The Presidency

No. 268
7 April 2014

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:

Act No. 3 of 2014: Tourism Act, 2014

Mo-Preidente

No. 268
7 April 2014

Mo go tsebiswa gore Mo-Preidente o dumetse molao o latelago, wona o tla gatiswa e le tsebiso ya kakaretso:

Nmr 3 ya 2014: Molao wa tša Boeti, 2014
To provide for the development and promotion of sustainable tourism for the benefit of the Republic, its residents and its visitors; to provide for the continued existence of the South African Tourism Board; to provide for the establishment of the Tourism Grading Council; to regulate the tourist guide profession; to repeal certain laws; and to provide for matters connected therewith.

PREAMBLE

Since tourism in South Africa has grown considerably since the country’s first democratic election;

And since inadequate, uncoordinated, inconsistent and fragmented tourism planning and information provision is the most pervasive challenge facing the development and growth of tourism in the Republic;

And since transformation is vital to ensure the sustainable growth and development of the tourism sector;

And since these challenges are best addressed through a concerted effort by all spheres of government and the private sector to work together to create an environment that is conducive to the sustainable growth, development and transformation of tourism,

Parliament of the Republic of South Africa therefore enacts as follows:—

ARRANGEMENT OF SECTIONS

Sections

CHAPTER 1

INTERPRETATION AND OBJECTS

1. Definitions
2. Objects of Act
3. Conflict with other laws and binding force of Act

CHAPTER 2

NATIONAL TOURISM SECTOR STRATEGY, NORMS AND STANDARDS, CODES OF GOOD PRACTICE

4. National tourism sector strategy
5. National tourism information and monitoring system
6. Information on tourism businesses
MOLAO

Go phethagaletša tlhabollo le kgodišo ya tša boeti tša go ya go ile bakeng sa kholego ya Rephabliki, badudi ba yona le baeti ba yona; go phethagaletša tšwetsøele ya go ba goba ga Boto ya tša Boeti ya Afrika Borwa; go phethagaletša hlango ya Khasene ya Tekanyetsø ya maemo ya tša Boeti; go laola profešene ya dihlalhi tša baeti; go phumola melao ye mengwe; mme le go phethagaletša merero ye malebana.

KETAPELE

KA GE boeti mo Afrika Borwa bo godile kudu go tloga dikgethong tša mathomo tša temokrasi;

MME LE KA GE boeti bho bo sa lekanelago, rulaganyetšwago, fapogago mme le thulaganyo ye aroganego ga mmogo le phethagaletšo ya tshedimošo e le mathata a magolo a malebana le tlhabollo le kgodišo ya tša boeti mo Rephabliki;

MME LE KA GE phetošo e le bohlokwa go netefatša kgodišo le tlhabollo ya go ya go ile lekaleng la tša boeti;

MME LE KA GE mathata a a şomega botse ka maikemišetšo a makala ka moka a mmušo le makala a poraebete go şoma mmogo go dira tikologo ye swanetšego kgolo ya go ya go ile, tlhabollo le phetogo go tša boeti,

PALAMENTE YA REPHABLIKI YA AFRIKA BORWA ka moo, e dira molao ka mo go latelago:—

DITHULAGANYO TŠA DIKAROLO

Dikarolo

KGAOLO YA 1

TLHATHOLLO LE MAIKEMIŠETŠO

1. Ditlhalošo
2. Maikemišetšo a Molao
3. Thulano le melao ye mengwe mme le maatla a go şoma ga Molao

KGAOLO YA 2

LEANO LA LEKALA LA BOSETŠHABA LA TŠA BOETI, DITLWAEDI LE MAEMO, MELAO YA MAITSHWARO A MABOTSE

4. Leano la Lekala la Bosetšhaba la tša Boeti
5. Tsela ya Bosetšhaba ya tshedimošo ya tša boeti le tekolo
6. Tshedimošo ka tša boeti le dikgwebo

(Engelse teks deur die President geteken)
(Goedgekeur op 3 April 2014)
7. Norms and standards for tourism  
8. Codes of good practice for tourism

**CHAPTER 3**

**SOUTH AFRICAN TOURISM BOARD**

9. Continued existence of South African Tourism Board  
10. Functions of Board  
11. Powers of Board  
12. Delegations and assignments by Board  
13. Composition of Board  
14. Term of office of members of Board  
15. Disqualification from membership of Board  
16. Vacation of office and filling of vacancies  
17. Remuneration of members of Board  
18. Board meetings  
19. Conduct of meetings  
20. Resolution without meeting  
21. Funds of Board  
22. Application of Public Finance Management Act to Board  
23. Committees of Board  
24. Appointment and responsibilities of chief executive officer of Board  
25. Employment contract and performance agreement of chief executive officer  
26. Resignation and dismissal of chief executive officer and appointment of acting chief executive officer  
27. Employment and remuneration policy of Board and appointment of staff

**CHAPTER 4**

**GRADING SYSTEM**

28. National grading system for tourism  
29. Establishment of Tourism Grading Council  
30. Main function of Council and oversight and accountability  
31. Composition of Council  
32. Term of office of members of Council  
33. Disqualification from membership of Council  
34. Vacation of office and filling of vacancies  
35. Remuneration of members of Council  
36. Council meetings  
37. Funds of Council  
38. Application of Public Finance Management Act to Council  
39. Committees of Council  
40. Appointment and functions of chief quality assurance officer of Council  
41. Employment contract and performance agreement of chief quality assurance officer  
42. Resignation and dismissal of chief quality assurance officer and appointment of acting chief quality assurance officer  
43. Employment and remuneration policy of Council and appointment of staff  
44. Assignment of oversight and functions of Council

**CHAPTER 5**

**TOURISM PROTECTION**

45. Designation of Tourism Complaints Officer  
46. Accreditation of scheme  
47. Duties of Tourism Complaints Officer in respect of tourists’ complaints
7. Ditlwaedi le maemo a tša boeti
8. Melao ya maithwara a maboše go tša boeti

KGAOLO YA 3

BOTO YA AFRIKA BORWA A TŠA BOETI

9. Tsweţiöpele ya Boto ya Afrika Borwa ya tša Boeti 5
10. Mešomo ya Boto
11. Maatla a Boto
12. Baromelwa le mešomo ka Boto
13. Hlamego ya Boto
14. Botelele bja nako ya go šoma ga maloko a Boto 10
15. Go tlošwa bolokong bja Boto
16. Go tlogela mošomo le go tlatsa dikgoba
17. Tefelo ya maloko a Boto
18. Dikopano tša Boto
19. Go swarwa ga dikopano
20. Tharlo a nthle le kopano
21. Sekhwama sa Boto
22. Diragatšo ya *Public Finance Management Act* go Boto 20
23. Dikomiti tša Boto
24. Thwalo le maikarabelo a mohlankedi kuduthamaga mogolo wa Boto
25. Tumellano ya thwalo le ya phethagatšo ya mošomo ya mohlankedi kuduthamaga mogolo
26. Go tlogela mošomo le go rakwa ga mohlankedi kuduthamaga mogolo le thwalo ya motswaoswere wa mohlankedi kuduthamaga mogolo
27. Pholisi ya thwalo le tefelo ya Boto le thwalo ya bašomi 25

KGAOLO YA 4

TSELA YA TEKANYETŠO YA MAEMO

28. Tselya ya botsetšhaha ya tekanyetšo ya maemo go tša boeti
29. Hlanga ya Khansele ya Tekanyetšo ya maemo ya tša Boeti
30. Mošomogolo ya Khansele le tekelo le go rwalá maikarabelo 30
31. Hlamego ya Khansele
32. Botelele bja nako ya go šoma bja maloko a khansele
33. Go tlošwa go boloko bja khansele
34. Go tlogela mošomo le go tlatsa dikgoba
35. Tefelo ya maloko a Khansele 35
36. Dikopano tša Khansele
37. Sekhwama sa Khansele
38. Diragatšo ya *Public Finance Management Act* go Khansele 40
39. Dikomiti tša Khansele
40. Thwalo le mešomo ya mohlankedi mogolo wa netefatšo ya boleng wa Khansele
41. Tumellano ya mošomo le ya phethagatšo ya mošomo ya mohlankedi mogolo wa netefatšo ya boleng
42. Go tlogela mošomo le go rakwa ga mohlankedi mogolo wa netefatšo ya boleng le thwalo ya motswaoswere wa mohlankedi mogolo wa netefatšo ya boleng 45
43. Pholisi ya thwalo le tefelo ya Khansele le thwalo ya bašomi
44. Phethagatšo ya tekelo le mešomo ya Khansele

KGAOLO YA 5

TŠHIRELETŠO YA TŠA BOETI

45. Dikgoba tša Mohlankedi wa Dingongorego tša Boeti 50
46. Netefatšo ya sekeme
47. Ditshwanelo tša Mohlankedi wa Dingongorego tša Boeti malebana le dingongorego tša baeti
CHAPTER 6

TOURIST GUIDES

48. National Registrar of Tourist Guides
49. Provincial Registrars of Tourist Guides
50. Procedure relating to registration of tourist guides
51. Competence
52. Code of conduct and ethics
53. Reporting of contraventions and lodging of complaints
54. Action by Provincial Registrar regarding disqualification of tourist guides
55. Disciplinary measures
56. Appeals and reviews
57. Prohibitions
58. Disputes

CHAPTER 7

GENERAL

59. Offences and penalties
60. Delegations and assignments
61. Regulations
62. Repeal of laws
63. Transitional provisions and savings
64. Short title and commencement

SCHEDULE 1

TRANSITIONAL PROVISIONS AND SAVINGS

1. Definitions
2. Members of South African Tourism Board
3. Grading and classification schemes established under repealed Act
4. National Registrar of Tourist Guides and Provincial Registrars of Tourist Guides
5. Tourist guides
6. Disciplinary measures, appeals, reviews and criminal proceedings
7. General

CHAPTER 1

INTERPRETATION AND OBJECTS

Definitions

1. In this Act, unless the context indicates otherwise—
   “Board” means the South African Tourism Board contemplated in section 9;
   “Consumer Protection Act” means the Consumer Protection Act, 2008 (Act No. 68 of 2008);
   “Council” means the Tourism Grading Council established by section 29;
   “Department” means the national Department responsible for tourism;
   “Director-General” means the Director-General of the Department;
   “MEC” means the member of the executive council of a province who is responsible for tourism in that province;
   “Minister” means the Cabinet member responsible for tourism;
   “National Registrar” means the National Registrar of Tourist Guides contemplated in section 48(1);
   “national tourism sector strategy” means the national tourism sector strategy contemplated in section 4;
   “organ of state” has the meaning assigned to it in section 239 of the Constitution of the Republic of South Africa, 1996;
   “prescribed” means prescribed by regulation;
7

KGAOLO YA 6

DIHLAHLI TŠA BAETI

48. Mongwadiši wa Bosetšhaba wa Dihlahli tša Baeti
49. Bangwadiši ba Diprofense ba Dihlahli tša baeti
50. Tšhepetšo malebana le ngwadišo ya dihlali tša baeti
51. Bokgoni
52. Melao ya maitshwaro le maitshwaro a mabotse
53. Go bega ditlolo tša molao le go dira dingongorego
54. Kgato ka Mongwadiši wa Profense malebana le go tšlošwa ga dihlali tša baeti
55. Magato a kgalemo
56. Boipelaetšo le ditshekaseko
57. Dithibelo
58. Dithulano

KGAOLO YA 7

KAKARETSO

59. Melato le dikotlo
60. Phetišetšo ya maatlha le mesomo
61. Melawana
62. Phumolo ya melao
63. Ditaelo tša nakwana le dipoloko
64. Thaetlele ye kopana le go thoma go šoma ga Molao

ŠETULE YA 1

DITAELO TŠA NAKWANA LE DIPOLOKO

1. Ditlhalošo
2. Maloko a Boto ya tša Boeti ya Afrika Borwa
3. Dikeme tša tekanyetšo le magoro tše hlanngwego ka tlase ga Molao wo phumotšwego
4. Mongwadiši wa Bosetšhaba wa Dihlahli tša Baeti le Mongwadiši wa Profense wa Dihlahli tša Baeti
5. Dihlahli tša baeti
6. Magato a kgalemo, boipelaetšo, ditshekaseko le ditshepetšo tša bosenyi
7. Kakaretsšo

KGAOLO YA 1

HLATHOLLO LE MAIKEMIŠETŠO

Ditlhalošo

1. Mo Molaong wo, ntle le ge tshwaraganyo e laetša ka tsela ye nngwe—“Boto” e ra Boto ya tša Boeti ya Afrika Borwa go kaorolo 9;
“Consumer Protection Act” e ra the Consumer Protection Act, 2008 (Act No. 68 of 2008);
“Khansele” e ra Khansele ya Tekanyetšo ya maemo go tša Boeti ye hlanngwego ka karolo 29;
“Kgoro” e ra kgoro ya Bosetšhaba ye nago le maikarabelo go tša boeti;
“Molaodi-kakaretsšo” e ra Molaodi-Kakaretsšo wa Kgoro;
“MEC” e ra khanele kuduthamaga a profense ye nago le maikarabelo go tša boeti profenseng yeo;
“Tona” e ra Leloko la kabinete leo le nago le maikarabelo go tša boeti;
“Mongwadiši wa Bosetšhaba” e ra Mongwadiši wa Bosetšhaba wa Dihlahli tša Baeti wo hlalošitišwe go kaorolo 48(1);
“leano la bosetšhaba la lekala la tša boeti” e ra leano la bosetšhaba la lekala la tša boeti le hlalošitišwe go karolo 4;
“Provincial Registrar” means a Provincial Registrar of Tourist Guides contemplated in section 49(1);

“Public Finance Management Act” means the Public Finance Management Act, 1999 (Act No. 1 of 1999);

“regulation” means a regulation made by the Minister under this Act;

“this Act” includes the norms and standards contemplated in section 7 and the regulations;

“Tourism Complaints Officer” means the Tourism Complaints Officer designated as such by the Minister under section 45; and

“tourist guide” means any person registered as such under section 50 and who for reward accompanies any person who travels within or visits any place within the Republic and who furnishes such person with information or comments.

Objects of Act

2. (1) The objects of this Act are to—
(a) promote the practising of responsible tourism, contemplated in subsection (2), for the benefit of the Republic and for the enjoyment of all its residents and foreign visitors;

(b) provide for the effective domestic and international marketing of South Africa as a tourist destination;

(c) promote quality tourism products and services;

(d) promote growth in and development of the tourism sector; and

(e) enhance cooperation and coordination between all spheres of government in developing and managing tourism.

(2) Responsible tourism is tourism which—
(a) seeks to avoid negative economic, environmental and social impacts;

(b) generates greater economic benefits for local people, enhances the well-being of host communities and improves working conditions and access to the tourism sector;

(c) involves local people in decisions that affect their lives;

(d) makes positive contributions to the conservation of natural and cultural heritage and to the maintenance of the world’s diversity;

(e) provides enjoyable experiences for tourists through meaningful connections with local people and a greater understanding of local cultural, social and environmental issues;

(f) provides access for physically challenged people; and

(g) is culturally sensitive, engenders respect between tourists and hosts, and builds local pride and confidence.

Conflict with other laws and binding force of Act

3. (1) In the event of any conflict between this Act and—
(a) other national legislation in force immediately prior to the date of commencement of this Act, this Act prevails if the conflict specifically concerns the management and development of tourism;

(b) provincial legislation, the conflict must be resolved in terms of section 146 of the Constitution; and

(c) a municipal by-law, this Act prevails.

(2) This Act binds all organs of state—
(a) in the national and local spheres of government; and

(b) in the provincial sphere of government, subject to section 146 of the Constitution.
"lekala la mmušo" e na le hlalošo ye filwego go karolo 239 ya Molaotheo wa Rephabliki ya Afrika Borwa, 1996;
"filwego" e ra ye filwego ka molawana;
"Mongwadiši wa Profense" e ra Mongwadiši wa Dihlahli tša Profense yo hlalošitšwego go karolo 49(1);
"Public Finance Management Act" e ra the Public Finance Management Act, 1999 (Molao 1 wa 1999);
"molawana" e ra molawana wo dirilwego ke Tona ka tlaše ga Molaow wo;
"Molaow" o akareša ditlwae di maemo ao a hlalošitšwego go karolo 7 le melawana;
"Mohlankedi wa Dingongorego tša Boeti" e ra Mohlankedi wa Dingongorego tša Boeti yo beilwego bjalo ka seo ke Tona ka tlaše ga karolo 45; mme "hlalhi ya baeti" e ra motho ofe goba ofe yo ngwadišitšwego bjalo ka seo ka tlaše ga karolo 50 mme yo a felegetša, bakeng sa kholego, motho ofe ofe ye o lego leetong mo gare ga goba a etelago lefelo lefe goba lefe mo gare ga Rephabliki mme yo neaggo motho ye tshedimošo goba diswayaswayo.

