tourism Agency and constitute the Board of the Agency and provide for their functions; regulate tourism enterprises and tourism-related services and enforce standards of operation and service; establish the Tourism Development Fund and provide for its administration; repeal the Tourism and Hospitality Act, 2007, and the Zambia Tourism Board Act, 2007; and provide for matters connected with, or incidental to, the foregoing.

[14th August, 2015

Enactment ENACTED by the Parliament of Zambia.

PART I

PRELIMINARY

Short title and commencement **1.** This Act may be cited as the Tourism and Hospitality Act, 2015, and shall come into operation on such date as the Minister may appoint by statutory instrument.

Interpretation **2.** In this Act, unless the context otherwise requires—

“accommodation establishment” means a place in or on which the business of providing accommodation, with or without any other tourism-related services, are conducted for gain, such as a hotel, guesthouse, bed and breakfast, bush camp, camping site and caravan park, backpacker, boarding house, hostel and self-catering facility and any building or premises used for accommodation by the public and in which lodging is provided and provisions are supplied by a hotel keeper or proprietor, but does not include a Government rest house or a company guesthouse catering specifically for its employees or a school, college or university hostel as the Minister may prescribe by statutory instrument;

“Agency” means the Zambia Tourism Agency established under section *ten*;

“AIDS” means Acquired Immune-Deficiency Syndrome;

“agrotourism” means any agricultural-related activity that attracts visitation for leisure, entertainment or educational purposes;

“Board” means the Board of the Agency constituted in accordance with section *fourteen*;

“certificate” means a certificate of registration issued to a micro or small tourism enterprise in accordance with section *thirty-eight*;

“certificate holder” means a micro or small tourism enterprise that holds a certificate of registration issued in accordance with section *thirty eight*;

“classification” means the process of determining the type of an accommodation establishment by size, target market, level of service, ownership or affiliation;

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- “ committee ” means a committee of the Board constituted pursuant to section *sixteen*;
- “ consumptive tourism ” means tourism which involves tangible products extracted from the environment, such as fishing and hunting;
- “ Council ” means the Hotel Managers ” Registration Council constituted under section *fifty-five*;
- “ creative tourism ” means travel directed towards an engaged and authentic experience, with participative learning in the arts, heritage or special character of a place and provides a connection with the residents of that place and creates a living culture;
- “ cultural tourism ” means an activity which enables people to experience different ways of the life of other people thereby gaining at first hand an understanding of other people’s customs, traditions, the physical environment and intellectual ideas, and includes places of architectural, historic, archaeological or other cultural significance;
- “ cultural industries ” means industries that combine creation, production and commercialisation of content in the form of goods and services that are intangible and cultural in nature and which content is protected by copyright;
- “ Director ” means the person appointed as Director of the Agency in accordance with section *eighteen*;
- “ domestic tourism ” means providing tourist-related services to residents and citizens and appreciating and accessing touristrelated services by residents and citizens;
- “ eatery ” means a place that serves food and beverages for reward;
- “ eco-tourism ” means responsible travel to natural areas that conserves the environment and improves the wellbeing of the local people;
- “ environment tourism ” means travel to unique and endangered areas that is directly dependent on the use of natural resources in a relatively undeveloped state, including scenery, topography, water features, vegetation and wildlife;
- “ e-tourism ” means an electronic system or platform—

- (a) where a tourist may obtain information on destinations, facilities, prices, geography and climate;
- (b) which makes bookings for tourism enterprises, accommodation establishments, flights and transport; and
- (c) which enables the marketing of tourism products and tourism related services;

“ e-visa ” means—

- (a) an application process that is undertaken electronically instead of physically by visiting a given location;
- (b) an electronic implant in, or electronic strip attached or affixed to, a passport which is used for authorising a traveller to enter Zambia; or
- (c) a database that keeps track of who has authorisation to enter Zambia;

“ excursionist ” means a person who temporarily visits a destination and stays for less than twenty four hours for the purpose of leisure or business, but not for transit purposes;

“ Fund ” means the Tourism Development Fund established under section *sixty-four*;

“ grading ” means the assigning of a grading star to an accommodation establishment or other tourism-related service;

“ grading assessor ” means an inspector who is responsible for grading tourism enterprises;

“ HIV ” means Human Immuno-Deficiency Virus;

“ hotel-keeper ” means a person responsible for keeping an accommodation establishment;

“ insignia ” means a depiction, sign or symbol which by itself or in conjunction with another depiction, sign or symbol and together with the emblem of the Agency, indicate the classification or grading awarded in respect of an accommodation establishment or other tourism-related service;

“ inspector ” means a person appointed by the Board as an inspector in accordance with section *sixty-seven*, or an inspectorate committee of the Board, or a joint committee of regulatory agencies;

- “ insurance cover ” means an amount of money due on demand, to the Agency, to cover disbursements to a customer of a travel agent or tour operator that has failed to fulfil its financial or contractual obligations with respect to that customer;
- “ levy officer ” means an officer appointed by the Minister, under section *sixty-seven*, with authority over execution of levy on a tourism enterprise;
- “ licence ” means a tourism and hospitality licence issued to a tourism enterprise in accordance with section *twenty-seven*;
- “ licensee ” means a holder of a tourism and hospitality licence;
- “ licensing ” means a process to obtain or issue a licence, permit or certificate in accordance with this Act and the Business Regulatory Act, 2014; Act No. 3 of 2014
- “ local authority ” has the meaning assigned to it under the Local Government Act; Cap. 281
- “ market intelligence ” means the external data collected and analysed by a business about markets that it anticipates participating in with the intention of using the data in making decisions;
- “ medical tourism ” means the process of travelling outside the country of residence for the purpose of receiving medical care;
- “ micro-tourism enterprise ” has the meaning assigned to it in the Zambia Development Agency Act, 2006; Act No. 11 of 2006
- “ mining tourism ” means a type of tourism that involves travel to operational or non-operational mining sites in Zambia, for purposes of appreciating mining, heritage and development for leisure, education and research;
- “ nature tourism ” means tourism directly dependent on the use of natural resources, such as scenery, topography, water features, flora and fauna, in a relatively undeveloped state;
- “ non-consumptive tourism ” means conventional tourist activities such as viewing animals, photographing, bird watching, wilderness walks, walking safaris, angling, canoeing and boat rides;

“package tour” means the pre-arranged combination of at least two of the following components, which are sold or offered for sale at an inclusive price and where the service covers a period of more than twenty-four hours:

(a) accommodation;

(b) transport; or

(c) other tourism-related services that are not supplementary to accommodation or transport and accounting for a significant proportion of the package;

“permit” means an authorisation issued to a licensee or certificate holder consisting of a permit under another law, whether in the form of a licence, permit, certificate or written authorisation;

“police officer” means a police officer of, or above, the rank of sergeant;

“proprietor” means a person who owns or operates a tourism enterprise;

“railway tourism” means a type of tourism that uses facilities of trains and rail systems;

“registered tourism enterprise” means a business that is registered as a tourism enterprise under the Companies Act or Registration of Business Names Act, 2011;

“registration” means registration as a micro or small tourism enterprise in accordance with section *thirty-eight*;

“regulatory agency” means the Minister for the time being having responsibility for, or such public or statutory officer or body having regulatory powers to enforce, the laws governing tourism-related services or other activity impacting or related to tourism, and includes a Minister, public or statutory officer, body or institution under the following laws:

(a) the Business Regulatory Act, 2014;

(b) the Zambia Wildlife Act, 2015;

(c) the Environmental Management Act, 2011;

(d) the Water Resources Management Act, 2011;

(e) the Water Supply and Sanitation Act, 1997;

(f) the National Heritage Conservation Commission Act;

Cap. 388
Act No. 16
of 2011

Act No. 3
of 2014
Act No. of
2015
Act No. 12
of 2011
Act No. 21
of 2011
Act No. 28
of 1997
Cap. 173

(g) the Lands Act;	Cap. 184
(h) the National Museums Act;	Cap. 174
(i) the Fisheries Act, 2011;	Act No. 22 of 2011
(j) the Forests Act, 2015;	Act No. 4 of 2015
(k) the Urban and Regional Planning Act, 2015;	Act No. 3 of 2015
(l) the Public Health Act;	Cap. 295
(m) the Food and Drugs Act;	Cap. 303
(n) the Liquor Licensing Act, 2011;	Act No. 20 of 2011
(o) the Standards Act;	Cap. 416
(p) the Local Government Act;	Cap. 281
(q) the Public-Private Partnership Act, 2009;	Act No. 14 of 2009
(r) the Zambia Development Agency Act, 2006;	Act No. 11 of 2006
(s) the Citizens Economic Empowerment Commission Act, 2006;	Act No. 9 of 2006
(t) the Civil Aviation Authority Act, 2012;	Act No. 7 of 2012
(u) the Companies Act;	Cap. 388
(v) the Registration of Business Names Act, 2011;	Act No. 16 of 2011
(w) the National Arts Council of Zambia Act;	Cap. 170
(x) the Theatres and Cinematography Act;	Cap. 158
(y) the Aviation Act; and	Cap. 444
(z) the Patents and Companies Registration Agency Act, 2010;	Act No. 15 of 2010
“regulatory clearance system” has the meaning assigned to it in the Business Regulatory Act, 2014;	Act No. 3 of 2014
“regulatory requirement” has the meaning assigned to it in the Business Regulatory Act, 2014;	Act No. 3 of 2014

- Act No. 3 of 2014 “regulatory services center” has the meaning assigned to it in the Business Regulatory Act, 2014;
- Act No. 23 of 2007 “repealed Acts ” the Tourism and Hospitality Act, 2007, and the Zambia Tourism Board Act, 2007;
- Act No. 24 of 2007 “ responsible tourism ” means tourism that maximises the benefits of tourism to local communities, minimises negative social or environmental impact and helps local people conserve cultures, habitats and species;
- “ restaurant ” means an eatery, which meets prescribed minimum requirements, with waiters’ services, but does not include—
- (a) a workers’ or staff canteen maintained for the use of persons employed in any particular undertaking;
 - (b) an eatery where food or beverage is supplied only to persons who reside or board at such premises; or
 - (c) an informal eating place which falls below the minimum prescribed requirement of a restaurant;
- Act No. 3 of 2014 “ single licensing system ” means the system established in accordance with section *twenty-three* of the Business Regulatory Act, 2014;
- Act No. 11 of 2006 “ small tourism enterprise ” has the meaning assigned to it in the Zambia Development Agency Act, 2006;
- “sport-tourism” means the experience of travel to engage in or view sport-related activities;
- “ sustainable development ” means development that meets the needs of the present generation without compromising the ability of future generations to meet their needs;
- “ sustainable tourism ” means tourism that attempts to make a low adverse impact on the environment and local culture while helping to generate future opportunities for the local people and which aims to ensure that development brings about a positive experience for local people, business enterprises and tourists;
- “ tax-related laws ” means laws relating to or providing for taxation, customs and excise duties, value added tax and levies;

