

CHAPTER 364

THE TANZANIA TOURIST BOARD ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

<i>Section</i>	<i>Title</i>
----------------	--------------

- | | |
|-----|---|
| 1. | Short title. |
| 2. | Interpretation. |
| 3. | Establishment of Board. |
| 4. | Object and purpose of Board. |
| 5. | Functions of Board. |
| 6. | Powers of Minister. |
| 7. | Appointment of Managing Director and other employees. |
| 8. | Funds of Board. |
| 9. | Borrowing powers. |
| 10. | Investment. |
| 11. | Accounts and audit. |
| 12. | Annual report. |
| 13. | Annual budget. |
| 14. | Execution of documents. |
| 15. | Regulations. |
| 16. | Power of Board to call for information. |

SCHEDULE

CHAPTER 364

THE TANZANIA TOURIST BOARD ACT

An Act to establish a Tourist Board for Tanzania.

[1st December, 1962]

Acts Nos.	1 of 1968	GN. No.
25 of 1962	18 of 1992	133 of 1968
[R.L. Cap. 470]	4 of 2019	

Short title **1.** This Act may be cited as the Tanzania Tourist Board Act.

Interpretation
Act No.
18 of 1992 s. 2
GN. No.
133 of 1968

2. In this Act, unless the context requires otherwise-
“Board” means the Tanzania Tourist Board established by section 3;
“financial year” means a year commencing on the first day of July and ending on the next following thirtieth day of June;
“member” means a member of the Board and includes the Chairman;
“Minister” means the Minister responsible for tourism;
“Ministry” means the Ministry for the time being under the charge of the Minister;
“Tourism Fund” means the Tourism Fund established pursuant to the Public Finance Act.

Cap. 348

Establishment of
Board
Act No.
4 of 2019 s. 6
GN. No.
133 of 1968

3.—(1) There is hereby established a Board which shall-
(a) be a body corporate to be known as the Tanzania Tourist Board with perpetual succession and a common seal;
(b) in its corporate name, be capable of suing and being sued; and
(c) subject to the provisions of this Act, be capable of holding, purchasing and otherwise acquiring, and of alienating any movable or immovable property for the purposes or in the course of the carrying out of its functions.

(2) Notwithstanding the provisions of this section, the Attorney General shall have the right through the Solicitor General to intervene in any suit or matter instituted by or against the Board.

Cap. 5 (3) Where the Attorney General intervenes in any matter pursuant to subsection (2), the provisions of the Government Proceedings Act, shall apply in relation to the proceedings of that suit or matter as if it has been instituted against the Government:

Cap. 5 Provided that, the requirement of ninety days notice of the intention to the Government as stipulated under the Government Proceedings Act shall not apply where the Attorney General intervenes under this section.

(4) The Board shall have the duty through the Ministry, to notify the Attorney General of any impending suit or intention to institute a suit or matter for or against the Board.

Cap. 5 (5) The execution of any court order against the Board shall be done in accordance with the provisions of the Government Proceedings Act relating to the satisfaction of orders against the Government.

(6) The provisions of the Schedule to this Act shall have effect as to the constitution and proceedings of, and otherwise in relation to the Board.

Object and purpose of Board
Act No.
4 of 2019 s. 7 4. The object and purpose of the Board shall be to market Tanzania as a leading tourism destination for international and domestic tourists.

[s. 3A]

Functions of Board
Acts Nos.
18 of 1992 s. 4
4 of 2019 s. 8
GN. No.
133 of 1968 5.-(1) The functions of the Board shall be to develop and implement all aspects of marketing of Tanzania tourism destination and, in particular, but without prejudice to the generality of the foregoing-

- (a) to develop, implement and coordinate the Tourism Marketing Strategy for the destination;
- (b) to develop and be the custodian of Tanzania destination brand;

