



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1112.

25 June 1993

No. 1112.

25 Junie 1993

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

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 72 of 1993: Tourism Act, 1993.

No. 72 van 1993: Wet op Toerisme, 1993.

ACT

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

*(Afrikaans text signed by the State President.)
(Assented to 17 June 1993.)*

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Definitions

1. In this Act, unless the context otherwise indicates—
- (i) “accommodation establishment” means any place in or upon which the business of providing accommodation with or without meals is conducted for gain; (iii) 5
 - (ii) “board” means the South African Tourism Board mentioned in section 2; (vii)
 - (iii) “committee” means a committee mentioned in section 9; (v) 10
 - (iv) “financial year” means the period from 1 April in any year to 31 March in the ensuing year; (i)
 - (v) “insignia”, in relation to any accommodation establishment, means the depictions, signs and symbols which by themselves or in conjunction with one another, and together with the emblem of the board, indicate the grading which has been awarded, in terms of the scheme mentioned in section 18, in respect of the establishment, the category to which the establishment belongs and the nature of the services and facilities offered and provided by the establishment, and which makes known the fact that the board has awarded the grading; (iv) 20
 - (vi) “Minister” means the Minister for Tourism; (vi)
 - (vii) “prescribe” means prescribe by regulation; (x)
 - (viii) “this Act” includes any regulation made under section 26; (ii)
 - (ix) “tourism industry” means the organized industry which is concerned with the promotion and handling of tours to and in the Republic, and the provision of services and facilities to and the provision for the needs of persons who undertake such tours, in the preparation for such tours, while they are under way and during their stay at their destinations; (viii) 25
 - (x) “tourist guide” means any person who for reward, whether monetary or otherwise, accompanies any person who travels within or visits any place within the Republic and who furnishes such person with information or comments with regard to any matter. (ix) 30

WET

Om voorsiening te maak vir die bevordering van toerisme na en in die Republiek; die verdere ordening en rasionalisering van die toerismebedryf; maatreëls gemik op die handhawing en bevordering van die standaarde van fasiliteite en dienste wat aan toeriste verhuur of beskikbaar gestel word; en die koördinerende en rasionaliserende, sover doenlik, van die werksaamhede van persone wat in die toerismebedryf bedrywig is; met die oog op gemelde aangeleenthede 'n raad met regs persoonlikheid in te stel wat bevoeg en verplig is om sekere bevoegdhede, werksaamhede en pligte uit te oefen, uit te voer en te verrig; die Minister te magtig om 'n gradering- en klassifikasieskema ten opsigte van huisvestinginrigtings, waarvan die lidmaatskap vrywillig moet wees, in te stel; die Minister te magtig om skemas ten opsigte van voorgeskrewe sektore van die toerismebedryf in te stel, waarvan die lidmaatskap vrywillig moet wees; voorsiening te maak vir die registrasie van toeristegids; enige persoon te verbied om teen vergoeding as toeristegids op te tree tensy hy as toeristegids ingevolge die Wet geregistreer is; die Minister te magtig om regulasies uit te vaardig; en voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 17 Junie 1993.)

DAAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

Woordomskrywing

1. In hierdie Wet, tensy dit uit die samehang anders blyk, beteken—

- 5 (i) “boekjaar” die tydperk van 1 April in 'n jaar tot 31 Maart in die daaropvolgende jaar; (iv)
- (ii) “hierdie Wet” ook 'n regulasie kragtens artikel 26 uitgevaardig; (viii)
- (iii) “huisvestinginrigting” enige plek waarin of waarop die besigheid van die verskaffing van huisvesting met of sonder etes, vir wins bedryf
- 10 word; (i)
- (iv) “insignia”, met betrekking tot 'n huisvestinginrigting, die afbeeldings, tekens en simbole wat op sigself of in samehang met mekaar, en tesame met die embleem van die raad, aandui die gradering wat, ingevolge die
- 15 skema in artikel 18 vermeld, ten opsigte van die inrigting toegestaan is, die kategorie waartoe die inrigting behoort, en die aard van die dienste en fasiliteite wat deur die inrigting aangebied en verskaf word, en wat die feit dat die raad die gradering toegestaan het, bekend maak; (v)
- (v) “komitee” 'n komitee in artikel 9 vermeld; (iii)
- (vi) “Minister” die Minister vir Toerisme; (vi)
- 20 (vii) “raad” die Suid-Afrikaanse Toerismeraad in artikel 2 vermeld; (ii)
- (viii) “toerismebedryf” die georganiseerde bedryf wat gemoeid is met die bevordering en hantering van reise na en in die Republiek, en die verskaffing van dienste en fasiliteite aan en die voorsiening in die
- 25 behoeftes van persone wat sodanige reise onderneem, by die voorbereiding vir sodanige reise, terwyl hulle onderweg is en gedurende hul verblyf by hul bestemmings; (ix)
- (ix) “toeristegids” iemand wat teen vergoeding, hetsy geldelik of andersins, enige persoon wat in die Republiek reis of enige plek in die Republiek besoek, vergesel en wat aan sodanige persoon inligting of kommentaar
- 30 oor enige aangeleentheid verstrek; (ix)
- (x) “voorskryf” by regulasie voorskryf. (vii)

Establishment of South African Tourism Board

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

Object of board

3. The object of the board shall be to promote tourism by encouraging persons to undertake travels to and in the Republic, and with a view thereto to take measures in order to attempt to ensure that services which are rendered and facilities which are made available to tourists comply with the highest attainable standards.

Constitution of board

4. (1) The board shall consist of not fewer than 11 and not more than 15 members, who shall be appointed by the Minister in terms of subsection (2).

(2) (a) The Minister shall appoint as members of the board not fewer than 11 persons who in his opinion are, by virtue of their knowledge of and active involvement in the tourism industry, fit to serve on the board, and shall appoint as a member of the board the Administrator designated in terms of paragraph (b), to represent the provinces mentioned in the Provincial Government Act, 1986 (Act No. 69 of 1986), on the board.

(b) The Administrators of the said provinces shall designate one of their number in order to be appointed in terms of paragraph (a).

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

(3) The Minister shall appoint one member of the board as chairman and another member as vice-chairman of the board.

(4) If the chairman is for any reason unable to act as chairman the vice-chairman shall perform the functions of the chairman.

Persons who are disqualified from being members of board

5. No person shall be appointed as a member of the board—

(a) if he is an unrehabilitated insolvent;

(b) if he was at any time, within the Republic or elsewhere, convicted of an offence and was sentenced to imprisonment without the option of a fine;

(c) if he is not a South African citizen and is not permanently resident within the Republic.

Vacation of office by members of board

6. (1) A member of the board shall vacate his office if—

(a) any of the circumstances which preclude his appointment to the board becomes applicable to him;

(b) he fails to comply with a condition of his appointment;

(c) he is absent from three consecutive meetings of the board, without the consent of the chairman;

(d) he submits his resignation in writing to the Minister.

(2) The Minister may at any time terminate the membership of a member of the board if there are in the opinion of the Minister sufficient reasons for doing so.

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

7. (1) Any member of the board shall, subject to the provisions of section 6, hold office for such period, but not exceeding three years, as the Minister may determine at the time of his appointment.

Instelling van Suid-Afrikaanse Toerismeraad

2. Hierby word 'n regs persoon ingestel wat die Suid-Afrikaanse Toerismeraad heet.

Oogmerk van raad

5 3. Die oogmerk van die raad is om toerisme te bevorder deur persone aan te moedig om reise na en in die Republiek te onderneem, en om met die oog daarop maatreëls te tref ten einde te probeer verseker dat dienste wat gelewer word en fasiliteite wat beskikbaar gestel word aan toeriste, aan die hoogste haalbare standaard voldoen.

