

THE UNITED REPUBLIC OF TANZANIA



No. 2 OF 1969

I ASSENT,

Julius K. Nyerere
President

6th FEBRUARY, 1969

An Act to make provision for Licensing, Regulating and Controlling the Business of Tourist Agents and for matters connected therewith and incidental thereto

[1ST MARCH, 1969]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Tourist Agents (Licensing) Act, 1969 and shall come into operation on the 1st March, 1969.

Short title and commencement

2. In this Act, unless the context otherwise requires-

"business of a tourist agent" includes negotiating, whether by correspondence or otherwise, soliciting, canvassing or accepting business connected with the tourist industry with any person;

Interpretation

"hotel" includes a lodge, inn or any establishment intended for the reception of tourists or visitors;

"licensing tourist agent" means a tourist agent licensed under the provisions of this Act;

"licensing authority" means any person or body of persons appointed to be a licensing authority under the provisions of section 15;

"Minister" means Minister for the time being responsible for tourism;

"public service vehicle" shall have the meaning assigned to that term in the Transport Licensing Ordinance;

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"tourist agent" includes a travel agent or tour operator or any person who for reward undertakes to, provide for tourists and other members of the public in relation to tours and travel within or outside Tanganyika, transport, whether by air, sea, railway or road (including procurement of tickets) accommodation, professional advice on tourism and other travel matters relating to tourism, and also includes any person who for reward operates as an agent of a transporter for the purpose of soliciting custom for such transporter;

"transporter" means any person who operates any transport service whether by sea, air, railway or road for the carriage of passengers.

Tourist agents to be licensed

3. (1) No person shall carry on, or hold himself out as carrying on, the business of a tourist agent, or operate, or hold himself out as operating, as a tourist agent save under a licence granted to him by a licensing authority under the provisions of this Act.

(2) No person shall take and use the title, of, or describe himself as, a tourist agent or a travel agent or, any other term which might reasonably imply that he is a licensed tourist (agent, unless he is the holder of a licence granted to him by a licensing authority under the provisions of this Act.

(3) The provisions of subsection (1) shall not apply to any person who is employed by any licensed tourist agent in respect, of any act or thing done on behalf of his employer and in the course of his employment.

(4) Any person who contravenes the provisions of subsection (1) or subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding Shs. 20,000/- or to a term of imprisonment not exceeding two years or to both such fine and imprisonment.

Disqualification for obtaining licence

4. A licence to, carry on the business of a tourist agent shall not be granted to any person who-

- (a) has not attained the apparent age of 21 years; or
- (b) has been convicted of any offence under this Act or any offence involving fraud or dishonesty under any other written law within the five years immediately preceding the date of his application for a licence; or
- (c) is an undischarged bankrupt having been adjudicated bankrupt by any court of competent jurisdiction in the United Republic or, in the case of a corporation, the corporation is in liquidation or has been wound up or in respect of which a winding-up order made by any court of competent jurisdiction in the United Republic is subsisting; or
- (d) save with the approval of the Minister, in the case of a natural person, is not a citizen of the United Republic or, in the case of a corporation, is not a corporation incorporated by or under any written law; or
- (e) in the opinion of the licensing authority, does not have at his disposal the means, the resources, the vehicles or other necessary facilities or equipment for the proper and efficient carrying out of the business and running of the services to which the application for the grant to a licence relates.

Licensing authority may refuse to grant licence

5.-(1) A licensing authority may refuse to grant a licence to any person to carry on the business of a tourist agent.

(2) Any person aggrieved by the refusal of a licensing authority to grant a licence may appeal to the Minister and the Minister may, where he is satisfied that such a refusal was without sufficient cause, reverse the decision of the licensing authority and direct the licensing authority to grant a licence to such person.