- (c) to establish, promote and enforce standards and guidelines on promotion of quality tourism for Tanzania destination;
- (d) to market domestic tourism;
- (e) to foster public and private sector stakeholders' engagement and collaboration in marketing and promotion of tourism;
- (f) to promote Meeting, Incentive travel, Conferences and Events (MICE) tourism by undertaking but not limited to the following functions:
 - (i) providing guidance, support and marketing services; and
 - (ii) promoting investments in MICE facilities and services;
- (g) to encourage investments in tourism sector aimed at enhancing competitiveness of Tanzania destination;
- (h) to organise, conduct or co-ordinate exhibitions and related promotion platforms that aim at promoting tourism in Tanzania;
- (i) to encourage and provide technical support and promotion of cultural tourism enterprises and their products;
- (j) to conduct research, studies and surveys aimed at identifying tourism market and industry needs which are necessary for the purpose of carrying out its functions and advising stakeholders accordingly; and
- (k) to sensitise and support the local communities to benefit from available tourism opportunities.

(2) The Board shall have powers for the purpose of carrying out its functions, to do all acts which appear to it to be requisite, advantageous or convenient for or in connection with the carrying out of its functions or to be incidental or conducive to their proper discharge, and may carry on any activities in that behalf either alone or in association with any other person or body (including the Government).

(3) For the avoidance of doubt it is hereby declared that the provisions of subsection (2) with respect to the powers of the Board relate only to its capacity as a body corporate and nothing in that subsection shall authorise the disregard by the Board of any enactment or rule of law.

[s. 4]

Powers of
Minister
Act No.
18 of 1992 s. 5

6. The Minister may give directions in writing to the Board as to any matter relating to the exercise of its functions and the Board shall give effect to every direction.

[s. 5]

Appointment
of Managing
Director and
other employees
Act No.
18 of 1992 s. 6

7.-(1) The Minister may, upon such terms and conditions as he may specify, appoint a Managing Director of the Board who shall be the chief executive officer of the Board.

(2) The Board may, appoint on the terms and conditions which it may think fit, other officers and employees whom it may consider necessary for the efficient carrying out of its functions under this Act.

[s. 6]

Funds of Board
Acts Nos.
18 of 1992 s. 7
4 of 2019 s. 9
Cap. 65

8. The funds and resources of the Board shall consist of-

- (a) such moneys as may be appropriated by Parliament for the object and purpose of the Board;
- (b) any sums which may be provided from the Tourism Development Levy established under section 59 of the Tourism Act; and
- (c) all other sums or property which may, in any manner become payable to or vested in the Board in respect of any matter incidental to the carrying out of its functions.

[s. 7]

Borrowing
powers
Act No.
18 of 1992 s. 8

9.-(1) The Board may, with the prior approval of the Minister and subject to any conditions which he may determine, borrow sums required by it for meeting any of its obligations or for the purpose of carrying out its functions.

(2) The powers of the Minister under this section shall be exercised with the concurrence of the Minister responsible for finance and shall extend to the amount, the nature and sources of the borrowing and the terms and conditions on which the borrowing may be effected and the Minister's approval may be either general or limited to a particular borrowing.

(3) A person lending money to the Board shall not be bound to inquire whether the borrowing of that money is within the power of the Board.

[s. 8]

Investment
Act No.
18 of 1992 s. 9

10. The Board may invest any part of its funds which are not required for the purpose of its business in the manner which the Minister may approve.

[s. 9]

Accounts
and audit
Acts Nos.
1 of 1968; Sch.
18 of 1992
S. 9

11.-(1) The Board shall keep and maintain proper accounts and other records in relation to the income and expenditure, liabilities and assets of the Board and other financial transactions in respect of each financial year of the Board.

(2) The Accounts of the Board shall be audited by the Controller and Auditor-General appointed under the Public Audit Act.

(3) As soon as the Accounts of the Board for any financial year have been audited, the Controller and Auditor-General shall send a copy of a statement of accounts together with a copy of a report made by auditors prepared in respect of that year to a meeting of the Board specially convened for the purpose.