10 Samestelling van raad

4. (1) Die raad bestaan uit minstens 11 en hoogstens 15 lede, wat deur die Minister ingevolge subartikel (2) aangestel word.

15 (2) (a) Die Minister stel as lede van die raad aan minstens 11 persone wat na sy oordeel uit hoofde van hul kennis van en daadwerklike betrokkenheid in die toerismebedryf geskik is om in die raad te dien, en stel as lid van die raad aan die Administrateur wat ingevolge paragraaf (b) aangewys word om die provinsies vermeld in die Wet op Provinsiale Regering, 1986 (Wet No. 69 van 1986), in die raad te verteenwoordig.

20 (b) Die Administrateurs van gemelde provinsies wys een uit hul geledere aan om ingevolge paragraaf (a) aangestel te word.

25 (c) Die Minister moet, voordat hy 'n lid van die raad (uitgesonderd die lid in paragraaf (b) vermeld) aanstel, by kennisgewing in die *Staatskoerant* alle belangstellende persone uitnooi om binne die tydperk in die kennisgewing vermeld die name van persone wat na die oordeel van sodanige belangstellende persone geskik is om aldus aangestel te word, met vermelding van die gronde waarop sodanige oordeel gegrond is, aan hom voor te lê.

30 (3) Die Minister moet een lid van die raad as voorsitter en 'n ander lid as ondervoorsitter van die raad aanstel.

(4) Indien die voorsitter om enige rede nie in staat is om as voorsitter op te tree nie, verrig die ondervoorsitter die werksaamhede van die voorsitter.

Persone wat onbevoeg is om lede van raad te wees

5. Niemand word as 'n lid van die raad aangestel nie—

- 35 (a) indien hy 'n ongerehabiliteerde insolvent is;
- (b) indien hy te eniger tyd, in die Republiek of elders, aan 'n misdryf skuldig bevind is en gevonnisd is tot gevangenisstraf sonder die keuse van 'n boete;
- (c) indien hy nie 'n Suid-Afrikaanse burger is en nie permanent in die Republiek woonagtig is nie.

Ontruiming van amp deur lede van raad

40 6. (1) 'n Lid van die raad ontruim sy amp indien—

- (a) enige omstandigheid wat sy aanstelling in die raad belet op hom van toepassing raak;
- (b) hy versuim om aan 'n voorwaarde van sy aanstelling te voldoen;
- 45 (c) hy sonder toestemming van die voorsitter van drie agtereenvolgende vergaderings van die raad afwesig was;
- (d) hy sy bedanking skriftelik aan die Minister voorlê.

(2) Die Minister kan te eniger tyd die lidmaatskap van 'n lid van die raad beëindig indien daar na die oordeel van die Minister voldoende redes bestaan om dit te doen.

50 Ampsduur van lede van raad, en vul van vakatures

7. (1) 'n Lid van die raad beklee sy amp, behoudens die bepalinge van artikel 6, vir die tydperk, maar hoogstens drie jaar, wat die Minister ten tyde van sy aanstelling bepaal.

(2) If for any reason the office of a member of the board becomes vacant the Minister may appoint any person as a member of the board for the unexpired portion of the period of office concerned.

(3) Any person whose period of office has expired shall be eligible for reappointment.

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Meetings and decisions of board

8. (1) The first meeting of the board shall be held at a time and place determined by the chairman, and thereupon the board shall meet at such times and places as may be determined by the board from time to time, but the board shall meet at least twice in a year.

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(2) The chairman may at any time either of his own volition or at the written request of not fewer than five members of the board convene an extraordinary meeting of the board which shall be held at the time and place determined by the chairman.

(3) A notice whereby an extraordinary meeting of the board is convened shall state the purpose of that meeting.

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(4) The quorum for a meeting of the board shall be a majority of all its members.

(5) If both the chairman and the vice-chairman are absent from a meeting of the board, the members present shall elect one of their number to preside at that meeting.

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(6) The person who presides at a meeting of the board shall determine the procedure to be followed at that meeting.

(7) The decision of a majority of the members present at a meeting of the board shall constitute a decision of the board, and in the event of an equality of votes on any matter, the person presiding at the meeting shall in addition to his deliberative vote have a casting vote.

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(8) No decision taken by or act performed on the authority of the board shall be invalid merely because of a casual vacancy on the board or because any person who was not entitled to sit as a member of the board, sat as such a member at the time when the decision was taken or the act was authorized, provided the decision was taken or the act was authorized by a majority of the members of the board who were then present and were entitled to sit as members.

30

Committees of board

9. (1) The board may, with the approval of the Minister, establish such committees as it may deem necessary for the exercise of its powers, the performance of its functions and the carrying out of its duties.

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(2) A committee of the board shall consist of such number of members as may be determined by the board.

(3) A committee shall consist of members of the board, or of members of the board as well as other persons.

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(4) The board may at any time dissolve a committee.

Delegation of powers, functions and duties

10. (1) The board may delegate to any committee or, with the concurrence of the Minister, and subject to such conditions and limitations as he may determine, an employee of the board, any power, function or duty assigned to or conferred or imposed upon the board in terms of this Act.

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(2) The delegation of a power, function or duty under subsection (1) shall not preclude the exercise of that power, the performance of that function or the carrying out of that duty by the board.

Remuneration of members of board or committees

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

(2) Indien die amp van 'n lid van die raad om die een of ander rede vakant raak, kan die Minister iemand as lid van die raad aanstel vir die onverstreke gedeelte van die betrokke ampstermyn.

(3) Iemand wie se ampstermyn as 'n lid van die raad verstryk het, kan weer
5 aangestel word.

Vergaderings en besluite van raad

8. (1) Die eerste vergadering van die raad word gehou op 'n tyd en plek wat die voorsitter bepaal, en daarna vergader die raad op die tye en plekke wat die raad van tyd tot tyd bepaal, maar die raad moet minstens twee keer in 'n jaar
10 vergader.

(2) Die voorsitter kan te eniger tyd of uit sy eie beweging of op die skriftelike versoek van minstens vyf lede van die raad 'n buitengewone vergadering van die raad belê, wat gehou moet word op die tyd en plek deur die voorsitter bepaal.

(3) 'n Kennisgewing waardeur 'n buitengewone vergadering van die raad belê
15 word, moet die doel van daardie vergadering vermeld.

(4) Die kworum vir 'n vergadering van die raad is 'n meerderheid van al sy lede.

(5) Indien sowel die voorsitter as die ondervoorsitter van 'n vergadering van die raad afwesig is, kies die aanwesige lede iemand uit hul geledere om op
20 daardie vergadering voor te sit.

(6) Die persoon wat op 'n vergadering van die raad voorsit, bepaal die prosedure wat op daardie vergadering gevolg moet word.

(7) Die beslissing van 'n meerderheid van die lede wat op 'n vergadering van die raad aanwesig is, maak 'n besluit van die raad uit, en by 'n staking van
25 stemme oor 'n aangeleentheid, het die persoon wat op die vergadering voorsit, benewens sy beraadslagende stem 'n beslissende stem.

(8) Geen besluit geneem deur of handeling verrig op gesag van die raad is ongeldig nie bloot vanweë 'n toevallige vakature in die raad of omdat iemand wat nie geregtig was om as lid van die raad sitting te neem nie as so 'n lid sitting geneem
30 het op die tydstip waarop die besluit geneem of die handeling gemagtig is, mits die besluit geneem of handeling gemagtig is deur 'n meerderheid van die lede van die raad wat toe aanwesig was en geregtig was om as lede sitting te neem.