- “tourism” means the activities of persons travelling to and staying in places outside their usual environment for not more than one consecutive year for leisure, business and other purposes, and includes cultural tourism, family tourism, health tourism, sports tourism, education tourism, mining tourism, heritage tourism, eco-tourism and wildlife tourism;
- “ tourism amenities ” means accommodation, catering facilities, retailing and other tourism related services;
- “ tourism competitiveness ” means indicators showing the increase in earnings or receipts per visitor or tourist to Zambia, relative to other countries;
- “ tourism enterprise ” means an accommodation establishment, casino, tour operation business, travel agent, amusement or theme park, air charter and gliding business, water sport, a vehicle or vessel leasing business, a house boat, a hunting safari, wilderness walks, camping, back-packing, mountain climbing, sight-seeing, tour guide or travel service, tourism guide rescues, a restaurant, a discotheque, a convention, a conference centre, an enterprise or person catering for tourists or events or providing outside catering services, an exhibition or any other business activity declared by the Minister by statutory instrument;
- “ 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 the exercise of an activity remunerated from within the place visited;
- “ tourism industry ” means activities, commercial developments and services in the tourism sector and businesses operating in the tourism sector;
- “ tourism infrastructure ” means an infrastructure that facilitates tourism such as roads, bridges, buildings, railways, airports, airstrips, telecommunications, sanitation and accommodation facilities or that facilitates artistic and cultural related activities;

- “tourism levy” means a levy imposed under section *fifty*;
- “tourism operator” means a person who conducts or operates a tourist facility or who is responsible for its management;
- “tourism product” means a person, natural resource, thing, heritage, location or activity which gives or is intended to give Zambian tourism a competitive edge in the international tourism market;
- “tourism product development” means designing or developing new tourism products to meet the needs of national and international tourists and which improves the profitability, competitiveness and affordability of tourism and increases services available for tourists;
- “tourism product diversification” means a process aimed at increasing the competitiveness of the country’s tourism industry by expanding the scope and diversity of existing and potential tourism resources;
- “tourism-related service” includes transport, fishing, spa treatment, taxis, arts and cultural centres, carnivals, festivals, fairs, outside catering or other business activity related to tourism as the Minister may declare by statutory instrument;
- “tourism satellite account” means a statistical instrument designed to measure tourism-related services or goods and their economic impact on Zambia’s national economy;
- “tourist” means a visitor, from outside or within Zambia, who travels to and stays in places outside that visitor’s usual place of residence for more than twenty-four hours and not more than one consecutive year for —
- (a) a holiday;
 - (b) recreation;
 - (c) entertainment;
 - (d) health;
 - (e) study;
 - (f) religion;

(g) sport;

(h) business;

(i) a meeting;

(j) visiting a friend or relative; or

(k) work that is not remunerated from within the country;

“tourist attraction” means a specific and generic feature of a destination that attracts tourists;

“tourist destination” means a visited place that is central to the decision to take the trip;

“tourist guide” means a person who, for reward or otherwise, accompanies a tourist and provides the tourist with information and commentaries on any matter related to tourism or tourism products;

“tourist product” means tourist attractions, activities, accommodation and other tourist facilities and services, including the infrastructure that serves the attractions, activities, facilities and services;

“tour operator” means a person who arranges package tours for the purpose of selling or offering for sale;

“travel services” means accommodation or transport combined with any other tourism-related services;

“United Nations World Tourism Organisation” means the global intergovernmental United Nations organisation for travel and tourism;

“visitor” means a person taking a trip, outside that person’s usual environment for less than a year, for business, leisure or other personal purpose other than to be employed in the country or place that the person visits;

“voluntourism” means the practice of individuals going on a working holiday, volunteering their labour for worthy causes such as aiding or alleviating material poverty of certain groups in society, restoring specific environments, or researching into certain aspects of the society or environment, in an organised manner, whilst enjoying tourist products;

“ whole of Government approach ” means an approach or coordination system where more than one regulatory agency and other public authority combine their expertise to address challenges or provide services or products in the tourism sector and other related sectors;

“ wildlife tourism ” means tourism undertaken to view or encounter wildlife, classified as consumptive or nonconsumptive tourism; and

“ Zambia Institute for Tourism Studies ” means the Zambia Institute for Tourism and Hospitality established under the Tourism and Hospitality Act, 2015.

Act No. 13
of 2015

PART II

TOURISM DEVELOPMENT, POLICY AND PLANNING

General
power of
Minister for
tourism
development

3. (1) The Minister shall be responsible for the development of sustainable tourism that is economically, culturally, socially and environmentally sustainable and which maximises socio-economic benefits, job creation and local investment opportunities for Zambians and their national heritage.

(2) The Ministry responsible for tourism shall, for the purposes of subsection (1)—

(a) optimise the social, cultural, economic and environmental benefits of tourism in order to promote sustainable tourism;

(b) increase the contribution of the tourism industry to national income, foreign exchange earnings, employment and public revenue;

(c) encourage and facilitate public private partnerships in accordance with the Public-Private Partnership Act, 2009, in the development of the tourism sector;

(d) promote private sector investment and local community participation in the development of tourism and tourism-related services;

(e) in collaboration with other institutions, remove barriers affecting the development of tourism to its full potential, including the cost of travel;

Act No. 14
of 2009

- (f) encourage diversification of tourism products to create unique, authentic and treasured experiences;
 - (g) incorporate commercial entities to undertake business activities, on behalf of the Government, for and in relation to meetings, incentives, conferences, exhibitions and other tourist related services, as the Government considers appropriate in the public interest;
 - (h) hold and facilitate meetings, incentives, conferences and exhibitions for the development of the tourism sector;
 - (i) undertake, in collaboration with the Minister responsible for finance, a periodic assessment and audit of tourism-related services and goods using the tourism satellite account;
 - (j) increase the tourism industry's contribution to reduction of poverty; and
 - (k) administer the Tourism Development Fund.
- (3) The Ministry responsible for tourism shall take a whole of Government approach in achieving the objectives of subsection (1) and shall, in so doing—
- (a) facilitate urban and regional planning for tourism and cultural tourism that prioritises tourism product development;
 - (b) promote the development of cultural tourism;
 - (c) provide technical assistance in terms of patents in creative and cultural industries;
 - (d) facilitate export earnings from tourism services through increased liberalisation of trade in services;
 - (e) provide technical support in tourism and cultural research;
 - (f) integrate information and communication technology in tourism;
 - (g) facilitate tax and other incentives to the tourism sector for increased investment;
 - (h) take measures to create employment in the tourism sector;
 - (i) assist with maximising the number of women entrepreneurs and employees in tourism and coordinate gender mainstreaming;

- (j) collaborate on the development of recreational facilities and family theme parks;
- (k) promote visa exemptions, where appropriate, and facilitate the use of e-visas;
- (l) facilitate exit and other surveys for tourists;
- (m) protect and administer copyright and intellectual property rights related to tourism, arts and culture;
- (n) encourage the development of mining, health, sport, academic, railway and environment tourism;
- (o) promote children and youth participation in tourism;
- (p) make tourism accessible for persons with disabilities; and
- (q) promote indigenous knowledge and folklore.

(4) The Ministry responsible for tourism shall, for the purposes of subsections (1) and (2), liaise, consult, collaborate and cooperate with relevant regulatory agencies in the development of the tourism industry and may, for such purposes, have joint programmes, plans, strategies and policies, taking into account the national decentralisation policy of the Government.

(5) The Ministry responsible for tourism shall ensure that a strategic environment assessment is conducted for tourism development activities in line with the Environmental Management Act, 2011.

Act No. 12
of 2011

Tourism
planning
and policy

4. (1) The Minister shall develop policies for the efficient and effective integrated planning, optimum promotion and development of tourism and the tourism industry.

(2) The Minister shall, in the development of policies in accordance with subsection (1), put in place measures to—

- (a) maximise the application of sustainable tourism and sustainable development in planning and developing tourism in priority areas, protected areas and designated areas for rural and urban development;
- (b) focus on sustainable tourism;
- (c) commission the development of tourism master plans, circuits and corridors;
- (d) ensure the mainstreaming of gender and environment into programmes and activities relating to tourism and the tourism industry;

- (e) improve tourism market intelligence and maintain inventories of both products and assets that are critical to sustainable tourism planning;
- (f) ensure capacity building in the tourism sector;
- (g) facilitate consultation with local communities on sustainable tourism planning and conservation, including training on local management of tourism;
- (h) facilitate coordination with stakeholders on implementation, monitoring and evaluation in designated development areas;
- (i) designate sites for tourism development based on local, natural and cultural sensitivities, competitive advantage, market demand and private sector interest;
- (j) facilitate investment in new and existing tourism products and experiences in designated sites, especially in art, cultural heritage and creative industries;
- (k) stimulate investment in urban-based tourism products such as theme parks, facilities and services for meetings, conferences and exhibition markets;
- (l) facilitate local investment and development in tourism;
- (m) undertake tourism product development; and
- (n) develop and implement a classification and grading system for accommodation establishments and other appropriate tourism related services as may be prescribed, by the Minister, by statutory instrument.

5. (1) The Minister shall, in collaboration with relevant regulatory agencies and other authorities, ensure that Zambia becomes a regional transport, trade and tourism hub through improved transport, infrastructure and related services such as health, immigration, safety, security and customs.

Tourism
amenities,
transport
and
infrastructure

(2) The Ministry responsible for tourism shall, for the purposes of subsection (1), in collaboration and liaison with relevant regulatory agencies and other authorities—

- (a) mobilise resources for the development of tourism and the tourism industry;
- (b) encourage and facilitate the development of amenities and facilities designed to attract tourists to Zambia;
- (c) promote physical planning in the development of tourism infrastructure;

- (d) facilitate the development of tourism and tourism-related infrastructure to, and in, tourism priority areas;
- (e) facilitate the expansion of civil aviation air freedoms and civil airport marketing to increase flights and civil aviation competition towards establishing Zambian civil airports as major domestic, regional and international aviation and travel hubs;
- (f) encourage the development of all weather access roads to tourist destinations, national parks and protected areas;
- (g) promote international and domestic air connectivity;
- (h) encourage the development of maritime transport;
- (i) encourage enhanced passenger rail transport;
- (j) coordinate with transportation authorities and airlines on improving air access through Zambian airports;
- (k) facilitate the reduction of aviation-related fees and taxes to levels that are comparable and competitive with neighbouring countries;
- (l) facilitate private sector owned and operated airports, roads, energy providers, educational and medical facilities in selected priority areas;
- (m) stimulate private sector engagement to maximise benefits and minimise negative impacts of road development in protected areas from planning to implementation;
- (n) pursue road and bridge improvements that positively impact access to tourism attractions; and
- (o) coordinate tourism-related infrastructure development activities among Ministries.