Maikemišešo a Molaow

2. (1) Maikemišešo a Molaow wo ke go—
(a) godiša tiragatső ya tša boeti ye maikarabelo, ye hlalošitšwego go karolwana (2), bakeng sa go holega ga Rephabliki mme le go thabiša badudi bya yona ka moka le beeti ba go tšwa ntle;
(b) phethagaleša tša kgodišo ya Afrika Borwa bjalo ka lefelo la beeti le phethagatšego nageng ya rena le go bodišhabatšhaba;
(c) godiša ditšweletšwa tša boeti tša boleng le ditirelo;
(d) tšvetšapele kgodišo le tšhabololo ya lekala la tša boeti; gape le go
(e) kaonafaša tšhomisano le thulaganyo magareng ga makala a mmušo tšhabolong le taolong ya tša boeti.

(2) Tša boeti tše maikarabelo ke tšeo di—
(a) ikemišedišega go phema ditlamoragompe tša ikonomi, tikologo le leagod;
(b) dirago dikholego tša ikonomi tše golo go batho ba setšhaba, di kaonafaša boitkelano bja ditikologo mme di kaonafaša le maemo a mošemo gammogo le phihlelelo go lekala la tša boeti;
(c) akareša batho ba selegae go dipheto tše amago maphele a bona;
(d) dirago ditseka tše lokilego go polešišo ya bohwa le hlakomela ya pharorologano ya lefase;
(e) phethagaleša boitemogelo bjo thabišago go baetik dikgokagano le batho ba selegae le kwešišo ye kaone ya merero ya selega ya Setsšo, leago le tikologo;
(f) phethagaleša phihlelelo go batho bao ba sa itekanelago mmeleng; mme
(g) elago hlokotšišo tša batho, di hlokaleša hlompho magareng ga baeti le bao ba etetšwego mme le go godiša boikgantšho le boitshepo.

Thulano le melao ye mengwe mme le maatla a go šoma ga Molaow

3. (1) Bakeng sa thulano efe goba efe magareng ga Molaow wo le—
(a) molao wo mongwe wo šomago pele ga go thoma go šoma ga Molaow wo, go tla šoma Molaow wo ge thulano e ama bolaodi le tšhabololo ya tša boeti;
(b) molao wa seprofense, thulano e swanteše go rarabolwa go ya ka karolo 146 ya Molaotheo; mme
(c) molao ya masepala, go šoma Molaow wo.

(2) Molaow wo tšama makala a mmušo—
(a) go makala a mmušo a bosešhaba le a selegae; mme
(b) go makala a seprofense a mmušo, go ya ka karolo 146 ya Molaotheo.
CHAPTER 2

NATIONAL TOURISM SECTOR STRATEGY, NORMS AND STANDARDS, CODES OF GOOD PRACTICE

National tourism sector strategy

4. (1) The Minister must by notice in the Gazette and after following the consultation process contemplated in subsection (3), adopt a national tourism sector strategy to promote the objects of this Act.

(2) The national tourism sector strategy must at least make provision for strategies, objectives, indicators, targets, plans, guidelines, procedures and institutional arrangements and intergovernmental coordination with provincial and local spheres of government relating to the promotion, development and transformation of tourism.

(3) Before adopting the national tourism sector strategy in terms of subsection (1), the Minister must—

(a) give notice of the proposed national tourism sector strategy in the Gazette;

(b) invite members of the public to submit to the Minister, within the period determined in the notice, written representations regarding the proposed national tourism sector strategy;

(c) take such further steps as may be necessary to bring the contents of the proposed national tourism sector strategy to the attention of interested persons; and

(d) consider any written representations received.

(4) (a) The Minister may review and, if necessary, adjust the national tourism sector strategy.

(b) Before adjusting the national tourism sector strategy the Minister must follow a consultative process and for that purpose subsection (3) applies with the changes required by the context.

(5) The Minister and relevant organs of state must give effect to the national tourism sector strategy when performing any function in terms of this Act.

National tourism information and monitoring system

5. The Minister must establish a national tourism information and monitoring system for—

(a) collecting, recording, managing, analysing and disseminating information and data on tourism; and

(b) monitoring developments and trends in tourism.

Information on tourism businesses

6. (1) The Minister may for purposes of planning, and with a view to the development and growth in the tourism sector, establish and maintain a database of information on tourism businesses.

(2) The Minister may for the purposes of subsection (1), by notice in the Gazette, determine the categories of tourism businesses that may provide information, and may in this regard determine—

(a) the period within which information is to be provided;

(b) the form and manner for providing information;

(c) the information which must be provided, which must, in relation to each tourism business, at least include—

(i) the name and form of the tourism business;

(ii) the geographical area of operation;

(iii) the nature of services, facilities or products it provides;

(iv) particulars relating to the classification and grading of the tourism business;

(v) statistics and information of the services, facilities or products it offers; and

(vi) information as to the extent it provides facilities which are accessible to people with disabilities, children and the aged;

(d) the place and manner for the submission of information, which may include submitting the information to any organ of state;

(e) any other information which may be required for the purpose of the database; and
LEANO LA LEKALA LA BOSETŠHABA LA TSA BOETI, DITLWAEO LE MAEMO, MELAO YA MAITSHWARO A MABOTSE

Leano la lekala la bosetšhaba la tša boeti

4. (1) Tona e swanetše go, ka tsebišo Kuranteng ya Mmušo mme morago ga therišano ye hlałoššiweššego go karolwana (3), loga leano la lekala la tša bosetšhaba la boeti go gošisá makemiššeto a Molao wo.
(2) Leano la lekala la bosetšhaba la tša boeti le swanetsé go phethagaletša maano, makemiššeto, ditšupeššo, diphihlelo, dithulaganyo, methalohlahli, ditšepetsé le thulaganyo tša dihlongwa le dithulaganyo tša magareng a mebšušo ka makala a mmušo a seprofense le selegae malebana le kgodišo, thhabollo le phetošo ya tša boeti.
(3) Pele go ka thoma go šomiššwa leano la bosetšhaba la tša boeti go ya ka karolwana (1), Tona e swanetsé go—
(a) nea tsebišo ya leano la lekala la bosetšhaba la tša boeti le šišintšweššo Kuranteng ya Mmušo;
(b) laletša maloko a setšhaba go romela go Tona, mo nakong ye laelwago ke tsebišo, diswayaswayo ka tsele ya lengwalo malebana le leano le bosetšhaba la lekala la tša boeti le šišintšweššo;
(c) tšea magato a go ya pele a hlokegago go tšiša merero ya leano la lekala la tša boeti le šišintšweššo bathong bao ba na nago le dikghalelegelo; mme sekaseka diswayaswayo dife goba dife šesš wa hweditsšweššo.
(4) (a) Tona a ka sekaseka mme, go go hlokega, a ka beakanyešša leano la lekala la tša boeti la bosetšhaba.
(b) Pele a beakanya leano la lekala la boeti la bosetšhaba, Tona o swanetsé go latela tshepetšo ya therišano mme bakeng sa mohola woo karolwana (3) e phethagaletša le diphoššo tši hlokegago go tšwaraganyo.
(5) Tona le makala a mmušo a maleba ba swanetsé go diragatša leano la lekala la tša boeti bja bosetšhaba ge ba diragatša meššomo go ya ka Molao wo.

Tšela ya Bosetšhaba ya tshedimšošo ya tša boeti le tekolo

5. Tona o swanetsé go hlama tšela ya bosetšhaba ya tshedimšošo ya tša boeti le tekolo bakeng sa—
(a) go koleka, rekhotla, laola, sekaseka le go phatlalašša tshedimšošo le datšha ka tša boeti;
(b) go lekola ditlhhabollo le ditlhwaedi go tša boeti.

Tshedimšošo ka tša boei le dikgwebo

6. (1) Bakeng sa makemiššeto a go dira dithulaganyo mme le ka kgopoššo ya thhabollo le kgodišo ya lekala la tša boeti, Tona a ka hlama mme le go hlokomela datšhaeise ya tshedimšošo ka tša dikgwesiššo go tša boeti.
(2) Bakeng sa makemiššeto a karolwana (1), ka tsebišo Kuranteng ya Mmušo, Tona a ka laola magoro a dikgwebo tša boei tšeo di ka abelago tshedimšo, mme ka tšela yeo di ka laola—
(a) nako yeo tshedimšošo e swanetségo go abelwa;
(b) tšela le mokgwa wa go abela tshedimošo;
(c) tshedimšošo ye swanetségo go abelwa, yeo e swanetségo go, malebana le kgweboššo ya tša boeti, akarešša—
(i) leina le mohuta wa kgweboššo ya tša boeti;
(ii) lefelo le kgwebo e direlwago go lona;
(iii) seemo sa ditirelo, didirišša goba ditšeletšwa tšeo e di abelwago;
(iv) dintlhla malebana le magoro le maemo a kgwebo ya tša boeti;
(v) dipalo le tshedimšošo ya ditirelo, didirišša goba ditšeletšwa tšeo e di abelago; mme
(vi) tshedimšošo ya bogolo bjoo e phethagaletšašgo didirišša tšeo di fihlelewago ke batho bao ba sa itekanelago, bana le bagolo;
(d) lefelo le mokgwa wa thomela ya tshedimšošo, woo o ka akareššago thomela ya tshedimšošo, go lekala la mmušo lefe gofe lefe;
(e) tshedimšošo efe goba efe yeo e ka hlokegago bakeng sa datšhaeise; mme
Act No. 3 of 2014

Tourism Act, 2014

(f) the type of recognition and incentives that may accrue to tourism businesses which may provide information in terms of this section.

(3) The Minister may make different determinations under subsection (2) in respect of different categories of tourism services, facilities and products.

(4) A determination that information be submitted to an organ of state must be made with the concurrence of the organ of state concerned.

(5) For purposes of a comprehensive database of information, nothing in this section prevents the Minister from collecting information about tourism businesses from any other source.

Norms and standards for tourism

7. (1) The Minister may, by notice in the Gazette and after following the consultation process contemplated in subsection (2), determine—

(a) norms and standards for—

(i) practising responsible tourism contemplated in section 2(2);
(ii) achieving service excellence in the tourism sector;
(iii) promoting the objects of this Act; and
(iv) the provisioning of tourism information services to the public; and

(b) indicators to measure compliance with such norms and standards.

(2) Before determining norms and standards under subsection (1), the Minister must—

(a) consult with the MEC’s on the norms and standards;
(b) give notice of the proposed norms and standards in—

(i) the Gazette;
(ii) at least two newspapers published and circulating nationally; and
(iii) a newspaper published and circulating in each province;
(c) invite members of the public to submit to the Minister, within the period determined in the notice, written representations regarding the proposed norms and standards; and
(d) consider any written representations received.

(3) Organs of state, including any institution established by government to exercise tourism functions, must apply the norms and standards determined under subsection (1) in the performance of their functions.

(4) The norms and standards contemplated in subsection (1)(a)(iv) may relate to matters such as—

(i) the form of business and management that must be applied;
(ii) business hours;
(iii) facilities that must be available;
(iv) staff and training requirements;
(v) information and displays that must be offered; and
(vi) signage and identification that must be used.

Codes of good practice for tourism

8. The Minister may, by notice in the Gazette, issue codes of good practice to—

(a) guide conduct relating to tourism services, facilities and products;
(b) guide conduct of organs of state responsible for developing and managing tourism; and
(c) promote the achievement of the objects of this Act.

CHAPTER 3

SOUTH AFRICAN TOURISM BOARD

Continued existence of South African Tourism Board

9. The South African Tourism Board, established by section 2 of the Tourism Act, 1993 (Act No. 72 of 1993), continues to exist as a juristic person despite the repeal of that Act by section 62.
(f) temogolo le hlohleletšo yeo e ka golago kgwebong ya tša boeti yeo e ka abelago tshedimošo go ya ka karolo ye; mme
(3) Tona e ka dira dikhweto tše farologane go ka tlae gore ga karolwana (2) malebana le magoro a farologane a ditirelo tša boeti, didirišwa le ditšwelešišwa. 5
(4) Taelo ya gore tshedimošo e romelwe go lekala la mmušo e swanetsše e dirwe ka therišano le lekala la mmušo le malebana.
(5) Bakeng sa dathebese ya tshedimošo ye phathagetsêgo, ga go selo karolong ye se o se thibela Tona go koleka tshedimošo ka dikgwebo tša boeti gotšwa kae goba kaе.

Ditlwaelo le maemo a tša boeti

7. (a) Tona a ka, ka tsebišo Kuranteng ya Mmušo mme morago ga go laletse tšhepetšo ya therišano ye hlaološitšwego go karolwana (2), laola—
(i) go diragatsa tša boeti tše maikarabelo ka go ge hlaološitšwe go karol (2)(2);
(ii) go fáhelela ditirelo tše phethagetsêgo go lekala la tša boeti;
(iii) go godiša maikemišeto a Molao wo; mme go
(iv) phethagelšo tše ditirelo tša tshedimošo ya tša boeti setšhabeng; mme
(b) ditšhepetšo bakeng sa go lekela kobamelo le go ditlwaeli le maemo.
(2) Pele go ka laolwa ditlwaeli le maemo a tlae ga karolwana (1), Tona o swanetsše go—
(a) lebelela ditlwaeli le maemo a MEC;
(b) nea tsebišo ka ga ditlwaeli le maemo a šišinššewego—
(i) Kuranteng ya Mmušo;
(ii) dikuranteng tše pedi tše gatiššišwego mme le go phatlalatišwa bosetšhaba; mme le
(iii) kuranteng ye gatiššišwego mme ye phatlaladitišwego.profenseng ye ngwwe le ye ngwwe;
(c) laletša maloko a setšhaba go romela go Tona, no nakong ye laelwago ke tsebišo, diswayaswayo ka tselo ya lengwalo malebana le ditlwaeli le melao ye šišinššewego; mme le go
(d) elelwa diswayaswayo dife goba dife tše ngwaditišwego tše hweditišwego.
(3) Makala a mmušo, go akaretswa seholongwa sеfe goba sefe se hlanngwego ke mmušo go dira mešomo ya tša boeti, di swanetsše go diriša ditlwaeli le maemo ao a beitšewego ka tlae ga karolwana (1) tiragatsšong ya mešomo ya bona.
(4) Ditlwaelo le maemo a hlaološitšwe go karolwana (1)(a)(iv) a ka sepelelana le merero ye swanago le—
(i) mohuta wa kgwebo le boloadi bjoo bo swanetsše go diragatsa;
(ii) dinako tša kgwebo;
(iii) didirišwa tše swanetsše go ba gona;
(iv) dinyaka tša bašomi le tlhako;
(v) tshedimošo le ditlhagišwa di swanetsše go newa; mme
(vi) lesaawo le boitišbišo tšeo di swanetsše go šomishišwa.

Melao ya maitsshwaro a mabotse go tša boeti

8. Tona e ka, ka tsebišo Kuranteng ya Mmušo, nea melao ya maitsshwaro a mabotse go—
(a) tlhalhi malebana le ditirelo tša boeti, didirišwa le ditšwelešišwa;
(b) tlhalhi go maitsshwaro a makala a mmušo ao a nago le maikarabelo go tlabollo le taolo ya tša boeti; mme
(c) godiša phihlelelo ya maikemišeto a Molao wo.

KGAOLO 3

BOTO YA AFRIKA BORWA YA TŠA BOETI

Tšwetšopele ya Boto ya Afrika Borwa ya tša Boeti

Functions of Board

10. (1) The functions of the Board are to—
   (a) market South Africa as a domestic and international tourist destination;
   (b) market South African tourism products and facilities internationally and domestically;
   (c) develop and implement a marketing strategy for tourism that promotes—
       (i) the objects of this Act; and
       (ii) the national tourism sector strategy.
   (d) advise the Minister on any other matter relating to tourism marketing;
   (e) with the approval of the Minister, establish a National Conventions Bureau to market South Africa as a business tourism destination by—
       (i) coordinating bidding for international conventions; and
       (ii) liaising with other organs of state and suitable bodies to promote South Africa as a business tourism destination; and
   (f) report to the Minister on the work performance of the National Conventions Bureau.

(2) The Board must perform any function imposed upon it in accordance with a policy direction not in conflict with this Act issued by the Minister.

Powers of Board

11. Without derogating from its power generally to perform legal acts as a juristic person, the Board may—
   (a) with the approval of the Minister open and operate such offices within or outside the Republic which may be necessary for the effective performance of its functions;
   (b) with the approval of the Minister, granted with the concurrence of the Cabinet member responsible for finance, borrow money from a money lending institution in the Republic;
   (c) insure the Board against—
       (i) any loss, damage or risk;
       (ii) any liability it may incur in the application of this Act;
   (d) employ persons who are necessary for the performance of the functions of the Board;
   (e) conclude agreements with organs of state and other persons.

Delegations and assignments by Board

12. (1) The Board may in writing and subject to such conditions as it may determine, delegate or assign any of its powers or duties in terms of this Act—
   (a) to any committee of the Board;
   (b) to an employee of the Board; or
   (c) with the concurrence of the Minister, to any other suitable body.

(2) A delegation or assignment under subsection (1)—
   (a) must be in writing;
   (b) does not divest the Board of the power delegated or duty assigned;
   (c) does not prevent the Board from exercising the power or performing the duty so delegated or assigned; and
   (d) may at any time be withdrawn by the Board.

Composition of Board

13. (1) The Board consists of—
   (a) at least nine and no more than 13 members appointed by the Minister on the basis of their knowledge, experience or qualifications relating to the functions of the Board; and
   (b) one officer of the Department appointed by the Minister to represent the Department.