Komitees van raad

9. (1) Die raad kan, met die goedkeuring van die Minister, die komitees wat
35 hy vir die uitoefening van sy bevoegdhede, die verrigting van sy werksaamhede en die uitvoering van sy pligte nodig ag, instel.

(2) 'n Komitee van die raad bestaan uit die getal lede wat deur die raad bepaal word.

(3) 'n Komitee bestaan uit lede van die raad, of uit lede van die raad sowel as
40 ander persone.

(4) Die raad kan te eniger tyd 'n komitee ontbind.

Delegering van bevoegdhede, werksaamhede en pligte

10. (1) Die raad kan enige bevoegdheid, werksaamheid of plig wat ingevolge hierdie Wet aan die raad verleen, opgedra of opgelê is aan 'n komitee of, met die
45 instemming van die Minister, en behoudens die voorwaardes en beperkings deur hom bepaal, 'n werknemer van die raad deleger.

(2) Die delegering van 'n bevoegdheid, werksaamheid of plig kragtens subartikel (1) belet nie die uitoefening van daardie bevoegdheid, die verrigting van daardie werksaamheid of die uitvoering van daardie plig deur die raad nie.

Besoldiging van lede van raad of komitees

11. 'n Lid van die raad of 'n komitee word uit die geld van die raad die besoldiging en toelaes betaal wat die Minister met die instemming van die Minister van Staatsbesteding bepaal.

Remuneration and other service benefits of employees of board

12. The board may pay or render available to persons in its employment such remuneration, allowances, bonuses, subsidies and pension and other service benefits as may be determined by the board with the approval of the Minister granted with the concurrence of the Minister of State Expenditure.

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Powers of board

13. The board may in order to achieve its object mentioned in section 3—

- (a) with the approval of the Minister hire, purchase or acquire immovable property, and hire out, sell or otherwise dispose of immovable property of the board; 10
- (b) negotiate or co-operate with any government, provincial administration or local government, the Board for Public Resorts referred to in section 1 of the Extension of the Public Resorts Ordinance Act (Transvaal) (House of Assembly), 1990 (Act No. 105 of 1990), any other board established in terms of any law, or any other board or person, in the Republic or elsewhere, with regard to any matter which is directly or indirectly aimed at the achievement of the object of the board; 15
- (c) with the approval of the Minister, which may be granted either in respect of a particular case or generally, enter into agreements with a similar body, within the Republic or elsewhere, for the promotion of tourism in the respective areas for which the board and that body have been established; 20
- (d) open and conduct offices, in the Republic or elsewhere, which may be necessary or advisable for the effective and proper exercise of its powers, the performance of its functions and the carrying out of its duties; 25
- (e) with the approval of the Minister, granted with the concurrence of the Minister of Finance, borrow money from a money-lender, in the Republic or elsewhere;
- (f) insure itself against any loss, damage or risk which it may suffer or incur;
- (g) open and conduct banking accounts; 30
- (h) draw up, make, publish and sell or make available free of charge, books, guides, maps, publications, photographs, films, videos and similar matter, intended to inform persons, in the Republic or elsewhere, of attractions in the Republic;
- (i) gather, evaluate and process information relating to tourism in the Republic, and make it available to persons who are engaged in the tourism industry; 35
- (j) give advice and guidance to all persons who are engaged in the tourism industry;
- (k) with a view to the effective marketing of and the provision of information relating to any service, facility or product offered in connection with tourism, determine such informative and distinguishing signs as the board may deem fit, and may make such signs known by means of any of the publicity material referred to in paragraph (h); 40
- (l) promote the establishment of advisory committees on a national, regional or local level and promote and rationalize the activities of such committees as well as those of other persons and associations concerned in the tourism industry; 45
- (m) employ persons who are necessary for the exercise of the powers, the performance of the functions and the carrying out of the duties of the board; 50
- (n) negotiate and co-operate with any educational institution with a view to the institution, continuation or expansion of courses for the training of persons so as to equip them for the performance of any work with regard to the tourism industry; 55
- (o) make provision for the payment of pecuniary benefits to employees and former employees of the board and to the dependants of employees and former employees of the board in the case of the death or injury of such

Besoldiging en ander diensvoordele van werknemers van raad

12. Die raad kan aan die persone in sy diens die vergoeding, toelaes, bonusse, subsidies, pensioen- en ander diensvoordele betaal of verskaf wat die raad met die goedkeuring van die Minister, verleen met die instemming van die Minister van Staatsbesteding, bepaal.

Bevoegdhede van raad

13. Die raad kan, ten einde sy oogmerk in artikel 3 vermeld, te bereik—
- (a) met die goedkeuring van die Minister onroerende goed huur, koop of verkry, en onroerende goed van die raad verhuur, verkoop of andersins daarvoor beskik;
 - (b) met enige regering, provinsiale administrasie of plaaslike bestuur, die Raad van Openbare Oorde vermeld in die Wet op die Uitbreiding van die Ordonnansie op Openbare Oorde (Transvaal) (Volksraad), 1990 (Wet No. 105 van 1990), enige ander raad wat ingevolge 'n wet ingestel is, of enige ander raad of persoon, in die Republiek of elders, onderhandel of saamwerk met betrekking tot enige aangeleentheid wat regstreeks of onregstreeks gemik is op die verwesenliking van die oogmerk van die raad;
 - (c) met die goedkeuring van die Minister, wat òf ten opsigte van 'n besondere geval òf in die algemeen verleen kan word, ooreenkomste aangaan met 'n soortgelyke liggaam, in die Republiek of elders, vir die bevordering van toerisme in die onderskeie gebiede waarvoor die raad en daardie liggaam ingestel is;
 - (d) kantore, in die Republiek of elders, open en bedryf wat vir die doeltreffende en behoorlike uitoefening van sy bevoegdhede, die verrigting van sy werksaamhede en die uitvoering van sy pligte nodig of wenslik mag wees;
 - (e) met die goedkeuring van die Minister, verleen met instemming van die Minister van Finansies, geld by 'n geldskietter, in die Republiek of elders, leen;
 - (f) homself teen enige verlies, skade of risiko wat hy mag ly of oploop, verseker;
 - (g) bankrekenings aanlê en bedryf;
 - (h) boeke, gidse, kaarte, publikasies, foto's, rolprente, video's en dergelyke stof wat bestem is om persone, in die Republiek of elders, in te lig oor besienswaardighede in die Republiek opstel, maak, uitgee en verkoop of gratis beskikbaar stel;
 - (i) inligting betreffende toerisme in die Republiek insamel, evalueer en verwerk, en dit aan persone wat in die toerismebedryf betrokke is, beskikbaar stel;
 - (j) advies en leiding gee aan alle persone wat in die toerismebedryf betrokke is;
 - (k) met die oog op die doeltreffende bemerking van en die verstrekking van inligting betreffende enige diens, fasiliteit of produk wat in verband met toerisme aangebied word, die inligtings- en onderskeidingstekens wat die raad goedvind, bepaal, en kan sodanige tekens bekend maak deur middel van enige van die publisiteitstof in paragraaf (h) vermeld;
 - (l) die stigting van adviserende komitees op 'n nasionale, streek- of plaaslike grondslag bevorder, en die bedrywighede van sodanige komitees asook dié van ander persone of verenigings wat in die toerismebedryf betrokke is, bevorder en rasionaliseer;
 - (m) persone wat vir die uitoefening van die bevoegdhede, die verrigting van die werksaamhede en die uitvoering van die pligte van die raad nodig is, in diens neem;
 - (n) met enige opvoedkundige inrigting onderhandel en saamwerk in verband met die instelling, voortsetting of uitbreiding van kursusse vir die opleiding van persone ten einde hulle toe te rus vir die verrigting van enige werk in verband met die toerismebedryf;
 - (o) voorsiening maak vir die betaling van geldelike voordele aan werknemers of voormalige werknemers van die raad en aan die afhanklikes van werknemers en voormalige werknemers in die geval van die dood

employees which occurs or occurred while they perform or performed their work as employees of the board;

- (p) perform any act which may contribute towards the achievement of the object of the board.