Tourism
priority
areas,
protected
areas and
designated
areas for
rural and
urban
tourism
development

6. (1) The Minister shall cause to be carried out studies and surveys designed to identify—

- (a) tourism priority areas;
- (b) protected areas; and
- (c) designated areas;

for rural or urban tourism development and shall, after approval of Cabinet, declare by *Gazette* notice such areas as tourism priority areas, protected areas and designated areas for rural or urban tourism development.

(2) Where a protected area for rural or urban tourism development falls within a game management area or a national park, or has been declared as a protected area, under the Zambia Wildlife Act, 2015, the Ministry responsible for tourism and wildlife shall collaborate with relevant authorities in the development of the area.

Act No. 14 of
2015

(3) The Minister shall cause to be prepared local, district and national plans for the development and promotion of areas declared in accordance with subsection (1).

(4) Where the Minister declares an area, as specified in subsection (1), the Ministry responsible for finance shall prioritise and release adequate funding for the development of the area as a prime tourism destination.

7. The Minister shall promote sustainable and responsible tourism development and the Ministry responsible for tourism shall, in that respect, do the following—

Sustainable
tourism

- (a) encourage quality tourism experiences that include meaningful interactions between tourists and host communities with a greater understanding and appreciation of cultural tourism;
- (b) develop plans for tourism management and promotion that address environmental sustainability and nature tourism and ensure that all sector strategies include tangible concern for the environment, nature tourism and eco-tourism ethics;
- (c) ensure that tourism does not deprive local communities and wildlife of access to land resources, especially along the banks and shores of rivers, dams, lagoons and lakes which they need for their livelihood and survival;
- (d) promote tourism development and management where it can offer a competitive form of land use for local communities and be integrated into land use plans;
- (e) facilitate the increased use of sustainable waste disposal and bio-degradable packaging;

- (f) educate the tourism industry on ways to reduce carbon footprint;
- (g) put in measures to eliminate or mitigate negative impacts of mining on game management areas, national parks and other protected areas;
- (h) liaise with the relevant Ministry and intervene when mining activities may impinge on protected areas and tourism sites;
- (i) promote and facilitate alternative and renewable energy solutions;
- (j) encourage energy conservation and promote the transition to renewable and clean energy sources as a foundation for carbon neutral development strategies and a green growth transformation;
- (k) facilitate incentives to tourism projects that utilise green designs or technologies which contribute to creating sustainable livelihoods and poverty reduction;
- (l) engage local communities in planning and decision making, empower women, children and youth, and embrace the wisdom, knowledge and values of local communities in the development of tourism;
- (m) design and implement broad public awareness campaigns, focusing on the linkages of tourism, environment, climate change, meteorology, sustainable development and broader society issues;
- (n) approve projects that adhere to globally recognised sustainable tourism certification standards;
- (o) protect water sources in tourist destinations and protected areas; and
- (p) encourage research and monitoring of emerging trends related to the interconnectedness of tourism, the environment and climate change and provide webbased tools for sharing and integration.

International
cooperation,
agreements
and
instruments

8. (1) The Minister shall ensure cooperation with other countries in enhancing the role of tourism for international cooperation and regional integration.

(2) Subject to the Constitution and this Act and notwithstanding any other law, the Ministry responsible for tourism may, on behalf of the Government—

Cap. 1

- (a) enter into bilateral or multilateral agreements with any foreign State or organisation relating to tourism development and sustainable development;
- (b) in liaison with other relevant Government Ministries, develop national, regional or international legal instruments for the protection and conservation of Zambia's natural resources and encourage sustainable tourism;
- (c) establish or strengthen research and development programmes at national, subregional, regional and international levels for the assessment of tourism and tourism-related activities and monitor such research and development programmes to ensure that they are appropriate for the needs of Zambia;
- (d) set up mechanisms for the sharing of appropriate knowledge and technology for the collection of data and implementation of planned tourism development;
- (e) increase cooperation with international organisations established or constituted under international instruments;
- (f) in cooperation with other foreign States, formulate tourism-related strategies and prepare joint promotional materials; and
- (g) participate in, and support, regional institutions that increase regional tourism cooperation and promote regional marketing and development.

(3) The Minister shall, by statutory instrument, give effect to any international or regional agreement on tourism to which Zambia is a State Party.

9. (1) The Minister shall develop a code of ethics in accordance with the United Nations World Tourism Organisation Code of Ethics.

(2) All stakeholders in the tourism sector shall apply and comply, as the case may be, with the code of ethics developed in accordance with subsection (1).

Code of ethics and stakeholder's forum

(3) The Minister shall organise and hold a stakeholder's forum at least once in every year to discuss and agree on matters relating to tourism and the tourism industry.

(4) The Minister may prescribe the procedure for the conduct of meetings at the stakeholder's forum.

PART III

THE ZAMBIA TOURISM AGENCY

Establishment
of Zambia
Tourism
Agency

10. (1) There is established the Zambia Tourism Agency which shall be a body corporate with perpetual succession and a common seal, capable of suing and of being sued in its corporate name and with power, subject to the other provisions of this Act, to do all such acts and things as a body corporate may by law do or perform.

(2) The provisions of the First Schedule apply to the Agency.

Seal of
Agency

11. (1) The seal of the Agency shall be such device as may be determined by the Board and shall be kept by the Secretary.

(2) The affixing of the seal shall be authenticated by the Chairperson or the Vice-Chairperson and the Secretary or any other person authorised in that behalf by a resolution of the Board.

(3) A contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal, may be entered into or executed without seal on behalf of the Agency by the Secretary or any other person generally or specifically authorised by the Board in that behalf.

(4) A document purporting to be a document under the seal of the Agency or issued on behalf of the Agency shall be received in evidence and shall be deemed to be so executed or issued, as the case may be, without further proof, unless the contrary is proved.

Functions of
Agency

12. (1) The functions of the Agency are to market and promote Zambia as a tourist and travel destination, and regulate the tourism industry as provided under this Act.

(2) Notwithstanding the generality of subsection (1), the Agency shall—

- (a) promote domestic and international tourism;
- (b) promote cultural tourism, eco-tourism and nature tourism;
- (c) in liaison with the Ministry responsible for tourism, collect, evaluate and disseminate information relating to—

- (i) tourism markets and market potential;
 - (ii) trends in tourist activities, expectations and needs; and
 - (iii) competing tourism markets;
- (d) conduct market research into local and international tourism markets;
- (e) provide information on—
- (i) accommodation establishments, tourism destinations and facilities in Zambia; and
 - (ii) tourist attractions and tourism-related services available to tourists in Zambia;
- (f) negotiate and enter into agreements or arrangements relating to tourism marketing and promotion or any other matter to enhance tourist traffic within and into Zambia;
- (g) regulate, in liaison with relevant regulatory authorities and agencies, tourism-related services and activities as delegated in this Act;
- (h) increase the volume of and receipts from tourist arrivals;
- (i) promote and increase tourist arrivals from nontraditional markets and grow domestic tourism;
- (j) establish visitor and information centres;
- (k) in collaboration with relevant regulatory agencies and bodies responsible for arts, heritage and culture, encourage the development and preservation of Zambian arts and cultural values as a tourist attraction; and
- (l) perform any other functions as are necessary or incidental to the performance of its functions under this Act.

13. (1) The Agency shall liaise, consult, collaborate and cooperate with relevant regulatory agencies and other authorities in regulation and marketing of the tourism industry and may, for such purposes, have joint programmes, plans, strategies and policies, taking into account the national decentralisation policy of the Government.

Relations and cooperation with regulatory agencies and other authorities

(2) The Agency, other regulatory agencies and authorities shall take a whole of government approach in achieving the objectives of subsection (1) and shall, in so doing—

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- (a) promote agrotourism opportunities such as farm and ranch visits;
 - (b) promote traditional ceremonies;
 - (c) establish Zambian tourism marketing offices abroad;
 - (d) facilitate bilateral and multilateral agreements related to tourism marketing;
 - (e) establish and enforce public health standards and regulations in liaison with relevant authorities;
 - (f) explain and facilitate standards within the tourism industry;
 - (g) promote wellness and health tourism;
 - (h) promote and facilitate e-tourism;
 - (i) promote the security of tourists in liaison with relevant authorities;
 - (j) disseminate tourism, arts and cultural information;
 - (k) promote sports tourism; and
 - (l) carry out exit surveys for tourists.
- (3) Notwithstanding subsections (1) and (2), the Agency, other regulatory agencies and authorities shall—
- (a) develop a unique identity and personality that is different from all competitive destinations;
 - (b) promote cultural tourism;
 - (c) identify tourism products and use them to approach the tourism source markets;
 - (d) apply tourism market intelligence and innovative products according to emerging travel trends;
 - (e) use market and marketing research for accurate data which can be used to formulate new strategies and policies;
 - (f) carry out continuous market research in order to identify the changing needs and trends in consumer demands, perceptions and expectations;
 - (g) monitor, evaluate and review the regional tourism marketing programmes;

- (h) encourage the public to speak positively about Zambia's tourism products;
- (i) promote the safety and security of tourists; and
- (j) encourage networking and sharing of tourism products in the region.

14 (1) There is constituted a Board for the Agency which shall consist of the following part-time members appointed by the Minister—

Board of
Agency

- (a) one representative each of the Ministries responsible for—
 - (i) tourism;
 - (ii) finance;
 - (iii) local government; and
 - (iv) home affairs;
- (b) a representative of the Attorney General;
- (c) a representative of the Tourism Council of Zambia;
- (d) a representative of the Zambia Institute of Marketing;
- (e) a representative of the Zambia Environmental Management Agency;
- (f) a representative of the Zambia Institute for Tourism and Hospitality Studies; and
- (g) two persons from the private sector with experience and knowledge in tourism, arts and culture.

(2) The Minister shall appoint the Chairperson of the Board from amongst the members of the Board who are not public officers.

(3) The members of the Board shall elect the Vice-Chairperson from amongst themselves.

(4) A person shall not be appointed as a member of the Board if that person—

- (a) is not a citizen of Zambia;
- (b) is an undischarged bankrupt;
- (c) has a mental or physical disability that makes the person incapable of performing the functions of a member; or

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- (d) is convicted of an offence under this Act or any other written law and sentenced to imprisonment for a period exceeding six months without the option of a fine.
- (5) A member shall hold office for a period of three years and may be reappointed for one further period of three years.
- (6) A member may resign upon giving one month's notice, in writing, to the Minister.
- (7) The office of a member becomes vacant if the member
- (a) dies;
 - (b) is absent, without reasonable excuse, from three consecutive meetings of the Board of which the member has had notice;
 - (c) is adjudged bankrupt;
 - (d) is convicted of an offence under this Act or any other written law and sentenced to imprisonment for a period exceeding six months without the option of a fine;
 - (e) is removed by the Minister for good cause on the following grounds:
 - (i) the member acts dishonourably, improperly, fraudulently, dishonestly or disorderly; or
 - (ii) the institution which the member represents withdraws its support of the member as its representative and informs the Minister accordingly; or
 - (f) has a mental or physical disability which makes the member incapable of performing the functions of a member.
- (8) A member shall, on the expiration of the period for which the member is appointed, continue to hold office until a successor is appointed, but in no case shall the further period exceed four months.

