

Zambia

Tourism Act, 1979

Chapter 155

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Zambia

Tourism Act, 1979

Chapter 155

Commenced on 31 December 1979

[This is the version of this document at 31 December 1996.]

[Repealed by [Tourism and Hospitality Act, 2007 \(Act 23 of 2007\)](#) on 8 February 2008]

[Act No. 29 of 1979; 22 of 1985; 13 of 1994]

An Act to provide for the establishment of the Zambia National Tourist Board for the purpose of developing and promoting tourism; to provide for the licensing of tourist enterprises; and to provide for matters connected with or incidental to the foregoing.

Part I – Preliminary

1. Short title

This Act may be cited as the Tourism Act.

2. Interpretation

In this Act, unless the context otherwise requires—

"**authorisation**" means the written consent of the Board;

"**Board**" means the Zambia National Tourist Board established under section three;

"**Chairman**" means the chairman of the Board;

"**Managing Director**" means the Managing Director appointed under section nine;

"**Deputy Managing Director**" means the Deputy Managing Director appointed under section ten;

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

[Cap. 153]

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

"**meeting**" means a meeting of the Board;

"**member**" means a member of the Board, and includes the Chairman;

"**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;

"**tourist manager**" means any manager appointed under section eleven.

[As amended by Act [22 of 1985](#)]

Part II – Zambia National Tourist Board

3. Establishment of Board

There is hereby established the Zambia National Tourist Board 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 to do all such acts and things as a body corporate may do by law, and as are necessary for, or incidental to, the carrying out of its functions and powers under this Act.

4. Composition of Board

- (1) The Board shall consist of the Chairman and not less than ten other members, who shall be drawn from the public and private sectors, and who shall have had proven experience, and shown capacity, in dealing with matters relating to the development and promotion of tourism, all of whom shall be appointed by the Minister.
- (2) The Permanent Secretary of the Ministry responsible for tourism, the Managing Director and the Deputy Managing Director shall be *ex officio* members.

5. Tenure of office and vacancy

- (1) Subject to the provisions of this section, members, other than *ex officio* members shall hold office for a period of three years:

Provided that the first nine members appointed shall vacate office after the expiration of one year, two years, or three years as may be specified in their respective letters of appointment.
- (2) A retiring member shall be eligible for reappointment.
- (3) On the expiration of the period for which a member is appointed, he shall continue to hold office until his successor has been appointed, but in no case shall such further period exceed three months.
- (4) The office of a member shall become vacant—
 - (a) if he is adjudged to be a mentally disordered person;
 - (b) if he is adjudged bankrupt;
 - (c) if he is lawfully detained, or his freedom of movement is restricted under any law in force in Zambia;
 - (d) if he has been sentenced to serve a term of imprisonment exceeding six months;
 - (e) if he is absent from three consecutive meetings of the Board without reasonable cause;
 - (f) upon the expiration of not less than one month's notice given in writing by the member to the Chairman of the member's intention to resign from the Board; or
 - (g) upon the expiration of not less than one month's notice given in writing to the member by the Board retiring the member from the Board.

[As amended by Act [22 of 1985](#)]

6. Procedure and meetings

- (1) Subject to the provisions of this section, the Board shall determine its own procedure.
- (2) The Board shall meet from time to time for the transaction of business at such place and time as it may decide, but not less than once in every three months.

- (3) Five members, at least one of whom shall be an *ex officio* member, shall constitute a quorum at any meeting. In the absence of the Chairman at any meeting, the members present thereat shall elect one of their number to act as Chairman.
- (4) At any meeting of the Board, the Chairman shall have a deliberative vote, and, in the event of an equality of votes, a casting vote.
- (5) The Board may act notwithstanding any vacancy in its membership.

7. Remuneration and allowances

There shall be paid to a member, other than a member who is a public officer, such remuneration or allowance as the Minister may from time to time determine.

8. Functions and powers

- (1) It shall be the general duty of the Board to promote such measures as may be necessary to achieve the maximum exploitation of Zambia's tourism potential by ensuring the provision of adequate accommodation, transport facilities and tourist services throughout Zambia.
- (2) Without prejudice to the generality of the provisions of subsection (1), the Board shall—
 - (a) carry out studies and surveys, designed to identify areas which may be declared as tourism priority areas, and prepare regional or national plans for the development and promotion of tourism in such areas;
 - (b) assist in carrying out any regional or national plan for the development and promotion of tourism;
 - (c) promote tourism in Zambia and, in the performance of such function, use such media or means as are available to create maximum awareness of Zambia's tourist attractions, and to disseminate information on tourism;
 - (d) co-ordinate the activities of agencies directly or indirectly concerned with the promotion of tourism in Zambia;
 - (e) carry out surveys and collect and compile regular statistics of tourists; and
 - (f) do such other things as are necessary for the development and promotion of tourism.
- (3) The Board shall have power, subject as herein provided, to do anything and to enter into any transaction which in its opinion is calculated to facilitate the discharge of its duties under this Act or which is incidental or conducive thereto.

