

TOURISM ACT 72 OF 1993

(Afrikaans text signed by the State President)

[Assented To: 17 June 1993]

[Commencement Date: 1 September 1993]

as amended by:

Tourism Amendment Act 105 of 1996

Tourism Amendment Act 8 of 2000

Tourism Second Amendment Act 70 of 2000

ACT

To make provision for the promotion of tourism to and in the Republic; the further regulation and rationalization of the tourism industry; measures aimed at the maintenance and enhancement of the standards of facilities and services hired out or made available to tourists; and the co-ordination and rationalization, as far as practicable, of the activities of persons who are active in the tourism industry; with a view to the said matters to establish a board with legal personality which shall be competent and obliged to exercise, perform and carry out certain powers, functions and duties; to authorize the Minister to establish a grading and classification scheme in respect of accommodation establishments, the membership of which shall be voluntary; to authorize the Minister to establish schemes for prescribed sectors of the tourism industry, the membership of which shall be voluntary; to make provision for the registration of tourist guides; to prohibit any person to act for gain as a tourist guide unless he has been registered as a tourist guide in terms of the Act; to authorize the Minister to make regulations; and to provide for matters connected therewith.

ARRANGEMENT OF SECTIONS

- [1. Definitions](#)
- [2. Establishment of South African Tourism Board](#)
- [3. Object of board](#)
- [4. Constitution of board](#)
- [5. Persons who are disqualified from being members of board](#)
- [6. Vacation of office by members of board](#)
- [7. Period of office of members of board, and filling of vacancies](#)
- [8. Meetings and decisions of board](#)
- [9. Committees of board](#)
- [10. Delegation of powers, functions and duties](#)
- [11. Remuneration of members of board or committees](#)

- 12. Remuneration and other service benefits of employees of board
- 13. Powers of board
- 13A. Relationship of board with Department
- 13B. Relationship between board and provinces
- 14. Accountability
- 15. Annual report
- 16. Funds of board
- 17. Submission of balance sheet, statement of income and statement of source and application of funds of board
- 17A. Powers of board to transfer assets to bodies responsible for tourism in provinces
- 18. Minister may establish grading and classification scheme in respect of accommodation establishments
- 19. Minister may establish schemes in respect of certain prescribed sectors of tourism industry

- 20. National Registrar of Tourist Guides
- 21. Provincial Registrars of Tourist Guides
- 21A. Procedure relating to registration of tourist guides
- 21B. Competence
- 21C. Code of conduct and ethics
- 21D. Complaints
- 21E. Action by Provincial Registrar regarding disqualification of tourist guide
- 21F. Disciplinary measures
- 21G. Appeals and reviews
- 21H. Prohibitions
- 21I. Disputes
- 22. Duty of seller of travelling facilities to destinations in foreign countries
- 23. Declaration of interests
- 24. Transitional provisions
- 25. Power of board to inspect any accommodation establishment if requested to do so
- 26. Regulations
- 27. Promotion of legislation relating to tourism industry
- 28. Offences and penalties
- 28A. Application of Act
- 29. Repeal of laws
- 30. Short title and commencement

Schedule - Laws repealed

- 1. Definitions

In this Act, unless the context otherwise indicates -

“accommodation establishment” means any place in or upon which the business of providing accommodation with or without meals is conducted for gain;

“board” means the South African Tourism Board mentioned in [section 2](#);

“committee” means a committee mentioned in [section 9](#);

“Department” means the Department of Environmental Affairs and Tourism;
[Definition of “Department” inserted by s. 1 of Act 105/96]

“financial year” means the period from 1 April in any year to 31 March in the ensuing year;

“insignia”, in relation to any accommodation establishment, means the depictions, signs and symbols which by themselves or in conjunction with one another, and together with the emblem of the board, indicate the grading which has been awarded, in terms of the scheme mentioned in [section 18](#), in respect of the establishment, the category to which the establishment belongs and the nature of the services and facilities offered and provided by the establishment, and which makes known the fact that the board has awarded the grading;

“Minister” means the Minister of Environmental Affairs and Tourism;
[Definition of “Minister” substituted by s. 1 of Act 105/96]

“National Registrar” means the National Registrar of Tourist Guides mentioned in [section 20\(1\)](#);
[Definition of “National Registrar” inserted by s. 1 of Act 70/2000]

“prescribe” means prescribe by regulation;

“Provincial Registrar” means a Provincial Registrar of Tourist Guides mentioned in [section 21](#);
[Definition of “Provincial Registrar” inserted by s. 1 of Act 70/2000]

“this Act” includes any regulation made under [section 26](#);

“tourism industry” means the organized industry which is concerned with the promotion and handling of tours to and in the Republic, and the provision of services and facilities to and the provision for the needs of persons who undertake such tours, in the preparation for such tours, while they are under way and during their stay at their destinations;

“tourist guide” means any person who for reward, whether monetary or otherwise, accompanies any person who travels within or visits any place within the Republic and who furnishes such person with information or comments with regard to any matter.

2. Establishment of South African Tourism Board

There is hereby established a juristic person which shall be known as the South African Tourism Board.

