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GOEWERMENSKENNISGEWING

DEPARTEMENT VAN HANDEL EN NYWERHEID

No. R. 975

27 Maart 1992

WET OP HOTELLE, 1965 (WET No. 70 VAN 1965)

Die Minister vir Administrasie en Toerisme het Goewermenskennisgewing No. R. 1509 van 28 Julie 1989, uitgevaardig kragtens artikel 34 van die Wet op Hotelle, 1965 (Wet No. 70 van 1965), gewysig soos in die Bylae uiteengesit.

BYLAE

Regulasie 1 word hierby gewysig deur die woordomskrywing van "hefbare kamer" te skrap en te vervang met—

"'besette kamer' 'n slaapkamer of enige ander kamer met 'n enkelingang wat deur een of meer gaste vir slaapdoeleindes gebruik word;".

Regulasies 22, 23 en 24 word hierby gewysig deur dit met die volgende regulasies te vervang:

"HEFFINGS BETAALBAAR AAN DIE RAAD

22. (1) Die persoon wat die besigheid van 'n hotel bedryf waar sodanige hotel gegradeer is ingevolge artikel 16 van die Wet, moet die bedrae in die vorm van graderingsheffings bekend as: 'SATOER GRADERINGSHEFFINGS' teen ondergemelde skaal aan die Raad betaal, bereken op die aantal kamers wat beset was per nag van elke kalendermaand:

Gradering van hotel	Heffing per kamer wat beset was per nag
Een-ster	R1,00
Twee-ster	R1,80
Drie-ster	R2,60
Vier-ster	R3,00
Vyf-ster	R4,20

(2) Die SATOER GRADERINGSHEFFINGS kragtens subregulasie (1) is maandeliks agteruit betaalbaar aan die hoofkantoor van die Raad binne 14 dae vanaf die laaste dag van elke kalendermaand.

GOVERNMENT NOTICE

DEPARTMENT OF TRADE AND INDUSTRY

No. R. 975

27 March 1992

HOTELS ACT, 1965 (ACT No. 70 OF 1965)

The Minister for Administration and Tourism has amended Government Notice No. R. 1509 of 28 July 1989, promulgated in terms of section 34 of the Hotels Act, 1965 (Act No. 70 of 1965), as set out in the Schedule.

SCHEDULE

Regulation 1 is hereby amended by the deletion of the definition for "leivable room" and the substitution thereof by the following definition:

"'occupied room' means a bedroom or any other room with a single entrance which is used for sleeping purposes by one or more guests;".

Regulations 22, 23 and 24 are hereby amended by the substitution therefore of the following regulations:

"LEVIES PAYABLE TO THE BOARD

22. (1) The person who conducts the business of a hotel where such hotel has been graded in terms of section 16 of the Act, shall pay to the Board amounts by way of grading levies, known as: 'SATOER GRADING LEVIES', at the undermentioned rates; calculated on the number of rooms that were occupied per night of each calendar month:

Grading of hotel	Levy per room that was occupied per night
One-star	R1,00
Two-star	R1,80
Three-star	R2,60
Four-star	R3,00
Five-star	R4,20

(2) The SATOER GRADING LEVIES in terms of subregulation (1) are payable to the head office of the Board monthly in arrears within 14 days from the last day of each calendar month.

(3) Ingeval 'n persoon wat die besigheid van 'n hotel bedryf, ophou om dit aldus te doen voor verstryking van enige kalendermaand, is die SATOER GRADERINGSHEFFINGS kragtens subregulasie (1) *pro rata* betaalbaar aan die hoofkantoor van die Raad ten opsigte van elke kamer wat beset was per nag tot en met die nag voor die dag in die kalendermaand waarop opgehou is om die besigheid van 'n hotel te bedryf: Met dien verstande dat betaling van die *pro rata*-SATOER GRADERINGSHEFFINGS sal geskied binne 14 dae vanaf die dag waarop opgehou is om die besigheid van 'n hotel te bedryf.

(4) Elke betaling van SATOER GRADERINGSHEFFINGS word vergesel van 'n skriftelike verklaring aan die Uitvoerende Direkteur op Vorm HR 10 in hierdie bylae—

4.1 waarin plegtig verklaar word hoeveel kamers per nag werklik beset was gedurende die voorafgaande kalendermaand; en

4.2 waarin die berekening van die SATOER GRADERINGSHEFFINGS wat verskuldig is uiteengesit word; en

4.3 wat onderteken is deur die persoon wat die besigheid van 'n hotel bedryf of deur iemand wat skriftelik deur of namens hom gemagtig is as verantwoordelike persoon om sodanige skriftelike verklaring te maak; en

4.4 waarvan die persoon wat die besigheid van 'n hotel bedryf noukeurig rekord moet hou.