(2) The member of the Board contemplated in subsection (1)(b)—
   (a) is a non-voting member of the Board; and
   (b) may not be appointed as chairperson or deputy chairperson of the Board.
Mešomo ya boto

10. (1) Mešomo ya boto ke go—
   
   (a) bapatsa Afrika Borwa bjalo ka lefel la tša boeti la selegae le boditšhabathaba;
   
   (b) bapatsa ditšwetšwa le didiršwa tša Afrika Borwa go boditšhabathaba le selegae;
   
   (c) hlama le go tsenyatirišong leano la go maketa bakeng sa tša boeti tše godišo go—
      
      (i) maikemišetšo a Molao wo; le
      
      (ii) leano la bosenšhaba la lekala la tša boeti.
   
   (d) eletša Tona ka merero efe goba efe ye malebana le go bapatsa tša boeti;
   
   (e) ka tumelo ya Tona, hlama Biro ya Dikopano ya Bosëtšhaba go bapatsa Afrika Borwa bjalo ka lefel la kgwebišano ya tša boeti ka go—
      
      (i) rulagany go bita bakeng sa dikopano tša boditšhabathaba; le go
      
      (ii) rerìšana le makala a mangwe a mmušo le mekgatle ye malebana go
godiša Afrika Borwa bjalo ka lefel la kgwebišano la tša boeti; le go
   
   (f) bega go Tona ka ga phethagatsa yo mošomo wa Biro ya Dikopano ya Bosëtšhaba.

(2) Boto e swanetšo go phethagatsa mešomo efe goba efe ye e filwego go ya ka taelo ya pholisi yeo e sa tlolego Molao wo filwego ke Tona.

Maatla a Boto

11. Ntle le go tloga go maatla a yona a go phethagatsa ditiro tša molao ka kakaretšo bjalo ja mokgatlo wa molao, Boto e ka—
   
   (a) ka tumelo ya Tona bula mme le go šomiša dikantor o tše mo gare ga goba ka
      mtle ga Rephabliki ka moo go ka hloegago bakeng sa go phethagatsa mešomo ya
      yona;
   
   (b) ka tumelo ya Tona ye newago ka theriša therišo le lelolo la kabinete le
      nago le maikarabelo a dišhelele, go kadima tšhelele seholgweng sa go
      kadimiša tšhelele mo Rephabliki;
   
   (c) netefatsa Boto kgāgalanong le—
      
      (i) tshabegalo efe goba efe, tshenagaledo goba kotsi;
      
      (ii) sekoloto sefe goba sefe se o ka se hwetšago tiragatsaŋ ya Molao wo;
   
   (d) go thwala batho bao ba hloegago bakeng sa phethagatsa mošomo wa
      Boto;
   
   (e) phethagatsa ditumellano le makala a mmušo le batho ba bangwe.

Phetšetše ya maatla le mešomo ka Boto

12. (1) Boto e ka, ka tsel a ya lengwalo mme le go ya ka dipeelano ka moo e ka laolago, romela goba go nea maatla afe goba afe a yona go mošomo go ya ka Molao wo—
   
   (a) go komiti ya Boto;
   
   (b) go mošomi wa Boto; goba
   
   (c) ka theriša le Tona, go mokgatlo ofe goba ofe wo swanetšego.

(2) Thomelo goba neo ka tlase ga karolwana (1)—
   
   (a) e swanetše go ba ka tsel a ya lengwalo;
   
   (b) ga e kgāgalanong le Boto ya maatla a filwego goba mošomo wo filwego;
   
   (c) ga e ganetsa Boto go diragatsa maatla goba go phethagatsa mošomo wo e o
      Neilwego; mme
   
   (d) ka nakò efe goba efe, e ka tlošwa go Boto.

Hlamego ya Boto

13. (1) Boto e hlangwa ka—
   
   (a) maloko a senyan mme e sega a go feta a 13 a hwetšwe go Tona go ya ka
      tsebo ya ona, boitemogelo goba boithutelo bjо malebana le mošomo ya Boto;
      mme le
   
   (b) mohlankedi o tee wa Kgoro yo hwetšwe go Tona go emela Kgoro.

(2) Leloko la Boto le hlalošišwego go karolwana (1)(b)—
   
   (a) ke leloko le sa kgethego la Boto; mme
   
   (b) le ka se thwalwe bjalo ka modulasetulo goba metša modula setulo wa Boto.
(3) (a) Before appointing the members of the Board contemplated in subsection (1)(a), the Minister must, by notice in the Gazette and in two newspapers published and circulating nationally, invite nominations for membership of the Board.
(b) The notice must specify a period of at least 30 days for nominations to be submitted to the Minister.

(4) When appointing the members of the Board, the Minister must ensure that the Board is broadly representative of society, with due regard to race, gender and disability.

(5) After appointing the members of the Board the Minister must, by notice in the Gazette and in two newspapers published and circulating nationally, publish the names of the persons appointed and the dates of commencement of their terms of office.

(6) If the Minister receives no nominations or an insufficient number of nominations within the period specified in the invitation, the Minister may, subject to subsections (4) and (5), appoint the required number of persons.

(7) The Minister must appoint one member of the Board as chairperson and another as deputy chairperson of the Board.

**Term of office of members of Board**

14. (1) A member of the Board contemplated in section 13(1)(a) holds office for a period of three years from the date of his or her appointment.
(2) Despite subsection (1), the Minister may by notice in the Gazette extend the period of office of any member of the Board for a maximum period of 12 months.
(3) Any person whose period of office has expired is eligible for reappointment.
(4) No person may be appointed as chairperson of the Board for more than two consecutive terms.

**Disqualification from membership of Board**

15. (1) A person may not be appointed as a member of the Board if that person—
(a) is not a South African citizen and ordinarily resident in the Republic;
(b) is an unrehabilitated insolvent;
(c) is disqualified under any law from practising that person’s profession;
(d) has been convicted of an offence in the Republic, other than an offence committed prior to 27 April 1994 associated with political objectives, and sentenced to imprisonment without the option of a fine or, in the case of fraud or any other offence involving dishonesty, to a fine or imprisonment or both;
(e) subject to subsection (2), has been convicted of an offence in a foreign country and sentenced to imprisonment without the option of a fine or, in the case of fraud or any other offence involving dishonesty, to a fine or imprisonment or both; or
(f) has at any time been removed from an office of trust on account of breach of a fiduciary duty.

(2) An offence contemplated in subsection (1)(e) must constitute an offence in the Republic.

**Vacation of office and filling of vacancies**

16. (1) A member of the Board must vacate office if the member—
(a) resigns by written notice addressed and delivered to the Minister and the chairperson of the Board;
(b) ceases to hold any qualification necessary for that member’s appointment to the Board;
(c) is unable to perform his or her functions due to mental illness or severe or profound intellectual disability contemplated in the Mental Health Act, 2002 (Act No. 17 of 2002);
(d) becomes subject to any disqualification contemplated in section 15; or
(e) is removed from office by the Minister, after consulting the Board, on good cause shown.

(2) If for any reason the office of a member of the Board becomes vacant before the member’s term of office expires, the Minister may appoint any suitably qualified person to fill the vacancy for the unexpired portion of the period for which such member was appointed.
(3) (a) Pele go ka thwalwa maloko a Boto ao a hlalošišwe go karolwana (1)(a), Tona o swanetše go, ka tsebišo Kuranteng ya Mmuso, mme le dikuranteng tše gatišišwe go mo phatlalatšwago a bosetšhaba, laletša bonkgetheng bja boloko bja Boto.

(b) Tsebiše e swanetsē go tsebiša botelele bja nako ya matšatsi a 30 bakeng sa gore dikgetho di romelwe go Tona.

(4) Ge go thwalwa maloko a Boto, Tona o swanetše go netefatša gore Boto e emetše setšhaba ka malohlokore ohle, ka go elela morafe, bong le bogole.

(5) Morago ga go thwala maloko a Boto Tona o swanetše go, ka tsebišo Kuranteng ya Mmuso mme le dikuranteng tše pedi tše gatišišwe go le go phatlalatšwaba bosetšhaba, tša maina a batho bao ba thwetišwe go matšatsiškgwedi a go thona go šoma a bona.

(6) Ge Tona a sa kgethwa a hweditše palo ye tlaše ya dikgetho mo nakong ye hlalošišwe go taletšo, Tona a ka, go ya ka karolwana (4) le (5), thwala palo ye batho ba hlókgago.

(7) Tona o swanetše go thwala leloko le tee la Boto bjalo ka modulasetulo mme yo mongwe bjalo ko motalašiša modulasetulo wa Boto.

**Botelele bja nako ya go šoma ga maloko a Boto**

14. (1) Leloło la Boto le hlalošišwe go karolo 13(1)(a) le šoma kantorong nako ya mengwaga ye meraro go tloaga letšaštiškgwedi la thwalo ya gawwe.

(2) Ntle le karolwana (1), Tona a ka, ka tsebišo Kuranteng ya Mmuso, oketša nako ya leloło lefe goba lefe la Boto botelele bja nako ya dikgwedi tše 12.

(3) Motho o fela goba ofe ye nako ya gawwe ya kantorong e fedilego a ka thwalwa gape.

(4) Gago motho yo a ka thwalwago bjalo ka modulasetulo wa Boto nako ya go feta makgetlo a mabedi.

**Go tšošwa bolokong bja Boto**

15. (1) Motho a ka se thwalwe bjalo ka leloko la Boto ge motho yo—

(a) a se moagi wa Afrika Borwa gape modudi fela wa mo Rephabliki;

(b) a na le sekoloto mme a sa tšošošošwa;

(c) a tšošišwe ke tlaše ga molao ofe goba ofe gore a dire profešeneng yeo;

(d) a tšošišišišwe ka molato mo Rephabliki, ntle le molato wo diragaditišwe pele ga 27 Aporele 1994 yo malebana le maikišeto a sepolotši, mme a išišwe kgolegong ntle le kgetha ya faene goba, ka lebaka la bofora goba molato ofe goba ofe wo akareτšago ya hloka nnete, go faene goba go išwa kgolegong goba ka bobedi bja tšona;

(e) go ya ka karolwana (2), o ile a tšošišišišwe molato nageng ya ka nntle mme a išwa kgolegong ntle le kgetha ya faene goba, ka lebaka la bofora goba molato ofe goba ofe wo akareτšago ya hloka nnte, go faene goba go išwa kgolegong goba ka bobedi bja tšona; goba

(f) a na le nako a tšošišwe kantorong ya trasete ka lebaka la tlolo ya tsawane ya trasete.

(2) Molato wo dirilwego go ya ka karolwana (1)(e) o swanetše go bonwa bjalo ka molato mo Rephabliki.

**Go tlogela mošomo le go tlatša dikgoba**

16. (1) Leloło la Boto le swanetše go tloğa sekgobeng ge leloko le—

(a) tlogela mošomo ka tsebišo ya lengwalo ye lebišišišwe le go romelwa go Tona le modulasetulo wa Boto;

(b) hloka boithutelo bjo hlókgago bakeng sa thwalo ya leloko lego go Boto;

(c) palelwa ke go phethaγaša mošomo wa lona ka lebaka la bolwetši bja monagano goba bo go lo golb bja bo golb goba bja boholale bja boholodi bjo hlalošišwe go Mental Health Act, 2002 (Act No. 17 of 2002);

(d) tšošwa go ka mo go hlalošišwe go karolo 15; goba

(e) tšošišwe ke Tona kantorong, morago ga go boledišana le Boto, ka mabaka a laeditišwe.

(2) Ge kantororo ya leloko e ba le sekgoba ka lebaka lefe goba lefe pele nako ya leloko kantorong e fela, Tona a ka thwala motho ofe goba ofe ye nabo le maswanedi go tlatša sekgoba sa nako ye e bego e sa fela yeo leloko le bego le thwetišwe go yona.
Act No. 3 of 2014

Tourism Act, 2014

(3) (a) The Minister may on good cause shown dissolve the Board by way of notice in the Gazette and appoint a new Board in accordance with section 13.

(b) If the Board is dissolved in terms of paragraph (a) the Minister may defer the reconstitution of the Board and, in the notice by which the Minister has so dissolved the Board or by any subsequent notice in the Gazette, appoint one or more persons, on such conditions as the Minister may deem necessary, to manage the affairs of the Board until the appointment of the new Board.

Remuneration of members of Board

17. A member of the Board who is not in the full-time employment of the State may be paid such remuneration and allowances as may be determined by the Minister with the approval of the Cabinet member responsible for finance.

Board meetings

18. (1) The Board must hold at least four ordinary meetings every year.

(2) The chairperson of the Board—

(a) may convene a special meeting of the Board; and

(b) must convene a special meeting within 14 days of receiving a written request to do so, signed by a majority of the members.

(3) The request contemplated in subsection (2)(b) must clearly state the reason for the request, and only that matter may be discussed at the special meeting.

(4) The Minister may at any time request a meeting with the Board, should the need arise.

(5) If the chairperson and deputy chairperson are not present at any meeting of the Board the members present must appoint another member to preside at the meeting.

(6) The quorum for any meeting of the Board is a majority of the voting members of the Board in office at the time.

(7) (a) A decision of the majority of the voting members of the Board at any quorate meeting constitutes a decision of the Board.

(b) In the event of an equality of votes the chairperson has a casting vote in addition to his or her deliberative vote.

(8) A member of the Board who has any personal or financial interest in any matter before the Board must disclose that interest and withdraw from the proceedings of the Board when that matter is considered.

(9) 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 a member at the time when the decision was taken or the act was authorised, provided the decision was taken or the act was authorised by a majority of the members of the Board who were then present and were entitled to sit as members.

Conduct of meetings

19. (1) The Board may make rules to regulate its proceedings.

(2) Minutes of proceedings of every meeting of the Board must be—

(a) recorded and kept in a manner that cannot be altered or tampered with; and

(b) submitted to the next meeting of the Board for consideration and, if adopted, signed by the chairperson.

(3) The Board may—

(a) permit members to participate in a particular meeting by means of a conference call or audio-visual technology and a member who participates in this manner is regarded as being present at the meeting; and

(b) invite a person to attend a meeting for the purpose of advising or informing the Board on any matter.
19

(3) (a) Tona ka lebaka le kwagalago a ka fediša boto ka mokgwa wa tsebišo Kuranteng ya Mmušo mme a thwala Boto ye mpsha go ya ka karolo 13.

(b) Ge Boto e fedištšwe go ya ka tema (a) Tona a ka emiša go bopa ka leswa ga Boto mme, ka tsebišo yeo e lego gore Tona o fedištšwe Boto goba ka tsebišo Kuranteng ya Mmušo, thwala motho o tše goba ba ba ntsi, ka dipeelano tše ka moo Tona a ka bonago hlokoego, go laola merero ya Boto go fihlela kgetho ya Boto ye mpsha.

Tefelo ya Maloko a Boto

17. Leloko la Boto lelo le sa šomelego mmušo ka botlalose ka lefelwa ditefeleš tše le ditshwalenelo ka moo go ka laelwa go ke Tona ka tumello ya leloko la Kabinetene le nago le maikarabolo a ša ditšhelele.

Dikopano ša Boto

18. (1) Boto e swanetsše go ba le dikopano tše nne ng wageng wo mongwe le wo mongwe.

(2) Modulasetulo wa Boto—

(a) a ka dira kopano ye kgethegilego ya Boto; mme

(b) o swanetsše go dira kopano ye kgethegilego mo matšaštšing a 14 a go hwetša kgopelo ya go dira se ka tsela ya lengwalo, le nago le mosano wa bontši hi bja maloko.

(3) Kgopelo ye hlalosšwe go karolwana (2)(b) e swanetsše go laetša lebaka la kgopelo, mme ditherišano tša morero wo di diragatsšwe kopanong ye kgethegilego.

(4) Tona akadi dira kopano ka nako efe goba efe le Boto, ge go hlokega.

(5) Ge Modulasetulo goba motlatša modulasetulo a se gona kopanong efe goba efe, maloko a Boto a swanetsše go kgetha leloko le lengwe le sepetša kopano.

(6) Tekanyetšo ya maloko a go swara kopano kopanong ye ngwe le ye ngwe ke bontši hi bja maloko a kgethago ao a lego gona ka nako ye a Boto.

(7) (a) Sephetho sa bontši hi bja maloko ao a lekanetšego go swara kopano se emela sephetho sa Boto.

(b) Mo tiragalong ya gore diboutu di lekane, modulasetulo o tša kgetha gape godimo ga leketho ya gagwe ya mathomo.

(8) Leloko la Boto lelo le nago le kgahlegelo ya bolona goba ya ditšhelele morerong ofe goba ofe pele ga Boto le swanetsše go bolela kgahlegelo ye mme le tloge ditšhepetšong ša Boto ge go bolerwa ka morero woo.

(9) Gago sephetho sa Boto goba tiragatšo ye diragaditsšwe ka maatlal a Boto yeo e ka se šomego ka lebaka la sekgoba se o sego sa semmušo Botong goba ka lebaka la motho ofe goba ofe yo a bego a sa swanela go dula bjalo ka leloko la Boto, o dutše bjalo ka leloko ka nako yeo go bego go dirwa sephetho goba ge tiragalo e dumelela, ge fela sephetho se tšerwe goba tiragalo e diragaditsšwe ke bontši hi bja maloko a Boto ao a bego a le gona mme a bego a swanetsše go dula bjalo ka maloko.