3. Object of board

The object of the board shall be, with due regard to the sustainability of environmental resources, to promote tourism by encouraging persons to undertake travels to and in the Republic, and with a view thereto -

- (a) to take measures in order to ensure that services which are rendered and facilities which are made available to tourists comply with the highest attainable standards;
- (b) to manage information and conduct research relating to tourism; and
- (c) to advise the Minister on tourism policy, either of its own volition or when requested to do so by the Minister.

[S. 3 substituted by s. 2 of Act 105/96]

4. Constitution of board

- (1) The board shall consist of not fewer than nine and not more than 15 members, who shall be appointed by the Minister in terms of subsection (2).

[Sub-s. (1) substituted by s. 1 of Act 8/2000]

- (2) (a) The Minister shall appoint as members of the board not fewer than nine persons who are, by virtue of their knowledge of or present or potential active involvement in the tourism industry, fit to serve on the board.

[Para. (a) substituted by s. 1 of Act 8/2000]

- (b)

[Para. (b) deleted by s. 1 of Act 8/2000]

- (c) The Minister may appoint one officer of the Department to represent the Department on the board.

- (d) The Minister shall, before he or she appoints a member of the board (except the member referred to in paragraph (c)), by notice in the *Gazette* invite all interested persons to submit to him or her, within the period mentioned in the notice, the names of persons who in the opinion of such interested persons are fit to be so appointed, stating the grounds upon which such opinion is based.

[Para. (d) substituted by s. 1 of Act 8/2000]

- (3) The Minister shall appoint one member of the board as chairperson and another member as vice-chairperson of the board.
- (4) If the chairperson is for any reason unable to act as chairperson the vice-chairperson shall perform the functions of the chairperson.

(5)

[Sub-s. (5) deleted by s. 1 of Act 8/2000]
[S. 4 substituted by s. 3 of Act 105/96]

5. Persons who are disqualified from being members of board

No person shall be appointed as a member of the board -

- (a) if he is an unrehabilitated insolvent;
- (b) if he was at any time, within the Republic or elsewhere, convicted of an offence and was sentenced to imprisonment without the option of a fine;
- (c) if he is not a South African citizen and is not permanently resident within the Republic;
- (d) if he or she holds any office of profit under the Republic or is a member or employee of any local government body: Provided that this paragraph shall not apply to the person referred to in [section 4](#) (2) (c).

[Para. (d) added by s. 4 of Act 105/96]

6. Vacation of office by members of board

- (1) A member of the board shall vacate his office if -
 - (a) any of the circumstances which preclude his appointment to the board becomes applicable to him;
 - (b) he fails to comply with a condition of his appointment;
 - (c) he is absent from three consecutive meetings of the board, without the consent of the chairperson;
 - (d) he submits his resignation in writing to the Minister.
- (2) The Minister may at any time terminate the membership of a member of the board if there are in the opinion of the Minister sufficient reasons for doing so.

7. Period of office of members of board, and filling of vacancies

- (1) Any member of the board shall, subject to the provisions of [section 6](#), hold office for such period, but not exceeding three years, as the Minister may determine at the time of his appointment.
- (2) If for any reason the office of a member of the board becomes vacant the Minister may appoint any person as a member of the board for the unexpired portion of the period of office concerned.
- (3) Any person whose period of office has expired shall be eligible for reappointment.

8. Meetings and decisions of board

- (1) The first meeting of the board shall be held at a time and place determined by the chairperson, and thereupon the board shall meet at such times and places as may be determined by the board from time to time, but the board shall meet at least twice in a year.
- (2) The chairperson may at any time, either of his or her own volition or at the written request of not fewer than five members of the board, convene an extraordinary meeting of the board, which shall be held at the time and place determined by the chairperson.
[Sub-s. (2) substituted by s. 5 of Act 105/96 and s. 2 of Act 8/2000]
- (3) A notice whereby an extraordinary meeting of the board is convened shall state the purpose of that meeting.
- (4) The quorum for a meeting of the board shall be a majority of all its members.
- (5) If both the chairperson and the vice-chairperson are absent from a meeting of the board, the members present shall elect one of their number to preside at that meeting.
- (6) The person who presides at a meeting of the board shall determine the procedure to be followed at that meeting.
- (7) The decision of a majority of the members present at a meeting of the board shall constitute a decision of the board, and in the event of an equality of votes on any matter, the person presiding at the meeting shall in addition to his deliberative vote have a casting vote.
- (8) No decision taken by or act performed on the authority of the board shall be invalid merely because of a casual vacancy on the board or because any person who was not entitled to sit

as a member of the board, sat as such a member at the time when the decision was taken or the act was authorised, provided the decision was taken or the act was authorized by a majority of the members of the board who were then present and were entitled to sit as members.

9. Committees of board

- (1) The board may, with the approval of the Minister, establish such committees as it may deem necessary for the exercise of its powers, the performance of its functions and the carrying out of its duties.
- (2) A committee of the board shall consist of such number of members as may be determined by the board.
- (3) A committee shall consist of members of the board, or of members of the board as well as other persons.
- (4) The board may at any time dissolve a committee.