<p>6. Every licence to carry on the business of a tourist agent shall expire on the thirty-first day of December next following the grant of such licence.</p>	<p>Duration of licence</p>
<p>7. Every licence to carry on the business of a tourist agent shall be in the prescribed form and shall specify-</p> <p>(a) the name and address of the person to whom it is granted;</p> <p>(b) the premises where the business of the tourist agent may be carried on;</p> <p>(c) the nature of the business which the licensee may operate, and shall be subject to such conditions as the licensing authority may impose, which conditions shall be specified on the licence.</p>	<p>Contents of a licence</p>
<p>8. Any person who is granted a licence under this Act to carry on the business of a tourist agent shall, if he fails to comply with any of the conditions of the licence specified in the licence, or carries on the business of a tourist agent other than the business specified in his licence, be guilty of an offence.</p>	<p>Breach of condition to be an offence</p>
<p>9.(1) The licensing authority may revoke a licence granted to any person under the provisions of this Act if such person-</p> <p>(a) is convicted of any offence under this Act or is convicted of any offence involving fraud or dishonesty, under any other written law; or</p> <p>(b) if, in the opinion of the licensing authority, he has obtained the licence by fraud or by misrepresentation or non-disclosure of any material fact; or</p> <p>(c) in the opinion of the licensing authority, has ceased to have at his disposal the means or the vehicles or other equipment necessary for the proper and efficient running of the services to which the licence relates.</p> <p>(2) Any person aggrieved by the revocation of a licence by the licensing authority may appeal to the Minister and the Minister may, where he is satisfied that the revocation was without sufficient cause, reverse the decision of the licensing officer and set aside the revocation.</p> <p>(3) Where any person who has been granted a licence under the provisions of this Act has so conducted himself that in the opinion of the Minister it is in the public interest that such person should cease to carry on the business of a tourist agent, the Minister may revoke his licence and such revocation shall be final and shall not be questioned in any court.</p>	<p>Revocation of licence</p>
<p>10. A licensing authority may at any time vary the conditions attached to a licence granted to any person under the provisions of this Act.</p>	<p>Variation of the conditions attached to the licence</p>
<p>11. Notwithstanding the foregoing provisions of this Act a licensing authority shall not revoke any licence or vary the conditions of any licence granted under this Act without first having given the licence holder an opportunity to show cause why the licence should not be revoked or why the conditions should not be varied and the licence holder shall have a right to make representations to the licensing authority in such manner as may be prescribed.</p>	<p>Licensee to be given opportunity to be heard before revocation or variation of conditions</p>

Appeals relating to conditions

12. Where any person who is or has been granted a licence is aggrieved by any condition imposed by the licensing authority, either at the time when the licence is granted or subsequently under the provisions of section 10, he may appeal to the Minister and the Minister may vary or cancel any such condition.

Application for licence

13. Every application for a licence under the provisions of this Act shall be in the prescribed form and shall be submitted to the licensing authority in accordance with the provisions of regulations made under this Act.

Power to enter premises

14.-(1) The licensing authority, or any person authorized by him in writing, may, in the performance of his duties-

- (a) enter and inspect, at any reasonable time, any premises of a tourist agent on which he has reasonable cause to believe that the business of a tourist agent is being carried on in contravention of the provisions of this Act, and
 - (i) may examine and take copies of any books, accounts and documents found in those premises relating to or appearing to relate to the business of a tourist agent;
 - (ii) may seize any books, documents or accounts found on those premises which he has reasonable ground to believe may contain evidence for an offence committed against this Act;
 - (iii) may question any person who appears to him to be engaged in, or carrying on, or employed in, the business of a tourist agent on those premises on any matter concerning the application of or compliance with any provision of this Act;
- (b) require, by notice in writing, any person who, appears to him to be engaged in, or carrying on, the business of a tourist agent to produce to him at such time and place as he may specify in such notice all or any of the books, accounts and documents relating to the business of a tourist agent; or
- (c) stop and seize or search any vehicle which he has reasonable grounds for suspecting that it is being used or contains any matter which may be used as evidence in respect of an offence committed under this Act.