Go swarwa ga dikopano

19. (1) Boto e ka dira melao go phethagatša ditšhepetšo.

(2) Metsotso ya ditšhepetšo ša kopano efe le efe ya Boto e swanetsše go—

(a) ngwalwa mme le go lotwa ka tsela yeo e ka se fetošwe goba senywe; mme

(b) romelwa kopanong ye latelago ya Boto bakeng sa go elelwa mme, ge e amogelwa, e swaenwe ke modulasetulo

(3) Boto e ka—

(a) dumelela maloko go tšea karolo dikopanong tše dingwe ka mokgwa wa teletšo ya batho bontši ka nako ye te tše goba thekholotši ya tša go kwa mme leloko le tšeago karolo ka mokgwa wo le tšewa bjalo ka leo le lego gona kopanong; gape

(b) tšo motho go tša kopanong bakeng sa morero wa go eleša goba go tsebiša Boto ka morero ofe goba ofe.
Resolution without meeting

20. (1) The Board may adopt a resolution without a meeting if at least a majority of the members in office at the time indicate their support for the resolution in accordance with a procedure previously established by the Board.

(2) A resolution in terms of subsection (1)—
   
   (a) has the same status as if it were adopted at a meeting; and
   
   (b) must be regarded as having been adopted on a day determined in accordance with the procedure contemplated in subsection (1).

Funds of Board

21. (1) The funds of the Board consist of—
   
   (a) monies appropriated by Parliament for that purpose;
   
   (b) any money paid to the Board for services rendered;
   
   (c) any money received by way of donation; and
   
   (d) any other amounts to which the Board is or may become entitled.

(2) The Board may use its funds for defraying expenditure incurred in performing its functions in terms of this Act.

(3) The Board may invest any of its funds not immediately required—
   
   (a) subject to any investment policy that may be prescribed in terms of the Public Finance Management Act; and
   
   (b) in such manner as the Minister may approve.

(4) The Board may charge and recover fees for any services rendered.

Application of Public Finance Management Act to Board

22. The Public Finance Management Act applies to the Board.

Committees of Board

23. The Board may establish any committee to assist the Board in the performance of its functions and must determine its composition and terms of reference.

Appointment and responsibilities of chief executive officer of Board

24. (1) The Board, acting with the concurrence of the Minister, must appoint a suitably qualified person as chief executive officer.

(2) The chief executive officer—
   
   (a) is appointed for a period not exceeding five years; and
   
   (b) may be reappointed by the Board with the concurrence of the Minister.

(3) The chief executive officer holds office on such terms and conditions, including those relating to remuneration and allowances, as the Board may determine in accordance with the policy contemplated in section 27(1).

(4) The chief executive officer is responsible for the efficient management of the business and affairs of the Board and must perform any function delegated or assigned by the Board.

Employment contract and performance agreement of chief executive officer

25. (1) The Board and the chief executive officer must conclude a written contract of employment which must incorporate in an appropriate form the provisions of section 57 of the Public Finance Management Act.

(2) The Board and the chief executive officer must conclude a performance agreement—
   
   (a) as soon as reasonably practicable but within three months after the appointment of the chief executive officer; and
   
   (b) thereafter, annually within one month of the commencement of each financial year.
Tharollo ntle le kopano

20. (1) Boto e ka diragatša tharollo ntle le kopano ge bontšhi bja moloko a kantorong ka nako yeo a laetša thegko ya tharollo yeo go ya ka tshepetšo ye e hlangwego ke Boto mo nakong ye fertilego.

(2) Tharollo go ya ka karolwana (1)—
(a) e na le seemo se swanago le ge e dirilwe kopano; mme
(b) e swanetše go bonwa bjalo ka yeo e diragaditswego ka letšatši le kgethwago go ya ka tshepetšo ye hlalošitšwego go karolwana (1).

Sekhwama sa Boto

21. (1) Sekhwama sa Boto se na le—
(a) ditšelele tše lekanyedištšwego ke Palamente ka lebaka leol; mme
(b) tšelele efe goba efe ye lefetšwego Boto bakeng sa ditirelo tše abetšwego; mme le
(c) tšelele efe goba efe ye hwedištšwego ka mokgwa wa moneelo; mme le
(d) ditšelele dife goba dife tšeo e lego tša goba e kabago tša Boto.

(2) Boto e ka diriša tšelele go lefela ditšenyagalego tše hlotšwego ke go phethagatsa ditirelo tša yona go ya ka Molao wo.

(3) Boto e ka beetšelela ditšelele dife goba dife tša yona tšeo e ka se dhihlokego ka nako yeo—
(a) go ya ka pholisi ya dipeeletsšo yeo e ka fiwago go ya ka Public Finance Management Act; mme
(b) ka mokgwa woo Tona a ka dumelago ka gona.

(4) Boto e ka lefša mme ye hwetsa ditefelo tša ditirelo dife goba dife tše di abetšwego.

Tiragatsšo ya Public Finance Management Act go Boto


Dikomiti tša Boto

23. Boto e ka hlama komiti go thuša Boto ka phethagatšo ya mošomo wa yona mme e swanetše go laola hlamego ya yona le ditaelo.

Thwalo le maikarabelo a mohlankedi kuduthamaga mogolo wa Boto

24. (1) Boto, ka go dira ka therišano le Tona, e swanetše go thwala mohlankedi kuduthamaga mogolo yo swanetšego.

(2) Mohlankedi kuduthamaga mogolo—
(a) o thwalwa nako ya mengwaga ye sa fetego ye mehlano; mme
(b) a ka thwalwa gape ke Boto ka tumelo ya Tona.

(3) Mohlankedi kuduthamaga mogolo o šoma ka mabaka le dipeelano tše, go akaretswa tše lebanego le moputso le ditshwanelo, ka moo Boto e ka laolago go ya ka pholisi ye hlalošitšwego go karolo 27(1).

(4) Mohlankedi kuduthamaga mogolo o na le maikarabelo a boladidi bjo farologane go phethagatsa bja kgwebo le merero ya Boto mme o swanetše go phethagatša mešomo efe goba efe ye a efilwe go Boto.

Tumellano ya thwalo le ya phethagatšo ya mošomo ya mohlankedi kuduthamaga mogolo

25. (1) Boto le mohlankedi kuduthamaga mogolo ba swanetše go dira tumellano ya thwalo ka tsela ya lengwalo yeo e swanetšego go akarešša ditaelo tša karolo 57 ya Public Finance Management Act.

(2) Boto le mohlankedi kuduthamaga mogolo ba swanetše go dira tumellano ya phethagatšo ya mošomo—
(a) ka bonako bjo bo kgonegago efela mo dikgwedind tše tharo tša go thwalwa ga mohlankedi kuduthamaga mogolo; mme
(b) morago ga moo, ngwaga le ngwaga mo kgweding ye tee ya go thoma ga ngwaga wa ditšelele.
(3) The performance agreement must include—
(a) measurable work performance objectives and targets that must be met by the chief executive officer, and the time frames within which those performance objectives and targets must be met;
(b) standards and procedures for evaluating the work performance of the chief executive officer and intervals for evaluation; and
(c) the consequences for substandard work performance.

Resignation and dismissal of chief executive officer and appointment of acting chief executive officer

26. (1) The Board, after giving the chief executive officer an opportunity to be heard, and acting with the concurrence of the Minister, may dismiss the chief executive officer for any lawful reason.
(2) The chief executive executive officer may resign by notice in writing to the Minister and the Board.
(3) If the chief executive officer is for any reason absent or unable to carry out his or her duties, or if a vacancy in the office of the chief executive officer occurs, the Board may, with the concurrence of the Minister, appoint a suitably qualified person to act as chief executive officer until the chief executive officer is able to resume his or her duties or until the vacant position is filled.
(4) An acting chief executive officer—
(a) may exercise all the powers and must carry out all the duties of the chief executive officer; and
(b) is appointed on terms and conditions, including those relating to remuneration and allowances, as the Board may determine in accordance with the policy contemplated in section 27(1).

Employment and remuneration policy of Board and appointment of staff

27. (1) (a) The Board must determine an employment and remuneration policy applicable to personnel of the Board.
(b) The determination must be made with the approval of the Minister acting with the concurrence of the Cabinet member responsible for finance.
(2) The chief executive officer—
(a) after consulting the Board, must determine the staff establishment necessary to assist the Board in carrying out its functions; and
(b) appoint persons in posts on the staff establishment.
(3) An employee of the Board is employed subject to terms and conditions determined by the Board in accordance with the employment policy contemplated in subsection (1).

CHAPTER 4
GRADING SYSTEM

National grading system for tourism

28. (1) The Minister may develop a national grading system for tourism with a view to maintaining or enhancing the standards and quality of tourism services, facilities and products.
(2) The grading system must promote—
(a) the objects of this Act;
(b) the national tourism sector strategy; and
(c) excellence in the provision of tourism services, facilities and products.
(3) (a) The grading system contemplated in subsection (1) must provide for the establishment of one or more schemes in terms of which tourism services, facilities and products are graded or classified.
(b) Such a scheme may—
(i) apply any basis of differentiation in respect of tourism services, facilities and products;
(ii) classify tourism services, facilities and products into different classes on the ground of, amongst others, their nature, extent, variety, availability and quality;
(3) Tumellano ya phgethagatsʰo ya mošomo e swanetsʰe go akaretsʰa—
   (a) maikemisʰetsʰo a mošomo a lekanyetšegago le diphihlelelo tšeo di swanetšego
go fihlelelwa ke mohlankedi kuduthamaga mogolo, mme le dinako tšeo
maikemisʰetsʰo le diphihlelelo tša phethagatsʰo ya mošomo di swanetšego go
phethagatsʰwa ka yona;
   (b) maemo le ditšhepetšo tša go lekola phethagatsʰo ya mošomo wa mohlankedi
kuduthamaga mogolo le nako ya ditekolo.
   (c) ditlamorago tša mošomo wo sa kgahlisʰego.

Go tlogela mošomo le go rakwa ga mohlankedi kuduthamaga mogolo lo thwalo ya
motswaoswere wa mohlankedi kuduthamaga mogolo

26. (1) Boto, morago ga go fa mohlankedi kuduthamaga mogolo monyetla wa go
thelešištha, mme le ka go dira ka tumellano ya Tona, e ka tloša mohlankedi
kuduthamaga mogolo ka lebaka lefe goba lefe le le lego molaong.
   (2) Mohlankedi kuduthamaga mogolo a ka rola modiro ka tsebišo ka tsela ya
lenwegalo go Tona le Boto.
   (3) Ge mohlankedi kuduthamaga mogolo a se gona ka lebaka lefe goba lefe goba a
palela ke go phethagatsʰa ditšhwanelo tša gagwe, goba ge go ba le sekgo le kantorong
ya mohlankedi kuduthamaga mogolo, ka tumello ya Tona, Boto e ka thwala motho yo
swanetšego go dira bjalo ka mohlankedi kuduthamaga mogolo go fihlela mohlankedi
kuduthamaga mogolo a kgona go tšwelapele ka mošomo wa gagwe goba go fihlela
motho a hwetšwa go tlatisʰa sekgoa.

(4) Motswaoswere wa mohlankedi kuduthamaga mogolo—
   (a) a ka diragatsʰa maatla ka moka mme o swanetše go phethagatsʰa mešomo ka
moka ya mohlankedi kuduthamaga mogolo; mme
   (b) o thwalwa ka mabaka le diplešano, go akaretsʰo tša malebana le tša moputšo
le ditšhwanelo, ka moo Boto e ka laolago go ya ka pholisi ye hlalošitšweego go
karolo 27(1).

Pholisi ya thwalo le tefelo ya Boto le thwalo ya bašomi

27. (1) (a) Boto e swanetše go laola pholisi ya thwalo le tefelo ye swanetšego go
bašomi ba Boto.
   (b) Taolo ye e swanetsʰe go dirwa ka tumelo ya Tona ka therišana ya maloko a
Kabinete ao a nago le maikarabelo a tša ditšhelete.
   (2) Mohlankedi kuduthamaga mogolo—
   (a) morago ga go rerišana le Boto, o swanetsʰe go laola hlango ya bašomi
ye hlokegago go thuša Boto ka go diragatsʰa mešomo ya yona; mme a
   (b) thwalwa batho dikgobeng tša hlango ya dikgoba tša bašomi.
   (3) Mošomedi wa wa Boto go thwalwa go ya ka mabaka le diplešano tše laelwago ke
Boto go ya ka pholisi ya thwalo ye hlalošitšweego go karolwana (1).

KGAOLO 4

TSELA YA TEKANYETŠO YA MAEMO

Tsela ya bosetšhaba ya tekanyetšo ya maemo go tša boeti

28. (1) Tona ka dira tsela ya bosetšhaba ya tekanyetšo ya maemo bakeng sa tša boeti
ka ponu ya go hlokomela goba go kaonafatsʰa maemo le boleng bja ditirelo tša boeti,
didirišwa le ditšweletšwa.
   (2) Tsela ya tekanyetšo ya maemo e swanetše go godiša—
   (a) Maikemisištho a Molao wo;
   (b) leano la bosetšhaba la lekala la tša boeti; mme le
   (c) phethagatsʰo kabelong ya ditirelo tša boeti, didirišwa le ditšweletšwa.
   (3) (a) Tsela ya tekanyetšo ya maemo ye hlalošitšweego go karolwana (1) e swanetsʰe
go phethagaeša hlango ya sekeme se tee goba tše mmalwa go ya ka ditirelo tša boeti,
didirišwa le ditšweletšwa di a lekanyetša goba go bewa ka magoro.
   (b) Sekeme se se ka—
      (i) diragatsʰa motheo ofe goba ofe wa pharologanyo malebana le ditirelo tša boeti,
didirišwa le ditšweletšwa;
(iii) make provision for the acquisition, continuation and termination of membership of the scheme; and
(iv) make provision for the use and display of the prescribed insignia, which may include a depiction of a star or number of stars indicating the grading awarded in terms of the scheme.

Establishment of Tourism Grading Council

29. The Tourism Grading Council is hereby established.

Main function of Council and oversight and accountability

30. (1) The Council must implement and manage the national grading system for tourism contemplated in section 28.
(2) The Minister must oversee the functioning of the Council and the Council is in this respect accountable to the Minister for the proper implementation and management of the national grading system.

Composition of Council

31. (1) The Council consists of—
(a) at least nine and not more than 13 members appointed by the Minister on the basis of their knowledge, experience or qualifications relating to the functions of the Council; and
(b) one officer of the Department appointed by the Minister to represent the Department.
(2) Section 13(2) to (7) applies to the Council with the changes required by the context.

Term of office of members of Council

32. (1) A member of the Council contemplated in section 31(1)(a) holds office for a period of three years from the date of his or her appointment.
(2) Section 14(2) to (4) applies to a member of the Council with the changes required by the context.

Disqualification from membership of Council

33. Section 15 applies to a member of the Council with the changes required by the context.

Vacation of office and filling of vacancies

34. (1) Section 16(1) and (2) applies to a member of the Council with the changes required by the context.
(2) The Minister may on good cause shown dissolve the Council by way of notice in the Gazette and appoint a new Council in accordance with section 31.

Remuneration of members of Council

35. Section 17 applies to a member of the Council with the changes required by the context.

Council meetings

36. (1) Meetings of the Council must be held on such dates, times and places as the chairperson may determine.
(2) The Council may make rules to regulate its proceedings.
(3) Section 18(4) to (9) applies to the Council with the changes required by the context.
(ii) bea ditirelo tša boeti ka magoro, le ditšweletšwa go magoro a farologanego ka lebaka la, gare ga amangwe, seemo sa tšona, bogolo, pharologano, go ba gona le bontši bja tšona;
(iii) dira diphetha galetšo tša khwetšo, tšwešopele le phedišo ya boloko bja sekeme; le
(iv) go dira diphetha galetšo tša tirišo le tšweletšo ya leswao le beilwego, leo le ka akaretša go tse kgosi ya naledi ye laetša go tsekanyetsa ye filwego go ya ka sekeme.

Hlango ya khansele ya Tekanyetsa ya maemo ya Boeti

29. Khansele ya Tekanyetsa ya Maemo ya Boeti e a hlangwa.

Mošomokgolo wa Khansele le tekolo le go rwala maikarabelo

30. (1) Khansele e swanetshe go tsenyatirišong le go laola tselo ya bostšhaba ya tekanyetsa ya maemo bakeng sa tša boeti ka mo go hlalošišwe go karolo.
(2) Tona o swanetshe go lebelela go šoma ga Khansele mme Khansele ka tse ya e na le maikarabelo go Tona bakeng sa tsenyotirišong ye swanetshego le taolo ya tse ya bostšhaba ya tekanyetsa ya maemo.

Hlamego ya Khansele

31. (1) Khansele e hlangwa ke—
   (a) maloko a senyane ge e le a go se goto 13 a go a lebelešwe tsebo ya bona, boitemogelo goba boithutelo bjo malebana le mšomo ya Khansele; mme
   (b) mohlankedi o tee wa Kggoro yo thwetswe go ke Tona go emela Kggoro.
(2) Karolo 13(2) go ya go (7) e šoma go khansele ka diphetšo tša nyakegago go tshwaraganyo.

