

GOVERNMENT OF ZAMBIA

ACT

No. 22 of 1985

Date of Assent: 24th December, 1985

An Act to amend the Tourism Act

[27th December, 1985

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Tourism (Amendment) Act, 1985, and shall be read as one with the Tourism Act, hereinafter referred to as the principal Act.

Short title.
Act No. 20
of 1979

2. Section *two* of the principal Act is amended by—

Amendment
of section 2

(a) the deletion of the definition of "tourist enterprise"; and

(b) the insertion, in the appropriate places, of the following new definitions:

"hotel" shall have the meaning ascribed thereto in the Hotels Act;

Cap. 251

"licence" means a tourist enterprise licence issued under Part IV;

"Secretary" means the secretary to the Board appointed under section *eleven*;

"tourist enterprise" includes the construction of an hotel; a tour-operating business; a travel agency business; an air charter business; a vehicle or vessel leasing business; a restaurant or cafe; a discotheque; a convention centre; and such other enterprise catering for tourists as the Minister may, by statutory instrument, declare;

3. Section *five* of the principal Act is amended in subsection (4)—

Amendment
of section 5

(a) by the re-numbering of the existing paragraphs (e) and (f) as (f) and (g) respectively; and

(b) by the insertion, immediately after paragraph (d), of the following new paragraph:

(c) if he is absent from three consecutive meetings of the Board without reasonable cause;

Amendment
of
section 9

4. Section *nine* of the principal Act is amended in subsection (2) by the insertion, immediately after "Deputy Managing Director" of ", to the Secretary,".

Repeal and
replacement
of
section 11
Secretary
and tourist
managers

5. Section *eleven* of the principal Act is repealed and the following section substituted therefor:

11. (1) The Board shall appoint a Secretary to the Board who shall be responsible for the administration of the day-to-day affairs of the Board under the general supervision of the Managing Director.

(2) The Board shall appoint tourist managers who shall exercise such powers and functions as may be delegated to them by the Managing Director.

Insertion
of
section
12A

Terms and
conditions
of officers

6. Part III of the principal Act is amended by the insertion, immediately after section *twelve*, of the following new section:

12A. The remuneration and terms and conditions of the Managing Director, Deputy Managing Director, Secretary, tourist manager and other staff shall be determined by the Board, subject to the approval of the Minister.

Amendment
of
section 17

7. Section *seventeen* of the principal Act is amended by the deletion of subsection (1) and the substitution therefor of the following:

(1) Within thirty days from the date of publication of a notice under section *sixteen*—

- (a) any person who is engaged in Zambia in any tourist enterprise which is similar to the operation in respect of which an application for a licence or an authorisation has been made, and who claims that financial loss will be caused to him if a licence or an authorisation is issued to the applicant;
- (b) any person who claims that environmental, planning, physical or other damage will be caused, or that tourism in Zambia is likely to be adversely affected, if a licence or an authorisation is issued to the applicant; or
- (c) any person who has any other valid reason for objecting to the issue of such licence or authorisation; may object to the issue of such licence or authorisation by submitting to the Board and to the applicant a notice in writing, stating the grounds for his objection; or may, by notice in writing, provide to the Board such information as he thinks will assist the Board in the performance of its functions.

8. Section *nineteen* of the principal Act is amended in subsection (3) by the deletion of "the application for which was previously rejected".

Amendment
of
section 19

9. Section *twenty-four* of the principal Act is amended in subsection (2) by the deletion of "revoke a licence or an authorisation or".

Amendment
of
section 24

10. Part V of the principal Act is amended by the insertion, immediately after section *twenty-four*, of the following new sections:

Insertion of
sections
24A and
24B

24A. (1) Where, in respect of a tourist enterprise, the Board is satisfied that the tourist enterprise, its manager or servant has—

Revocation
of licence or
authorisation

- (a) been convicted of an offence under this Act or of an offence relating to the operations of the tourist enterprise;
- (b) contravened or failed to comply with the provisions of this Act, any regulations made hereunder or any directives issued under this Act;
- (c) contravened or failed to comply with any of the terms and conditions under which the tourist enterprise was to be established, maintained or operated;
- (d) failed to pay the appropriate fee for the licence or authorisation; or
- (e) obtained the licence or authorisation by fraud, deliberate misrepresentation or other illegal means;

it may revoke the licence or authorisation of such tourist enterprise.

(2) Before revoking the licence or authorisation under subsection (1), the Board shall—

- (a) inform the tourist enterprise in writing of the grounds upon which it is proposed to revoke the licence or authorisation; and
- (b) give the tourist enterprise a reasonable time in which to make written representations.

(3) The Board shall not revoke any licence or authorisation under subsection (1) unless it is satisfied that—

- (a) the offence, contravention or failure referred to in paragraph (a), (b) or (c) of subsection (1) is of a serious nature or was committed in circumstances of a serious nature; or

- (b) the tourist enterprise, its manager or servant has previously been guilty of a similar offence, contravention or failure;

and that it is in the interest of tourism in Zambia that the licence or authorisation be revoked.

Offences
and
penalties

24B. Any person who—

- (a) being required by or under this Act to keep any register, fails to keep such register or, with intent to mislead, makes any entry in such register which is false in a material particular; or
- (b) being required by or under this Act to furnish any return or information to the Board, refuses or fails to furnish such return or information or, with intent to mislead, furnishes any return or information which is false in any material particular; or
- (c) knowingly obstructs the Board in the performance of its functions;

shall be guilty of an offence and shall be liable upon, conviction, to a fine not exceeding one thousand kwacha or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.