(9) The Minister shall, whenever the office of a member becomes vacant before the expiry of the term of office, appoint another person in place of that member but that person shall hold office as a member only for the unexpired part of the term of the Board.

(10) The Minister shall, when appointing members of the Board, in accordance with subsection (1), ensure that there is fifty percent members of each gender.

(11) The provisions of the First Schedule apply to the Board.

15. (1) Subject to the other provisions of this Act, the Board shall provide strategic policy direction to the Agency.

Functions of
Board

(2) The Board shall—

(a) promote effective corporate governance of the Agency;

(b) provide strategic direction to the agency;

(c) formulate the policies, programmes and strategies of the Agency;

(d) administer the licensing of tourism enterprises;

(e) classify and grade accommodation establishments;

(f) approve the annual work-plan and activity reports of the Agency; and

(g) approve the annual budget estimates of the Agency.

16. (1) The Board may, for the purposes of performing its functions, establish such committees as it considers necessary and delegate to any of those committees any of its functions or the functions of the Agency.

Committees
of Board

(2) The Board may appoint as members of a committee persons who are or are not members of the Board, except that at least one member of the Board shall be a member of a committee.

(3) Notwithstanding the generality of subsections (1) and (2), the Board may appoint special committees, composed of some members of the Board and persons representing relevant regulatory agencies, to carry out inspections under this Act or perform such other regulatory functions that require collaborative effort with other regulatory agencies.

(4) A person serving as a member of a committee shall hold office for such period as the Board may determine.

(5) Subject to any specific or general direction of the Board, a committee may regulate its own procedure.

Delegation
of
functions
and
directions

17. (1) The Board may, subject to any conditions imposed and guidelines issued by it, delegate any of the Board's functions and the functions of the Agency to the Director or other appropriate regulatory agency.

(2) Subject to this Act, the Board may, on the recommendation of the Director, by directions in writing and subject to any terms and conditions as the Board considers necessary, delegate to a regulatory service centre any of the functions of the Agency or the Board as it considers necessary for the efficient regulation of the tourism industry at national, provincial or district level.

(3) The Minister may give to the Board general or specific directions, which are consistent with the provisions of this Act, relating to the discharge of its functions and the functions of the Agency and the Board shall give effect to those directions.

Director
and other
staff

18. (1) The Board shall appoint a Director for the Agency on such terms and conditions as the Board may determine.

(2) The Director shall be the chief executive officer of the Agency and shall be responsible, under the direction of the Board, for the day today administration of the Agency.

(3) The Director shall attend meetings of the Board and may address those meetings but shall have no vote on any matter.

(4) The Board may appoint, on such terms and conditions as it may determine, the Secretary and such other staff as it considers necessary for the performance of the function of the Agency and Board.

(5) The Secretary shall perform corporate secretarial duties for the Board and such other functions as the Board may determine, under the direction of the Board and the Director.

PART IV

TOURISM DEVELOPMENT INTERVENTIONS AND INCENTIVES

19. (1) The Agency shall utilise the regulatory service centres, established in accordance with the Business Regulatory Act, 2014, for the effective regulation of tourism and the tourism industry.

Regulatory
service
centres
Act No. 3 of
2014

(2) The Agency shall station employees in the regulatory service centres used by the Agency on the terms and conditions specified in the Business Regulatory Act, 2014.

Act No. 3 of
2014

20. A licensee and certificate holder shall be eligible for such incentives as may be applicable to the licensee or certificate holder in accordance with the Zambia Development Agency Act, 2006, and tax-related laws.

Incentives

Act No. 11
of 2006

21. A micro or small tourism enterprise, registered under section *thirty-seven*, shall be entitled to the privileges and services relating to micro and small business enterprises specified in the Zambia Development Agency Act, 2006, and tax related laws.

Micro and
small
enterprise
development

Act No. 11 of
2006

22. (1) Notwithstanding sections *twenty* and *twenty-one*, the Minister responsible for finance may, in liaison with the Minister, develop specific fiscal and nonfiscal interventions for the development of the tourism sector and grant specific fiscal and non-fiscal benefits to a licensee or certificate holder.

Interventions,
benefits and
withdrawal
of benefits

(2) The Minister may withdraw any benefit granted to a licensee or certificate holder, as provided under sub-section (1), if the licensee or certificate holder fails to comply with the provisions of this Act or the conditions of the licence or certificate.

(3) A person aggrieved by a decision of the Minister to withdraw a benefit may, within thirty days of receipt of the notification of the withdrawal, appeal against the decision to the High Court.

(4) In this section, “benefit” means an advantage or targeted intervention given to a licensee or certificate holder designed to promote the development of the tourism enterprise and ensure its effective participation in the tourism industry, but does not include any incentive, privilege or service that may be given to the tourism enterprise under the Zambia Development Agency Act, 2006.

Act No. 11 of
2006

PART V

LICENSING OF TOURISM ENTERPRISES

Single
licensing
system
Act No. 3 of
2014

23. (1) Subject to this Act, the Agency shall operate a single licensing system for the tourism industry in accordance with the Business Regulatory Act, 2014.

Act No. 3 of
2014

(2) Where a permit is obtained in accordance with the procedures specified under the Business Regulatory Act, 2014, the Agency shall endorse on the licence or certificate—

- (a) the name of the permit;
- (b) the nature and scope of the activity authorised under the permit;
- (c) the conditions attached to the permit; and
- (d) any other relevant information that the regulatory agency may request to be so endorsed.

Conditions
for operating
tourism
enterprise
and
commence-
ment of
business
Cap. 388
Act No. 16
of 2011

24. (1) A person shall not operate a tourism enterprise without registering the business as a tourism enterprise in accordance with the Companies Act, the Registration of Business Names Act, 2011 or any other relevant written law.

(2) A registered tourism enterprise shall not offer tourism-related services, tour or travel services except under, and in accordance with, a licence issued by the Board.

(3) A registered tourism enterprise shall commence business as a tourism enterprise within the period specified in the licence.

(4) The Board may, in accordance with section *forty*, suspend or revoke the licence of a registered tourism enterprise which fails to commence business as specified in subsection (3).

(5) A person who contravenes subsection (1) or (2) commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units.

25. The Board shall grant a licence in respect of an accommodation establishment if—

Conditions for grant of licence or certificate for accommodation establishment

Act No. 3 of 2015

(a) it determines that the premises in respect of which the application is made are structurally adapted for use as an accommodation establishment and comply with the Urban and Regional Planning Act, 2015 and any standards for construction of such premises as may be specified under any other law;

(b) proper provision has been made for a water and sanitation system for the accommodation establishment;

(c) proper provision has been made for the preservation, storage, preparation, cooking and serving of food in or by the accommodation establishment;

(d) the applicant meets the prescribed minimum standards for the category of operation of the tourism enterprise, as may be prescribed;

(e) the premises in respect of which the application is made complies with the Public Health Act; and

Cap. 295

(f) the applicant meets the requirements relating to the welfare and safety of guests as provided under this Act.

26. (1) A registered tourism enterprise shall apply to the Board for a licence in the prescribed manner and form upon payment of the prescribed fee.

Application for licence

(2) The Director shall inform the applicant, within fourteen days of receipt of the application, whether the application, submitted in accordance with subsection (1), has been or has not been successfully lodged with the Agency.

27. (1) The Board may, where additional information is required to process an application for a licence, request the applicant to furnish the information within such period as the Board may determine.

Consideration and issue of licence

(2) The Board may obtain particulars or seek clarification in respect of an application for a licence from a regulatory agency or other authority.

(3) Subject to this Act, the Board shall, within thirty days of receipt of an application for a licence, if the application meets the requirements of this Act, issue a licence to the applicant, in the prescribed form, subject to such terms and conditions as it may determine.

(4) Notwithstanding the other provisions of this section, the Board may refuse to issue a licence if the applicant fails to submit the information requested by the Board in relation to the application.

(5) Subject to subsection (4), where the Board does not issue a licence within the period specified under subsection (3), or inform the applicant in accordance with subsection (2) of section *twenty-six*, the licence shall be deemed to have been issued and the registered tourism enterprise may commence operations and the Board shall immediately proceed to consider and issue the licence within the next thirty days.

(6) A licence shall be valid for a period of three years from the date of its issuance.

Rejection of
application
for licence

28. (1) The Board shall reject an application for a licence where the application does not meet the requirements of this Act.

(2) The Board shall, where it rejects an application under subsection (1), inform the applicant of its decision in writing, and give the reasons for the rejection.

Conditions
of licence
and
obligations
of licensee

29. (1) The Board may impose any or all of the following conditions on a licence issued under section *twenty-seven*—

- (a) the licensee shall allow the inspection of the premises, records and enterprise by an inspector, assessor or a committee of the Board;
- (b) the licensee shall facilitate an investigation undertaken by the Board or committee on any matter relating to the operations of the tourism enterprise;
- (c) the licensee shall adhere to—
 - (i) the period specified in the licence for the commencement of business;
 - (ii) the minimum prescribed standards for the operation of the tourism enterprise; and
 - (iii) any plans, programmes, projects or other reports submitted by the licensee to the Agency for the operation of the tourism enterprise; and

(d) the licensee shall provide an environmental assessment report and adhere to an environmental management plan or monitoring arrangements as approved under the Environmental Management Act, 2011.

(2) A licensee shall comply with the conditions that the Board endorses on the licence with respect to a permit issued under the single licensing system.

30. A licensee shall display the licence issued in accordance with this Act, or a certified copy of the licence, in a conspicuous place at the principal place of business and at every subsidiary premises where the tourism enterprise carries out business.

Display of licence

31. (1) A licensee shall not assign, cede or transfer a licence without the prior written approval of the Board.

Assignment, cession or transfer of licence

(2) An application for approval to assign, cede or transfer a licence shall be made by the licensee to the Board in the prescribed manner and form upon payment of the prescribed fee.

(3) The Board may, within fifteen days of receipt of an application for the assignment, ceding or transfer of a licence, approve or reject the application and shall give the applicant reasons where it rejects the application.

(4) If the Board approves an application, made in accordance with subsection (2), and it is satisfied that the requirements of this Act shall be met or complied with by the new licensee, the Board shall, within thirty days of receipt of the application to assign, cede or transfer, reissue the licence in the name of the new tourism enterprise.

32. (1) A licensee may, at any time during the validity of the licence, if there are any changes to the tourism enterprise or its operations, apply to the Board for the variation of the terms and conditions of the licence.

Amendment or variation of licence

(2) The Board may approve the amendment of a licence to accommodate any variations requested by the licensee and approved by the Board.

(3) The Board shall endorse and date any variation, approved in accordance with subsection (2), on the licence.

33. (1) Where a licensee decides not to continue operating the tourism enterprise, the licensee shall notify the Board, in writing, and surrender the licence to the Board.