Botelele bja nako ya šoma bja maloko a Khansele

32. (1) Leloko la khansele le hlałošišwe go karolo 31(1)(a) le šoma nako ya mengwaga ye meraro go tloša letšašiškgwedi la thwalo ya lona.
(2) Karolo 14(2) go fihla go (4) e šoma go leloko la Khansele ka diphetšo tša hlokegago go tshwaraganyo.

Go tšwa go boloko bja Khansele

33. Karolo 15 e šoma go leloko la Khansele ka diphetso tše hlokegago tshwaraganyo.

Go tlogela mošomo le go tša dikgoba

34. (1) Karolo 16(1) e (2) e šoma go leloko la Khansele ka diphetšo tše hlokegago go tshwaraganyo.
   (2) Tona a ka fedša Khansele ka tse la tšebišo Kuranteng ya mmušo mme a thwala Khansele ye mpsha go ya ka karolo 31, ka mabaka a laeditšwe go a kwagalago.

Tefelo ya maloko a Khansele

35. Karolo 17 e šoma go leloko la Khansele ka diphetšo tše hlokegago tshwaraganyo ye hlokegago.

Dikopano tša Khansele

36. (1) Dikopano tša Khansele di swanetshe go diragatšwa ka mašašiškgwedi, dinako le mafelo ao a laelwago ke modulasetulo.
   (2) Khansele e ka diro melao go laola ditšhepetšo.
   (3) Karolo 18(4) go fihla go (9) e šoma go Khansele ka diphetšo tše hlokegago go tshwaraganyo.
Funds of Council

37. Section 21 applies to the Council with the changes required by the context.

Application of Public Finance Management Act to Council

38. The Public Finance Management Act applies to the Council.

Committees of Council

39. The Council may establish any committee to assist the Council in the performance of its functions and must determine its composition and terms of reference.

Appointment and functions of chief quality assurance officer of Council

40. (1) The Council, acting with the concurrence of the Minister, must appoint a suitably qualified person as chief quality assurance officer.
   (2) The chief quality assurance officer—
      (a) is appointed for a period not exceeding five years; and
      (b) may be reappointed by the Council with the concurrence of the Minister.
   (3) The chief quality assurance officer holds office on terms and conditions, including those relating to remuneration and allowances, as the Council may determine in accordance with the policy contemplated in section 43(1).
   (4) (a) The chief quality assurance officer is responsible for the efficient management of the business and affairs of the Council and must perform any function delegated or assigned by the Council.
      (b) The chief quality assurance officer is furthermore responsible for—
         (i) supervising the processes involved in the grading of tourism services, facilities and products; ensuring that such grading conforms to the national grading system for tourism contemplated in section 28; and ensuring that standards set in terms of the grading system are maintained;
         (ii) the implementation and strategic management of the national grading system;
         (iii) strategic management of the resources and funds of the Grading Council; and
         (iv) assisting the Grading Council in developing strategic plans.

Employment contract and performance agreement of chief quality assurance officer

41. (1) The Council and the chief quality assurance officer must conclude a written contract of employment which must incorporate in an appropriate form the provisions of section 57 of the Public Finance Management Act.
   (2) Section 25(2) and (3) applies to the chief quality assurance officer of the Council with the changes required by the context.

Resignation and dismissal of chief quality assurance officer and appointment of acting chief quality assurance officer

42. Section 26 applies to the chief quality assurance officer and an acting chief quality assurance officer of the Council with the changes required by the context, except that the reference in section 26(4)(b) to section 27(1) must be read as a reference to section 43(1).

Employment and remuneration policy of Council and appointment of staff

43. (1) (a) The Council must determine an employment and remuneration policy applicable to personnel of the Council.
      (b) The determination must be made with the approval of the Minister, acting with the concurrence of the Cabinet member responsible for finance.
Sekhwama sa Khansele

37. Karolo 21 e somo go Khansele ka diphetolo tshe hlokegago tshwaraganyong.

Tiragašo ya Public Finance Management Act go Khansele

38. Public Finance Management Act e somo go Khansele.

Dikomiti tša Khansele

39. Khansele e ka hlama komiti go thusa Khansele ka tiragašo ya mošomo wa yona mme e swanetše go laola hlamego ya yona le ditaelo tša yona tša mošomo mme e swanetše go laola hlamego le ditaelo tša mošomo.

Thwalo le mešomo ya mohlankedi mogolo wa netefatšo ya boleng bja Khansele

40. (1) Khansele ka go dira ka tumellano le Tona, e swanetše go thwala motho wo swanetšego bjalo ka mohlankedi mogolo wa netefatšo ya boleng.

(2) Mohlankedi mogolo wa netefatšo ya boleng—
   (a) o thwalwa lebaka la mengwaga ye sa fetegoe mengwaga ye mehlano; mme
   (b) a ka thwalwa gapa ke Khansele ka tumellano ya Tona.

(3) Mohlankedi mogolo wa netefatšo ya boleng o somo ka mabaka le dipeelano, go akareššwa tše malebanâa le moputso le ditšhwanela, bjalo ka moo Khansele e ka laelago ka gona go ya ka pholisi ye hlałoššitšwe go karolo 43(1).

(4) (a) Mohlankedi mogolo ya netefatšo ya boleng o na le maikarabelo a Bolaodi bjo phethagetšego bja kgwebo le merero ya Khansele mme o swanetše go diragaša mošomo ofe goba ofe wo a o filwe go ke Khansele.
   (b) Mohlankedi mogolo ya netefatšo ya boleng gape o le maikarabelo a go—
      (i) laola tshepetšo ye šomiššwago tekanyetsšong ya maemo a dirirelo tša boeti, didiriššwa le ditšweletšwa; go netefatša gore tekanyetsšo ye e sepelelanago le tselo ya boseštšaba ya tekanyetsšo ya maemo ye hlałoššitšwe go karolo 28; mme le go netefatša gore maemo a o dirile go ya ka tselo ya tekanyetsšo a hlokomelwa;".
      (ii) tsenyo tiriššong le taolo ye leano ya tselo ya boseštšaba ya tekanyetsšo ya maemo;
      (iii) bolaodi bja leano bja methamo le ditšhelete tša Khansele ya boseštšaba ya tekanyetsšo ya maemo; le
      (iv) go thusa thlabollo ya dipakekanyetsšo tša maano a Khansele ya tekanyetsšo ya maemo.

Tumellano ya thwalo le tumellano ya phethagaššo ya mošomo ya mohlankedi mogolo wa netefatšo ya boleng

41. (1) Khansele le mohlankedi mogolo wa netefatšo ya boleng ba swanetše go dira tumellano tša thwalo tše ngwadiššwe tše swanetšego go akarešša ka mokgwa wo swanetšego ditaelo tša karolo 57 ya Public Finance Management Act.

(2) Karolo 25(2) le (3) e somo go mohlankedi mogolo wa netefatšo ya boleng wa Khansele ka diphetolo tše hlokegago go tshwaraganyo.

Go tlogela mošomo le go rakwa ga mohlankedi mogolo wa netefatšo ya boleng le thwalo ya motswašwerealwe mo mohlankedi mogolo wa netefatšo ya boleng

42. Karolo 26 e a šomiššwa go mohlankedi mogolo wa netefatšo ya boleng le mohlankedi wa motswašwerealwe wa mogolo wa netefatšo ya boleng wa Khansele ka diphetolo tše hlokegago tshwaraganyo, ntle le gore tšhupetoššo go karolo 26(4)(b) go ya go karolo 26(1) e swanetše go balwa bjalo ka tšhupetšo go karolo 43(1).

Pholisi ya thwalo le tefelo ya Khansele le thwalo ya bašomi

43. (1) (a) Khansele e swanetše go laola pholisi ya thwalo le tefelo ye šomiššwago go bašomi ba Khansele.
   (b) Taolo ye e swanetše go diragašša ka tumelalo ya Tona, ka go dira ka tumellano le leloko la Kabinete le nago le maikarabelo a tša ditšhelete.
(2) The chief quality assurance officer—
   (a) after consulting the Council, must determine the staff establishment necessary to assist the Council in carrying out its functions; and
   (b) must appoint persons in posts on the staff establishment, including persons to assist the chief quality assurance officer in performing the functions contemplated in section 40(4)(b)(i).

(3) An employee of the Council is employed subject to the terms and conditions determined by the Council in accordance with the employment policy contemplated in subsection (1).

Assignment of oversight and functions of Council

44. (1) The Minister may in writing and subject to such conditions as the Minister may determine, assign oversight of the Council, contemplated in section 30(2), and the performance of any function of the Council contemplated in this Chapter to—
   (a) the Department;
   (b) the Board; or
   (c) any other suitable body which is subject to the Public Finance Management Act.

(2) The Minister may at any time—
   (a) amend or revoke an assignment made under subsection (1); and
   (b) review, amend or set aside any decision made under such assignment, provided that a decision may not be withdrawn where it confers a right or an entitlement on a person.

(3) An assignment under this section does not prevent the Minister from performing the function himself or herself.

CHAPTER 5

TOURISM PROTECTION

Designation of Tourism Complaints Officer

45. (1) The Minister may designate a suitably qualified officer of the Department as Tourism Complaints Officer and publish his or her name in the Gazette.

(2) The Tourism Complaints Officer must—
   (a) perform the functions referred to in section 46; and
   (b) deal with any complaint received in respect of tourism services, facilities or products in the manner provided for in section 47.

Accreditation of scheme

46. (1) (a) The Tourism Complaints Officer may on his or her own initiative or in response to a proposal from persons conducting business within a particular tourism sector, recommend to the Minister—
   (i) the accreditation of a particular scheme or arrangement established by or for a particular tourism sector to resolve tourist complaints; and
   (ii) the person responsible for the implementation of the scheme or arrangement.

(b) Before making the recommendation the Tourism Complaints Officer, must—
   (i) consult persons conducting business within the particular tourism sector;
   (ii) publish particulars of the proposed scheme or arrangement and of the proposed accreditation for public comments;
   (iii) consider any comments received; and
   (iv) where appropriate, make any adjustments to the proposed scheme or arrangement.

(2) A scheme or arrangement contemplated in subsection (1) must—
   (a) be consistent with the objects of this Act;
   (b) be consistent with the Consumer Protection Act; and
   (c) comply with such requirements as may be prescribed.

(3) The Minister may, by notice in the Gazette—
   (a) accredit a scheme or arrangement contemplated in subsection (1); and
(2) Mohlankedi mogolo wa netefatšo ya boleng—
   (a) morago ga go boledišana le Khansele, o swanetše go laela hlango ya bašomi ye hlølegago bakeng sa go thuša Khansele go phethagatša mešomo ya yona; mme
   (b) o swanetše go thwala batho dikgohegeng bakeng sa hlango ya bašomi, go akarešwa batho ba go thuša mohlankedi mogolo wa netefatšo ya boleng bakeng sa go diragatša mešomo ye hløšišwešwe go karolo 40(4)(b)(i).".
(3) Mošomi wa Khansele o thwalwa go ya ka mabaka le dipeelano tše laelwago ke Khansele go ya ka pholisi ya thwalo ye hløšišwešwe go karolwana (1).

**Phethagatšo yo tekolo le mešomo ya Khansele**

44. (1) Tona, ka tsela ya lengwalo mme le go ya ka dipeelano ka moo Tona a ka bonago ka gona, a ka phethagaleša tekolo ya khansele, ye hløšišwešwe go karolo 30(2), le phethagatšo ya mošomo ofe goba ofe wa Khansele wo hløšišwešwe go Kgoalo ye go—
   (a) Kgoro;
   (b) Boto; goba
   (c) mokgatšo ofe goba ofe wa go ya ka *Public Finance Management Act*.
(2) Tona, ka nako efe goba efe, a ka—
   (a) fetša goba a emiša tiragatšo ye dirilwego ka tlase ga karolwana (1); mme
   (b) sekaseka, fetša goba go kgapela thoko dipheto tše dirilwego ka tlase ga tiragatšo ye, ge fela sepheto se ka se fedišwe moo se neago tokelo goba borui go motho.
(3) Tiragatšo ka tlase ga karolo ya ga e thibele Tona go phethagatša mošomo ka boyena.

**KGAOLO 5**

**TSHERELETŠO YA TŠA BOETI**

**Dikgoba tša Mohlankedi wa Dingongorego tša Boeti**

45. (1) Tona a ka bea mohlankedi yo swanetšego wa Kgoro bjalo ka Mohlankedi wa Dingongorego tša Boeti mme a gatiša leina la gagwe *Kuranteng ya Mmusšo*.
(2) Mohlankedi wa Dingongorego tša Boeti o swanetše go—
   (a) phethagatša mešomo ye hløšišwešwe go karolo 46; mme
   (b) ŝmana le ngongorego efe goba efe ye hwedišwešwe malebana la ditirelo tša boeti, didirišwa goba ditšweletšwa ka tsela ye phethagaledišišwešwe go karolo 47.

**Netefatšo ya sekeme**

46. (1) (a) Mohlankedi wa Dingongorego tša Boeti, ka boithomelo bja gagwe goba ka phetolo go tšišišinyo go tšwa go batho bao ba dirago kgwebišano gare ga lekala la tša boeti, a ka dira swayaswayo go Tona gore—
   (i) netefatšo ya sekeme se rilego goba thušaganyo ye hløhngwešwe go goba bakeng sa lekala le rilego la tša boeti go ragobola dingongorego tša baši; mme
   (ii) mošho yo naco le maikarabelo a senyotirišošo ya sekeme goba thušaganyo.
   (b) pele go dirwa diswayaswayo, Mohlankedi wa Dingongorego tša Boeti o swanetše go—
   (i) reriša le batho ka go dira kgwebo mo gare ga lekala la tša boeti;
   (ii) gatiša ditšlabakelo tša sekeme se šišištišwešwe goba ditšulaganyo le tša netefatšo ye šišištišwešwe bakeng sa diswayaswayo tša šešešaba;
   (iii) lebelaša diswayaswayo dife goba dife tše gwedišwešwe; mme
   (iv) moo go kgonegago, a dire dipeakanyetšo go sekeme se šišištišwešwe goba thušaganyo.
(2) Sekeme goba peakanyo ye hløšišwešwe go karolwana (1) e swanetše go—
   (a) sepelešana se maikemišetošo a Molao wo;
   (b) sepelešana le *Consumer Protection Act*; mme le
   (c) go oamiša dinyakwa tše ka laelwago.
(3) Tona a ka, ka tsebišo *Kuranteng ya mmusšo*—
   (a) netefatša sekeme goba peakanyo go karolwana (1); mme
(b) amend or withdraw the accreditation on the recommendation of the Tourism Complaints Officer.

(4) The Tourism Complaints Officer—

(a) must monitor the effectiveness of any accredited scheme or arrangement; and

(b) may require the person responsible for the implementation of an accredited scheme or arrangement to provide such information as may be reasonably necessary for the purposes of such monitoring.

Duties of Tourism Complaints Officer in respect of tourists’ complaints

47. Upon receiving a complaint in respect of any tourism services, facilities or products the Tourism Complaints Officer must—

(a) for the purpose of resolving the complaint, refer the complaint to an accredited scheme or arrangement contemplated in section 46;

(b) refer the complaint to the National Consumer Commission, provincial consumer protection authority or consumer court contemplated in the Consumer Protection Act if the Tourism Complaints Officer believes that the issues raised by the complaint can be dealt with expeditiously and fully by the body concerned;

(c) refer the complaint to the South African Police Service, if the complaint alleges that a person has committed an offence;

(d) refer the complaint to the equality court referred to in section 16 of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000), if the complaint alleges unfair discrimination against a tourist;

(e) refer the complaint to another regulatory authority with jurisdiction over the matter; or

(f) deal with the matter in the prescribed manner.

CHAPTER 6
TOURIST GUIDES

National Registrar of Tourist Guides

48. (1) The Minister must appoint a suitably qualified officer in the Department as the National Registrar of Tourist Guides and publish his or her name in the Gazette.

(2) The National Registrar must—

(a) maintain a central database of all tourist guides registered by Provincial Registrars in terms of section 50;

(b) prepare a code of conduct and ethics for tourist guides in accordance with section 52;

(c) hear and determine appeals and review irregularities under section 56;

(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; and

(f) liaise with the Board, the Council, Provincial Registrars, tourist guides, associations of tourist guides, education and training authorities, organs of state, the South African Police Service, 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) cooperate on matters of mutual interest in the tourist guiding sector.
(b) fetoša goba fediša netefatšo ka swayaswayo ya Mohlankedi wa Dingongorego tša Boeti.

(4) Mohlankedi wa Dingongorego tša Boeti—
   (a) o swanetše go lekola phethagalo ya sekeme se netefaditsšwe goa pekanyetsës, le
   (b) a ka kgopela motho yo nago le maikarabelo a tsenyotirišong ya sekeme se netefaditsšwe goa pekanyetsës goa abela tschedimošo ye ka moo go ka hlokegago bakeng sa mabaka a tekolo.