10. Delegation of powers, functions and duties

- (1) The board may delegate to any committee or, with the concurrence of the Minister, and subject to such conditions and limitations as he may determine, an employee of the board, any power, function or duty assigned to or conferred or imposed upon the board in terms of this Act.
- (2) The delegation of a power, function or duty under subsection (1) shall not preclude the exercise of that power, the performance of that function or the carrying out of that duty by the board.

11. Remuneration of members of board or committees

A member of the board or any committee shall be paid out of the funds of the board such remuneration and allowances as may be determined by the Minister with the concurrence of the Minister of Finance.

12. Remuneration and other service benefits of employees of board.

The board may pay or render available to persons in its employment such remuneration, allowances, bonuses, subsidies and pension and other service benefits as may be determined by

the board with the approval of the Minister granted with the concurrence of the Minister of Finance.

13. Powers of board

The board may in order to achieve its object mentioned in [section 3](#) -

- (a) with the approval of the Minister hire, purchase or acquire immovable property, and hire out, sell or otherwise dispose of immovable property of the board;
- (b) negotiate or co-operate with any government, provincial administration or local government, the Board for Public Resorts referred to in section 1 of the Extension of the Public Resorts Ordinance Act (Transvaal) (House of Assembly), 1990 (Act No. 105 of 1990), any other board established in terms of any law, or any other board or person, in the Republic or elsewhere, with regard to any matter which is directly or indirectly aimed at the achievement of the object of the board;
- (c) with the approval of the Minister, which may be granted either in respect of a particular case or generally, enter into agreements with a similar body, within the Republic or elsewhere, for the promotion of tourism in the respective areas for which the board and that body have been established;
- (d) open and conduct offices, in the Republic or elsewhere, which may be necessary or advisable for the effective and proper exercise of its powers, the performance of its functions and the carrying out of its duties;
- (e) with the approval of the Minister, granted with the concurrence of the Minister of Finance, borrow money from a money-lender, in the Republic or elsewhere;
- (f) insure itself against any loss, damage or risk which it may suffer or incur;
- (g) open and conduct banking accounts;
- (h) draw up, make, publish and sell or make available free of charge, books, guides, maps, publications, photographs, films, videos and similar matter, intended to inform persons, in the Republic or elsewhere, of attractions in the Republic;
- (i) gather, evaluate and process information relating to tourism in the Republic, and make it available to persons who are engaged in the tourism industry;
- (j) give advice and guidance to all persons who are engaged in the tourism industry;

- (k) with a view to the effective marketing of and the provision of information relating to any service, facility or product offered in connection with tourism, determine such informative and distinguishing signs as the board may deem fit, and may make such signs known by means of any of the publicity material referred to in paragraph (h);
- (l)
[Para. (l) deleted by s. 6 of Act 105/96]
- (m) employ persons who are necessary for the exercise of the powers, the performance of the functions and the carrying out of the duties of the board;
- (n) negotiate and co-operate with any educational institution with a view to the institution, continuation or expansion of courses for the training of persons so as to equip them for the performance of any work with regard to the tourism industry;
- (o) make provision for the payment of pecuniary benefits to employees and former employees of the board and to the dependants of employees and former employees of the board in the case of the death or injury of such employees which occurs or occurred while they perform or performed their work as employees of the board;
- (p) perform any act which may contribute towards the achievement of the object of the board.

13A. Relationship of board with Department

In the exercise of its powers, the performance of its functions and the carrying out of its duties the board shall -

- (a) co-operate closely with the Department in order to realise the object of the board and to promote efficiency by eliminating a duplication of their functions and activities; and
- (b) through the agency of the Department, liaise with other State departments.

[S. 13A inserted by s. 7 of Act 105/96]

13B. Relationship between board and provinces

- (1) The chairperson of the board shall submit a copy of the minutes of every meeting of the board to the member of the executive council in every province responsible for tourism.
- (2) The board shall in consultation with every member of the executive council contemplated in subsection (1) determine procedures and programmes to promote and maintain a sound working relationship between the board and the various provinces.

[S. 13B inserted by s. 3 of Act 8/2000]

14. Accountability

- (1) The chairperson of the board shall be the accounting officer of the board and he shall be charged with the accountability in respect of all moneys received, and all payments made, by the board.
- (2) The accounting officer shall -
 - (a) keep full and correct record of all money received or spent by the board, and of the assets, liabilities and financial transactions of the board;
 - (b) as soon as possible, but not more than three months after the end of the financial year of the board, draw up annual financial statements, which shall, with appropriate details, show money received by the board and expenditure incurred by the board and its assets and liabilities at the end of the financial year concerned.
- (3) The records and annual financial statements mentioned in subsection (2), shall be audited by the Auditor-General.

15. Annual report

The board shall once in every year submit to the Minister a report on its affairs and activities during the preceding financial year.