(2) No premises shall be entered into forcibly under this section except by or under the direction of a police officer of or above the rank of inspector unless the licensing authority or the person authorized by him in writing has reasonable cause to believe that the delay occasioned in summoning the police officer would, or would tend to, defeat the purposes of this section.

(3) Every person who-

- (a) hinders or obstructs a licensing authority or any person authorized him in writing acting in pursuance of the provisions of subsection (1); or
- (b) fails to comply with any requirement made of him under the provisions of subsection (1);

shall be guilty of an offence.

(4) Any person seizing anything by virtue of the provisions of paragraph (c) of subsection (1) of this section, shall, at the time when such thing is seized, give a written receipt therefor.

15.-(1) The Minister may, by notice in the *Gazette*, appoint any person or body of persons to be a licensing authority either for the whole of Tanganyika or for a specific area thereof.

Appointment of licensing authority

(2) The Minister may give to any licensing authority directions of a general or special character as to the exercise and performance of his powers and duties under this Act which he may consider reasonable in the interests of the proper regulation of the tourist industry and the licensing authority shall give effect to any directions so given.

16. Any person guilty of an offence under this Act or under any regulations made under this Act shall, unless some other penalty has been prescribed, be liable on conviction to a fine not exceeding Shs. 5,000/- or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

General penalty

17. Where any person is convicted of an offence under this Act by a court of a resident magistrate, such court may, notwithstanding the provisions of section 7 of the Criminal Procedure Code, impose the maximum fine prescribed by this Act for such offence.

Court's power in relation to offences under this Act

18. Where an offence under this Act is committed by a body corporate and it is proved to have been committed with the consent or connivance of, or to have been facilitated by, any neglect on the part of any officer, member or servant of such body corporate or any person who was purported to act in any such capacity, such officer, member or servant or such person as well as the body corporate shall be guilty of the offence, and shall be liable to be proceeded against and punished accordingly.

Offences by corporate bodies

19. The decision of the Minister on any appeal under this Act shall be final and shall not be subject to review by any court.

Decision of Minister to be final Regulation

20. The Minister may make regulations for the better carrying out of the provisions and purposes of this Act and without prejudice to the generality of the foregoing may make regulations-

- (a) prescribing the fees to be charged for licences granted under this Act;
- (b) prescribing the forms to be used for the purposes of this Act;
- (c) prescribing the conditions to be attached to, or for the grant of, a licence;
- (d) requiring licensed tourist agents to submit returns and information relating to their business;
- (e) regulating the activities of tourist agents with respect to the issuing of air travel tickets and making of reservation of hotel or lodge accommodation;
- (f) regulating the activities of tourist agents in order to maintain a high standard of tourist industry;

- (g) prescribing anything which, under the provisions of this Act, may be prescribed.
- Exemption from Act **21.**-(1) Nothing in this Act shall apply or be deemed to apply to-
- (a) the business of a tourist agent carried on by the Government or the Community or any corporation or institution of the Community;
- (b) the proprietor of any hotel in respect of his business relating to such hotel or any employee of any such proprietor;
- (c) the business of carriage of persons by a proprietor of any taxi-cab or a private hire vehicle plying for hire or reward within the area of jurisdiction of a local authority under whose by-laws such taxi-cab or vehicle is registered, or any employee of any such proprietor;
- (d) the business of carriage of persons by a proprietor of a public service vehicle, in respect of whom licensing authority is satisfied that he does not use such vehicle solely or mainly for the transport of tourists, or any employee of any such proprietor.
- (2) The Minister may, by order in the *Gazette*, exempt any person or class of persons specified in such order from all or any of the provisions of this Act.
- Publication of list of tourist agents **22.** The Minister shall cause to be published in the *Gazette*, at such intervals as he may think fit, a list of all tourist agents licensed under the provisions of this Act.

Passed in the National Assembly on the ninth day of January, 1969.


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 Clerk of the National Assembly