Surrender of licence

(2) Where a licence is surrendered, in accordance with subsection (1), the Board shall cancel the licence subject to such conditions as the Board may impose with respect to the winding up of the affairs of the tourism enterprise.

Suspension
or
revocation
of licence

34. (1) Subject to subsection (2), the Board may suspend or revoke a licence if the licensee—

- (a) obtained the licence on the basis of fraud, negligence or misrepresentation;
- (b) assigns, cedes or otherwise transfers the licence without the prior approval of the Board;
- (c) fails to comply with any term or condition of the licence;
or
- (d) operates the tourism enterprise in contravention of this Act or any other written law.

(2) Where the Board is satisfied, after an inspection of an accommodation establishment, that—

- (a) the accommodation establishment is being conducted in an unclean or unsanitary manner;
- (b) the proprietor, hotelkeeper or the hotel administration is involved in, encourages or condones, crime being committed in the accommodation establishment;
- (c) the proprietor or hotelkeeper is convicted of an offence under this Act; or
- (d) the accommodation establishment is trading under a grade that it is not authorised to trade in;

the Board may, subject to subsections (3) and (4), suspend or revoke the licence, as the Board considers to be appropriate in the circumstances of the case.

(3) The Board shall, before suspending or revoking a licence, in accordance with subsection (1), notify the licensee of its intention to suspend or revoke the licence, giving reasons for its decision and requesting the licensee to show cause, within such reasonable period as may be specified in the notice, why the licence should not be suspended or revoked.

(4) Where there is a contravention, under paragraphs (a), (b) or (c) of subsection (2), the Board may, by notice in writing, require the proprietor, hotelkeeper or hotel administration to correct the contravention within a period of thirty days from the date of the notice.

(5) The Board shall, where a proprietor, hotel-keeper or hotel administration fails to correct the contravention, within the period specified under subsection (4), suspend or revoke the licence as the Board considers to be appropriate in the circumstances of the case after considering any representations made by the licensee.

(6) Where a licence is revoked, in accordance with this section, the licensee shall immediately close the premises and surrender the licence to the Board and the Board shall cancel the licence subject to such conditions as the Board may impose with respect to the winding up of the affairs of the tourism enterprise.

35. (1) A licensee may, sixty days prior to the expiration of the period of validity of the licence, apply to the Board for the renewal of the licence in the prescribed manner and form upon payment of the prescribed fee.

Renewal of
licence

(2) The Board shall, within thirty days of receiving an application for the renewal of a licence, approve or reject the application and give reasons where it rejects the application for renewal.

(3) A licensee who submits an application for the renewal of a licence, in accordance with subsection

(1), shall continue to operate the tourism enterprise until a decision is made by the Board on the application.

36. (1) A tour operator shall—

(a) submit to the Board records and information on and account for all foreign exchange earned on prepaid package tours; and

(b) pay all taxes due to the State in respect of all package tours.

Prepaid
package
tours

(2) The Minister may, in consultation with the Minister responsible for finance, make regulations in respect of prepaid package tours.

PART VI

REGISTRATION AND CERTIFICATION OF MICRO AND SMALL TOURISM ENTERPRISES

37. (1) A registered tourism enterprise that qualifies as a micro or small tourism enterprise shall register with the Board.

Registration
of micro and
small tourism
enterprise

(2) The Minister may, on the recommendation of the Board, prescribe the criteria, terms and conditions for registration for purposes of this Act, including —

- (a) the form of, and procedure for, making an application for registration;
- (b) the information and documents to be submitted with an application for registration;
- (c) the form of a certificate of registration and the fee payable on the issuing or replacement of a certificate;
- (d) the procedures and conditions for the variation, transfer, suspension and revocation of a certificate of registration;
- (e) any notices that are required to be issued with respect to the registration process; and
- (f) such other matters as may be necessary to ensure an efficient, simple, cost effective and fair registration and certification system.

(3) A person who contravenes any regulations made under this section commits an offence and is liable, upon conviction, to a fine not exceeding fifty thousand penalty units or to imprisonment for a term not exceeding six months, or to both.

Issue and display of certificate of registration

38.(1) The Board shall, within fourteen days of receiving an application for registration, register the micro or small tourism enterprise if the requirements of this Act and prescribed criteria and conditions for registration have been met, and issue a certificate of registration specifying the conditions provided for under section *twenty-nine*.

(2) A certificate is not subject to renewal.

(3) A certificate holder shall comply with the conditions that the Board endorses on the certificate with respect to a permit issued under the single licensing system.

(4) A certificate holder shall display a certificate issued, under this section, in a conspicuous place at the principal place of business and at every subsidiary premise where it carries out business.

Refusal to register

39. (1) The Board may reject an application for registration, if the applicant does not meet the requirements of this Act or any prescribed criteria or condition, after notifying the applicant, in writing, of its decision and giving the applicant seven days in which to make any objections against the decision or to remedy any defect that necessitated that decision.

(2) The Board shall take into account any objection or remedy made by an applicant before making its final decision whether to register or to refuse to register the micro or small tourism enterprise.

(3) The Board shall give reasons to the applicant where it refuses to register the micro or small tourism enterprise.

40. (1) The Board may, if a certificate holder fails to comply with the terms and conditions of registration, this Act or any relevant written law, vary, suspend or revoke the certificate, after giving the micro or small tourism enterprise fourteen days' notice to that effect and an opportunity to take measures, within a period specified by the Board, to comply with the terms and conditions of the certificate, this Act or other relevant written law.

Variation, suspension and revocation of registration

(2) The variation, suspension or revocation of a certificate may be in addition to any other penalty to which the micro or small tourism enterprise may be liable to under this Act.

41. (1) A certificate holder who decides not to continue operating the micro or small tourism enterprise shall notify the Board, in writing, and surrender the certificate to the Board.

Surrender of certificate

(2) Where a certificate is surrendered, in accordance with subsection (1), the Board shall cancel the certificate subject to such conditions as the Board may impose with respect to the winding up of the affairs of the micro or small tourism enterprise.

42. A certificate shall not be transferred, ceded or assigned to another person.

Prohibition of transfer, cession or assignment of certificate

43. (1) A certificate holder whose certificate is lost or destroyed may apply to the Board for a replacement and the Board shall, after being satisfied with proof of loss from the applicant and on payment of a prescribed fee, issue a certified copy of the certificate.

Replacement of lost or destroyed certificate

(2) A certified copy of the certificate shall be as effective as the original certificate but the two shall not be used concurrently.

PART VII

ACCOMMODATION ESTABLISHMENTS

44. The Board shall classify and grade accommodation establishments in accordance with such minimum standards as the Minister may prescribe by statutory instrument.

Classification and grading of accommodation establishments

Application for grading and grading factors of accommodation establishment

45. (1) The Board may, on the application of an accommodation establishment or on its own motion, classify, grade or regrade the accommodation establishment.

(2) An application for grading shall be made in the prescribed manner and form.

(3) The Board shall, in determining the classification and grading of an accommodation establishment, take into consideration the following matters:

(a) the quality and condition of the facilities available at the accommodation establishment;

(b) the quality of services offered by the accommodation establishment;

(c) the quality of service delivery; and

(d) the overall standard of an accommodation establishment.

Insignia

46. (1) The Board shall, on the classification or grading of an accommodation establishment, issue the accommodation establishment with an insignia.

(2) An insignia issued in respect of an accommodation establishment, in accordance with subsection (1) shall—

(a) specify the classification and grading of the accommodation establishment; and

(b) be displayed in a prominent place within the reception area of the accommodation establishment.

Re-grading of accommodation establishment

47. (1) Where the Board has reasonable grounds to believe that an accommodation establishment is being managed contrary to the class in which the accommodation establishment is graded, the Board may, on giving notice, in writing, to the proprietor, hotel manager or hotel administration, remove the name of the accommodation establishment from the class in which it is graded or grade it in a lower class.

(2) The Board shall, before re-grading the accommodation establishment, in accordance with subsection (1), notify the proprietor, hotel manager or hotel administration of its intention to re-grade the accommodation establishment, giving reasons for its decision and requesting the proprietor to show cause, within such reasonable period as may be specified in the notice, why the accommodation establishment should not be re-graded.

(3) The Board shall, where a proprietor, hotelkeeper or hotel administration fails to correct the contravention, within the period specified under subsection (2), re-grade the accommodation establishment as the Board considers to be appropriate in the circumstances of the case, and issue an insignia for that lower class, but the regrading shall not take effect until the expiration of thirty days from the date of the notice.

48. The Board shall cause to be kept a register of the accommodation establishments graded for purposes of this Act.

Register of Graded Accommodation Establishments

49. (1) The Board shall, in the first quarter of every year, publish the list of classified and graded accommodation establishments in a daily newspaper of general circulation in Zambia.

Publication of classified and graded accommodation establishments

(2) A hotel manager of an accommodation establishment shall cause the notice of classification and grading to be displayed in a conspicuous place at the reception of the accommodation establishment.

(3) A person shall not advertise or describe an accommodation establishment in any publication, leaflet, brochure, broadcast or elsewhere as being of a class and grade, higher or lower than its grading or classification.

(4) A person who contravenes this section commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or imprisonment for a period not exceeding one year, or to both.

50. (1) A proprietor, hotel-keeper or hotel administration shall keep a register, in the prescribe form, in which shall be recorded the name of every guest and such other particulars as may be prescribed.

Register of guests

(2) A proprietor, hotel-keeper or hotel administration shall—

(a) present the register, referred to under subsection (1), to every person who intends to stay at the accommodation establishment and request the person to write that person's name in the register together with such other particulars as may be prescribed;

(b) present the register for inspection when so requested by the Board, a grading assessor, inspector, levy officer, a committee or police officer; and

(c) supply to the Board, an inspector, a grading assessor, levy officer, a committee or police officer the original or duplicate copy of an entry in the register when so requested.

(3) A proprietor, hotel-keeper or hotel administration who fails to comply with subsection (2) commits an offence and is liable, upon conviction, to a fine not exceeding ten thousand penalty units or to imprisonment for a period not exceeding three months, or to both.

(4) A proprietor, hotel-keeper or hotel administration shall refuse to allow into the accommodation establishment a guest who refuses or fails to give the particulars prescribed by or under this Act.

(5) A person who knowingly makes a false statement in the register of guests commits an offence and is liable, upon conviction, to a fine not exceeding twenty thousand penalty units or to imprisonment for a period not exceeding three months, or to both.

Lien over
goods or
personal
property

51. (1) A proprietor, hotel-keeper or hotel administration may detain goods or personal property brought into the accommodation establishment or left in the accommodation establishment by a guest indebted to the hotelkeeper for board and other amenities and may continue to detain the goods and personal property until the debt is paid, but shall not detain the clothing which the person is wearing.

(2) Subject to the other provisions of this section, a proprietor, hotel-keeper or hotel administration shall have the right to sell, by public auction, goods or other personal property detained in accordance with subsection (1), and shall, after the sale, recover out of the proceeds of the sale, the amount of the debt due to the hotel-keeper for board and other amenities together with the costs and expenses of the sale, and shall pay the surplus, if any remaining after the sale, to the guest whose goods or other personal property were sold.