16. Funds of board

- (1) The funds of the board shall consist of -
 - (a) money appropriated by Parliament for the purpose;
 - (b) income derived in terms of the provisions of this Act;
 - (c) donations or contributions received by the board from any source.
- (2) Subject to the provisions of subsection (4) the board shall use its funds to defray expenditure incurred in connection with the exercise of its powers, the performance of its functions and the carrying out of its duties in accordance with the appropriate statement of its estimated income and expenditure mentioned in subsection (3), as approved by the Minister: Provided that the board -

- (a) may use any amount or part of an amount which is in accordance with such statement required to be used in connection with a particular matter, for any other purpose in connection with the performance of its functions;
 - (b) shall notwithstanding the provisions of paragraph (a) use donations and contributions contemplated in subsection (1) (c) in accordance with the conditions, if any, imposed by the donor or contributor.
- (3) (a) The board -
- (i) shall in every financial year before or on the date determined by the Minister, either generally or in respect of a particular financial year, submit a statement of its estimated income and expenditure during the ensuing financial year; and
 - (ii) shall in respect of additional expenses in connection with its functions in any financial year, submit a supplementary statement of its estimated expenses in respect of that financial year,
- to the Minister for his approval, granted with the concurrence of the Minister of Finance.
- (b) The board shall not incur any expenditure which may cause the total amount approved under paragraph (a) to be exceeded.
- (4) The board may invest with the Corporation for Public Deposits established by section 2 of the Corporation for Public Deposits Act, 1984 (Act No. 46 of 1984), or in any other manner determined by the Minister with the concurrence of the Minister of Finance, any unexpended portion of its funds.

17. Submission of balance sheet, statement of income and statement of source and application of funds of board

The board shall as soon as possible after the end of a financial year after completion of the annual audit submit the following to the Minister, namely -

- (a) an audited balance sheet;
- (b) an audited statement of income;
- (c) an audited statement of the source and application of its funds.

17A. Powers of board to transfer assets to bodies responsible for tourism in provinces

The board may, in consultation with the Minister and with the concurrence of the Minister of Finance, transfer such of its assets to bodies responsible for tourism in the provinces as may, with regard to the reasonable requirements of those bodies, be necessary to establish or improve their capacity to promote tourism to and within their respective provinces.

[S. 17A inserted by s. 8 of Act 105/96]

18. Minister may establish grading and classification scheme in respect of accommodation establishments

- (1) The Minister may upon the recommendation of the board, with a view to the maintenance or enhancement of the standards and the quality of facilities and services rendered or made available by persons conducting accommodation establishments, establish a grading and classification scheme in respect of accommodation establishments.
- (2) The Minister may for the purposes of the application of a scheme apply any basis of differentiation which he may deem fit, and may classify accommodation establishments into different classes on the ground of, *inter alia*, the nature, extent, variety, availability and quality of the facilities and services rendered or made available by such establishments.
- (3) The Minister may, if it is in his view necessary for the proper conduct or continuation of an effective grading and classification scheme, or to keep abreast with developments in the tourism industry, from time to time amend the provisions of such a scheme.
- (4) The acquisition, continuation and termination of membership of a scheme shall be governed by the provisions of the scheme.
- (5) The board shall in respect of any accommodation establishment classified and graded in terms of a scheme referred to in subsection (1) grant authority to the person conducting the establishment to use and display in respect of that establishment the prescribed insignia, which shall include a depiction or depictions of a star or a number of stars which indicate the grading awarded in respect of that establishment in terms of the scheme.
- (6) The board shall keep a record of all persons conducting accommodation establishments and who are members of a grading and classification scheme, and of all establishments graded and classified in terms of such a scheme.

19. Minister may establish schemes in respect of certain prescribed sectors of tourism industry

- (1) The Minister may in respect of any prescribed sector of the tourism industry, other than accommodation establishments, on the recommendation of the board and after consultation with persons who are active in such sector, establish schemes with a view to the

maintenance or enhancement of the standards of services or facilities rendered or made available by persons who are active in that sector.

- (2) The provisions of [section 18](#) (2), (3) and (4) shall *mutatis mutandis* apply in respect of services and facilities comprising the sector referred to in subsection (1).
- (3) If the Minister intends to establish a scheme in terms of subsection (2) for any sector which involves the functions assigned to another Minister in terms of any law, he shall establish such scheme with the concurrence of such other Minister.

20. National Registrar of Tourist Guides

- (1) The Minister shall appoint a suitably qualified officer in the Department as the National Registrar of Tourist Guides and publish his or her name in the *Government Gazette*.
- (2) The National Registrar shall-
 - (a) maintain a central database of all tourist guides registered by Provincial Registrars in terms of [section 21A](#);
 - (b) prepare a code of conduct and ethics for tourist guides in accordance with [section 21C](#);
 - (c) hear and determine appeals lodged under [section 21G](#);
 - (d) monitor trends in the tourist guiding sector by conducting research and analysis;
 - (e) publish or otherwise disseminate information about tourist guides, associations of tourist guides and any other information to promote and develop the tourist guiding sector nationally;
 - (f) liaise with the board, Provincial Registrars, tourist guides, associations of tourist guides, education and training authorities, the South African Police Service, the Consumer Council, the provincial consumer affairs bodies and any other person or organisation to-
 - (i) facilitate the growth and development of the tourist guiding sector;
 - (ii) improve and maintain standards in the tourist guiding sector; and
 - (iii) co-operate on matters of mutual interest in the tourist guiding sector; and

- (g) review the regulations relating to tourist guides made under [section 26](#) and recommend amendments thereof to the Minister.

