

GOVERNMENT NOTICE No. 269 published on 17/07/2015

THE TOURISM AGENTS (REGISTRATION AND LICENSING)
REGULATIONS, 2015

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THE TOURISM ACT,
(CAP. 65)

REGULATIONS

(Made under section 56)

THE TOURISM AGENTS (REGISTRATION AND LICENSING) REGULATIONS, 2015

PART I
PRELIMINARY PROVISIONS

- Citation 1. These Regulations may be cited as the Tourism Agents (Registration and Licensing) Regulations, 2015.
- Interpretation 2. In these Regulations unless the context requires otherwise-
- Cap. 65 "Act" means the Tourism Act;
"Board" means the Tanzania Tourism Licensing Board;
"citizen" means a citizen of the United Republic of Tanzania;
"certificate of registration" means a certificate of registration issued under these Regulations;
"contract" means an agreement between a prospective tourist and a licenced tourism agent;
"designated tourism activity" means any service, which the Minister has declared as such under section 17 of the Act;
"Director" means a person for the time being performing the functions of the Director of Tourism;
"licence" means a licence issued under section 21 of the Act;
"overland tourist truck" means a truck used for carrying tourists across a continental road trip for the purpose of exploring outdoor game viewing;
"package" means the pre-arranged combination of at least two of the following components:-
(a) transport;

- (b) accommodation; and
 - (c) other ancillary services accounting for a significant portion of the package,
- when sold or offered for sale at an inclusive price and when the service covers a period of more than twenty four hours or includes overnight accommodation;
- “premises” means a place of business for which a certificate of registration is being sought for;
- “tour operator” means a person or company engaged in the provision of professional ground transport services for game viewing and selling of tour package;
- “tourism agent” means a tour operator, travel agent or photographic and hunting safaris operator or any person who for reward conducts an activity, or undertakes to provide services for tourists and other members of the public in relation to the tours and travel within or outside the country;
- “travel agent” means a person or a company engaged in the sale of professional services to travelers including-
- (a) selling of tickets entitling an individual to travel, or otherwise arranging for a person a right of passage on any conveyance;
 - (b) selling, arranging or making available for a person the right of passage, tourist accommodation and other tourist services at one or more places within or outside Tanzania;
 - (c) purchasing for resale the right of passage on any conveyance;
 - (d) holding himself out as or advertises that he is willing to carry on any activity referred to in paragraph (a),(b) or (c).

PART II

REGISTRATION OF TOURISM AGENTS

Registration of
tourism agents

3.-(1) A person who wishes to carry on a tourism agent business shall make an application for a certificate of registration to the Director of Tourism.

(2) An application under this regulation shall be in the form specified in the First Schedule of these Regulations and shall be submitted by post to, or left at the office of the tourism division or other modality as approved by the

Director.

Application for
registration by an
individual or
partnership

4. An application for registration by an individual or partnership shall be accompanied with-

- (a) evidence that the business is registered by the Business Registration Licensing Authority (BRELA);
- (b) a business plan relating to the proposed business;
- (c) proof of having a suitable office premises for carrying the business of a tourism agent;
- (d) a tax identification number;
- (e) the number of motor vehicles as prescribed under Regulations 5 (2) (a) (i) and 5 (4);
- (f) evidence that he is a citizen of the United Republic of Tanzania; and
- (g) a copy of the current insurance cover.

Application for
registration by a
limited liability
company

5.-(1) An application for the registration of any tourism agent business by a body corporate shall be in the prescribed form and be accompanied with the following-

- (a) Certificate of Incorporation or similar deed;
 - (b) memorandum and Articles of Association or similar constitutive documents;
 - (c) the company's tax identification number;
 - (d) a list of the company Directors, their titles, tax identification numbers and qualifications;
 - (e) the business plan relating to the proposed business;
 - (f) the number of motor vehicles as prescribed under this regulation sub-regulation (2) (a)(i), (3)(a) and (4);
 - (g) proof of having a suitable office premises for carrying the business of tourism agent; and
 - (h) proof of nationality of shareholders.
- (2) Notwithstanding the provisions of sub-regulation (1), a tour operator who is a citizen of the United Republic shall also submit the following particulars-

- (a) proof of having a fleet of not less than three four wheel drive vehicles whereby within twenty four months number of cars shall be raised up to five or more which are-
 - (i) suitable for carrying tourists and whose ground