Accountability

14. (1) The chairman of the board shall be the accounting officer of the board and he shall be charged with the accountability in respect of all moneys received, and all payments made, by the board.

(2) The accounting officer shall—

- (a) keep full and correct record of all money received or spent by the board, and of the assets, liabilities and financial transactions of the board;
- (b) as soon as possible, but not more than three months after the end of the financial year of the board, draw up annual financial statements, which shall, with appropriate details, show money received by the board and expenditure incurred by the board and its assets and liabilities at the end of the financial year concerned.

(3) The records and annual financial statements mentioned in subsection (2), shall be audited by the Auditor-General.

Annual report

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

Funds of board

16. (1) The funds of the board shall consist of—

- (a) money appropriated by Parliament for the purpose;
- (b) income derived in terms of the provisions of this Act;
- (c) donations or contributions received by the board from any source.

(2) Subject to the provisions of subsection (4) the board shall use its funds to defray expenditure incurred in connection with the exercise of its powers, the performance of its functions and the carrying out of its duties in accordance with the appropriate statement of its estimated income and expenditure mentioned in subsection (3), as approved by the Minister: Provided that the board—

- (a) may use any amount or part of an amount which is in accordance with such statement required to be used in connection with a particular matter, for any other purpose in connection with the performance of its functions;
- (b) shall notwithstanding the provisions of paragraph (a) use donations and contributions contemplated in subsection (1)(c) in accordance with the conditions, if any, imposed by the donor or contributor.

(3) (a) The board—

- (i) shall in every financial year before or on the date determined by the Minister, either generally or in respect of a particular financial year, submit a statement of its estimated income and expenditure during the ensuing financial year; and
- (ii) shall in respect of additional expenses in connection with its functions in any financial year, submit a supplementary statement of its estimated expenses in respect of that financial year,

to the Minister for his approval, granted with the concurrence of the Minister of State Expenditure.

(b) The board shall not incur any expenditure which may cause the total amount approved under paragraph (a) to be exceeded.

(4) The board may invest with the Corporation for Public Deposits established by section 2 of the Corporation for Public Deposits Act, 1984 (Act No. 46 of 1984), or in any other manner determined by the Minister with the concurrence of the Minister of Finance, any unexpended portion of its funds.

of besering van sodanige werknemers wat voorkom of voorgekom het terwyl hulle hul werk as werknemers van die raad verrig of verrig het;

(p) enige handeling verrig wat mag bydra tot die verwesenliking van die oogmerk van die raad.

5 Rekenpligtigheid

14. (1) Die voorsitter van die raad is die rekenpligtige beampte van die raad en hy is belas met rekenpligtigheid ten opsigte van alle geld ontvang en betalings gedoen deur die raad.

(2) Die rekenpligtige beampte moet—

10 (a) volledige en juiste aantekening hou van alle geld ontvang of bestee deur die raad, en van die bates, laste en finansiële transaksies van die raad;

(b) so gou doenlik, maar hoogstens drie maande na die einde van die boekjaar van die raad, finansiële jaarstate opmaak wat, in gepaste besonderhede, geld deur die raad ontvang en uitgawes deur die raad aangegaan en sy bates en laste aan die einde van die betrokke boekjaar aantoon.

(3) Die aantekeninge en finansiële jaarstate in subartikel (2) vermeld, moet deur die Ouditeur-generaal geouditeer word.

20 Jaarverslag

15. Die raad moet een maal in elke jaar 'n verslag oor sy sake en werksaamhede gedurende die voorafgaande jaar aan die Minister voorlê.

Fondse van raad

16. (1) Die fondse van die raad bestaan uit—

25 (a) geld deur die Parlement vir dié doel bewillig;

(b) inkomste ingevolge die bepalings van hierdie Wet verkry;

(c) skenkings of bydraes wat die raad uit enige bron ontvang.

(2) Behoudens die bepalings van subartikel (4) moet die raad sy fondse aanwend om uitgawes aangegaan in verband met die uitoefening van sy bevoegdhede, die verrigting van sy werksaamhede en die uitvoering van sy pligte te bestry ooreenkomstig die toepaslike staat van sy geraamde inkomste en uitgawes vermeld in subartikel (3), soos deur die Minister goedgekeur: Met dien verstande dat die raad—

35 (a) enige bedrag of gedeelte van 'n bedrag wat ooreenkomstig so 'n staat vereis word om vir 'n besondere doel in verband met 'n bepaalde aangeleentheid aangewend te word, vir enige ander doel in verband met die verrigting van sy werksaamhede kan aanwend;

(b) ondanks die bepalings van paragraaf (a) skenkings en bydraes in subartikel (1)(c) beoog, moet aanwend ooreenkomstig die voorwaardes, as daar is, wat die betrokke skenker of bydraer opgelê het.

(3) (a) Die raad—

(i) moet in elke boekjaar voor of op die datum wat die Minister hetsy in die algemeen of ten opsigte van 'n bepaalde boekjaar bepaal, 'n staat van sy geraamde inkomste en uitgawes gedurende die volgende boekjaar; en

45 (ii) moet ten opsigte van bykomende uitgawes in verband met sy werksaamhede in enige boekjaar 'n aanvullende staat van sy geraamde uitgawes ten opsigte van daardie boekjaar,

aan die Minister voorlê vir sy goedkeuring, verleen met die instemming van die Minister van Staatsbesteding.

(b) Die raad mag geen uitgawes aangaan wat sou meebring dat die totale bedrag wat kragtens paragraaf (a) goedgekeur is, oorskry word nie.

(4) Die raad kan enige onbestede gedeelte van sy fondse belê by die Korporasie vir Openbare Deposito's ingestel by artikel 2 van die Wet op die Korporasie vir Openbare Deposito's, 1984 (Wet No. 46 van 1984), of op 'n ander wyse wat die Minister met die instemming van die Minister van Finansies bepaal.

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

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

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

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

18. (1) The Minister may upon the recommendation of the board, with a view to the maintenance or enhancement of the standards and the quality of facilities and services rendered or made available by persons conducting accommodation establishments, establish a grading and classification scheme in respect of accommodation establishments.

(2) The Minister may for the purposes of the application of a scheme apply any basis of differentiation which he may deem fit, and may classify accommodation establishments into different classes on the ground of, *inter alia*, the nature, extent, variety, availability and quality of the facilities and services rendered or made available by such establishments.

(3) The Minister may, if it is in his view necessary for the proper conduct or continuation of an effective grading and classification scheme, or to keep abreast with developments in the tourism industry, from time to time amend the provisions of such a scheme.

(4) The acquisition, continuation and termination of membership of a scheme shall be governed by the provisions of the scheme.

(5) The board shall in respect of any accommodation establishment classified and graded in terms of a scheme referred to in subsection (1) grant authority to the person conducting the establishment to use and display in respect of that establishment the prescribed insignia, which shall include a depiction or depictions of a star or a number of stars which indicate the grading awarded in respect of that establishment in terms of the scheme.