Ditshwanelo tša Mohlankedi wa Dingongorego tša Boeti malebana le dingongorego tša baeti

47. Morago ga go hwetša ngongorego malebana le ditirelo dife goba dife tša boeti, didirišwa goba ditšweletšwa Mohlankedi wa Dingongorego tša Boeti o swanetše go—
   (a) bakeng sa morero wa go raborla bothata, iša ngongorego go sekeme se netefaditsšwe goa pekanyetsës ye hlandošitsšwe goa karolo 46;
   (b) iša ngongorego go Khoimišene ya Bostšhaba ya Bareki, bolaro bja tšišireletšo ya bareki goba kgorotsheko ya bareki ye hlandošitsšwe goa hlandošitsšwe goa Consumer Protection Act ge Mohlankedi wa Dingongorego tša Boeti a dumela gore merero ye mongongorego a boletšego ka yona e ka raborlwa ke mokgatlo wo malebana ka bonako mme le ka phethagalo;
   (c) iša ngongorego go Tirelo ya Maphodisa ya Afrika Borwa, ge ngongorego e belaetsša gore motho yoo o dirile molato;
   (d) iša ngongorego goba phatlalatsša tshedimos o mabapi le dihlahli tša baeti, iša ngongorego goa balaodi bjo bongwe bja tshepetšo bjo bonago le maatlana molao morerong wo; goba
   (f) somana le morero ka tsela ye laeditsšwe.

KGAOLO 6

DIHLALHI TŠA BAETI

Mongwadisi wa Bosetšhaba wa Dihlahli tša Baeti

48. (1) Tona o swanetše go thwala mohlankedi yo swanetšego Kgorong bjalo ka Mongwadisi wa Bosetšhaba wa Dihlahli tša Baeti mme a gatiše leina la gagwe Kuranteng ya mmošo.
   (2) Mongwadisi wa Bosetšhaba o swanetše go—
      (a) hlokomela dathabeise ya bogareng ya dihlahli ka moka tša baeti tše ngwadiitšwe goa Bangwadiši ba Diprofense go ya ka karolo 50;
      (b) beakanyetsa melao ya maitshwaro le maitshwaro a mabotshe bakeng sa dihlahli tša baeti go ya ka karolo 52;
      (c) theleša le go laola boipelaetsës le go sekaseka tše sa sepelelo ka tsela ka tlaše ga karolo 56;
      (d) lekola ditlwaelo lekaleng la hlahlo ya baeti ka go dira dinyakisišo le tshekatsheko;
      (e) gatiše goba phatlatša tshedimošo mabapi le dihlahli tša baeti, mekgatlo ya dihlahli tša baeti mme le tshedimošo efe goba efe go godiša le go thabolla lekalala la hlahlo ya baeti ka bosetšhaba; mme
      (f) boledišana le Boto le Khaneše, Bangwadiši ba Seprofense, dihlahli tša baeti, bolaro ba thuto le katšo, makala a mmošo, Tirelo ya Maphodisa ya Afrika Borwa, mekgatlo ya merero ya bareki ya diprofense le motho efe goba efe goba mokgatlo go—
         (i) nolotša kgolo le thabollo ya lekalala la hlahlo ya baeti;
         (ii) kaonafatsës le go hlokomela maemo lekaleng la hlahlo ya baeti; mme le
         (iii) tšomišaša mererong ya kgaahlegelo ye tee lekaleng la hlahlo ya baeti.
Provincial Registrars of Tourist Guides

49. (1) The MEC in each province must 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 must—

(a) for the purposes of section 50, keep a register of tourist guides within the province concerned and must—

(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 subparagraphs (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 53;

(e) act in accordance with section 54 when a tourist guide becomes subject to any disqualification referred to in section 50(3);

(f) exercise disciplinary powers in accordance with section 55; and

(g) if he or she has reason to believe that any person, company or close corporation contravenes section 57, lay a charge with the South African Police Service.

Procedure relating to registration of tourist guides

50. (1) (a) Any person who wishes to be registered as a tourist guide must apply to a Provincial Registrar in the prescribed manner.

(b) The application must be accompanied by the prescribed registration fee.

(2) No person may be registered as a tourist guide in terms of this Act unless he or she shows proof of the competence contemplated in section 51.

(3) No person may be registered as a tourist guide in terms of this Act if he or she—

(a) has been convicted of an offence in the Republic, other than an offence committed prior to 27 April 1994 associated with political objectives, and sentenced to imprisonment without the option of a fine or, in the case of fraud or any other offence involving dishonesty, to a fine or imprisonment or both;

(b) subject to subsection (4), has been convicted of an offence in a foreign country and sentenced to imprisonment without the option of a fine or, in the case of fraud or any other offence involving dishonesty, to a fine or imprisonment or both;

(c) loses his or her South African citizenship or right of permanent residence or work permit in the Republic;

(d) has failed to pass the prescribed quality assurance process that a tourist guide must complete not later than two years after the date of his or her last registration as a tourist guide.

(4) An offence contemplated in subsection (3)(b) must constitute an offence under South African law.

(5) 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 must register the applicant as a tourist guide.

(6) When the Provincial Registrar registers any person as a tourist guide, he or she must issue to that person a registration certificate and a badge, which must be in the prescribed form.
Bangwadiši ba Profense ba Dihlahli tša Baeti

49. (1) MEC mo profenseng ye ngwwe le ye ngwwe bjalo ka Mongwadiši wa Profense wa Dihlahli tša Baeti wa profense yeo o swanetšo go thwala motho yo swanetšego mo profenseng bjalo ka Mongwadiši wa Botsêhaba wa Dihlahli tša Baeti wa profense yeo mme a gatiše leina la gagwe mo Kuranetšeng ya mmušo ya profense.

(2) Mongwadiši wa profense o swanetše go—

(a) bakeng sa merero ya karolo 50, a lota retšisëtsetara ya dihlali tša baeti mo profenseng ye malebana mme o swanetše go—

(i) rekhotamoretsëdintlhatsëlaeditsëwegokagoelelwahlahleya tšwego le ye tšwego ye ngwadišišišwegado;

(ii) phumolamoretsëdintlhatsëlahla莉efegobaefeyeongwadisëoya tšwego e tšwego;

(iii) dira thekgo ye beilwego malebana le leina la hlahli efe goba efe yeo ngwadišo ya gagwe e emisišišwegado; mme
dirishišo Mongwadiši wa Botsêhaba ka selo sefe sefe se dirilwęgo go ya ka ditemana (i), (ii) goba (iii);

(b) gatiša goba phatlalaša tšedimošo ga ka dihlališi tše ngwadišišišwegado mo profenseng mme le mekgato ya dihlali tša baeti mme le tshedimošo efe goba efe go godiša le go thabolla lekala la hlahlo ya baeti mo profenseng;

godiša le go tšhobolla lekala la dihlali tša baeti mo profenseng ka tselo efe goba efe tšele le ka mo go hlahlošišwegado go tema (b);

(d) šomana le dingongorego tše dirilwęgo ka tšaša ka karolo 53;

diragatsa magula a kgalemo go ya ka karošo 55; mme

(g) ge a na le lebaka la go dumela gore moo ofe ofe, khamphani goba koporasi e tšola molao wa karolo 57, a bege molato le Tirelo ya Maphodisa ya Afrika Borwa.

Tshepetšo malebana le ngwadišo ya dihlali tša baeti

50. (1) (a) Motho ofe ofe yo a lakatsago go ngwadišwa bjalo ka hlahli ya baeti o swanetše go dira kgopelo go Mongwadiši wa Profense ka tselo ye beilwęgo.

(b) Kgopelo e swanetše go sepela le tšelo ye beilwęgo ye ngwadišo.

(2) Ga go motho yo tša ngwadišwago bjalo ka hlahli ka baeti go ya ka Molao wo tšele le ge a hlatsela phethagalo ye hlahlošišwegado go karolo 51.

(3) Ga go motho yo a ka ngwadišwago bjalo ka hlahli ya baeti go ya ka Molao wo ge a—

(a) ile a latofatšwa ka molato mo Rephablik, ntle le Molato wo dirilwęgo pele ga la 27 Aperole 1994 wo malebana le maikemišeto a sepotloši, mme a ile a iswa kgoleng ngtše le kgetho ya faege goba, mabapi le bofora goba molato ofe ofe wo akaretšago go se tshepagašale, go tšelo ya faege goba go iswa kgoleng goba ka bobedi ba tšona;

(b) go ya ka karolswana (4), o tišhotšišeditišwe molato nangeng ye šeše mme a iswa kgoleng ngtše le kgetho ya faege goba, mabapi le bofora goba molato ofe ofe wo akaretšago go se tshepagašale, go tšelo ya faege goba go iswa kgoleng goba ka bobedi ba tšona;

(c) a fefešeke go ke go moagi wa mo Afrika Borwa goba tšokelo ya bo ba moagi wa go ya go ile goba tumelelo ya go šoma mo Rephablik;

(d) a paletšwe ke go atlega go tshepetšo ya netefatšo ya boleng yeo e swanetsëgo ke go phethagataša ke hlahli ya baeti mo mengwageng ye mebedi morago ga letšatsi la mafelelo la ngwadišo ya gagwe bjalo ka hlahli ya baeti.

(4) molato wo hlahlošišwegado go karolswana (3)(b) o swanetše go ba molato ka tšale ga molao wa Afrika Borwa.

(5) Ge Mongwa wa Profense a kgotsofala gore mokgopedi o sepelešelana le phethagatsa ya ngwadišo bjalo ka hlahli ya baeti mme le gore mokgopedi ga a na tši mo ganetsëgo še hlahlošišwegado go karolswana (3), o swanetše go ngwadiša mokgopedi bjalo ka hlahli ya baeti.

(6) Ge Mongwadiši wa Profense a ngwadiša moo ofe ofe bjalo ka hlahli ya baeti, o swanetše go nea moo yoo settifešiša sa ngwadišo le petše, tšeo di swanetšego go ba ka tselo ye beilwęgo.
(7) Registration as a tourist guide is valid—
   (a) for a period of three years, reckoned from the date of issue of the registration certificate; and
   (b) in all the provinces of the Republic.

(8) (a) 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 three years.

   (b) If the person so applies for the renewal of his or her registration, his or her registration must upon payment of the prescribed fee be renewed, unless he or she has become subject to any disqualification referred to in subsection (3) since the previous registration or renewal of registration.

(9) If a tourist guide has since his or her registration acquired a competence contemplated in section 51 in a prescribed field of specialisation or an additional competence within a prescribed field of specialisation, the Provincial Registrar must, 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 must be in the prescribed form.

(10) Subject to subsections (11) and (12), the Provincial Registrar may refuse to approve an application for registration as a tourist guide if the applicant’s registration was withdrawn on the ground of misconduct in terms of section 55 at any time within a period of three years preceding the date of application.

(11) Before the Provincial Registrar refuses to approve an application for registration under subsection (10), he or she must, 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.

(12) Before the Provincial Registrar decides on an application under this section, he or she must consider the representations, if any, made by the applicant in accordance with subsection (11).

Competence

51. The competence referred to in section 50 must be determined by the South African Qualifications Authority in accordance with the national qualifications framework contemplated in the National Qualifications Framework Act, 2008 (Act No. 67 of 2008).

Code of conduct and ethics

52. (1) The National Registrar must, in the prescribed manner, after consultation with the MEC, the Provincial Registrars and stakeholder groupings, prepare and publish a code of conduct and ethics with which every registered tourist guide must comply.

   (2) The code of conduct and ethics must include provisions requiring a tourist guide—

   (a) to take all reasonable steps to ensure the safety of a tourist whom the tourist guide is accompanying; and

   (b) to render services which comply with any norms and standards determined under section 7.

Reporting of contraventions and lodging of complaints

53. (1) (a) Any person may report a contravention of section 57(1), (2) or (3) with a Provincial Registrar.

   (b) The Provincial Registrar must, if the complaint discloses an offence, lay a charge with the South African Police Service.

   (c) In the case of a contravention of section 57(2), the Provincial Registrar must act in accordance with section 54.

   (2) (a) Any person may lodge a complaint with a Provincial Registrar regarding the misconduct of a tourist guide.
(7) Ngwadišo bjalo ka hlalhi ya baeti e šoma—
(a) mengwaga ye meraro, go tloğa letšatšiškgwedi leoe e filwego ka lona la setifikeiti sa ngwadišo; mme
(b) mo diprofenseng ka moka tša Rephabliki.

(8) (a) Motho ofe goba ofe yo ngwadišištšwešwe bjalo ka hlalhi ya baeti, pele nako ye a ngwadišištšwego ka yona e fela, a ka dira kgopelo go Mongwadiši wa Profense mo foromong ye beilwego ya ya mpshafatšo ya ngwadišo ya gagwe bjalo ka hlalhi ya baeti malebana le nako ye latelago ya mengwaga ye meraro.

(b) Ge motho a dira kgopelo ya go mpshafatša ngwadišo ya gagwe, ngwadišo ya gagwe, ka tefelo ya tshelete ya ngwadišo, e swanetše go mpshafatswa, ntle le ge a amega mabakeng a go se dumeletwe ao a hlalošištšwego go karolwana (3) go tloğa ngwadišišong ye filego goba mpshafatšong ya ngwadišo.

(9) Ge hlalhi ya baeti go tloğa ngwadišišong ya gagwe a hweditsše phethagatšo ye hlalošištšwego go karolo 51 mo boitemogelong bjo bo rilego goba bokgoni bjo okeditšišwe mo boitemogelong bjo itšego, Mongwadiši wa Profense o swanetše go, mo kgopelo ya hlalhi ya baeti, yeo e dirilwego ka tselo ye beilwego, ye sepelago le tefelo ye beilwego, nea hlalhi ngwadišo ye setifikeiti sa ngwadišo ya mpsha se latšago gore bokgoni gape le petše ye mpsha, tšo di swanetsego go ba ka tselo ye beilwego.

(10) Go ya ka dikarolwana (11) le (12), Mongwadiši wa Profense a ka gana go dumelela kgopelo ya ngwadišo ya hlalhi ya baeti ka lebaka la mintšhwarompe go ya ka karolo 55 ka nako efe goba efe mo makong ya mengwaga ye meraro ya go latela letšatšiškgwedi la kgopelo.

(11) Pele Mongwadiši wa Profense a gana go dumela kgopelo ya ngwadišo ka tlaše ka karolwana (10), o swanetše go, ka tsebišo ye rotemšwešwe ka poso ye ngwadišištšwešwe goba tselo efe goba efe ye somago, tsebiša mokgopedi ka ga kgonagalo ya kgaštšo le lebaka la gona mme le go botša mokgopedi gore a rumele dikemedi tše malebana le se ka moo a ka nyakago go dira ka gona, mo nakong ye hlalošištšwego tsebišoŋ, yeo e lego gore, e ka se be ye nnyane ga mašaštšo a 30 go tloğa letšatšiškgwedi la tsebišo.

(12) Pele Mongwadiši wa Profense a ka dira sephetho ka ga kgopelo ka tlaše ga karolo ye, o swanetše go akanya dikemedi, ge di le gona, tše dirilwego ke mokgopedi go ya ka karolwana (11).

Bokgoni


Molao wa mintšhwarompe a mintšhwaro a mabotse

52. (1) Mongwadiši wa Bosetšhaba, ka tselo ye beilwego, morago ga go rerisana le MEC, Bangwadiši ba Profense le sihlpha tša bakgathatema, o swanetše go beakanya le go gatiša molao wa mintšhwarompe a mintšhwaro a mabotse ao hlalhi ye ngwe le ye ngwe e swanetšego go a latela.

(2) Molao wa mintšhwarompe a mintšhwaro a mabotse o swanetše go akaretša ditaelo tše hlokago gore hlalhi ya baeti e—
(a) e tšee magato ka moka a hlokegago go netefatša bolokego ya moeti yoo a sepelago le hlalhi ya baeti; mme
(b) go abela ditirelo tšo di sepetelanaše le ditlwedi dite goba dite le maemo ao a laelwago ka tlaše ga karolo 7.

Go bega ditlolo tša molao le go dira dingongorego

53. (1) (a) Motho ofe goba ofe a ka bega tlolo ya karolo 57(1), (2) goba (3) go Mongwadiši wa Profense.

(b) Mongwadiši wa Profense o swanetše, ge ngongorego e laetša molato, a bege molato go Tirelo ya Maphodisa ya Afrika Borwa.

(c) Bakeng sa tlolo ya karolo 57(2), Mongwadiši wa Profense o swanetše go dira go ya ka karolo 54.

(2) (a) Motho ofe goba ofe a ka bega ngongorego go Mongwadiši wa Profense malebana le mintšhwarompe a hlalhi ya baeti.
(b) The Provincial Registrar must, 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 act in accordance with
       section 54;
   (ii) misconduct not constituting an offence, including a contravention of the code
       of conduct and ethics contemplated in section 52, act in accordance with
       section 54.

(3) A Provincial Registrar concerned must within 14 days report to the National
Registrar in writing the result of any case dealt with in terms of this section.

**Action by Provincial Registrar regarding disqualification of tourist guides**

54. (1) (a) If a Provincial Registrar has reason to believe that a tourist guide has
   become subject to any disqualification referred to in section 50(3), the Provincial
   Registrar must by notice, sent by registered post or any other effective method, inform
   the tourist guide of the allegation 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.
   (b) The representations must be submitted to the Provincial Registrar within the
   period specified in the notice, which may not be fewer than 30 days from the date of the
   notice.