Part III – Officers

9. Managing Director

- (1) Subject to the approval of the Minister, the Board shall appoint the Managing Director who shall be its chief executive officer.
- (2) Subject to the provisions of this Act, and to the general and special directions of the Board, the Managing Director may delegate any of his powers and functions under this Act to the Deputy Managing Director or to the Secretary or to any tourist manager.

[As amended by Act [22 of 1985](#)]

10. Deputy Managing Director

Subject to the approval of the Minister, the Board shall appoint the Deputy Managing Director who shall exercise such powers and, functions as may be delegated to him by the Managing Director.

11. Secretary and tourist managers

- (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.

[As amended by Act [22 of 1985](#)]

12. Other staff

Subject to the approval of the Board, the Managing Director may, at such remuneration and on such terms and conditions as he deems fit, employ other staff for the conduct of the business of the Board.

12A. Terms and conditions of officers

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.

[As amended by Act [22 of 1985](#)]

Part IV – Licensing and authorisation

13. Issue of licence or authorisation

- (1) No person shall operate as a tour operator or travel agent, and no person shall operate any tourist enterprise in Zambia unless he has previously applied to and obtained from the Board a licence or an authorisation in that behalf.
- (2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall, upon conviction, be liable to a fine not exceeding two thousand five hundred penalty units or to imprisonment for a term not exceeding twelve months, or to both; and, in addition, the court shall have power to make such other order as it shall deem necessary to give effect to the provisions of this Act.

[As amended by Act [No. 13 of 1994](#)]

14. Application for licence or authorisation

An application for a licence or an authorisation shall be in the prescribed form and shall—

- (a) describe the nature and scope of the proposed tourist enterprise to which it relates;
- (b) state the place where such tourist enterprise is to be established or carried on;
- (c) be accompanied by details and proof of the financial viability of such tourist enterprise; and
- (d) comply with such other conditions as the Board may, from time to time, prescribe.

15. Power to call for additional particulars on application

- (1) If, in the opinion of the Board, additional particulars are required of any matter contained in an application for a licence or an authorisation, it may call upon the applicant to furnish such particulars and may, in the event of failure to supply such particulars, reject such application.
- (2) In the performance of its functions under subsection (1), the Board may seek the assistance of any other authority in the supply of additional particulars on any application for a licence or an authorisation as it may deem fit.

16. Notification of lodging of application

Before considering any application for a licence or an authorisation, the Board shall cause to be published in the *Gazette* a notice of such application, giving such particulars about the applicant and the tourist enterprise for which such application is made as the Board may consider sufficient to enable an objection thereto to be made as hereinafter provided.

17. Objection to issue of licence or authorisation

- (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.
- (2) The Board may, for the purpose of considering an objection made under this section, require the objector to answer such questions or to furnish such particulars as the Board may deem necessary, and may rely for its decision on any other evidence not submitted by the applicant or the objector.

[As amended by Act [22 of 1985](#)]

18. Issue of licence or authorisation and power to reject application

- (1) If the Board is satisfied with respect to any application for a licence or an authorisation that—
 - (a) such application is made in accordance with the provisions of this Act; and
 - (b) the proposed tourist enterprise is in the interest of Zambia;it shall issue a licence or an authorisation, as the case may be, to the applicant.
- (2) If the Board rejects an application for a licence or an authorisation, or decides that there is no merit in any objection notified under section seventeen, it shall give reasons for such rejection or decision to the applicant or to the objector, as the case may be.

19. Appeal to Minister

- (1) The applicant or the objector may, if aggrieved by a decision of the Board made under section eighteen, appeal in writing to the Minister to review the decision of the Board and may tender additional evidence or further and better particulars to be taken into consideration.
- (2) A notice of appeal shall be given in writing to every party concerned and any decision made pursuant to such review shall be communicated in writing to the person at whose instance such decision is made and to every party concerned.
- (3) The Minister may, in consequence of such appeal, make any determination in respect of any licence or authorisation, and his decision thereon shall be final.

[As amended by Act [22 of 1985](#)]

20. Secrecy

- (1) Subject to the provisions of this Act, an application for a licence or an authorisation and all matters connected therewith shall be secret and shall not be communicated to any person otherwise than in the course of business.
- (2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding seven thousand five hundred penalty units or to imprisonment for a term not exceeding six months or to both.