- clearance is not less than 220mm;
 - (ii) in good running condition of not more than five years since first registration in Tanzania;
 - (iii) registered under the company name or business name; and
 - (iv) comprehensively insured and inspected by the relevant authority.
- (b) where an application for tour operator is made by non citizen, the provisions of sub-regulation (1) shall apply together with the following-
- (i) proof of having a fleet of new vehicles not less than ten of the type as indicated in regulation 5(2)(i) and registered under the company's name; and
 - (ii) evidence that the business is registered and certified by Tanzania Investment Centre.
- (3) For the purpose of sub regulations (2) and (3), "citizen" in case of a limited liability company, means a company whose more than 50% of its subscribed shares are owned by a single citizen of the United Republic of Tanzania.
- (4) Without prejudice to sub regulation (1), an application for car rental, shall be accompanied by proof of ownership of not less than three vehicles, with a commitment of increasing the number of vehicles to five or more within twenty four months, which are-
- (a) of not more than five years since first registration in Tanzania;
 - (b) registered under the company name or business name;
 - (c) comprehensively insured and inspected by the relevant authority.
- (5) In case of the travel agent, the application shall be accompanied with-
- (a) evidence that the applicant is a Tanzanian; and
 - (b) a curriculum vitae of at least two employees who possess the minimum requirement prescribed by the International Air Transport Association.
- (6) Without prejudice to section 58 (2) of the Act, an

application for registration of the business of travel agent, mountain climbing or trekking and car rental shall be done by citizens of Tanzania and in case of a limited liability company the shares must be fully owned by a citizen.

(7) In case of hunting safari operator, wildlife ranch, wildlife farm, wildlife zoo proof that the applicant has been granted a corresponding wildlife user right by the relevant authority.

(8) In case of other tourism related activities which are regulated by other Ministries and Government Authorities applicants must provide proof that they have been granted user right by those Authorities.

(9) Notwithstanding the provisions of these Regulations, the applicant who is intending to expand or change the business shall be required to submit a business plan.

Tourism Agents
Register

6. Where the Director is satisfied that an application has been duly made in accordance with these regulations, the Director shall cause the business to be registered in the appropriate Tourism Agents Register.

Certificate of
Registration

7.-(1) The Director shall upon registering a successful applicant of a tourism agent business, issue a Certificate of Registration to the registered business.

(2) The Certificate of Registration shall be valid for a period of three years and shall be in the form prescribed in the Second Schedule to these Regulations.

(3) The Certificate of Registration shall be displayed in a prominent position at or near the principal entrance of the business premises during the whole period of registration.

(4) Where a registered tourism agent decides to stop his business, he shall notify the Director and return the Certificate of Registration.

(5) The Director shall upon receiving the notification under sub-regulation (4), remove the name of such operator from the Tourism Agents Register.

(6) The Certificate of Registration shall be returned to the Director immediately after being cancelled or whenever the Director so requests.

(7) A person who contravenes this regulation commits an offence and upon conviction shall be liable to a fine of

not less than Tanzania shillings one million or imprisonment for a term of not less than six months.

Renewal of a
Certificate of
Registration

8.-(1) The Certificate of Registration issued under these Regulations shall be renewed prior to its expiration.

(2) An application for renewal of a Certificate of Registration shall be made to the Director:

- (a) by November of the third year of previous registration; and
- (b) shall be in a prescribed form in the First Schedule to these Regulations.

Refusal and
procedures for
appealing

9.-(1) The Director may refuse to register an application of a tourism agent if he is satisfied that the applicant has not fulfilled the requirements for registration prescribed in these Regulations.

(2) The Director shall upon refusal to register a tourism agent, inform the applicant of the reasons for such refusal.

(3) The applicant may, within thirty days from the date of receiving the notification of refusal-

- (a) comply with the requirements for registration; or
- (b) appeal by making a written representation to the Director;

(4) The Director shall, within fourteen days from the date of receipt of applicant's representation make a decision and inform the appellant.

Replacement of
certificate of
registration

10.-(1) A person whose certificate of registration is lost, destroyed or otherwise rendered unusable, shall apply to the Director for Issuance of a duplicate certificate.

(2) The application in sub-regulation (1) shall-

- (a) in the case of a lost certificate, be accompanied by a police loss report;
- (b) be accompanied by the prescribed fees; and
- (c) in any other case of a defaced, destroyed or a rendered unusable certificate, be accompanied by the defaced, destroyed or an unusable certificate.

(3) The Director shall, upon being satisfied that the conditions in sub-regulations (1) and (2) have been complied with, issue a duplicate certificate.