(2) The notice must direct the attention of the tourist guide to the possibility of his or
her registration as a tourist guide being withdrawn.

(3) The tourist guide may present his or her case personally before the Provincial
Registrar or through an adviser of his or her choice.

(4) 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 referred to in section 50(3) are applicable, the Provincial Registrar
must withdraw the registration as a tourist guide.

(5) (a) 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 (4).
   (b) The Provincial Registrar must, before the decision to suspend the registration of
   the tourist guide is taken, afford the tourist guide an opportunity to make representations
   to show why the registration should not be suspended.

(6) Subsection (3) applies to any proceedings for the suspension of the registration of
a tourist guide under subsection (5).

(7) If the registration of a tourist guide is suspended in terms of subsection (5), the
Provincial Registrar must make the prescribed endorsement in the register of tourist
guides referred to in section 49(2), against the name of the tourist guide.

(8) The Provincial Registrar must cause the names of any person whose registration
has been withdrawn under this section to be published in the Gazette and in at least one
newspaper that circulates in the province concerned.

**Disciplinary measures**

55. (1) (a) A Provincial Registrar must institute an investigation or cause an
investigation to be instituted if he or she has reason to believe that a tourist guide is
guilty of misconduct by—
   (i) contravening a provision of this Act or any other law;
   (ii) contravening the code of conduct and ethics referred to in section 52; or
   (iii) failing to comply with any condition subject to which he or she has been
       registered.
   (b) A Provincial Registrar who institutes an investigation or causes an
investigation to be instituted contemplated in subsection (1) must by notice, sent by
registered post or any other effective method, inform the tourist guide of the charge
against him or her.

(b) The notice must call upon that tourist guide to submit such representations in
connection with the charge as he or she may wish to make, within a period specified in
the notice, which may not be fewer than 30 days from the date of the notice.
(b) Mongwadiši wa Profense o swanetše, ge ngongorego e hlaloša—
   (i) tlolo ya Molao wo goba molao ofe goba ofe wo o laetšago molato, a bege molato go Tirelo ya Maphodi a Afrika Borwa mme a dire go ya ka karolo 54;
   (ii) maitshwarampe ao e sego molato, go akaretsa tlolo ya molao wa maitshwaro le maitshwaro a mabotse ye hlaloššiššego go karolo 52, go dira go ya ka karoro 54.

(3) Mongwadiši wa Profense yo malebana o swanetše mo matšatšing a 14 go bega go Mongwadiši wa Bosetšhaba ka tsela ya lengwalo, poelo ya molato ofe ofe wo o sepediššego go ya ka karolo ye.

Magato ka Mongwadisi wa Profense malebana le go tlošwa ga dihlali tša baeti

54. (1) (a) Ge Mongwadiši wa Profense a na le lebaka la go dumela gore hlaliły ya baeti e swanelwa ke kgethošo efe efe ye e hlaloššiššego go karolo 50(3), Mongwadiši wa Profense o swanetše go, ka tsebišo, ye rometšego ke poso ye ngwadiššiššego goba tsela efe goba efe ye šomo, tsebiša hlaliły ya baeti ka ga dipelaelo kgahlanong le ena mme a bitšwa go romela dikemedi tše malebana tšeo a ka nyakago go di diragatsa.
   (b) dikemedi di swanetše go romelwa go Mongwadiši wa Profense mo nakong ye laedštšego tsebišoŋ, tše di ka se bego bonnyane ba matšatši a 30 go tloga letšatšikgwedi la tsebišo.
   (2) Tsebišo e swanetše go laetša hlaliły ya baeti ka kgonagalo ya gore ngwadiššo ya gagwe e ka tlošwa.
   (3) Hlahliyabaetše e ka araba molato wa yona ka bo yona go Mongwadiši wa Profense goba ka moletši wa boiggethelo bja gagwe.
   (4) Ge e le gore, morago ga go ešela dipelaelo kgahlanong le hlaliły ya baeti le dikemedi tša gagwe, ge di le gona, Mongwadiši wa Profense a kgotsofala gora go tlošwa go ngwadiššiššego go karolo 50(3) go swanetše, Mongwadiši wa Profense o swanetše go tlošwa ngwadiššo ya hlaliły ya baeti.
   (5) (a) Mongwadiši wa Profense a ka, ka tsebišo ye hlaloššiššego go karolwana ye (1), emiša, nako ye sa fešego matšatši a 30, ngwadiššo ya hlaliły ya baeti ye amegago, go sa emetše sephetho sa Mongwadiši wa Profense ka tsebišo go karolwana (4).
   (b) Mongwadiši wa Profense o swanetše go, pele sepheto sa go emiša ngwadiššo ya hlaliły ya baeti se dirwa, nea hlaliły ya baeti monyetla wa go phethagaletša dikemedi go laetša gore ke ka eng ngwadiššo e sa swanela go emiša.
   (6) Karolwana (3) e šoma go ditšepešo dife goba dife bakeng sa go emiša ga ngwadiššo ya hlaliły ya baeti ka tše ka karolwana (5).
   (7) Ge ngwadiššo ya hlaliły ya baeti e emiššiššwe go ya ka karolwana (5), Mongwadiši wa Profense o swanetše go phethagaletša thegko retisetareteng ya dihlali ye hlaloššiššego go karolo 49(2), kgahlanong le leina la hlaliły ya baeti.
   (8) Mongwadiši wa Profense o swanetše go netefatša gore maina batho bafe goba bafe ao dingwadiššo tša bona di emiššiššego ka tše ka karolo ye gore a gatišwe Kuranteng ya Mmšo mme le gare ka kuranta le ge e ka ba ye tee ye phatlalatšwago mo profenseng ye malebana.

Magato a kgulemo

55. (1) (a) Mongwadiši wa Profense o swanetše go rulaganya dinyakisho goba go diragatsa dinyakisho ge a na le lebaka la go dumela gore hlaliły ya baeti e na le molato wa maïtshwarampe ka—
   (i) go tlola taele ya Molao wo goba molao ofe goba ofe;
   (ii) go tlola molao wa maïtshwara le maïtshwara a mabotse ao a hlaloššiššego go karolo 52; goba
   (iii) go palelwa ke go latela dipelaelo dife goba dife tšeo a ngwadiššiššego go tšona.
   (2) (a) Mongwadiši wa Profense yo a rulaganya dinyakisho goba yo a diragatsa dinyakisho ye hlaloššiššego go karolwana (1) o swanetše go, ka tsebišo, ye rometšego ka poso ye ngwadiššiššego goba tsela efe goba efe ye šomo, tsebiša hlaliły ya baeti ka ga tefelo kgahlanong le yena.
   (b) Tsebišo e swanetše go bitša hlaliły ya baeti go romela dikemedi tše malebana le molato wo a nyakago go o dira, mo nakong ye laetšego tsebišoŋ, mme yeo e ka se bego matšatši a ka tše go a 30 go tloga letšatšikgwedì la tsebišo.
Tourism Act, 2014

(c) The notice must direct the attention of the tourist guide to the possible penalties referred to in subsection (4).

(3) The tourist guide may present his or her case personally before the Provincial Registrar or through an adviser of his or her choice.

(4) 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 R10 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.

(5) (a) The Provincial Registrar may, by notice contemplated in subsection (2)(a), suspend, for a period not exceeding 30 days, the registration of the tourist guide concerned, pending the decision of the Provincial Registrar under subsection (4).
(b) The Provincial Registrar must, before the decision to suspend the registration of the tourist guide is taken, afford the tourist guide an opportunity to make representations to show why the registration should not be suspended.

(6) Subsection (3) applies to any proceedings for the suspension of the registration of a tourist guide under subsection (5).

(7) If the registration of a tourist guide is suspended in terms of subsection (5), the Provincial Registrar must make the prescribed endorsement in the register of tourist guides referred to in section 49(2), against the name of the tourist guide.

Appeals and reviews

56. (1) Any person who is 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.

(2) The appellant may argue his or her appeal personally before the National Registrar, or through an adviser of his or her choice.

(3) The National Registrar may confirm, set aside or amend the decision.

(4) 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.

Prohibitions

57. (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 referred to in section 50(3) may for reward, whether monetary or otherwise, 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).

Disputes

58. Any dispute or disagreement between the National Registrar and a Provincial Registrar concerning the performance of any of the functions contemplated in sections 49, 50, 52, 53, 54, 55 or 56 must—
(a) be dealt with in accordance with the principles of cooperative government and intergovernmental relations referred to in section 41 of the Constitution of the Republic of South Africa, 1996, and the provisions of the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005); and
(b) whenever necessary, be settled in accordance with Chapter 4 of the Intergovernmental Relations Framework Act, 2005.
(c) Tsebišo e swanetső go laetša hlahlí ya baeti go dikotlo tša kgonagaloo tše go bolelwagoo ka tlšona go karolwana (4).

(3) Hlahlí ya baeti e ka arabelo molato wa yona ka boyona go Mongwadiši wa Profense goba moeleši wa boikethelo bja gagwe.

(4) Ge e le gore, morago ga go elelwagoo molato wa hlahlí ya baeti le dikemedi tša gagwe, ge di le gona, Mongwadiši wa Profense a kgotšoše še gore hlahlí ya baeti e na le molato wo e beleysetšwego ka ona, Mongwadiši wa Profense a ka—

(a) nea temošo go hlahlí ya baeti;
(b) lešša hlahlí ya baeti faene ye beilwego, yeo e ka se fetego R10 000; goba
(c) tšoša ngwadišo bjalo ka hlahlí ya baeti bakeng sa botelele bja nako ye sa fetego mengwaga ye mehlano ka moo Mongwadiši wa Profense a ka laolago ka gona.

(5) (a) Mongwadiši wa Profense a ka, ka tsebišo ye hloaloššwego go karolwana (2)(a), emiša, botelele bja nako ye fetego maššatiša a 30, ngwadišo ya hlahlí ya baeti ye malebana, go sa emetšwe sepheto sa Mongwadiši wa Profense ka tšase ga karolwana (4).
(b) Mongwadiši wa Profense o swanetsė go, pele sepheto sa go emišwa ngwadišo ya hlahlí ya baeti, nea hlahlí ya baeti monyetša wa go phethagaletša dikemedi go laetsa gore ke ka eng ngwadišo e swanela go emišwa.

(6) Karolwana (3) e šoma go ditšepetšo dife goba dife bakeng sa kenišo ya ngwadišo hlahlí ya baeti ka tšase ga karolwana (5).

(7) Ge ngwadišo ya hlahlí ya baeti e emiššišwe go ya ka karolwana (5), Mongwadiši wa Profense o swanetsė go phethagaletša tsenyo ye beilwego go reššisetša ya dīlahlī tša baeti ye hloaloššwego go karolo 49(2), kgahlanong le leina la hlahlí ya baeti.

Boipelalo le ditšhekaseko

56. (1) Motho ofe goba ofe ye nago le ngongorego ya sepheto sa Mongwadiši wa Profense a ka dira boipelaetsšo kgahlanong le sephetho seo go Mongwadiši wa Bosetšhaba ka tšela ye beilwego, mme mo nakong ye beilwego le ka tefelo ye hlokegago.

(2) Mongongoregi a ka ikarabela boipelaelo bja gagwe ka boyena pele ga Mongwadiši wa Bosetšhaba, goba ka moeleši wa boikethelo bja gagwe.

(3) Mongwadiši wa Bosetšhaba ka netefatsša, a beyela thoko goba a fetoša sepheto se.

(4) Maatla a go laola boipelaetsšo go ya ka karolo ye felele go phethagago ya sepheto se se tšerwego kgahlanong le yona, efela a akaretša maatla a sekaseko ya go sepele ka tšela gofe goba gore malebana le sepheto.

Dithibelo

57. (1) Motho yo e sega hlahlí ya baeti ye ngwadišiššwego goba yo nwadiša ye gagwe e tšošiššwego go se a swanela go dira bjalo ka hlahlí ya baeti ka lebaka la khoego, le ge e ka ba tšhelete.

(2) Motho yo a tšošiššwego malebana a laediššwego go karolo 50(3) ga se a swanela go dira bjalo ka hlahlí ya baeti bakeng sa khoego tša tšhelete.

(3) Ga go motho, khamphani goba koporasi ye, bakeng sa papašo ya kgwebo efe goba efe yeo e diragatšwago ke yena goba yona, e ka thwalago motho yo a sa ngwadiššwago bjalo ka hlahlí ya baeti goba yoo ngwadišo ya gagwe e emiššišwe goba e tšošiššwego goba yoo a tšošiššwego go ya ka mabaka a hloaloššwego go karolwana (2).

Dithulano

58. Thulano efe goba efe goba ngangišano magareng ga Mongwadiši wa Bosetšhaba le Mongwadiši wa Profense malebana le phethagaššo ya meššomo efe goba efe ye hloaloššwego go dikarolo 49, 50, 52, 53, 54, 55 goba 56 e swanetsė go—

(a) raborollwa go ya ka dikokwane tša mmušo wa tirišano le ditšwalano tša mēbušo še hloaloššwego go karolo 41 ya Molaotho wa Rephahlīki ya Afrika Borwa, 1996, mme le ditšešo tša the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005); mme

(b) ge go hlokega, raborollwa go ya ka Kgaolo 4 ya the Intergovernmental Relations Framework Act, 2005.
CHAPTER 7

GENERAL

Offences and penalties

59. (1) A person is guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding one year if he or she—
   (a) professes to be a member of a scheme contemplated in section 28(3), while he or she is not such a member.
   (b) uses in relation to any tourism services, facilities or products offered by him or her any depiction or depictions of a star or stars, or any other prescribed insignia, unless he or she is a member of a scheme contemplated in section 28(3);
   (c) uses in relation to any tourism services, facilities or products offered by him or her an insignia depicting a star or number of stars, or any other prescribed insignia, which is greater than the number which he or she is authorised to depict in terms of such tourism services, facilities or products;
   (d) knowingly makes or assists in providing information or any document, required by this Act, that contains an untrue statement of a material fact;
   (e) knowingly omits to state a material fact in or on any document referred to in paragraph (d); or
   (f) contravenes section 57(1), (2) or (3).

(2) Any company or close corporation that contravenes section 57(3) is guilty of an offence and liable on conviction to a fine not exceeding R100 000,00.

Delegations and assignments

60. (1) The Minister may in writing and subject to such conditions as the Minister may determine, delegate or assign to the Director-General, any other officer of the Department or any organ of state any power or duty conferred on the Minister by this Act.

(2) The Minister may not delegate the power—
   (a) to determine norms and standards in terms of this Act;
   (b) to appoint a member of the Board;
   (c) to appoint a member of the Council; or
   (d) to make a regulation.

(3) The Director-General may in writing and subject to such conditions as the Director-General may determine, delegate or assign to any other officer of the Department, any power or duty conferred on the Director-General in terms of this Act or delegated or assigned to the Director-General under subsection (1).

(4) Any delegation or assignment under subsection (1) or (3)—
   (a) must be in writing;
   (b) does not divest the person who made the delegation or assignment of the power delegated or duty assigned;
   (c) does not prevent the person who made the delegation or assignment from exercising the power or performing the duty so delegated or assigned; and
   (d) may at any time be withdrawn by the person who delegated the power or assigned the duty.

Regulations

61. (1) The Minister may, by notice in the Gazette, make regulations regarding—
   (a) in relation to the national tourism information and monitoring system contemplated in section 5—
      (i) the nature and form of the system;
      (ii) the categories, content and form of the data and information to be captured on the system;
      (iii) the content, form and manner in which organs of state must provide the Minister with data and information and the intervals at which the information and data must be provided; and
Melato le dikotlo

59. (1) Motho o na le molato mme ka go tšhotšhiswa, o tla swanela ke kotlo ya faene goba go išwa kgolegong nako ye fetego ngwaga wo tee ge a—
   (a) dumela go ba leloko la sekeme se hlaološišwe go karolo 28(3), mme e se leloko.
   (b) diriša malebana le ditirelo tša boeti, didirišwa goba ditšweletšwa tše abelwago ke ena goba taešo efe goba efe goba ditaetšo tša naledi goba dinaledi, goba leswaqo le lengwe le lengwe, ntle le ge e le leloko la sekeme se hlaološišwe go karolo 28(3);
   (c) diriša ditirelo dife goba dife tša boeti, didirišwa goba ditšweletšwa tše fiwang go yena leswaqo le laetsago naledi goba palo ya dinaledi, goba leswaqo lefe goba lefe le beiliwego, tšeo di fetago palo ya tše a dumelešišwe go di laetša go ya ka ditirelo tše tša boeti, didirišwa goba ditšweletšwa;
   (d) abela goba a thuša go abela tshedimošo ka go tseba goba tokomane efe goba efe ye hlokegago Molaong wo, yeo e nago le ditatamente tše ditlabakelo tša bofora;
   (e) ka go tseba, ntša nnete ya ditlabakelo tokomaneng efe goba efe ye malebana le tema (d); goba
   (f) a tiola ditlaešo tša karolo 57(1), (2) goba (3).

(2) Khamphani efe goba efe goba koporasi ye tlolago karolo 57(3) e na le molato mme ge e tšhotšhiswa e tla lefa faene ya se fetego R100 000,00.