(6) The board shall keep a record of all persons conducting accommodation establishments and who are members of a grading and classification scheme, and of all establishments graded and classified in terms of such a scheme.

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

19. (1) The Minister may in respect of any prescribed sector of the tourism industry, other than accommodation establishments, on the recommendation of the board and after consultation with persons who are active in such sector, establish schemes with a view to the maintenance or enhancement of the standards of services or facilities rendered or made available by persons who are active in that sector.

(2) The provisions of section 18(2), (3) and (4) shall *mutatis mutandis* apply in respect of services and facilities comprising the sector referred to in subsection (1).

(3) If the Minister intends to establish a scheme in terms of subsection (2) for any sector which involves the functions assigned to another Minister in terms of any law, he shall establish such scheme with the concurrence of such other Minister.

Registration of tourist guides, classes of tourist guides, and disqualifications and qualifications of tourist guides

20. (1) The board shall designate an employee of the board as Registrar of Tourist Guides, who shall exercise such powers, perform such functions and carry out such duties as may be conferred upon, assigned to or imposed upon him in terms of this Act.

(2) The registrar shall keep a register of tourist guides and shall record in such register the prescribed particulars with regard to tourist guides.

Voorlegging van balansstaat, inkomstestaat en staat van bron en aanwending van fondse van raad

17. Die raad moet so gou doenlik na die einde van die boekjaar, na voltooiing van die jaarlikse audit die volgende aan die Minister voorlê, naamlik—

- 5 (a) 'n geouditeerde balansstaat;
- (b) 'n geouditeerde inkomstestaat;
- (c) 'n geouditeerde staat van die bron en aanwending van sy fondse.

Minister kan gradering- en klassifikasieskema ten opsigte van huisvestinginrigtings instel

10 18. (1) Die Minister kan op aanbeveling van die raad, met die oog op die handhawing of verhoging van die standarde en die gehalte van fasiliteite en dienste wat gelewer of beskikbaar gestel word deur persone wat huisvestinginrigtings bedryf, 'n gradering- en klassifikasieskema ten opsigte van huisvestinginrigtings instel.

15 (2) Die Minister kan vir die doeleindes van die toepassing van 'n skema enige grondslag van differensiasie wat hy goedvind, toepas, en kan huisvestinginrigtings in verskillende klasse indeel op grond van, onder meer, die aard, omvang, verskeidenheid, beskikbaarheid en gehalte van die fasiliteite en dienste wat deur sodanige inrigtings gelewer of beskikbaar gestel word.

20 (3) Die Minister kan, indien dit na sy oordeel nodig is vir die behoorlike bedryf of voortsetting van 'n doeltreffende gradering- en klassifikasieskema of ten einde tred te hou met ontwikkelings in die toerismebedryf, die bepalings van 'n skema van tyd tot tyd wysig.

(4) Die verkryging, voortsetting en beëindiging van die lidmaatskap van 'n skema word beheers deur die bepalings van die skema.

25 (5) Die raad moet ten opsigte van 'n huisvestinginrigting wat ingevolge 'n skema in subartikel (1) vermeld, geklassifiseer en gegradeer is aan die persoon wat die inrigting bedryf magtiging verleen om ten opsigte van daardie inrigting die voorgeskrewe insignia te gebruik en ten toon te stel, wat 'n afbeelding of afbeeldings van 'n ster of 'n aantal sterre moet insluit wat die gradering aandui wat ingevolge die skema ten opsigte van daardie inrigting toegeken is.

30 (6) Die raad moet aantekening hou van alle persone wat huisvestinginrigtings bedryf en wat lede is van 'n gradering- en klassifikasieskema, en van alle inrigtings wat ingevolge so 'n skema gegradeer en geklassifiseer is.

35 Minister kan skemas ten opsigte van sekere voorgeskrewe sektore van toerismebedryf instel

19. (1) Die Minister kan ten opsigte van enige voorgeskrewe sektor van die toerismebedryf, uitgesonderd huisvestinginrigtings, op die aanbeveling van die raad en na oorlegpleging met persone wat in sodanige sektor bedrywig is, skemas instel met die oog op die handhawing of verhoging van die standarde van dienste of fasiliteite wat gelewer of beskikbaar gestel word deur persone wat in daardie sektor bedrywig is.

40 (2) Die bepalings van artikel 18(2), (3) en (4) is *mutatis mutandis* van toepassing ten opsigte van dienste en fasiliteite wat die sektor in subartikel (1) vermeld, uitmaak.

45 (3) Indien die Minister van voorneme is om 'n skema ingevolge subartikel (2) in te stel vir enige sektor wat die by wet opgedraagde werksaamhede van 'n ander Minister raak, moet hy daardie skema met die instemming van sodanige ander Minister instel.

50 Registrasie van toeristegidse, klasse van toeristegidse, en onbevoegdheid en kwalifikasies van toeristegidse

20. (1) Die raad wys 'n werknemer van die raad aan as Registrateur van Toeristegidse, wat die bevoegdheid uitoefen, die werksaamhede verrig en die pligte uitvoer wat ingevolge hierdie Wet aan hom verleen of aan hom opgedra of opgelê word.

55 (2) Die registrateur hou 'n register van toeristegidse en teken in sodanige register die voorgeskrewe besonderhede met betrekking tot toeristegidse aan.

(3) The board shall for the purposes of this Act determine the different classes of tourist guides.

(4) No person shall be registered as a tourist guide in terms of this Act unless he, when he appears as required by section 21 (3), shows that he has the requisite knowledge of the matters specified in subsection (5).

(5) The knowledge contemplated in subsection (4) shall relate to the history, geography, fauna, flora, climate, availability of medical and emergency services, background and culture of the different peoples, infrastructure of the tourism industry and the economic circumstances in and of the geographical area in question.

(6) In order to be registered as a specialist tourist guide in respect of any area or matter the person applying for such registration shall possess specialized knowledge, to the satisfaction of the registrar, of the area or matter to which the application relates.

Procedure relating to registration of tourist guides

21. (1) Any person who wishes to be registered as a tourist guide shall in the prescribed manner apply to the registrar, and such application shall be accompanied by the prescribed registration fee.

(2) Upon receipt of such an application and the registration fee the registrar may request the applicant to furnish such additional particulars and information as he may deem necessary in order to consider the application properly.

(3) An applicant referred to in subsection (1) shall upon the request of the registrar appear before him in person and shall furnish such additional particulars and information as may be required by the registrar in order to enable the registrar to decide whether the application should be granted.

(4) If the registrar after he has considered the information and particulars contemplated in subsections (2) and (3) is satisfied that the applicant complies with the prescribed requirements for registration as a tourist guide falling within any class determined under this Act, he shall register the applicant as a tourist guide.

(5) When the registrar registers any person as a tourist guide, he shall issue to him a registration certificate and a badge, which shall be in the prescribed form.

(6) (a) A registration as tourist guide shall be valid for a period of one year, reckoned from the date of issue of the registration certificate.

(b) Any person registered as a tourist guide shall before the end of the period for which he has been registered, indicate to the registrar whether he wishes to be registered as a tourist guide in respect of the next ensuing period of one year, and if he indicates that he wishes to be so registered he shall upon the payment of the prescribed fee be reregistered.

(7) (a) If a tourist guide has in the opinion of the registrar failed to comply with any condition subject to which he has been thus registered, or if in the opinion of the registrar it is not in the public interest that a tourist guide should continue to be so registered, the registrar may by notice sent by registered post, direct that tourist guide to advance within a period specified in the notice, of not fewer than 30 days from the date of the notice, reasons why his registration as a tourist guide should not be withdrawn.