5. Die SATOER GRADERINGSHEFFINGS word gemaak kragtens die bepalings van artikel 28 van die Wet en—

5.1 mag afsonderlik by die akkommodasietariewe van die hotelbesigheid gevoeg word met insluiting van Belasting op Toegevoegde Waarde; en

5.2 is op die betrokke besette kamer van toepassing en nie op die aantal gaste wat in die kamer geakkommodeer word nie.

(6) Indien die SATOER GRADERINGSHEFFINGS kragtens voormelde subregulasies stiptelik deur of namens die persoon wat die besigheid van 'n hotel bedryf, aan die Raad betaal word voor of op die voorgeskrewe tydstop, is die betrokke hotelbesigheid geregtig op invorderingsvergoeding bereken teen 'n koers van 5% (vyf persent) van die SATOER GRADERINGSHEFFINGS wat per kalendermaand deur of namens gemelde hotelbesigheid aan die Raad oorbetal is en wat betyds deur die Raad ontvang is.

(7) Die Raad is onder geen verpligting om invorderingsvergoeding te betaal ten opsigte van SATOER GRADERINGSHEFFINGS wat nie stiptelik op die voorgeskrewe wyse en tydstop aan die Raad betaal is en deur die Raad ontvang is nie.

(8) Invorderingsvergoeding wat deur die Raad verskuldig is ten opsigte van SATOER GRADERINGSHEFFINGS wat stiptelik kragtens voormelde subregulasies ontvang is, word driemaandeliks agteruit deur die Raad aan die betrokke hotelbesigheid betaal. Betaling van invorderingsvergoeding deur die Raad, word gemaak binne 14 dae na ontvangs van die SATOER GRADERINGSHEFFINGS ten opsigte van die voorafgaande drie (3) kalendermaande.

(3) In case a person who conducts the business of a hotel ceases to conduct the business before expiry of any calendar month, the SATOUR GRADING LEVY in terms of subregulation (1) shall be payable *pro rata* to the head office of the Board in respect of each room that was occupied per night up to and including the night preceding the day of the calendar month on which it was ceased to conduct the business of the hotel: Provided that the payment of the *pro rata* SATOUR GRADING LEVY shall be effected within 14 days from the date on which it was ceased to conduct the business of the hotel.

(4) Each payment of SATOUR GRADING LEVIES shall be accompanied by a written statement to the Executive Director on Form HR 10 in this Schedule—

4.1 in which it is solemnly declared how many rooms were actually occupied per night during the preceding calendar month; and

4.2 in which the calculation of the SATOUR GRADING LEVIES owing are explained; and

4.3 which is signed by the person who conducts the business of a hotel or by someone who is authorised by him in writing as the person responsible to make such a written statement; and

4.4 of which the person who conducts the business of a hotel shall keep accurate record.

5. The SATOUR GRADING LEVIES are made under the provisions of section 28 of the Act and—

5.1 may be added separately to the accommodation tariffs of the hotel business, with inclusion of Value Added Tax;

5.2 apply to the occupied room concerned and not to the number of guests accommodated in such room.

(6) If the SATOUR GRADING LEVIES in terms of the aforesaid subregulations are paid to the Board promptly on or before the prescribed time by or on behalf of the person who conducts the business of a hotel, the hotel business concerned shall be entitled to a collection compensation calculated at a rate of 5% (five per cent) of the SATOUR GRADING LEVY which had been paid to the Board per calendar month by or on behalf of the hotel business mentioned and which was received by the Board on time.

(7) The Board is under no obligation to pay collection compensation in respect of SATOUR GRADING LEVIES which were not paid to and received by the Board promptly in the prescribed manner and time.

(8) Collection compensation owing by the Board in respect of SATOUR GRADING LEVIES which were promptly received in terms of the aforesaid subregulations, is paid by the Board to the hotel business concerned three-monthly in arrears. Payment by the Board of collection compensation, is effected within 14 days following receipt of the SATOUR GRADING LEVIES in respect of the preceding three (3) calendar months.

(9) Invorderingsvergoeding wat deur die Raad aan hotelbesighede betaal word, sluit Belasting op Toegevoegde Waarde in.

(10) Die koers waarteen invorderingsvergoeding bereken word en die voorwaardes waaronder dit deur die Raad betaal word, kan deur die Minister gewysig of geskrap word by wyse van kennisgewing in die *Staatskoerant*.

OORTREDINGS

23. Iemand wat—

(1) Die bepalings van regulasies 8 (5), 9 (2), (3), (4), (5), (6), 10 (4), 13 (1), (3), 14 (1), (2), (3), 15 (1), (3), 16, 17, 18 (1), (2), (3), 19, 20 (1), (2), (4), 21 (b), 22 (1), (2), (3) en (4), oortree of versuim om daaraan te voldoen, begaan 'n oortreding en is by skuldigbevinding strafbaar met 'n boete van hoogstens R200 of gevangenisstraf vir 'n tydperk van hoogstens ses maande.