Phetšešo ya maatla le mšomo

60. (1) Tona, ka tseba ya lengwalo mme go ya ka dipeelano tše ka laelwago ke Tona, a ka laola, romela goba nea mošomo go Molaodi-Kakaretšo, mohlankedī ofe goba ofe wa Kgoro goba lekalak maamušo maatla afe goba afe goba mošomo we filwego Tona ke Molaow wo.

   (2) Tona a ka se nee maatla a go—
      (a) laola ditlwaelo le maemo go ya ka Molao wo;
      (b) thwala leloko la Boto;
      (c) thwala leloko la Khansele; goba
      (d) dira molawana.

   (3) Molaodi-Kakaretšo a ka, ka tseba ya lengwalo mme go ya ka dipeelano tše Molaodi-Kakaretšo a ka di laelago, romela goba nea mohlankedī ofe goba ofe wa Kgoro, maatla afe goba afe goba mošomo wo filwego Molaodi-Kakaretšo go ya ka Molaow goba wo rometsšwe go wlo filwego ka tlae ga karolwana (1).

   (4) Thomelo efe goba efe goba mošomo ka tlae ka karolwana (1) goba (3)—
      (a) o swanetsše go ba ka tseba ya lengwalo;
      (b) ga o tloše motho yo rometsšegoe goba yo filego maatla a go phethagatsa goba mošomo wo neišwe;
      (c) ga o thibeše motho yo rometsšego goba yo neišlego mošomo go diragatsa maatla goba go phethagatsa mošomo wo go rometsšwe go ona goba wo neišwe;
      (d) o ka emišwa ka nako efe goba efe ke motho yo neišlego maatla goba a neišlego mošomo.

Melawana

61. (1) Tona a ka, ka tsebišo Kuranteng ya mmušo, dira Melawana malebana le—

      (a) tshedimošo ya botsëshaba ya tša boeti le tseba ya ya tekolo ye hlaološišwe go karolo 5—
         (i) seemo le sebopego sa tseba ye;
         (ii) magoro ka moka, tshwaraganyo le mohuta wa dathe le tshedimoşo yeo e tla lotwago mo sedirišweng se;
         (iii) tshwaraganyo, mokgwa le ka moo makala a mmušo a swanetsšego go abela Tona ka dathe le tshedimošo le dinako tše tshedimošo le data di swanetsšego go abela; mme
(iv) any other matter necessary for the proper administration and functioning of the system;
(b) the manner and procedure for lodging complaints with the Tourism Complaints Officer;
(c) any matter which may or must be prescribed in terms of this Act; and
(d) generally, any ancillary or incidental administrative or procedural matter that it is necessary or expedient to prescribe for the proper implementation or administration of this Act.

(2) A regulation made under this section may, for any contravention thereof, or failure to comply therewith, prescribe a fine or imprisonment for a period not exceeding 12 months or to both a fine and such imprisonment.

Repeal of laws

62. The following Acts are hereby repealed:
(a) the Tourism Act, 1993 (Act No. 72 of 1993);
(b) the Tourism Amendment Act, 1996 (Act No. 105 of 1996);
(c) the Tourism Amendment Act, 2000 (Act No. 8 of 2000); and
(d) the Tourism Second Amendment Act, 2000 (Act No. 70 of 2000).

Transitional provisions and savings

63. The transitional provisions and savings contained in Schedule 1 must be read and applied as substantive provisions of this Act.

Short title and commencement

64. (1) This Act is called the Tourism Act, 2014, and takes effect on a date to be determined by the President by proclamation in the Gazette.
(2) Different dates may be so determined in respect of different provisions of this Act.
(iv) morero ofe goba ofe wo hlokegago bakeng sa tšepetšo le tšhomisišo ye phethagetišo ya tsela ye;

(b) mokgwa le tšepetšo ya go dira dingongorego le Mohlankedi wa Dingongorego tša Boeti;

(c) morero ofe goba ofe wo o ka goba swanetsē o laolwe go ya ka Molao wo; mme

(d) kakarešo, morero ofe goba ofe wa thušo goba wo bologwakwa wa tšepetšo woo go nago le hlokego goba o phethagatswe bakeng sa tsenyotirišong ya phethagalo goba tšepetšo ya Molao wo.

(2) Molawana o dirilwego ka tlaše ga karolo ye o ka, bakeng sa tlolo ya molao, goba palelo ya go obamela tše, laetša faene le go išwa kgolegong.

Phumolo ya melao

62. Melao ye latelago e a phumolwa—

(a) Tourism Act, 1993 (Act No. 72 of 1993);
(b) Tourism Amendment Act, 1996 (Act No. 105 of 1996);
(c) Tourism Amendment Act, 2000 (Act No. 8 of 2000); le
(d) Tourism Second Amendment Act, 2000 (Act No. 70 of 2000).

Ditaelo tša nakwana le dipoloko

63. Ditaelo tša nakwana le dipoloko tše lego go Šetule 1 di swanetsē go balwa mme di diragatswe bjalo ka ditaelo tše mo Molaong wo.

Thaetlele ye kopana le go thoma go šoma ga Molao

64. (1) Molao wo o bitšwa Molao wa tša Boeti, 2014, mme o thoma go šoma ka letšatšikwedī le o le tla laelwago ke Mopresidente ka kgoeletšo Kuranteng ya Mmusšo.
(2) Matšatšikegwe die farologaengde a laolwa go ya na ka ditaelo tše farologaeng tša Molao wo.
SCHEDULE 1

(Clause 63)

TRANSITIONAL PROVISIONS AND SAVINGS

Definitions

1. In this Schedule, “repealed Act” means the Tourism Act, 1993 (Act No. 72 of 1993).

Members of South African Tourism Board

2. (1) Every person who is a member of the South African Tourism Board established by section 2 of the repealed Act immediately before this Act takes effect, remains a member of the Board until a date determined by the Minister by notice in the Gazette.

(2) Anything done or any decision or step taken by the South African Tourism Board in terms of the repealed Act which could have been done by the Board in terms of any provision of this Act, is regarded as having been done by the Board in terms of the last-mentioned provision.

Grading and classification schemes established under repealed Act

3. (1) Any grading and classification scheme established by the Minister under section 18 of the repealed Act in respect of accommodation establishments, and any scheme established by the Minister under section 19 of that Act in respect of a sector of the tourism industry other than accommodation establishments, remains of force and effect and must be regarded as a scheme established by virtue of section 28(3).

(2) Any person who is a member of a grading and classification scheme contemplated in section 18(1) of the repealed Act or a scheme contemplated in section 19(1) of that Act, remains such a member and must be regarded as a member of a grading and classification scheme established by virtue of section 28(3).

(3) Any differentiation applied and any classification made by the Minister under section 18(2) of the repealed Act in respect of accommodation establishments, or under section 19(2) in respect of a sector of the tourism industry other than accommodation establishments, remains of force and effect and must be regarded as having been applied or made, as the case may be, by virtue of a grading and classification scheme contemplated in section 28(3).

(4) Any grading awarded in respect of an accommodation establishment by virtue of a grading and classification scheme contemplated in section 18(1) of the repealed Act, and any authority granted under section 18(5) of that Act to use and display insignia indicating the grading awarded in respect of the establishment concerned, remains of force and effect and must be regarded as having been awarded or granted, as the case may be, by virtue of a grading and classification scheme contemplated in section 28(3).

(5) Until a date determined by the Minister by notice in the Gazette, the Tourism Grading Council of South Africa which existed immediately before the commencement of this Act as a business unit of the Board must be regarded as the Tourism Grading Council established by section 29.

National Registrar of Tourist Guides and Provincial Registrars of Tourist Guides

4. Any person who occupies the post of National Registrar of Tourist Guides or a post of Provincial Registrar of Tourist Guides immediately before this Act takes effect, remains in that post and is regarded as having been appointed under section 48 or section 49, as the case may be.
45

**ŠETULE 1**

*(Kgaolo 63)*

**DITAELO TŠA NAKWANA LE DIPLOLOKO**

**Dihlalošo**


**Maloko a Boto ya Baeti ya Afrika Borwa**

2. (1) Motho ofe goba ofe yo e lego leloko la Boto ya tša Boeti ya Afrika Borwa ye hlangwego ka karolo 2 ya Molao wo phumotšwego pele Molao wo o ka thoma go šoma, o tšwela pele ka go ba leloko la Boto go fihlela letšatšikgwedi le laelwago ke Tona ka tsebišo *Kuranteng ya Mmušo*.

(2) Selo sefe goba sefe se dirilwego goba sepheto se tšerwego goba legato le tšerwego ke Boto ya tša Boeti ya Afrika Borwa go ya ka Molao wo phumotšwego tšeo di kabego di dirilwe ke Boto go ya ka ditaelo tša Molao wo, di tšewa bjalo ka tše go phethagaditišwe go kete Boto go ya ka taelo ya hlałošišwe go mafelelo.

**Dikeme tša tekanyetšo le magoro tše hlangwengo ka tlace ga Molao wo phumotšwego**

3. (1) Sekeme sefe goba sefe sa tekanyetšo le go beya ka magoro seo se hlangwengo ke Tona ka tlace ga karolo 18 ya Molao wo phumotšwego malebana le go hloma madulo, le sekeme sefe goba sefe se hlangwengo ke Tona ka tlace ga karolo 19 ya Molao woo malebana le lekala la indasteri ya tša boeti ntle le ntle le hlango ya madulo se tša šoma le go phethagatsa mme se swanetše go bonwa bjalo ka sekeme se hlangwengo ka karolo ya 28(3).

(2) Motho ofe goba ofe yo e lego leloko la sekeme sa tekanyetšo le magoro se hlałošišwe go karolo 18(1) ya Molao wo phumotšwego goba sekeme se hlałošišwe go karolo 19(1) ya Molao woo, o tšwela pele ka go ba leloko mme o swanetše go bonwa bjalo ka leloko la sekeme sa tekanyetšo le magoro se hlangwengo ka karolo 28(3).

(3) Pharologanyo efe goba efe ye filwegeo mme le magoro a dirilwego ke Tona ka tlace ga karolo 18(2) ya Molao wo phumotšwego malebana le hlango ya madulo, goba ka tlace ga karolo 19(2) malebana le lekala la indasteri ya tša boeti ntle le hlango ya madulo, di dula di šoma le go phethagatsa mme se swanetše go tšewa bjalo ka tše diragadišwe go tše dirilwego, ka moo go ka bago ka gona, ka sekeme sa tekanyetšo le magoro se hlałošišwe go karolo 28(3).

(4) Tekanyetšo efe goba efe ye filwegeo go ya ka hlaango ya madulo ka sekeme sa tekanyetšo le magoro se hlałošišwe go karolo 18(1) ya Molao wo phumotšwego, mme le Boalodi bofe goba bofe bo filwegeo ka tlace ga karolo 18(5) ya Molao woo go dirisa le go laetša leswaoo le hlašisago tekanyetšo malebana hlango ye malebana, e dula e dira le go diraša mme e swanetše go tšewa bjalo ka ye dirilwego goba ye diragadišwe, ka moo go le gona ka gona, ka sekeme sa tekanyetšo le magoro se hlałošišwe go karolo 28(3).

(5) Go fihlela letšatšikgwedi le laelwago ka Tona ka tsebišo *Kuranteng ya Mmušo*, Khansela ya Tekanyetšo ya maemo ya Afrika Borwa yeo e bego e le gona pele Molao wo o ka thoma go šoma bjalo ka yuniti ya kgwebo ya Boto e swanetše go bonwa bjalo ka Khansela ya Tekanyetšo ya maemo ye hlangwengo ka karolo 29.

**Mongwadiši wa Bosetšhaba wa Dihlahli tša Baeti le Mongwadiši wa Bosetšhaba wa Dihlahli tša Baeti**

4. Motho ofe goba ofe ye lego sekgobeng sa Mongwadiši wa Bosetšhaba wa Dihlahli tša Baeti goba sekgobeng sa Mongwadiši wa Profense wa Dihlahli tša Baeti pele Molao wo o ka thoma go šoma o dula sekgobeng se o mme o bongwa bjalo ka yo a hlwešwego ka tlace ga karolo 48 goba karolo 49, ka moo go le gona.
Tourist guides

5. (1) Any person registered as a tourist guide in terms of section 21A of the repealed Act immediately before this Act takes effect, remains registered as a tourist guide for the rest of the period of validity of his or her registration and must be regarded as having been registered in terms of section 50.

(2) Any tourist guide registered in a field of specialisation contemplated in section 21A(7) of the repealed Act immediately before this Act takes effect, remains so registered for the rest of the period of validity of his or her registration and must be regarded as having been registered in terms of section 50(9).

(3) Any application by a tourist guide for the renewal of his or her registration as a tourist guide, which has been lodged with a Provincial Registrar in terms of section 21A(6)(b) of the repealed Act but not yet finalised when this Act takes effect, must be dealt with, and a registration certificate issued, in terms of this Act.

Disciplinary measures, appeals, reviews and criminal proceedings

6. Any disciplinary measure instituted in terms of section 21F of the repealed Act, any appeal or review lodged in terms of section 21G of that Act and any criminal proceedings instituted in terms of section 28 of that Act, but not yet finalised when this Act takes effect, must be dealt with and concluded in terms of the repealed Act as if that Act had not been repealed.

General

7. The following matters authorised by or provided for in the repealed Act, remain of force and effect until amended, repealed or replaced in terms of this Act:

(a) Any record of members of a grading and classification scheme and of establishments graded and classified in terms of such scheme, kept by the South African Tourism Board in terms of section 18(6) of the repealed Act;

(b) any central database of all tourists maintained by the National Registrar in terms of section 20(2)(a) of the repealed Act;

(c) any register of tourists, kept by a Provincial Registrar in terms of section 21(2)(a) of the repealed Act;

(d) any code of conduct and ethics prepared and published by the National Registrar in terms of section 21C of the repealed Act; and

(e) any regulation made by the Minister under the repealed Act.
Dihlahli tša baeti

5. (1) Motho ofe goba ofe yo ngwadišišišwe bjalo ka hlahlí ya baeti go ya ka karolo 21A ya Molao o phumotšwe pele ga Molao wo o thoma go šoma, o tšwela pele bjalo ka yo ngwadišišišwe bjalo ka hlahlí ya baeti go fihlela nako ye šetšego ya ngwadišo ya gagwe mme o swanetš go bonwa bjalo ka yo ngwadišišišwe ka tlaše ga karolo 50.  
(2) Hlahlí efe goba efe ye ngwadišišišwe lekaleng mošomong wo hlalošišişwe go karolo 21A(7) ya Molao wo phumotšwe pele Molao wo o thoma go šoma, e dula e ngwadišišwe nakong ka moka ya ngwadišo mme o swanetše go bonwa bjalo ka yo a bego a ngwadišišwe go ya ka karolo 50(9).  
(3) Kgopelo efe goba efe ye hlahlí ya baeti ya mpsšafatšo ya ngwadišo bjalo ka hlahlí ya baeti, yeo e dirilwego le Mongwadiši wa Profene go ya ka karolo 21A(6)(b) ya Molao wo phumotšwe pele e sa phethagatšwa ge Molao wo o thoma go šoma, e swanetše go raborollwa, mme ngwadišo le setifikeiti se swanetše go fiwa, go ya ka Molao wo.

Magato a kgalemo, boipelaetšo, ditshekaseko le ditshepeto tša bosenyi

6. Legato lefe goba lefe le diragatswago go ya ka karolo 21F ya Molao wo phumotšwe, boipelaetšo bofe goba bofe goba tshekaseko ye dirilwego go ya ka karolo 21G ya Molao woo mme le ditshepeto dife goba dife tše diragatswago go ya ka karolo 28 ya Molao woo, efela di sa phethagatšwa ge Molao wo o thoma go šoma, di swanetše go šongwa mme di phethagatšwe go ya ka Molao wo phumotšwe eke Molao woo o be o sa phumlwa.

Kakaretšo

7. Merero ye latelago ye dumeletšwego ke goba e phethagaleditšwe Molaong wo phumotšwe, e tša tšwela pele ka go šoma go fihlela e fetosša, phumulwa goba go bewa bakeng go ya ka Molao wo—  
   (a) Rekhoto efe goba efe ye maloko a sekeme se tekanyetšo le magoro mme le ya dihlango tša tekanyetšo le tše beilwego ka magoro go ya ka sekeme se, di lotišwe ke Boto ya tša Boeti ya Afrika Borwa go ya ka karolo 18(6) ya Molao wo phumotšwe;  
   (b) dathabeise efe goba efe ye bogareng ya dihlahlí ka moka ye holokemelwago ke Mongwadiši wa Bosetšhaka go ya ka karolo 20(2)(a) ya Molao wo phumotšwe;  
   (c) retšiserata efe goba efe ya baeti, ye lotwago ke Mongwadiši wa Profene go ya ka karolo 21(2)(a) ya Molao wo phumotšwe;  
   (d) molao ofe goba ofe wa maïtšhvaro le maïtšhvaro a mabotše tše rulagantšwego mme tše gatišišwe go ke Mongwadiši wa Bosetšhaka go ya ka karolo 21C ya Molao wo phumotšwe; mme  
   (e) molawana ofe goba ofe wo dirilwego ke Tona ka tlaše ga Molao wo phumotšwe.