(b) The registrar may by notice sent by registered post suspend the registration as such of the tourist guide concerned, pending the decision of the registrar under paragraph (a).

(8) (a) Any person who considers himself aggrieved by any decision or action of the registrar may appeal to the board against the decision or action in question, and the board may confirm, set aside or amend the decision or action.

(9) (a) No person who has not been registered as a tourist guide or whose registration as a tourist guide has been suspended shall for reward, whether monetary or otherwise, act as a tourist guide.

(b) A person who has been registered as a tourist guide in respect of a particular class referred to in subsection (4) may act as a tourist guide only in respect of the area or matters determined in respect of that class, as have been set out in the registration certificate issued to that person.

(3) Die raad moet vir die doeleindes van hierdie Wet die verskillende klasse van toeristegidsse bepaal.

(4) Niemand word as toeristegids ingevolge hierdie Wet geregistreer nie tensy hy, wanneer hy verskyn soos deur artikel 21(3) vereis, toon dat hy oor die vereiste kennis van die aangeleenthede beskik wat in subartikel (5) vermeld word.

(5) Die kennis in subartikel (4) bedoel, moet betrekking hê op die geskiedenis, aardrykskunde, fauna, flora, klimaat, beskikbaarheid van mediese en nooddienste, agtergrond en kultuur van die verskillende volkere, infrastruktuur van die toerismebedryf en die ekonomiese omstandighede in en van die betrokke geografiese gebied.

(6) Ten einde as 'n gespesialiseerde toeristegids geregistreer te word ten opsigte van die een of ander gebied of aangeleentheid moet die persoon wat om sodanige registrasie aansoek doen oor spesiale kennis ten genoë van die registrateur beskik van die gebied of aangeleentheid waarop sy aansoek betrekking het.

Prosedure betreffende registrasie van toeristegidsse

21. (1) Iemand wat verlang om as toeristegids geregistreer te word, moet op die voorgeskrewe wyse by die registrateur aansoek doen, en bedoelde aansoek moet vergesel wees van die voorgeskrewe registrasiegeld.

(2) By ontvangs van so 'n aansoek en die registrasiegeld kan die registrateur die aansoeker versoek om die bykomende besonderhede en inligting te verstrek wat hy nodig ag om die aansoek behoorlik te oorweeg.

(3) 'n Aansoeker in subartikel (1) vermeld, moet op versoek van die registrateur persoonlik voor hom verskyn en moet die bykomende besonderhede en inligting verstrek wat die registrateur versoek ten einde die registrateur in staat te stel om te besluit of die aansoek toegestaan moet word.

(4) Indien die registrateur nadat hy die inligting en besonderhede in subartikel (2) en (3) oorweeg het, oortuig is dat die aansoeker voldoen aan die voorgeskrewe vereistes vir registrasie as toeristegids wat val in die een of ander klas wat kragtens hierdie Wet bepaal is, registreer hy die aansoeker as toeristegids.

(5) Wanneer die registrateur iemand as 'n toeristegids registreer, reik hy aan hom 'n registrasiesertifikaat en 'n kenteken uit, wat in die voorgeskrewe vorm moet wees.

(6) (a) 'n Registrasie as toeristegids is geldig vir 'n tydperk van een jaar, gereken vanaf die datum van uitreiking van die registrasiesertifikaat.

(b) Iemand wat as toeristegids geregistreer is, moet voor die einde van die tydperk waarvoor hy geregistreer is teenoor die registrateur aandui of hy as toeristegids geregistreer wil wees ten opsigte van die daaropvolgende tydperk van een jaar, en indien hy aandui dat hy aldus geregistreer wil wees moet hy by betaling van die voorgeskrewe geld herregistreer word.

(7) (a) Indien 'n toeristegids volgens die oordeel van die registrateur versuim het om te voldoen aan enige voorwaarde onderworpe waaraan hy aldus geregistreer is, of indien na die oordeel van die registrateur dit nie in die openbare belang is dat 'n toeristegids aldus geregistreer bly nie, kan die registrateur by kennisgewing deur aangetekende pos gestuur, sodanige toeristegids aansê om binne 'n tydperk in die kennisgewing vermeld, van minstens 30 dae vanaf die datum van die kennisgewing, redes aan te voer waarom sy registrasie as 'n toeristegids nie ingetrek moet word nie.

(b) Die registrateur kan by kennisgewing deur aangetekende pos gestuur die registrasie van die betrokke toeristegids as sodanig opskort hangende die beslissing van die registrateur kragtens paragraaf (a).

(8) Iemand wat hom veronreg ag deur enige beslissing of optrede van die registrateur, kan teen daardie beslissing of optrede appèl aanteken by die raad, en die raad kan die beslissing of optrede bevestig, tersyde stel of wysig.

(9) (a) Geen persoon wat nie as 'n toeristegids geregistreer is nie of wie se registrasie as 'n toeristegids opgeskort is, mag teen vergoeding, hetsy geldelik of andersins, as 'n toeristegids optree nie.

(b) Iemand wat geregistreer is as toeristegids met betrekking tot 'n bepaalde klas in subartikel (4) vermeld, mag as toeristegids optree slegs ten opsigte van die gebied of aangeleentheid wat ten opsigte van daardie klas bepaal is, soos dit uiteengesit is in die registrasiesertifikaat wat aan daardie persoon uitgereik is.

(10) No person may for the promotion of any business undertaking conducted by him employ or continue to employ as a tourist guide any person who has not been registered as a tourist guide under subsection (5), or who has been so registered but whose registration as such has been suspended under subsection (6)(b). 5

Duty of seller of travelling facilities to destinations in foreign countries

22. Any person who in the course of his business sells facilities for a journey to any destination in a foreign country shall when selling such facilities offer in the manner prescribed to the buyer thereof his assistance in order to enable such buyer to obtain insurance which would be sufficient to enable the buyer to obtain alternative travelling facilities for his return journey to the Republic in any case where the person who in terms of the agreement in question is obliged to provide such facilities should fail or should for any reason be unable to do so. 10 10 12

Declaration of interests

23. When the board or any committee considers any matter in which a member thereof or the spouse of a member has a pecuniary interest, that member shall disclose the nature, extent and particulars of that interest to the board or committee, as the case may be, and if such interest is a direct financial interest, such member shall not take part in the discussions of the board or the committee concerned which take place while that matter is being considered by the board or the committee. 15 20 20

Transitional provisions

24. (1) Anything done by the South African Tourism Board established by section 2 of the South African Tourism Board Act, 1983 (Act No. 100 of 1983) — in this section referred to as the Tourism Board — in terms of the South African Tourist Corporation Act, 1947 (Act No. 54 of 1947), the Hotels Act, 1965 (Act No. 70 of 1965), the Tour Guides Act, 1978 (Act No. 29 of 1978), or the South African Tourism Board Act, 1983, and which could have been done by the board in terms of any provision of this Act, shall be deemed to have been done by the board in terms of the last-mentioned provision. 25 30 30

(2) All assets, rights, obligations and liabilities of the Tourism Board are hereby transferred to the board.