(3) The sale of the goods or personal property, referred to in subsection (2), shall not be done until after the goods or personal property have been in the charge or custody of the proprietor, hotel-keeper or hotel administration or in the accommodation establishment for a period of three months without the debt having been paid from the date it became due.

(4) A proprietor, hotel-keeper or hotel administration shall, at least one month before any sale is made under this section, cause to be published in at least one daily newspaper of general circulation in Zambia an advertisement containing a notice of the intended sale, which shall contain a brief description of the goods or personal property intended to be sold and the name of the guest.

(5) Where goods or personal property are sold, in accordance with subsection (2), the proprietor, hotel-keeper or hotel administration shall, before the expiration of a period of seven days beginning with the date of the sale of the goods and personal property, prepare a record of the sale, in the form prescribed, and shall keep the record for a period of six years together with a copy of the notice to sell the goods and personal property and shall, at any reasonable time during the period of six years, if so requested by or on behalf of the guest, produce the record for inspection by the guest or a person nominated in that behalf by the guest.

(6) A person who fails to comply with this section commits an offence and is liable, upon conviction, to a fine not exceeding ten thousand penalty units.

52. (1) Subject to subsections (2), (3) and (4) and without prejudice to any other liability incurred by a proprietor, hotel-keeper or hotel administration with respect to any goods or personal property brought into the accommodation establishment by a guest, a proprietor, hotel-keeper or hotel administration shall, except as otherwise provided in this section, be liable to make good to that guest any loss or damage to the property where —

Liabilities of
hotel-
keeper,
proprietor
or hotel
administration

(a) the loss or damage was incurred in the accommodation establishment; and

(b) the loss or damage occurred during the period the guest had been residing at the accommodation establishment or had left the goods in the custody of the proprietor, hotelkeeper or hotel administration.

(2) Without prejudice to any other liability of the proprietor or hotel-keeper with respect to any goods or personal property brought into the accommodation establishment by a guest, a proprietor or hotel-keeper shall not be liable to make good to a guest any loss of, or damage to, any motor vehicle left on the premises of the accommodation establishment.

(3) Where a proprietor, hotelkeeper or hotel administration is liable to make good the loss of, or any damage to, goods and personal property brought to the accommodation establishment, the proprietor's, hotel-keeper's or hotel administration's liability to any guest shall not exceed such amount as may be prescribed in respect of any one article or in aggregate, except that a proprietor or hotel-keeper shall not be liable where—

(a) the property was stolen, lost or damaged through the default, neglect or willful act of the guest;

(b) the property was not deposited by, or on behalf of, the guest for safe custody with the proprietor, hotel-keeper or the proprietor's or hotel-keeper's employee or agent authorised or appearing to be authorised for the purpose and, if so required by the proprietor or hotel-keeper or that employee or agent, put into a container fastened or sealed by the depositor; or

(c) at any time after the guest had arrived at the accommodation establishment, the property in question was not offered for deposit unless the proprietor, hotel-keeper or the proprietor's or hotel-keeper's employee or agent refused to receive it.

(4) A proprietor, hotel-keeper or hotel administration shall not be liable under this section if at the time when the property in question was brought to the accommodation establishment, a notice to that effect, printed in plain type, was conspicuously displayed in a place where it could conveniently be read by the guest at or near the reception office or desk or, where there is no reception office or desk, at or near the main entrance to the accommodation establishment.

Settlement
of boarding
rates and
other
charges

53. A person who leaves an accommodation establishment without paying for the rates and other charges for board or other amenities at the accommodation establishment or making arrangements with the proprietor, hotelkeeper or the proprietor's or hotel-keeper's agent or employee that the rates and charges owing may be left in abeyance, commits an offence and is liable, upon conviction, to a fine not exceeding twenty thousand penalty units or to imprisonment for a period not exceeding three months, or to both.

54. (1) An accommodation establishment and restaurant shall add to every invoice for supply or sale of accommodation, food beverages and other tourism-related services a service charge prescribed by the Minister by statutory instrument.

Service
charge and
tips

(2) The service charge shall be paid in equal shares to all the employees, except employees in management.

(3) Where a service charge is paid, in accordance with subsection (1), a person shall not be obliged to give a tip for any service rendered and the proprietor or hotel-keeper shall display a notice to that effect, printed in plain type, in a conspicuous place in the accommodation establishment or restaurant or eatery where it can conveniently be read.

(4) A proprietor or hotel-keeper who contravenes subsection (1) is liable to pay to the Board, upon demand, a fine not exceeding one hundred thousand penalty units and in addition, fifty thousand penalty units for each day during which the contravention continues.

(5) The court may, where a proprietor or hotel-keeper contravenes subsection (1), enter a civil judgment in favour of the employees affected and order the proprietor or hotel-keeper to pay the service charge owing.

PART VIII

REGISTRATION OF HOTEL MANAGERS

55. (1) There is constituted the Hotel Managers' Registration Council which shall consist of the following part-time members appointed by the Minister—

Hotel
Managers
Registration
Council

- (a) a representative of the Ministry responsible for tourism;
- (b) the Director of the Zambia Institute for Tourism and Hospitality Studies;
- (c) a representative of the Agency;
- (d) a representative of the Tourism Council of Zambia;
- (e) a representative of the Hotel Catering Association of Zambia;
- (f) a representative of the Zambia Institute of Chartered Accountants; and
- (g) a representative of the Immigration Department.

(2) The Minister shall, on receiving the names of the proposed representatives from the institutions or organisations referred to in subsection (1), consider the representatives and may reject any representative or appoint the representative as a member of the Council, except that where the Minister rejects any proposed representative, the Minister shall direct the institution concerned to avail the Minister with the name of another representative.

(3) The Minister shall appoint the Chairperson and Vice-Chairperson of the Council from amongst the members of the Council who are from the private sector.

(4) Subject to subsection (5), a member of the Council shall hold office for a period of three years from the date of appointment and is eligible for reappointment for a further term of three years.

(5) The office of a member of the Council shall become vacant if the member—

(a) is absent, without reasonable excuse, from three consecutive meetings of the Council of which the member had notice;

(b) dies;

(c) is adjudged bankrupt;

(d) ceases to hold the office by virtue of which the member was appointed;

(e) becomes mentally or physically incapable of performing the duties of a member of the Council; or

(f) is convicted of an offence under any written law and sentenced therefor to imprisonment for a period exceeding six months.

(6) The Minister may, where a member vacates office pursuant to subsection (5), appoint a new member in accordance with subsection (1) to hold office for the unexpired part of that member's term.

(7) A member of the Council shall be paid such allowances as the Minister may determine.

Functions of
Council

56. The functions of the Council are to—

(a) consider applications for the registration of hotel managers;

(b) prepare programmes of training, including acquiring acceptable practical experience for trainees and graduates of hotel management for registration as hotel managers;

(c) liaise with approved institutions of hotel management on practical training for hotel managers and monitoring and working out modalities of the diary for purposes of training; and

(d) conduct interviews for professional competence at such times and places as the Council shall determine.

57. (1) Subject to the other provisions of this Act, the Council may regulate its own procedure.

Proceedings
of Council

(2) The Council shall meet for the transaction of its business at least once in every three months at such places and times as the Chairperson may determine.

(3) The quorum at any meeting of the Council shall be five members of the Council.

(4) There shall preside at any meeting of the Council—

(a) the Chairperson;

(b) in the absence of the Chairperson, the Vice-Chairperson;
or

(c) in the absence of both the Chairperson and the Vice-Chairperson, such member as the members present may elect among themselves for the purpose of that meeting.

(5) A decision of the Council on any question shall be by a majority of the members present and voting at the meeting and in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to that person's deliberative vote.

(6) Where a member is for any reason unable to attend a meeting of the Council, the member may, in writing, nominate another person from the same organisation to attend the meeting in that member's stead and such person shall be deemed to be a member for the purpose of that meeting.

(7) The Council may invite any person whose presence is in its opinion desirable to attend and to participate in the deliberations of a meeting of the Council, but such person shall have no vote.

(8) The Council shall cause minutes to be kept of the proceedings of its meetings.

(9) The Minister shall appoint a Secretary to the Council from among qualified persons employed in the Ministry to perform secretarial and administrative functions in connection with the affairs of the Council.

Registration
of hotel
managers

58. (1) A person shall apply for registration as a hotel manager to the Secretary of the Council in the prescribed manner and form.

(2) The Council shall register a person as a hotel manager if the person—

(a) is resident in Zambia;

(b) has attained the age of twenty-one years;

(c) is of good character;

(d) holds a qualification in relation to the grade of the accommodation establishment the person wishes to manage;

(e) has acquired at least two years of post graduate practical experience from full time employment under the supervision of a registered hotel manager; and

(f) shows proof of employment from a licenced accommodation establishment.

(2) A person shall not qualify to be registered as a hotel manager if the person—

(a) has been convicted of an offence involving dishonesty or an offence under this Act or any other relevant written law and sentenced therefor to imprisonment for a period exceeding six months without the option of a fine;

(b) is an undischarged bankrupt; or

(c) is unable to perform the duties of hotel manager due to mental or physical incapacity.

Practising
certificate

59. (1) The Council shall issue a practising certificate to every hotel manager registered under this Act.

(2) A practising certificate issued under subsection (1) shall take effect on the date it is issued and shall continue in force until the 31st December next following the date of issue.

(3) A practising certificate shall be renewed annually upon payment of such fee as may be prescribed.

Cancellation
of
registration
or practising
certificate

60. (1) The Council may cancel the registration or a practising certificate if—

(a) the registration or practising certificate was obtained through fraud, misrepresentation or concealment of any material fact; or

(b) the holder of the practising certificate ceases to be qualified for registration.

(2) The Council shall, before cancelling the registration or a practicing certificate under subsection (1), give the holder of the registration or practising certificate thirty days' notice, in writing, of the intention to cancel the registration or practicing certificate and give the registered hotel manager an opportunity to show cause why the registration or practicing certificate should not be cancelled, within such reasonable period as may be specified in the notice.

(3) The Council shall cancel the registration or a practicing certificate where—

(a) at the expiration of the period specified in the notice given under subsection (2), and after considering any representations made by the registered hotel manager or the holder of the practising certificate, the Council determines for any reason specified in subsection (1), that the registration or practicing certificate should be cancelled; or

(b) the holder of the practising certificate fails to show cause why the registration or practising certificate should not be cancelled within the period specified in the notice given under subsection (2).

(4) The Council shall, within seven days of taking the decision to cancel the registration or a practising certificate under this section, in writing, notify the hotel manager of the cancellation of the registration or practising certificate and state the reasons for the cancellation.

(5) The Council shall, after cancelling the registration or a practising certificate, publish a notice of the cancellation in a daily newspaper of general circulation in Zambia.

(6) A registered hotel manager whose registration or practising certificate is cancelled shall immediately cease to practice as a hotel manager.