PART III

LICENSING OF TOURISM AGENTS

Application for
Tourism Agent
licence

11.-(1) A person who has been issued with a Certificate of Registration as a tourism agent under these Regulations, shall make an application for a licence to the Tanzania Tourism Licensing Board.

(2) An application under sub-regulation (1) shall be submitted to the Secretary of the Tanzania Tourism Licensing Board in the manner set out in the First Schedule to these Regulations.

(3) The Board shall upon scrutinizing the application:

- (a) issue a tourism business licence as specified in the Third Schedule to these Regulations;
- (b) issue a tourism business licence on conditions;
- (c) refuse to issue a tourism business licence and notify the applicants on the reasons for refusal.

(4) A person who is aggrieved by the decision of the Board may appeal to the Appeals Authority in accordance with section 20(3) and (4) of the Act.

(5) A person who conducts a tourism business without a licence, commits an offence and is liable, on conviction to a fine of not less than ten million shillings or to imprisonment for a term not less than two years or to both and in addition the court shall order that person to pay all the outstanding fees for the entire period operated without a licence.

Licence to be
displayed

12. An owner of a Tourism Agent licence shall-

- (a) ensure that the licence is exhibited in a conspicuous place within his business premises;
- (b) in case of tour operators and car rental-
 - (i) display a copy of the licence at a conspicuous place on the vehicle; and
 - (ii) write the name of the tourism agent on each side of the vehicle, stickers are not allowed.

Renewal of a
Licence

13.-(1) Each licence shall be valid for one year.

(2) The Licence issued under these Regulations shall be renewed prior to its expiration.

(3) The application for renewal of a licence shall be made in a prescribed form provided in the Third schedule by November of every year.

(4) Any person who fails to renew his licence shall

not carry on his business.

**PART IV
MISCELLANEOUS PROVISION**

Use of designated
tourism signs or
emblems

14.- The Director may designate appropriate tourism signs or emblems for use by licensed tourism operators throughout the country.

Temporary
permits

15.-(1) A person licenced to carry on the business of tour operator or car rental who wishes to hire out his vehicles for carrying out a special particular activity of national interest, shall apply to the Director for a temporary permit.

(2) The vehicles to be applied for shall meet the following conditions-

- (a) have a current insurance cover; and
- (b) be inspected by the relevant authority and a certificate of road worthiness granted.

(3) The Director shall upon scrutinizing the application and satisfying himself that there are sufficient reasons to allow the tour operator or car rental to use additional or temporary vehicles, and upon payment of the relevant fees, grant a written permit for such vehicles to be used under the applicant's licence.

(4) The tour operator or car rental shall ensure that-

- (a) the vehicles so authorized vividly display in writing the name of the tour operator on each side of the vehicle, for the entire period authorized;
- (b) the vehicles cease to use the name of the tour operator or car rental upon expiry of the period authorized.

(5) Any tour leader or driver of an overland tourist truck shall be required to obtain a permit from the Director or zonal tourism officer incharge upon payment of fees.

(6) The permit granted pursuant to sub-regulation (1) shall be valid for fifteen days.

(7) An overland tourist truck permit shall be valid for a period of Thirty days from date of the truck's entry in Tanzania and shall allow a single entry.

Permits for special
foreign tourist air

16.-(1) An owner of special foreign tourist air charter shall apply for a permit from the Director upon payment of

charters	prescribed fees. (2) The permit prescribed under sub regulation (1) shall be for a single entry and valid for seven days.
Annual list of licensed companies	17. The Director shall, at least once in every year publish or cause to be published a list of licensed companies so as to show separately companies registered in each tourism agents' register and any information as the Director thinks proper.
Records to be kept by tourism agents	18.-(1) Every tourism agent shall keep and maintain- (a) appropriate books of entry, including books of accounts, containing tourism transactions, documents providing details of the tourist's name, address, services arranged, passport details, as well as details of country of residence; and (b) records of employees containing their nationality, gender, qualification, position of employment and duration of their employment contract. (2) The records referred to under sub-regulation (1) shall be made available to the Director as he deems necessary.
Insurance requirements	19. All registered and licensed tourism agents shall have adequate public liability insurance for their operations, and if requested, a copy of the current insurance cover shall be forwarded to the Director.
Fees and charges GN No.	20. Every licensee shall pay such annual fees as may be prescribed under the Tourism (Fees and Charges) Regulations, 2015.
Minimum financial requirements	21. A tourism agent licenced under these Regulations shall ensure that it opens an account in the banks licensed by the Central Bank of Tanzania.
Descriptive material	22.-(1) A tourism agent shall not supply to a prospective tourist any descriptive material which contains any misleading information. (2) A tourism agent who contravenes sub-regulation (1), commits an offence and is be liable, on conviction, to a fine of not less than one million shillings or imprisonment for a term not less than six months or to both, and the court

shall order that person to compensate the tourist for any loss suffered.