[S. 20 substituted by s. 2 of Act 70/2000]

21. Provincial Registrars of Tourist Guides

- (1) The Member of the Executive Council responsible for tourism in each province shall appoint a suitably qualified officer in the province as the Provincial Registrar of Tourist Guides for that province and publish his or her name in the Provincial *Gazette*.
- (2) A Provincial Registrar shall-
 - (a) for the purposes of [section 21A](#), keep a register of tourist guides within the province concerned and shall-
 - (i) record in the register the prescribed particulars with regard to each registered tourist guide;
 - (ii) delete from the register the particulars of any tourist guide whose registration has been withdrawn;
 - (iii) make the prescribed endorsement against the name of any tourist guide whose registration has been suspended; and
 - (iv) inform the National Registrar of anything done in terms of subparagraph (i), (ii) or (iii);
 - (b) publish or otherwise disseminate information about registered tourist guides within the province and associations of tourist guides and any other information to promote and develop the tourist guiding sector within the province;
 - (c) promote and develop the tourist guiding sector within the province in any manner other than as contemplated in paragraph (b);
 - (d) deal with complaints lodged under [section 21D](#);
 - (e) act in accordance with [section 21E](#) when a tourist guide becomes subject to any disqualification mentioned in [section 21A\(3\)](#); and
 - (f) exercise disciplinary powers in accordance with [section 21F](#).
- (3) The registration of a tourist guide by a Provincial Registrar in terms of subsection (2) shall be valid in all the provinces of the Republic.

[S. 21 substituted by s. 3 of Act 70/2000]

21A. Procedure relating to registration of tourist guides

- (1) Any person who wishes to be registered as a tourist guide shall apply to any Provincial Registrar in the prescribed manner, and the application shall be accompanied by the prescribed registration fee.
- (2) No person shall be registered as a tourist guide in terms of this Act unless he or she shows proof of the competence contemplated in [section 21B](#).
- (3) No person shall be registered as a tourist guide in terms of this Act if he or she-
 - (a) is within the Republic or elsewhere convicted of an offence and is sentenced to imprisonment without the option of a fine;
 - (b) loses his or her South African citizenship or right of permanent residence or work permit in the Republic;
 - (c) has failed to pass the prescribed quality assurance process that a tourist guide shall complete not later than two years after the date of his or her last registration.
- (4) If the Provincial Registrar is satisfied that the applicant complies with the competence for registration as a tourist guide and that the applicant is not subject to any disqualification mentioned in subsection (3), he or she shall register the applicant as a tourist guide.
- (5) When the Provincial Registrar registers any person as a tourist guide, he or she shall issue to that person a registration certificate and a badge, which shall be in the prescribed form.
- (6)
 - (a) Registration as a tourist guide shall be valid for a period of two years, reckoned from the date of issue of the registration certificate.
 - (b) Any person registered as a tourist guide may before the end of the period for which he or she has been registered, apply to the Provincial Registrar on the prescribed form for the renewal of his or her registration as a tourist guide in respect of the ensuing period of two years, and if the person so applies for the renewal of his or her registration, his or her registration shall upon the payment of the prescribed fee be renewed, unless he or she has become subject to any of the disqualifications mentioned in subsection (3) since the previous registration or renewal of registration.
- (7) If a tourist guide has since his or her registration acquired a competence contemplated in [section 21B](#) in a prescribed field of specialisation or an additional competence within a field of specialisation the Provincial Registrar shall, on the application of the tourist guide

made in the prescribed manner, accompanied by the prescribed fee, issue to the tourist guide a new registration certificate reflecting that competence and also a new badge, which shall be in the prescribed form.

- (8) (a) Subject to paragraphs (b) and (c), the Provincial Registrar may refuse to approve an application for registration as a tourist guide if the applicant's registration was withdrawn on the grounds of misconduct in terms of [section 21F](#) at any time within the period of three years preceding the date of application.
- (b) If the Provincial Registrar is contemplating a refusal under paragraph (a), he or she shall, by notice sent by registered post or any other effective method, inform the applicant of the possible refusal and the reason therefor and call upon the applicant to submit such representations in connection therewith as he or she may wish to make, within a period specified in the notice, which, in any case, may not be fewer than 30 days from the date of the notice.
- (c) Before the Provincial Registrar decides on an application under this subsection, he or she shall consider the representations, if any, made by the applicant in accordance with paragraph (b).

[S. 21A inserted by s. 4 of Act 70/2000]

21B. Competence

The competence mentioned in [section 21A](#)(2) shall be determined by the South African Qualifications Authority established by the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995), in either unit standards or national qualifications, to meet the objectives of the National Qualifications Framework defined in the said Act.

[S. 21B inserted by s. 4 of Act 70/2000]

21C. Code of conduct and ethics

- (1) The National Registrar shall in the prescribed manner, after consultation with the Member of the Executive Council referred to in [section 21](#)(1), the Provincial Registrars, stakeholder groupings and the Minister of Transport, prepare and publish a code of conduct and ethics with which all registered tourist guides shall comply.
- (2) The code of conduct and ethics shall include provisions requiring of a tourist guide to take all reasonable steps to ensure the safety of a tourist whom the tourist guide is accompanying and requiring the tourist guide to render to the tourist services of an acceptable standard.