(3) Money in the Travel Agents Fidelity Fund established by section 30 of the Travel Agents and Travel Agencies Act, 1983 (Act No. 58 of 1983), shall at the commencement of this Act be paid over to the board, which shall deal therewith in accordance with subsection (4), and all other assets, rights, liabilities and obligations of the Travel Agents Board established by section 2 of the first-mentioned Act, shall at such commencement pass to the board. 35 40

(4) The board shall with due regard to the liabilities and obligations which passed to it in terms of subsection (3), and after it has made provision for the satisfaction of any liability which may rest upon it in consequence of such passing, pay over the remainder of the money which passed to it in terms of this section to the persons who made contributions to the fund or shall as far as practicable apply it to their benefit. 40 50

(5) No levy, tax, transfer duty, stamp duty or any other money imposed or levied in terms of any law in respect of the acquisition by the board of any assets, rights, liabilities or obligations shall be payable in terms of this section. 45 50

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

25. The board may at the request of any person who conducts or intends to conduct any accommodation establishment and upon payment of the prescribed fee inspect any accommodation establishment and may issue a document in the prescribed form stating that such establishment would have complied with any 50 60

(10) Niemand mag vir die bevordering van 'n besigheidonderneming wat hy bedryf, enige ander persoon wat nie as 'n toeristegids kragtens subartikel (5) geregistreer is of wat aldus geregistreer is maar wie se registrasie as sodanig kragtens subartikel (6)(b) opgeskort is, as 'n toeristegids in diens neem of in diens hou nie.

Plig van verkoper van reisfasiliteite na bestemmings in die buiteland

22. Enigiemand wat in die loop van sy besigheid fasiliteite vir 'n reis na enige bestemming in die buiteland verkoop, moet wanneer hy sodanige fasiliteite verkoop aan die koper daarvan op die voorgeskrewe wyse sy bystand aanbied ten einde sodanige koper in staat te stel om versekering uit te neem wat voldoende sou wees om die koper in staat te stel om alternatiewe reisfasiliteite te verkry vir sy terugreis na die Republiek, in enige geval waar die persoon wat uit hoofde van die betrokke ooreenkoms verplig is om sodanige fasiliteite te verskaf, sou versuim om dit te doen of om enige rede nie in staat sou wees om dit te doen nie.

15 Verklaring van belange

23. Wanneer die raad of 'n komitee enige aangeleentheid oorweeg waarin 'n lid daarvan of die gade van 'n lid 'n geldelike belang het, moet daardie lid die aard, omvang en besonderhede van daardie belang aan die raad of komitee, na gelang van die geval, bekend maak, en indien so 'n belang 'n regstreekse geldelike belang is, mag daardie lid nie deelneem aan die besprekings van die raad of die betrokke komitee wat plaasvind terwyl daardie aangeleentheid deur die raad of die komitee oorweeg word nie.

Oorgangsbepalings

24. (1) Enigiets wat gedoen is deur die Suid-Afrikaanse Toerismeraad ingestel by artikel 2 van die Wet op die Suid-Afrikaanse Toerismeraad, 1983 (Wet No. 100 van 1983) — in hierdie artikel die Toerismeraad genoem — ingevolge die Wet op die Suid-Afrikaanse Toeristekorporasie, 1947 (Wet No. 54 van 1947), die Wet op Hotelle, 1965 (Wet No. 70 van 1965), die Wet op Toergidse, 1978 (Wet No. 29 van 1978), of die Wet op die Suid-Afrikaanse Toerismeraad, 1983, en wat deur die raad kragtens 'n bepaling van hierdie Wet gedoen sou kon word, word geag deur die raad kragtens laasgenoemde bepaling gedoen te wees.

(2) Alle bates, regte, laste en verpligtinge van die Toerismeraad word hierby aan die raad oorgedra.

(3) Geld in die Reisagente-getrouheidsfonds ingestel by artikel 30 van die Wet op Reisagente en Reisagentskappe, 1983 (Wet No. 58 van 1983), word by die inwerkingtreding van hierdie Wet oorbetaal aan die raad wat ooreenkomstig subartikel (4) daarmee handel, en alle ander bates, regte, laste en pligte van die Raad vir Reisagente ingestel by artikel 2 van eersgenoemde Wet, gaan by gemelde inwerkingtreding oor op die raad.

(4) Die raad moet met inagneming van die laste en verpligtinge wat ingevolge subartikel (3) op hom oorgegaan het en nadat hy voorsiening gemaak het vir die voldoening van enige aanspreeklikheid wat as gevolg van dié oorgang op hom mag rus, enige restant van die geld wat ingevolge hierdie artikel op hom oorgegaan het, oorbetaal aan die persone wat bydraes tot die fonds gemaak het of moet dit sover prakties doenlik tot hul voordeel aanwend.

(5) Geen heffing, belasting, hereregte, seëlreg of enige ander geld wat ingevolge 'n wet opgelê of gehef word, is betaalbaar ten opsigte van die verkryging deur die raad van enige bates, regte, laste of verpligtinge ingevolge hierdie artikel nie.

50 Bevoegdheid van raad om enige huisvestinginrigting te inspekteer indien daartoe versoek

25. Die raad kan op versoek van enige persoon wat 'n huisvestinginrigting bedryf of van voorneme is om dit te doen en by betaling van die voorgeskrewe geld enige huisvestinginrigting inspekteer en 'n dokument in die voorgeskrewe vorm uitreik wat verklaar dat sodanige inrigting aan enige relevante bepaling

relevant provisions of a scheme referred to in section 18(1) had such establishment been evaluated with reference to such provisions.

Regulations

26. The Minister may after consultation with the board make regulations in respect of any matter which may be dealt with by the Minister in terms of this Act, and in respect of anything which in his opinion may be conducive to the effective application of the provisions of this Act. 5

Promotion of legislation relating to tourism industry

27. The Minister may upon the recommendation of the board promote legislation which is aimed at the promotion of the standard of any matter relating to the tourism industry, including transport and travelling services, restaurants and other similar services and facilities provided or rendered available in the Republic. 10

Offences and penalties

28. Any person who— 15

- (a) professes to be a member of a grading and classification scheme referred to in section 18, or of a scheme referred to in section 19, while he is not such a member;
- (b) uses in relation to any accommodation establishment conducted by him any depiction or depictions of a star or stars, unless he is a member of a scheme referred to in paragraph (a); 20
- (c) uses in relation to any accommodation establishment conducted by him an insignia depicting a number of stars which is greater than the number which he is authorized to depict in terms of such scheme;
- (d) contravenes section 21(9)(a) or (10); 25
- (e) fails to render his assistance as required by section 22 to a buyer referred to in that section,

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

Repeal of laws 30

29. Subject to the provisions of section 24 the laws mentioned in the Schedule are hereby repealed.

Short title and commencement

30. This Act shall be called the Tourism Act, 1993, and shall come into operation on a date fixed by the State President by proclamation in the Gazette. 35

van 'n skema in artikel 18(1) vermeld, sou voldoen het indien sodanige inrigting met verwysing na sodanige bepalings geëvalueer sou gewees het.

Regulasies

26. Die Minister kan na oorleg met die raad regulasies uitvaardig ten opsigte van enige aangeleentheid waarmee deur die Minister ingevolge die bepalings van hierdie Wet gehandel kan word, en ten opsigte van enigiets wat na sy oordeel kan strek tot die doeltreffende toepassing van die bepalings van hierdie Wet.

Bevordering van wetgewing betreffende toerismebedryf

27. Die Minister kan op aanbeveling van die raad wetgewing bevorder wat daarop gemik is om die standaard van enige aangeleentheid betreffende die toerismebedryf, met inbegrip van vervoer- en reisdienste, restaurante en ander soortgelyke dienste en fasiliteite wat in die Republiek verskaf of beskikbaar gestel word.