Provision of information

23. Where necessary, before a contract for tourism services is concluded, the tourism agent shall provide the potential tourist with the following information-

- (a) general information regarding passport and visa requirements applicable in Tanzania;
- (b) health formalities required for the journey or stay;
- (c) the name, address, telephone number and other means of communication of the representative of the tourism agent or an agency in the locality where the tourist is to stay or, who would render assistance to the tourist in times of difficulty or emergency; and
- (d) except where the tourist is required as the term of the contract:-
 - (i) take out an insurance policy in order to cover the cost of cancellation by the tourist or the cost of assistance, including repatriation in the event of accident or illness;
 - (ii) information about an insurance policy which the potential tourist may, if he wishes, take out in respect of risk of such costs being incurred.

Force majeure

24. The tourist shall be entitled to be compensated by the tour operator for non-performance of the contract, except in the event of *force majeure*.

Significant proportion of the services not provided

25. Where after commencement of the trip to Tanzania, a significant proportion of the services contracted for are not provided or the tourism agent becomes aware that the services shall not be provided, he shall ensure that-

- (a) he makes suitable alternative arrangements, at no extra cost to the tourist, for the continuation of the package and shall, where appropriate, compensate the tourist for the difference between the services to be supplied under the contract and those supplied; and
- (b) where it is impossible to make arrangements under subparagraph (a) or the arrangement are not accepted by the tourist for good reasons, the tourism agent shall provide the tourist with equivalent transport back to

the place of departure or to another place to which the tourist has agreed and shall, where appropriate, compensate the tourist.

PART V
OFFENCES AND PENALTIES

Offences and
Penalties

26. A person who contravenes any provision of these regulations or makes any false statement in any application or other document or to any authorised officer performing any function under the Act or these Regulations commits an offence and on conviction is liable to a fine not less than one million shillings or to imprisonment for a term not less than six months or to both that fine and imprisonment.

Revocation of
GN. No. 229 of
2009

25. The Tourism Operator (Registration and Licensing) Regulations, 2009 are hereby revoked.

FIRST SCHEDULE

(Made under regulations 3(2) and 11(2))

United Republic of Tanzania



MINISTRY OF NATURAL RESOURCES AND TOURISM
TOURISM DIVISION
(TOURISM ACT, CAP 65)

**APPLICATION FORM FOR REGISTRATION AND LICENSE TO OPERATE
AS A TOURISM OPERATOR**

Instructions:

1. Use this form to apply for registration and License to operate as Tourism Agents or Accommodation Facility.
2. Fill all the necessary details. Field marked with * are mandatory.
3. Use Capital Letters only.
4. Registration process will not proceed if in the opinion of the Registering authority there's misrepresentation and disclosure of the information.
5. Attach all the required documents. For online application all attachments should be in PDF format.

Today's Date:		Application Number: (official use only)
SECTION I: COMPANY'S GENERAL INFORMATION		
Business Name*		
Trading Name (if different from Business Name):		
Nature of Business*: (Tick one)	Company Type*: (Select one)	TIN No:
Tourism Agent	Limited Company	VAT No:
Accommodation Facility	Sole Proprietor	Certificate of Incorporation No:
Tourism Agent and Accommodation Facility		(Attach a copy of each of the certificate above)

Physical Address of the Principal Premise of Business:	Street Name:..... Plot No./House No..... Building Name:..... District:.....	Contr. Code
Contact information:	Regional/Network Number Postal Address: (Box number only):..... Telephone number: [] [] Mobile number: [] [] [] [] [] [] Fax number: [] [] [] [] Email: [] [] [] [] [] [] Website: [] [] [] [] [] []	

(Please attach evidence of citizenship for each shareholder e.g. passport, work permit, national id, voters registration card)

[illegible]

Education Level	Local Permanent		Local Temporary		Foreigners	
	Male	Female	Male	Female	Male	Female
Primary School						
Ordinary Secondary School						
Advanced Secondary School						
Vocational Certificate						
Technician Certificate						
Ordinary Diploma						
Advanced/ Higher Diploma						
Bachelor Degree						
Master's Degree						
PhD						

Please list down tourism agent activities that you intend to register. See Appendix 1 for a full list of Tourism Activities
For Travel agent please attach IATA certificate.