[As amended by Act [No. 13 of 1994](#)]

21. Restriction on transfer and variation of licence or authorisation

- (1) No licence or authorisation shall be transferred or varied except with the prior approval of the Board.
- (2) The Board may, in its discretion, grant or refuse the transfer or variation of a licence or an authorisation and may, where a transfer or variation is granted, direct that the licence or authorisation be amended in such manner as the Board may deem necessary.
- (3) Where any licence or authorisation is issued to a company or association, any major change in the control of such company or association shall be deemed to be an unlawful transfer of the licence or authorisation, unless such change is notified to the Board before it takes effect and the Board gives its consent to the transfer of the licence or authorisation.
- (4) Any licence or authorisation which is transferred or varied in contravention of the provisions of this section shall be revoked by the Board.

22. Licensing of existing tourist enterprises

Every person who, at the commencement of this Act, is carrying on any tourist enterprise other than the management of an hotel, shall, within six months after such commencement, apply to the Board for a licence.

Part V – Miscellaneous

23. Incentives

The holder of a licence or an authorisation shall be eligible for such incentives as the Minister may, from time to time, by statutory order, prescribe.

24. Obligations of holder of licence or authorisation

- (1) Every holder of a licence or an authorisation who enjoys any incentives that may be provided under this Act may be required by the Board to comply with such conditions as the Minister may, by statutory order, prescribe; and, without derogation from the generality of the foregoing, such conditions may require a holder of a licence or an authorisation to—
 - (a) submit to the Board, at the end of his financial year, an audited financial statement relating to his operation;
 - (b) submit to the Board, at the end of his financial year, production and cost accounts of his operation;
 - (c) submit to the Board, at the end of his financial year, an annual report outlining developments within the tourist enterprise to which his licence relates;
 - (d) submit to the Board a report advising it of plans for any significant changes within the tourist enterprise;
 - (e) produce and allow the inspection on his premises of records and statements relating to the tourist enterprise;
 - (f) allow the inspection of plant and offices relating to the tourist enterprise;
 - (g) allow investigations and interviews with, or on behalf of, the Board regarding any matter provided for under this Act; and
 - (h) adhere to any plans, programmes or other reports submitted to the Board.
- (2) The Board may withdraw any incentives granted under this Act for failure to comply with any provisions of any order made by the Minister under this section:

Provided that a holder of a licence or an authorisation who is aggrieved by the decision of the Board may appeal to the Minister to review such decision.

[As amended by Act [22 of 1985](#)]

24A. Revocation of licence or authorisation

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

24B. Offences and penalties

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 two thousand five hundred penalty units or to imprisonment for a term not exceeding one year, or to both.

[As amended by Act 22 of 1985 and No. 13 of 1994]

25. Funds of Board

- (1) The funds of the Board shall consist of—
- (a) such sums as may be payable to the Board from moneys appropriated therefor by Parliament; and
 - (b) such other moneys or assets as may accrue to the Board whether in the course of its business or otherwise.
- (2) The Board shall have power to raise, upon such terms and conditions as it may determine, funds by levying fees for services rendered by the Board or by making such other financial arrangements in lieu thereof as it may deem expedient, by accepting grants or donations and by raising loans.
- (3) The funds of the Board shall be applied in meeting its expenses in carrying out its functions and exercising its powers under this Act.

26. Audit of accounts

- (1) The Board shall appoint auditors to audit the accounts of the Board annually.
- (2) The expenses of and incidental to any audit shall be paid by the Board out of its funds.

27. Annual report to National Assembly

- (1) On or before the 30th April in every year, the Board shall prepare and submit to the Minister an annual report on the exercise of its functions during that year.
- (2) The annual report shall include a balance sheet and a complete statement of revenue and expenditure duly audited and the report of the auditors and such other information as the Minister may, by notice in writing to the Board, require.

- (3) The Minister shall, not later than seven days after the first sitting of the National Assembly next after the receipt of the annual report, lay the annual report before the National Assembly.

28. Regulations

- (1) The Minister may, by statutory instrument, make regulations prescribing anything which may be prescribed under this Act and in respect of which no other prescribing authority is specified; and may, in like manner, make regulations for the better carrying out of the provisions of this Act.
- (2) Without prejudice to the generality of the provisions of subsection (1), such regulations may make provision for—
 - (a) the forms to be used for the purposes of this Act;
 - (b) the fees chargeable in respect of licences and authorisations and for any services rendered by the Board;
 - (c) the terms and conditions under which tourism may be effectively promoted, and under which any person may invest in any tourist enterprise in Zambia;
 - (d) the control of tourism and hotel development in Zambia;
 - (e) the terms and conditions under which any person may establish, maintain or operate any tourist enterprise;
 - (f) the declaration of tourism development priority areas, especially in economically depressed areas of Zambia, for the promotion of tourism therein; and
 - (g) generally, the efficient development and promotion of the tourist industry in Zambia.