24. Hierdie regulasies tree in werking op 1 April 1992 en Goewermentskennisgewings R. 2514 gedateer 28 November 1986, R. 2590 gedateer 20 November 1987, R. 2620 gedateer 23 Desember 1988, Regulasie 22 (1), (2), (3), (4), (5), (6), (7) en (8) in Goewermentskennisgewing R. 1509 gedateer 28 Julie 1989, Goewermentskennisgewings R. 2409 gedateer 10 November 1989 en R. 1543 gedateer 28 Junie 1991 word hierby herroep en vervang met Regulasie 22 (1), (2), (3), (4), (5), (6), (7), (8), (9) en (10) hierbo uiteengesit."

(9) Collection compensation which is paid by the Board to hotel businesses, includes Value Added Tax.

(10) The rate at which collection compensation is calculated and the conditions under which it is paid by the Board, may be amended or cancelled by the Minister by way of notice in the *Government Gazette*.

OFFENCES

23. Any person who—

(1) contravenes or fails to comply with the provisions of regulations 8 (5), 9 (2), (3), (4), (5), (6), 10 (4), 13 (1), (3), 14 (1), (2), (3), 15 (1), (3), 16, 17, 18 (1), (2), (3), 19, 20 (1), (2), (4), 21 (b), 22 (1), (2), (3) and (4) shall be guilty of an offence and liable on conviction to a fine not exceeding R200 or imprisonment for a period not exceeding six months.

24. This regulation comes into force on 1 April 1992 and Government Notices R. 2514 dated 28 November 1986, R. 2590 dated 20 November 1987, R. 2620 dated 23 December 1988, Regulation 22 (1), (2), (3), (4), (5), (6), (7) and (8) in Government Notice R. 1509 dated 28 July 1989, Government Notices R. 2409 dated 10 November 1989 and R. 1543 dated 28 June 1991 are hereby repealed and substituted with Regulation 22 (1), (2), (3), (4), (5), (6), (7), (8), (9) and (10) as set out above."

VORM HR 10

WET OP HOTELLE, 1965

VERKLARING TEN AANSIEN VAN SATOER GRADERINGSHEFFINGS MET BETREKKING TOT WERKLIK BESETTE KAMERS PER NAG PER KALENDERMAAND EN BEREKENING VAN VERSKULDIGDE SATOER GRADERINGSHEFFINGS AAN DIE RAAD: ARTIKEL 28 EN REGULASIE 22

Die Uitvoerende Direkteur
Suid-Afrikaanse Toerismerraad
Privaatsak X164
PRETORIA

Gradering.....-STER

Totale aantal kamers werklik beset per nag vir die maand.....

is: × R..... R.....
(aantal)

Plus BTW @ 10% R.....

Betaling aangeheg vir R.....

Hotelgegewens:

Telefoonnommer.....

Naam van persoon wat hotelbesigheid bedryf.....

Identiteitsnommer (Maatskappy/BK registrasienommer, na gelang van die geval).....

Plegtig word verklaar dat bogenoemde inligting waar en juis is.

GETEKEN te..... op hierdie dag van..... 19...

(Naam in drukskrif)

(Handtekening)

*Persoon wat die besigheid van die HOTEL bedryf of

*Skriftelik gemagtigde verantwoordelike persoon

* (Skrap wat nie van toepassing is nie).

— 'n Amptelike belastingfaktuur vir hierdie betaling sal deur die Raad uitgereik word.

— Opgawe(s) vir die voorafgaande maand(e) soos volg is nog uitstaande.....

HOTELS ACT, 1965

STATEMENT WITH REGARD TO SATOUR GRADING LEVIES AS REGARDS ACTUALLY OCCUPIED ROOMS PER NIGHT PER CALENDAR MONTH AND CALCULATION OF SATOUR GRADING LEVIES OWING TO THE BOARD: SECTION 28 AND REGULATION 22

The Executive Director
South African Tourism Board
Private Bag X164
PRETORIA

Grading STAR

Total number of rooms actually occupied per night for the month

is: × R R.....
(number)

Plus VAT @ 10% R.....

Payment enclosed for R.....

Hotel particulars:

Telephone number

Name of person who conducts the hotel business

Identity number (Company/CC registration number, as the case may be)

It is solemnly declared that the above-mentioned information is true and correct.

SIGNED at on this day of 19...

(Name in print)

(Signature)

*Person who conducts the business of the HOTEL or

*Person authorized in writing to be the responsible

* (Delete that which is not applicable).

— An official tax invoice for this payment shall be issued by the Board.

— Statement(s) for the preceding month(s) as follows is/are still outstanding

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