Name of Activity	Trading	Location	Address	Address
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[illegible]

Please list down types of Accommodation facilities that you intend to register. See appendix 2 for a full list of types of accommodation facilities

Type of Accommodation	Trading Name	Location	Address	Address
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[illegible]

For each of the above accommodation facilities, please list down the number available and the total capacity of each of the accommodation facility service

Name of Accommodation Facility	Rooms	Bar	Conference Rooms	Restaurants	GYM	Massage Parlor	Spa	Kitchen	Ballroom	Coffee Shop	Swimming Pool	Outdoor Catering
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	N	C	N	C	N	C	N	C	N	C	N	C	N	S	N	C	N	C	N	C	N	C
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[illegible]

GN, NO. 269 (Contd)

SECTION X: DECLARATION

I declare that the information given in this form is true and complete in all aspects to the best of my knowledge.

Name:

Position:

Signature:

Date:

(Stamp with Official Stamp)

SECTION XI: FOR OFFICIAL USE ONLY

Registration Approved/Rejected:

Registration Number:

Name:

Signature: Date:

1. Tour Operator and Photographic Safaris
2. Hunting Safaris,
3. Air Charter Services (Non schedule flight),
4. Hot Air Balloon Safaris,
5. Horse Riding,
6. Tourism Boat Safaris,
7. Tourism Adventure Sports (Big game fishing, Scuba Diving etc),
8. Tourism Recreation (Theme parks Wildlife ranch, Wildlife farm, Zoo, Snake Parks etc),
9. Mountain Climbing or Trekking,
10. Car Rental or Hire,
11. Travel Agents,
12. Handling Agents.
13. Professional hunter
14. Tour guide
15. Proprietors of enterprises offering camps and camping equipment, mountain climbing gears and similar equipment's for hire.
16. Curio shops.
17. Cultural Heritage centers
18. Cultural Tourism Enterprises or centers
19. Private Museums
20. Special Foreign Air Charter not licensed under the Act

10

1. Exclusive luxury accommodation facilities/services
2. Lodges
3. Tented camps
4. Mobile Camps
5. Town hotels
6. Vacation hotels
7. Villas, Cottages and Serviced Apartments
8. Motel
9. Not yet Classified accommodation facilities
10. Approved accommodation facilities
11. Camping and Caravan Sites
12. Tourism Hostels
13. Tourism Home stay
14. Unclassifiable Accommodation Establishments

SECOND SCHEDULE

CERTIFICATE OF REGISTRATION

(Made under regulation 7(2))

THE UNITED REPUBLIC OF TANZANIA

MINISTRY OF NATURAL RESOURCES AND TOURISM
TOURISM DIVISION

A certificate of Registration for Tourism Operator
Tourism Act Cap. 65

Certificate of Registration No.

This is to certify that
(Name of registrant)

Has been duly registered and certified to operate the business of

Headquarter:

Branches:

Date of issue of Certificate:

Date of expiry:

Authorized by:

Director of Tourism
Tourism Division

Signed:

THIRD SCHEDULE

TOURISM BUSINESS LICENCE

(Made under regulation 11(3)(a))

THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF NATURAL RESOURCES AND TOURISM
TOURISM DIVISION
LICENCE TO CARRY ON THE BUSINESS OF
TOURISM OPERATORS

CLASS "....."

Tourism Act, Cap 65

Tourism Licence No.

1. (a) Licensee is hereby granted to: *(Name and Address)*
..... To carry on the business of Tourism Class "....."

- (a) Premises:
(b) Branch (es):

2. Specific nature of tourism business to be operated:
.....

3. (a) Date of issue: (b) Date of expiry:

(c) Fee Paid (d) ERV No.

4. Special terms and conditions applying to this licence:

- (a) *Not Transferrable*
(b) *Submission of Monthly Returns*
(c)

5. The licence shall be valid until 31st December, 20.....

Note: This licence is issued subject to the provisions of the Tourism Act, Cap. 65 to all Orders, Regulations and Subsidiary Legislations made there under.

Signed
Chairperson,
Tanzania Tourism Licensing Board

Dar es Salaam,
6th July, 2015

LAZARO S. NYALANDU,
*Minister for Natural
Resources and Tourism*