[S. 21C inserted by s. 4 of Act 70/2000]

21D. Complaints

- (1) (a) Any person may lodge a complaint with a Provincial Registrar if a person is acting as a tourist guide in contravention of [section 21H](#)(1), (2) or (4).
- (b) The Provincial Registrar shall, if the complaint discloses an offence, lay a charge with the South African Police Service.
- (c) In the case of a contravention of [section 21H](#)(2), the Provincial Registrar shall consider taking steps in accordance with [section 21E](#).
- (2) (a) Any person may lodge a complaint with a Provincial Registrar regarding the misconduct of a tourist guide.
- (b) The Provincial Registrar shall, if the complaint discloses-
 - (i) a contravention of this Act or any other law constituting an offence, lay a charge with the South African Police Service and take steps in accordance with [section 21F](#);
 - (ii) misconduct not constituting an offence, including a contravention of the code of conduct and ethics contemplated in [section 21C](#), take steps in accordance with [section 21F](#).
- (3) (a) Any person may lodge a complaint with a Provincial Registrar regarding a contravention of [section 21H](#)(3) or (5).
- (b) The Provincial Registrar shall, if the complaint discloses an offence, lay a charge with the South African Police Service.
- (4) The Provincial Registrar concerned shall within 14 days report to the National Registrar in writing on the result of any case dealt with in terms of subsection (1), (2) or (3).
[S. 21D inserted by s. 4 of Act 70/2000]

21E. Action by Provincial Registrar regarding disqualification of tourist guide

- (1) If a Provincial Registrar has reason to believe that a tourist guide has become subject to any disqualification mentioned in [section 21A](#)(3), the Provincial Registrar shall by notice, sent by registered post or any other effective method, inform the tourist guide of the allegations against him or her and call upon that tourist guide to submit such representations in connection therewith as he or she may wish to make, within a period specified in the notice, which, in any case, may not be fewer than 30 days from the date of the notice.

- (2) The notice shall direct the attention of the tourist guide to the possibility of his or her registration as a tourist guide being withdrawn.
- (3) If the tourist guide requests the Provincial Registrar to be allowed to present his or her case personally before the Provincial Registrar, the Provincial Registrar shall grant such request.
- (4) Where the tourist guide personally presents his or her case in terms of subsection (3), he or she may be assisted by an adviser of his or her choice.
- (5) If, after considering the allegations against the tourist guide and his or her representations, if any, the Provincial Registrar is satisfied that one or more of the disqualifications mentioned in [section 21A](#)(3) are applicable, the Provincial Registrar shall withdraw the person's registration as a tourist guide.
- (6) The Provincial Registrar may by the notice referred to in subsection (1) suspend, for a period not exceeding 30 days, the registration of the tourist guide concerned, pending the decision of the Provincial Registrar under subsection 15): Provided that before the decision to suspend the registration of the tourist guide is taken, he or she shall be afforded an opportunity to make representations to show why the registration should not be suspended.
- (7) The provisions of subsections (3) and (4) are applicable to any proceedings for the suspension of the registration of a tourist guide under subsection (6).
- (8) If the registration of a tourist guide is suspended in terms of subsection (6), the Provincial Registrar shall make the prescribed endorsement in the register against the name of the tourist guide.
- (9) The Provincial Registrar shall cause the names of persons whose registration has been withdrawn under this section to be published in the Government *Gazette* and in at least one newspaper that circulates in the province concerned.

[S. 21E inserted by s. 4 of Act 70/2000]

21F. Disciplinary measures

- (1) A Provincial Registrar who has reason to believe that a tourist guide is guilty of misconduct by-
 - (a) contravening a provision of this Act or any other law;
 - (b) contravening the code of conduct and ethics contemplated in [section 21C](#); or
 - (c) failing to comply with any condition subject to which he or she has been registered,

shall institute an investigation or cause an investigation to be instituted and, if satisfied that there is substance to such belief, by notice, sent by registered post or any other effective method, inform the tourist guide of the charge against him or her and call upon that tourist guide to submit such representations in connection therewith as he or she may wish to make, within a period specified in the notice, which, in any case, may not be fewer than 30 days from the date of the notice.

- (2) The notice shall direct the attention of the tourist guide to the possible penalties mentioned in subsection (5).
- (3) If the tourist guide requests the Provincial Registrar to be allowed to present his or her case personally before the Provincial Registrar, the Provincial Registrar shall grant such request.
- (4) Where the tourist guide personally presents his or her case in terms of subsection (3), he or she may be assisted by an adviser of his or her choice.
- (5) If, after considering the charge against the tourist guide and his or her representations, if any, the Provincial Registrar is satisfied that the tourist guide is guilty of the charge of which he or she is accused, the Provincial Registrar may-
 - (a) issue a warning to the tourist guide;
 - (b) impose the prescribed fine, which may not exceed R1 000, on the tourist guide; or
 - (c) withdraw the registration as a tourist guide for such period, not exceeding five years, as the Provincial Registrar may determine.
- (6) The Provincial Registrar may, by the notice referred to in subsection (1), suspend, for a period not exceeding 30 days, the registration of the tourist guide concerned, pending the decision of the Provincial Registrar under subsection (5): Provided that before the decision to suspend the registration of the tourist guide is taken, he or she shall be afforded an opportunity to make representations to show why the registration should not be suspended.
- (7) The provisions of subsections (3) and (4) are applicable to any proceedings for the suspension of the registration of a tourist guide under subsection (6).
- (8) If the registration of a tourist guide is suspended in terms of subsection (6), the Provincial Registrar shall make the prescribed endorsement in the register against the name of the tourist guide.