15 Misdrywe en strawwe

28. Iemand wat—

- (a) voorgee om 'n lid te wees van 'n gradering- en klassifikasieskema in artikel 18 vermeld, of van 'n skema in artikel 19 vermeld, terwyl hy nie so 'n lid is nie;
- 20 (b) met betrekking tot 'n huisvestinginrigting wat deur hom bedryf word enige afbeelding of afbeeldings van 'n ster of sterre gebruik, tensy hy 'n lid is van 'n skema in paragraaf (a) vermeld;
- (c) met betrekking tot 'n huisvestinginrigting wat deur hom bedryf word enige insignia gebruik wat 'n getal sterre afbeeld wat groter is as die
- 25 (d) artikel 21(9)(a) of (10) oortree;
- (e) versuim om soos deur artikel 22 vereis, sy bystand aan 'n koper in daardie artikel vermeld, te verleen,
- is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of met
- 30 gevangenisstraf vir 'n tydperk van hoogstens ses maande.

Herroeping van wette

29. Behoudens die bepalings van artikel 24 word die wette in die Bylae vermeld hierby herroep.

Kort titel en inwerkingtredding

30. Hierdie Wet heet die Wet op Toerisme, 1993, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Act No. 72, 1993

TOURISM ACT, 1993

Schedule

LAWS REPEALED

No. and year of law	Title	Extent of repeal
Act No. 54 of 1947	South African Tourist Corporation Act, 1947	The whole
Act No. 24 of 1951	South African Tourist Corporation Amendment Act, 1951	The whole
Act No. 36 of 1952	South African Tourist Corporation Amendment Act, 1952	The whole
Act No. 40 of 1960	South African Tourist Corporation Amendment Act, 1960	The whole
Act No. 93 of 1963	General Law Further Amendment Act, 1963	Sections 4, 5, 6, 7, 8 and 9
Act No. 39 of 1964	South African Tourist Corporation Amendment Act, 1964	The whole
Act No. 70 of 1965	Hotels Act, 1965	The whole
Act No. 70 of 1968	General Law Amendment Act, 1968	Section 33
Act No. 101 of 1969	General Law Amendment Act, 1969	Section 25
Act No. 17 of 1970	General Law Amendment Act, 1970	Section 6
Act No. 57 of 1975	General Law Amendment Act, 1975	Section 30
Act No. 59 of 1977	South African Tourist Corporation Amendment Act, 1977	The whole
Act No. 71 of 1977	Hotels Amendment Act, 1977	The whole
Act No. 29 of 1978	Tour Guides Act, 1978	The whole
Act No. 38 of 1979	Hotels Amendment Act, 1979	The whole
Act No. 26 of 1980	South African Tourist Corporation Amendment Act, 1980	The whole
Act No. 32 of 1982	Hotels Amendment Act, 1982	The whole
Act No. 58 of 1983	Travel Agents and Travel Agencies Act, 1983	The whole
Act No. 100 of 1983	South African Tourism Board Act, 1983	The whole
Act No. 59 of 1989	South African Tourism Board Amendment Act, 1983	The whole

Bylae

Wette Herroep

No. en jaar van wet	Titel	Omvang van herroeping
Wet No. 54 van 1947	Wet op die Suid-Afrikaanse Toeristekorporasie, 1947	Die geheel
Wet No. 24 van 1951	Wysigingswet op die Suid-Afrikaanse Toeristekorporasie, 1951	Die geheel
Wet No. 36 van 1952	Wysigingswet op die Suid-Afrikaanse Toeristekorporasie, 1952	Die geheel
Wet No. 40 van 1960	Wysigingswet op die Suid-Afrikaanse Toeristekorporasie, 1960	Die geheel
Wet No. 93 van 1963	Verdere Algemene Regswysigingswet, 1963	Artikels 4, 5, 6, 7, 8 en 9
Wet No. 39 van 1964	Wysigingswet op die Suid-Afrikaanse Toeristekorporasie, 1964	Die geheel
Wet No. 70 van 1965	Wet op Hotelle, 1965	Die geheel
Wet No. 70 van 1968	Algemene Regswysigingswet, 1968	Artikel 33
Wet No. 101 van 1969	Algemene Regswysigingswet, 1969	Artikel 25
Wet No. 17 van 1970	Algemene Regswysigingswet, 1970	Artikel 6
Wet No. 57 van 1975	Algemene Regswysigingswet, 1975	Artikel 30
Wet No. 59 van 1977	Wysigingswet op die Suid-Afrikaanse Toeristekorporasie, 1977	Die geheel
Wet No. 71 van 1977	Wysigingswet op Hotelle, 1977	Die geheel
Wet No. 29 van 1978	Wet op Toergidse, 1978	Die geheel
Wet No. 38 van 1979	Wysigingswet op Hotelle, 1979	Die geheel
Wet No. 26 van 1980	Wysigingswet op die Suid-Afrikaanse Toeristekorporasie, 1980	Die geheel
Wet No. 32 van 1982	Wysigingswet op Hotelle, 1982	Die geheel
Wet No. 58 van 1983	Wet op Reisagente en Reisagentskappe, 1983	Die geheel
Wet No. 100 van 1983	Wet op die Suid-Afrikaanse Toerismeraad, 1983	Die geheel
Wet No. 59 van 1983	Wysigingswet op die Suid-Afrikaanse Toerismeraad, 1983	Die geheel

Bylae
Wette Herroep

Omvang van herroeping	Titel	No. en Jaar van wet
Die geheel	Wet op die Suid-Afrikaanse Toeristekorporasie, 1947	Wet No. 34 van 1947
Die geheel	Wysingswet op die Suid-Afrikaanse Toeristekorporasie, 1951	Wet No. 24 van 1951
Die geheel	Wysingswet op die Suid-Afrikaanse Toeristekorporasie, 1952	Wet No. 36 van 1952
Die geheel	Wysingswet op die Suid-Afrikaanse Toeristekorporasie, 1960	Wet No. 40 van 1960
Artikels 4, 5, 6, 7, 8 en 9	Verdele Algemene Regswysingswet, 1963	Wet No. 93 van 1963
Die geheel	Wysingswet op die Suid-Afrikaanse Toeristekorporasie, 1964	Wet No. 39 van 1964
Die geheel	Wet op Hotelle, 1965	Wet No. 30 van 1965
Artikel 33	Algemene Regswysingswet, 1968	Wet No. 70 van 1968
Artikel 35	Algemene Regswysingswet, 1969	Wet No. 101 van 1969
Artikel 6	Algemene Regswysingswet, 1970	Wet No. 17 van 1970
Artikel 30	Algemene Regswysingswet, 1972	Wet No. 27 van 1972
Die geheel	Wysingswet op die Suid-Afrikaanse Toeristekorporasie, 1977	Wet No. 29 van 1977
Die geheel	Wysingswet op Hotelle, 1977	Wet No. 21 van 1977
Die geheel	Wet op Toeristiek, 1978	Wet No. 29 van 1978
Die geheel	Wysingswet op Hotelle, 1979	Wet No. 38 van 1979
Die geheel	Wysingswet op die Suid-Afrikaanse Toeristekorporasie, 1980	Wet No. 26 van 1980
Die geheel	Wysingswet op Hotelle, 1982	Wet No. 25 van 1982
Die geheel	Wet op Reisagente en Reisagentskappe, 1983	Wet No. 28 van 1983
Die geheel	Wet op die Suid-Afrikaanse Toerismetaad, 1983	Wet No. 100 van 1983
Die geheel	Wysingswet op die Suid-Afrikaanse Toerismetaad, 1983	Wet No. 39 van 1983