(7) A person who contravenes subsection (6) commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

Offences
relating to
registration
and
practising
certificates

61. (1) A person who is not registered by the Council shall not—

(a) practice or offer that person's services as, or hold that person out to be, a qualified hotel manager;

(b) adopt, use or exhibit the title "hotel manager" or any other term of similar description; or

(c) do anything likely to lead persons to infer that the person is a registered hotel manager.

(2) A person shall not employ as a hotel manager a person who is not registered by the Council.

(3) The Minister may, by statutory instrument, make regulations to provide for the exemption of certain types of accommodation establishments from the requirement to employ a registered hotel manager.

(4) A person who contravenes subsection (1) or (2) commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or imprisonment for a period not exceeding two years, or to both.

(5) Where an offence under subsection (1) or (2) is committed by a body corporate, every director or manager of the body corporate shall be deemed to have committed the offence, unless the director or manager proves to the satisfaction of the court that the offence was committed without the knowledge, consent or connivance of the director or manager or that the director or manager took sufficient steps to prevent the commission of the offence.

Offences
related to
registration

62. A person who—

(a) makes or causes to be made an unauthorised entry, alteration or erasure in a register, practicing certificate or any copy of the practising certificate; or

(b) procures, or attempts to procure, for oneself or any other person, a practicing certificate by means of fraud, misrepresentation or concealment of any material fact;

commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

63. (1) The Secretary of the Council shall keep a register of hotel managers registered by the Council.

Register of
hotel
managers

(2) The register referred to in subsection (1) shall contain such particulars as the Council may consider necessary for purposes of this Act.

PART IX

THE TOURISM DEVELOPMENT FUND

64. (1) There is established the Tourism Development Fund for purposes of tourism product development, tourism infrastructure, tourism marketing, tourism training and research.

Establishment
of Fund and
tourism levy

(2) The Fund shall consist of—

- (a) such moneys as may be appropriated by Parliament for the purposes of the Fund;
- (b) moneys collected from such tourism levies as the Minister responsible for finance may prescribe, in consultation with the Minister;
- (c) such moneys as may be received by the Fund from donations and grants from any source;
- (d) such other moneys as may vest in, or accrue to the Fund; and
- (e) such other moneys as may, by or under any other law, be payable to the Fund.

(3) Subject to subsections (4) and (5), there shall be paid, for tourist related services, a tourism levy as may be prescribed by statutory instrument, by the Minister responsible for finance in consultation with the Minister.

(4) In prescribing the tourism levy in accordance with subsection (3), the Ministers referred to in that subsection shall take into consideration the nature of the touristrelated service being undertaken by the tourism enterprise, the classification of the tourism enterprise, the number of beds provided by an accommodation establishment and the need to ensure the sustainability of the tourism enterprise.

(5) The Minister responsible for finance shall, in prescribing the tourism levy, in accordance with subsection (3), specify who shall pay the levy, the process of payment, collection and deposit of the levy and provide for offences and penalties for contravention of the regulations, which shall not exceed the general penalty provided under section *seventy-nine*.

(6) The tourism levy collected for tourism-related services shall be paid into a special bank account opened for the Fund.

Administration
of Fund and
accounts

65. (1) Subject to subsection (3), the Fund shall be managed and administered by the Ministry responsible for tourism for the purposes specified under subsection (1) of section *sixty-four*.

(2) The Ministry responsible for tourism shall ensure that prudent controls are established for the Fund relating to—

(a) fiscal controls and accounting procedures governing the Fund;

(b) reporting procedures for matters relating to the Fund; and

(c) investment of the monies of the Fund.

(3) Subject to subsections (1) and (2), the Fund shall be administered by a committee of seven members constituted by the Minister.

(4) The committee constituted, in accordance with subsection (2), shall consist of one representative each of—

(a) the Ministries responsible for tourism and finance;

(b) the Agency;

(c) the Tourism Council of Zambia;

(d) the Zambia Institute of Chartered Accountants; and

(e) two institutions and associations, in the private sector, which the Minister considers to be beneficial to the objectives of the Fund.

(5) The Ministry responsible for tourism shall cause to be kept proper books of accounts and other records relating to the accounts of the Fund.

(6) The Fund shall be audited annually by the Auditor-General.

Annual
report and
statement
of income
and
expenditure

66. (1) As soon as practicable, but not later than ninety days after the end of the financial year, the Ministry responsible for tourism shall submit to the Minister responsible for finance a report concerning the activities relating to the Fund during the financial year.

(2) The report referred to in subsection (1) shall include information on the financial affairs of the Fund and there shall be appended to the report—

- (a) an audited balance sheet;
- (b) an audited statement of income and expenditure; and
- (c) such other information as the Minister responsible for finance may require.

(3) The Minister responsible for finance shall, not later than seven days after the first sitting of the National Assembly next after receipt of the report referred to in subsection (1), lay the report before the National Assembly.

PART X

QUALITY ASSURANCE

67.(1) The Board may, on such terms and conditions as it may determine, appoint suitably qualified persons to be inspectors and grading assessors for the purposes of ensuring compliance with this Act.

Tourism levy officers, inspectors and grading assessors

(2) The Minister may, on such terms and conditions as the Minister may determine, appoint suitably qualified persons as tourism levy officers for purposes of this Act.

(3) The Board shall issue inspectors and grading assessors, and the Minister shall issue levy officers with a certificate of appointment, in the form prescribed, which shall be *prima facie* evidence of the appointment.

(4) A levy officer, inspector or grading assessor shall, in performing a function under this Act—

- (a) be in possession of the certificate of appointment referred to in subsection (2); and
- (b) show the certificate of appointment to any person who requests to see it or is subject to an investigation under this Act.

68. (1) A levy officer, inspector or grading assessor may, with a warrant, at any reasonable time—

Powers of levy officer, inspector and grading assessor

- (a) enter and search any premises occupied by a tourism enterprise or any other premises, including a private dwelling, where information or documents which may be relevant to an investigation may be kept;

-
- (b) search any person on the premises if there are reasonable grounds for believing that the person has personal possession of any document or article that has a bearing on the investigation, except that a person shall only be searched by a person of the same sex;
 - (c) examine any document or article found on the premises that has a bearing on the investigation;
 - (d) require information to be given about any document or article by—
 - (i) the owner of the premises;
 - (ii) the person in control of the premises;
 - (iii) any person who has control of the document or article; or
 - (iv) any other person who may have the information;
 - (e) take extracts from, or make copies of, any book or document found on the premises that has a bearing on the investigation;
 - (f) use any computer system on the premises, or require assistance of any person on the premises to use that computer system to—
 - (i) search any data contained in, or available from, the computer system;
 - (ii) reproduce any record from the data; or
 - (iii) seize any output from the computer for examination and copying; or
 - (g) attach and, if necessary, remove from the premises for examination and safeguarding any document or article that appears to have a bearing on the investigation.
- (2) A levy officer, inspector or grading assessor who removes any document or article from any premises in accordance with paragraph (g) of subsection (4) shall—
- (a) issue a receipt for the document or article to the owner of, or person in control of, the premises; and
 - (b) return the document or article as soon as practicable after achieving the purpose for which it was removed.

(3) A person who—

- (a) delays or obstructs a levy officer, inspector or grading assessor in the performance of their respective functions;
- (b) refuses to give a levy officer, inspector or grading assessor such reasonable assistance as the levy officer, inspector or grading assessor may require for the purpose of exercising their respective powers; or
- (c) gives a levy officer, inspector or grading assessor false or misleading information in answer to an inquiry made by the levy officer, inspector or grading assessor respectively;

commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to a term of imprisonment not exceeding two years, or to both.

(4) A levy officer, inspector or grading assessor shall furnish the Agency with a written report and any other information relating to an inspection as the Board or Minister may require.

(5) Nothing in this section requires a person to disclose or produce information or a document if the person would in an action in a court be entitled to refuse to disclose or produce the information or document.

69. A committee appointed by the Minister or a joint committee of regulatory agencies carrying out an inspection shall have the same powers and obligations vested in, or imposed on, an inspector under this Act.

Inspections
by
committee

PART XI

GENERAL PROVISIONS

70.(1) The Director shall keep and maintain a register of all licences and certificates issued by the Board and enter in the Register the names and other details relating to tourism enterprises.

Register of
licences and
certificates

(2) The register, referred to in subsection (1), shall be kept at the offices of the Agency and shall be open to inspection by the public at such times and on such conditions, including the payment of a fee for inspection, as the Minister may prescribe.

(3) A person may, upon payment of the prescribed fee, acquire a copy of the licence or certificate of any tourism enterprise or a copy or extract of any other particulars from the register to be certified by the Director.

(4) A document purporting to be an extract or copy of an entry in the register and duly certified to be a true copy or extract under the hand of the Director shall be received in evidence as to the matters stated in the document in any legal proceedings.

(5) The Director shall, where a tourism enterprise ceases to carry on business, remove the enterprise from the register and enter the date of such removal.

Appeals to
Minister

71. (1) A person aggrieved by a decision of the Board or Council may appeal to the Minister in the prescribed manner and form.

(2) The Minister may, in considering an appeal, set aside, vary or uphold the Council's or Board's decision and shall, in writing, communicate the decision to the appellant.

(3) A person aggrieved by a decision of the Minister may, within thirty days of the date of receipt of the Minister's decision, appeal to the High Court.

Prohibitions
and
authorisations

72. (1) A proprietor, hotel keeper or hotel administration shall not display the words "Private Property" or "Residents Only" at the entrance or in proximity to the tourism enterprise as a way of restricting access to the property by members of the public.

(2) A proprietor, hotel keeper or hotel administration may display the words "right of admission reserved", except that the proprietor, hotelkeeper or hotel administration shall not, on the basis of any person's race, religion or sex, restrict the access of such person to the tourism enterprise.

(3) A person shall not—

(a) disturb another person in the quiet enjoyment of the facilities in or at a tourism enterprise;

(b) willfully interfere with or destroy any facility within a tourism enterprise which is provided for the enjoyment of the patrons of the tourism enterprise; or

(c) in any way be a nuisance within the premises of a tourism enterprise.

(4) A person who contravenes subsection (1), (2) or (3) commits an offence and is liable, upon conviction, to a fine not exceeding fifty thousand penalty units or to imprisonment for a term not exceeding six months, or to both.

73. The Ministry responsible for tourism shall, in collaboration with other regulatory agencies and institutions offering hotel and tourism training, facilitate training in tourism related courses to—

Tourism
training

(a) facilitate the growth and development of the tourism industry; and

(b) improve and maintain quality standards in the tourism industry.

74. The Ministry responsible for tourism shall, collaborate with relevant regulatory agencies and authorities on health, safety, labour, HIV and AIDS, social and welfare matters and other intersectoral matters that have an impact on sustainable tourism and sustainable development as specified in section *seven*.