[S. 21F inserted by s. 4 of Act 70/2000]

21G. Appeals and reviews

- (1) (a) Any person who considers himself or herself aggrieved by a decision of a Provincial Registrar, may appeal against the decision in question to the National Registrar in the prescribed manner, within the prescribed period and upon payment of the prescribed fee.
 - (b) If the appellant requests the National Registrar to be allowed to argue his or her appeal personally before the National Registrar, the National Registrar shall grant such request.
 - (c) Where the appellant personally argues his or her appeal in terms of paragraph (b), he or she may be assisted by an adviser of his or her choice.
 - (d) The National Registrar may confirm, set aside or amend the decision.
- (2) The power to determine an appeal in terms of this section is not restricted to the merits of the decision appealed against, but includes the power to review any irregularity alleged regarding the decision.

[S. 21G inserted by s. 4 of Act 70/2000]

21H. Prohibitions

- (1) No person who is not a registered tourist guide or whose registration as a tourist guide has been suspended or withdrawn, may for reward, whether monetary or otherwise, act as a tourist guide.
- (2) No person who has become subject to any disqualification mentioned in [section 21A\(3\)](#) may for reward, whether monetary or otherwise, continue to act as a tourist guide.
- (3) No person, company or close corporation may for the promotion of any business undertaking conducted by him, her or it, employ or continue to employ as a tourist guide any person who is not a registered tourist guide or whose registration as a tourist guide has been suspended or withdrawn or who has become subject to a disqualification contemplated in subsection (2).
- (4) No tourist guide may drive a vehicle with a carrying capacity of more than 10 persons and at the same time act as a tourist guide.
- (5) No person, company or close corporation employing a tourist guide may allow that tourist guide to drive a vehicle in contravention of subsection (4).

[S. 21H inserted by s. 4 of Act 70/2000]

21I. Disputes

- (1) Where a dispute or disagreement arises between the National Registrar and a Provincial Registrar concerning the performance of any of the functions contemplated in [section 21](#), [21A](#), [21C](#), [21D](#), [21E](#), [21F](#) or [21G](#), the matter shall be referred to the Director-General: Environmental Affairs and Tourism for arbitration and his or her decision shall be final.
- (2) The Director-General shall make a decision within 60 days after the date on which the matter is referred to him or her in terms of subsection (1).

[S. 21I inserted by s. 4 of Act 70/2000]

22. Duty of seller of travelling facilities to destinations in foreign countries

Any person who in the course of his business sells facilities for a journey to any destination in a foreign country shall when selling such facilities offer in the manner prescribed to the buyer thereof his assistance in order to enable such buyer to obtain insurance which would be sufficient to enable the buyer to obtain alternative travelling facilities for his return journey to the Republic in any case where the person who in terms of the agreement in question is obliged to provide such facilities should fail or should for any reason be unable to do so.

23. Declaration of interests

When the board or any committee considers any matter in which a member thereof or the spouse of a member has a pecuniary interest, that member shall disclose the nature, extent and particulars of that interest to the board or committee, as the case may be, and if such interest is a direct financial interest, such member shall not take part in the discussions of the board or the committee concerned which take place while that matter is being considered by the board or the committee.

24. Transitional provisions

- (1) Anything done by the South African Tourism Board established by section 2 of the South African Tourism Board Act, 1983 (Act No. 100 of 1983) - in this section referred to as the Tourism Board - in terms of the South African Tourist Corporation Act, 1947 (Act No. 54 of 1947), the Hotels Act, 1965 (Act No. 70 of 1965), the Tour Guides Act, 1978 (Act No. 29 of 1978), or the South African Tourism Board Act, 1983, and which could have been done by the board in terms of any provision of this Act, shall be deemed to have been done by the board in terms of the last-mentioned provision.
- (2) All assets, rights, obligations and liabilities of the Tourism Board are hereby transferred to the board.

- (3) Money in the Travel Agents Fidelity Fund established by section 30 of the Travel Agents and Travel Agencies Act, 1983 (Act No. 58 of 1983), shall at the commencement of this Act be paid over to the board, which shall deal therewith in accordance with subsection (4), and all other assets, rights, liabilities and obligations of the Travel Agents Board established by section 2 of the first-mentioned Act, shall at such commencement pass to the board.
- (4) The board shall with due regard to the liabilities and obligations which passed to it in terms of subsection (3), and after it has made provision for the satisfaction of any liability which may rest upon it in consequence of such passing, pay over the remainder of the money which passed to it in terms of this section to the persons who made contributions to the fund or shall as far as practicable apply it to their benefit.
- (5) No levy, tax, transfer duty, stamp duty or any other money imposed or levied in terms of any law in respect of the acquisition by the board of any assets, rights, liabilities or obligations shall be payable in terms of this section.

25. Power of board to inspect any accommodation establishment if requested to do so

The board may at the request of any person who conducts or intends to conduct any accommodation establishment and upon payment of the prescribed fee inspect any accommodation establishment and may issue a document in the prescribed form stating that such establishment would have complied with any relevant provisions of a scheme referred to in [section 18](#) (1) had such establishment been evaluated with reference to such provisions.

26. Regulations

- (1) The Minister may after consultation with the board make regulations in respect of any matter which may be dealt with by the Minister in terms of this Act, and in respect of anything which in his opinion may be conducive to the effective application of the provisions of this Act.

[S. 26 renumbered to 26(1) by s. 5 of Act 70/2000]

- (2) The Minister shall, within 30 days after making any regulations under this Act, table the regulations in the National Assembly and the National Council of Provinces or, if Parliament is then not in session, within 30 days after the beginning of the ensuing session of Parliament.

[Sub-s. (2) added by s. 5 of Act 70/2000]

- (3) The National Assembly and the National Council of Provinces may, within 30 days of the tabling of the regulations, submit their comments to the Minister.

[Sub-s. (3) added by s. 5 of Act 70/2000]

- (4) The Member of the Executive Council referred to in [section 21](#)(1) shall, within 30 days after the Minister made any regulations under this Act, table the regulations in the provincial legislature, and the provisions of subsections (2) and (3) shall for the purpose of this subsection apply with the necessary changes.

[Sub-s. (4) added by s. 5 of Act 70/2000]

27. Promotion of legislation relating to tourism industry

The Minister may upon the recommendation of the board promote legislation which is aimed at the promotion of the standard of any matter relating to the tourism industry, including transport and travelling services, restaurants and other similar services and facilities provided or rendered available in the Republic.

28. Offences and penalties

(1) Any person who -

- (a) professes to be a member of a grading and classification scheme referred to in [section 18](#), or of a scheme referred to in [section 19](#), while he is not such a member;
- (b) uses in relation to any accommodation establishment conducted by him any depiction or depictions of a star of stars, unless he is a member of a scheme referred to in paragraph (a);
- (c) uses in relation to any accommodation establishment conducted by him an insignia depicting a number of stars which is greater than the number which he is authorized to depict in terms of such scheme;
- (d) contravenes [section 21H](#);
- (e) fails to render his assistance as required by [section 22](#) to a buyer referred to in that section,

shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months.

[S. 28 renumbered to 28(1) by s. 6 of Act 70/2000]

- (2) Any company or close corporation that contravenes [section 21H](#)(3) or (5) shall be guilty of an offence and liable on conviction to a fine not exceeding R10 000.

[Sub-s. (2) added by s. 6 of Act 70/2000]

28A. Application of Act

This Act shall apply throughout the Republic.

[S. 28A inserted by s. N10 of Act 105/96]

29. Repeal of laws

Subject to the provisions of [section 24](#) the laws mentioned in the Schedule are hereby repealed.

30. Short title and commencement

This Act shall be called the Tourism Act, 1993, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Schedule

LAWS REPEALED

Number and year of law	Title	Extent of repeal
Act No. 54 of 1947	South African Tourist Corporation Act, 1947	The whole
Act No. 24 of 1951	South African Tourist Corporation Amendment Act, 1951	The whole
Act No. 36 of 1952	South African Tourist Corporation Amendment Act, 1952	The whole
Act No. 40 of 1960	South African Tourist Corporation Amendment Act, 1960	The whole
Act No. 93 of 1963	General Law Further Amendment Act, 1963	Sections 4, 5, 6, 7, 8 and 9
Act No. 39 of 1964	South African Tourism Corporation Amendment Act, 1964	The whole
Act No. 70 of 1965	Hotels Act, 1965	The whole
Act No. 70 of 1968	General Law Amendment Act, 1968	Section 33
Act No. 101 of 1969	General Law Amendment Act, 1969	Section 25
Act No. 17 of 1970	General Law Amendment Act, 1970	Section 6
Act No. 57 of 1975	General Law Amendment Act, 1975	Section 30

Act No. 59 of 1977	South African Tourist Corporation Amendment Act, 1977	The whole
Act No. 71 of 1977	Hotels Amendment Act, 1977	The whole
Act No. 29 of 1978	Tour Guides Act, 1978	The whole
Act No. 38 of 1979	Hotels Amendment Act, 1979	The whole
Act No. 26 of 1980	South African Tourist Corporation Amendment Act, 1980	The whole
Act No. 32 of 1982	Hotels Amendment Act, 1982	The whole
Act No. 58 of 1983	Travel Agents and Travel Agencies Act, 1983	The whole
Act No. 100 of 1983	South African Tourism Board Act, 1983	The whole
Act No. 59 of 1989	South African Tourism Board Amendment Act, 1983	The whole