Health and
social welfare

75. (1) An operator of a tourism enterprise, shall take measures to ensure—

Safety of
tourists
and
employees

(a) the safety and security of domestic and international tourists and other patrons within the tourism enterprise;

(b) the safety and welfare of its employees; and

(c) public liability insurance cover for its clients.

(2) A proprietor, hotel keeper or hotel administration shall have adaptable emergency evacuation plans on the premises for emergencies caused by, inter alia, fire, floods, attacks by wild animals, thunderstorms and every other conceivable thing, act or activity that may require emergency action to be taken.

76. Notwithstanding anything to the contrary contained in any written law, where a judgment or order has been obtained against the Agency, no execution or attachment, or process of any nature, shall be issued against the Agency or against the property of the Agency, but the Director shall cause to be paid out of the revenue of the Agency such amounts as may, by the judgement or order, be awarded against the Agency to the person entitled to payment.

Prohibition
of execution
over
property of
Agency

- Offences by
body
corporate or
unincorporated
body
- 77.** Where an offence under this Act is committed by a body corporate or unincorporated body, every director or manager of the body corporate or unincorporated body shall be liable, upon conviction, as if the director or manager had personally committed the offence, unless the director or manager proves to the satisfaction of the court that the act constituting the offence was done without the knowledge, consent or connivance of the director or manager or that the director or manager took reasonable steps to prevent the commission of the offence.
- General
offences
- 78.** A person who—
- (a) willfully publishes, causes or allows to be published, in any manner, false or misleading information relating to any tourism enterprise or amenity;
 - (b) being the person responsible for that tourism enterprise, fails or refuses to pay any fee or to collect and remit the fee in terms of this Act;
 - (c) hinders or obstructs the Board in the performance of its functions under this Act; or
 - (d) gives false or misleading information to the Board, Council, committee or the Director;
- commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a period not exceeding one year, or to both.
- General
penalty
- 79.** A person who contravenes a provision of this Act for which a specific penalty is not provided for shall, upon conviction, be liable to a fine not exceeding one hundred thousand penalty units or to imprisonment for a period not exceeding one year, or to both.
- Regulations
- 80.** (1) The Minister may, by statutory instrument, make regulations for the better carrying out of the provisions of this Act.
- (2) Without prejudice to the generality of subsection (1), the regulations made under this Act may provide for—
- (a) the form of an insignia, a licence, registration or certificate to be issued under this Act and the manner of applying for the insignia, licence, registration or certificate;
 - (b) the fees payable in respect of a licence, registration or certificate issued under this Act;

- (c) the terms and conditions under which a tourism enterprise may be operated and the manner in which the premises of a tourism enterprise shall be kept;
- (d) the terms and conditions under which a person may invest in, establish, maintain or operate a tourism enterprise;
- (e) the classification and grading of tourism enterprises and the form or style of insignia issued under this Act;
- (f) the services of a tourism enterprise which may require the payment of a service charge;
- (g) the manner and form of lodging an appeal under this Act; and
- (h) anything which may be, or is required to be, prescribed under this Act.

(3) The regulations made under this section may provide for fines not exceeding one hundred thousand penalty units, and for a term of imprisonment not exceeding one year, or to both, for any contravention of the regulations.

81. (1) The Tourism and Hospitality Act, 2007 and the Zambia Tourism Board Act, 2007 are repealed.

Repeal of Act No. 23 of 2007 and Act No. 24 of 2007

(2) Notwithstanding subsection (1), the provisions of the Second Schedule apply in respect of the matters specified therein.

(3) Notwithstanding subsection (1), any licence or certificate issued under the repealed Acts shall be valid until the 31st December being a date after the commencement of this Act, after which the licensee and certificate holder shall apply for a licence or certificate in accordance with the provisions of this Act.

Act No. 23 and Act No. 24 of 2007

(4) Notwithstanding the repeal of the Tourism and Hospitality Act, 2007, Part VI of that Act relating to licensing of casinos shall continue in force and be administered and implemented by the Ministry until such a time as Parliament enacts a law dealing with casinos.

FIRST SCHEDULE

(Sections 10(2) and 14(9))

THE ZAMBIA TOURISM AGENCY

PART I

ADMINISTRATION OF AGENCY

Proceedings
of Board

1. (1) Subject to the other provisions of this Act, the Board may regulate its own procedure.

(2) The Board shall meet for the transaction of business at least once in every three months at such places and times as the Board may determine.

(3) A meeting of the Board may be called by the Chairperson upon giving notice of not less than fourteen days, and shall be called by the Chairperson if one-third or more of the members so request in writing, except that if the urgency of any particular matter does not permit the giving of such notice, a special meeting may be called upon giving a shorter notice.

(4) Five members shall constitute a quorum at any meeting of the Board.

(5) There shall preside at any meeting of the Board—

(a) the Chairperson;

(b) in the absence of the Chairperson, the Vice-Chairperson;
and

(c) in the absence of the Chairperson and the Vice-Chairperson, such other member as the members present may elect for the purpose of that meeting.

(6) A decision of the Board on any question shall be by a majority of the members present and voting at the meeting and in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to that person's deliberative vote.

(7) Where a member is for any reason unable to attend any meeting of the Board, the member may, in writing, nominate another person from the same organisation to attend such meeting in that member's stead and such person shall be deemed to be a member for the purpose of that meeting.

(8) The Board may invite any person whose presence is in its opinion desirable to attend and to participate in the deliberations of the meeting of the Board, but such person shall have no vote.

(9) The validity of any proceedings, acts or decisions shall not be affected by any vacancy in the membership of the Board or by any defect in the appointment of any member or by reason that any person not entitled to do so, took part in the proceedings.

(10) The Board shall cause minutes to be kept of the proceedings of every meeting of the Board and every meeting of any committee of the Board.

2. A member of the Board or any committee of the Board shall be paid such allowances as the Board may determine, with the approval of the Minister. Allowances

3. (1) A person who is present at a meeting of the Board or any committee of the Board at which any matter is the subject of consideration, and in which matter that person or that person's spouse is directly or indirectly interested in a private capacity shall, as soon as is practicable after the commencement of the meeting, declare such interest and shall not, unless the Board or the committee otherwise directs, take part in any consideration or discussion of, or vote on, any question relating to that matter. Disclosure of interest

(2) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which it is made.

4. An action or other proceeding shall not lie or be instituted against a member of the Board, committee of the Board or a member of staff of the Agency for, or in respect of, any act or thing done or omitted to be done in good faith in the exercise or performance, or purported exercise or performance, of any of the powers, functions or duties conferred under this Act. Immunity

PART II

FINANCIAL PROVISIONS

5. (1) The funds of the Agency shall consist of such monies as may— Funds of Agency

- (a) be appropriated by Parliament;
- (b) be paid to the Agency by way of fees, grants or donations;
- or
- (c) vest in or accrue to the Agency.

- (2) The Agency may, subject to the approval of the Minister—
- (a) accept monies by way of grants or donations from any source within or outside Zambia;
 - (b) raise by way of loans or otherwise, such monies as it may require for the discharge of its functions; or
 - (c) in accordance with the regulations made under this Act, charge and collect fees for services provided by the Agency.
- (3) There shall be paid from the funds of the Agency—
- (a) the salaries, allowances, loans, gratuities and pensions of members of staff of the Agency;
 - (b) such reasonable travelling and other allowances for the members of the Board or any committee of the Board when engaged in the business of the Agency, at such rates as the Board may determine with the approval of the Minister; and
 - (c) any other expenses incurred by the Agency in the performance of its functions under this Act.
- (4) The Board may, with the approval of the Minister, invest in such manner as it considers appropriate such funds of the Agency that it does not immediately require for the discharge of its functions.
- 6.** The financial year of the Agency shall be a period of twelve months ending on 31st December in each year.
- 7.** (1) The Agency shall cause to be kept proper books of account and other records relating to its accounts.
- (2) The accounts of the Agency shall be audited annually by the Auditor-General or an auditor appointed by the Auditor-General.
- (3) The Auditor-General's fees shall be paid by the Agency.
- 8.** (1) As soon as practicable, but not later than ninety days after the end of the financial year, the Agency shall submit to the Minister a report concerning its activities during the financial year.
- (2) The report referred to in subparagraph (1) shall include information on the financial affairs of the Agency and there shall be appended to the report—
- (a) an audited balance sheet;
 - (b) an audited statement of income and expenditure; and
 - (c) such other information as the Minister may require.
- (3) The Minister shall, not later than seven days after the first sitting of the National Assembly next after receipt of the report referred to in subparagraph (1), lay the report before the National Assembly.

Financial
year

Accounts

Annual report

SECOND SCHEDULE

(Section 64 (2))

SAVINGS AND TRANSITIONAL PROVISIONS

1. In this Schedule, “Board “means the Zambia Tourism Board established under the Zambia Tourism Board Act, 2007. Interpretation Act No. 24 of 2007
2. (1) A person who, before the commencement of this Act, was an employee of the Board shall be transferred to the service of the Agency as an employee of the Agency as if employed under this Act. Staff of Board
- (2) The service of the persons referred to in subparagraph (1) shall be treated as continuous service.
- (3) Nothing in this Act affects the rights and liabilities of any person employed or appointed by the Board before the commencement of this Act.
3. (1) On or after the commencement of this Act, there shall be transferred to, vest in and subsist against the Agency by virtue of this Act and without further assurance, all assets, rights, liabilities and obligations which immediately before that date were the assets, rights, liabilities and obligations of the Board. Transfer of assets and liabilities
- (2) Subject to subparagraph (1), every deed, bond and agreement, other than an agreement for personnel service, to which the Board was a party immediately before the commencement of this Act whether or not of such a nature that rights, liabilities and obligations could be assigned, shall, unless its subject matter or terms make it impossible that it should have effect as modified, as provided under this paragraph, have effect as if—
- (a) the Agency had been party to it;
- (b) for any reference to the Board there was substituted, with respect to anything falling to be done on or after the commencement of this Act, a reference to the Agency; or
- (c) for any reference to any officer of the Board, not being a party to it and beneficially interested, there were substituted, as respects anything falling to be done on or after the commencement of this Act, a reference to such officer of the Agency as it shall designate.

(3) Where under this Act, any assets, rights, liabilities and obligations of the Board are deemed to be transferred to the Agency in respect of which transfer a written law provides for registration, the Agency shall make an application, in writing, to the appropriate registration authority for registration of the transfer.

(4) The registration authority, referred to in subparagraph (2), shall make such entries in the appropriate register as shall give effect to the transfer and, where applicable, issue to the transferer concerned a certificate of title in respect of the property or make necessary amendments to the register and shall endorse the deeds relating to the title, right or obligation concerned and no registration fees or other duties shall be payable in respect of the transaction.

Legal
proceedings

4. (1) Any legal proceedings or application of the Board pending immediately before the commencement of this Act by or against the Board may be continued by or against the Agency.

(2) After the commencement of this Act, proceedings in respect of any right, liability or obligation which was vested in, held, enjoyed, incurred or suffered by the Board, may be instituted by or against the Agency.