(4) The Board meeting shall, at the meeting convened for the purpose, endorse the audited statement of accounts and certify them (if adopted) and thereafter submit the statement of accounts to the Minister.

(5) The Minister shall, within six months after the Board submits the statement and reports of accounts, lay a copy of the statement and report before the National Assembly.

[s. 10]

Annual report
Act No.
18 of 1992 s. 11

12. The Board shall within six months after the close of each financial year, prepare and submit to the Minister a report on the general activities and operation of the Board together with the Statement of Accounts of the Board referred to in section 10.

[s. 11]

Annual budget
Act No.
18 of 1992 s. 11

13. The Board shall prepare and submit a detailed budget of the Board to the Minister not later than February each year.

[s. 12]

Execution
of documents
Acts Nos.
18 of 1992 s. 11
4 of 2019 s. 10

14.—(1) All deeds, instruments, contracts and other documents shall be deemed to be duly executed by or on behalf of the Board—

- (a) where sealed with the common seal of the Board and signed by two members; and
- (b) where executed in that behalf by one member of the Board appointed by the Board for that purpose and by the Managing Director or any member of the staff of the Board acting in that office.

(2) A deed, instrument, contract or other document executed in accordance with subsection (1) shall, subject to any exception that may be taken to it on any ground other than that of the competence of the party executing the same on behalf of the Board, be effectual in law to bind the Board and its successors and all other parties thereto and may be varied or discharged in like manner as that in which it was executed.

[s. 13]

Regulations
Act No.
18 of 1992 s. 11

15. The Minister may make regulations for the better carrying out of the purposes and provisions of this Act.

[s. 14]

Power of Board to
call for
information
Acts Nos.
18 of 1992 s. 11
4 of 2019 s. 11

16.—(1) For the purposes of the proper performance of its functions under this Act, the Board may request any tourism operator to furnish it with such information relating to tourism business as the Board may specify.

(2) A tourist operator who refuses or fails to comply with the requirement under subsection (1) commits an offence and on conviction shall be liable to a fine of not less than one million shillings.

[s. 15]

SCHEDULE

(Made under section 3(6))

CONSTITUTION AND PROCEEDINGS OF THE BOARD

Constitution of
Board
Acts Nos.
18 of 1992 s. 12
4 of 2019 s. 12

1.-(1) The Board shall consist of a Chairman who shall be appointed by the President and other members to be appointed by the Minister as follows-

- (a) the Director of Tourism;
- (b) a representative of the Ministry responsible for Foreign Affairs;
- (c) a representative of the Ministry responsible for Finance and Planning;
- (d) two representatives of the Confederation of Tourism Operators appointed from amongst nine names nominated or proposed by association of confederation; and
- (e) a Certified Accountant.

(2) A member shall hold office for period specified in his instrument of appointment or, if it is not so specified, for the period of three years from the date of this appointment and shall be eligible for re-appointment.

(3) Any member of the Board may at anytime resign by giving notice in writing to the Minister and from the date of the receipt by the Minister of the notice, he shall cease to be a member of the Board.

Casual vacancies

2. Where any member of the Board ceases to be a member before the normal expiration of his term of office, the Minister may appoint another person in his place to hold office until the date when the first named person's term of office would have expired had he not so ceased to be a member.

Quorum and
procedure
Act No.
18 of 1992 s. 13

3.-(1) The Board shall meet at any time when it is necessary or expedient for the transaction of business.

(2) At any meeting of the Board not less than one-half of the members of the Board shall constitute a quorum.

(3) At any meeting of the Board the Chairman shall preside or, in the absence of the Chairman, the members present at the meeting shall elect one of their number to be chairman for that meeting.

(4) In the event of an equality of votes, the chairman of the meeting shall have a casting vote in addition to his deliberative vote.

(5) The Managing Director shall be the Secretary of the Board.

(6) Minutes in proper form of each meeting shall be kept by the Secretary to the Board and shall be confirmed by the Board at the next meeting and signed by the chairman of that meeting.

(7) Subject to the provisions of this paragraph and to any directions given by the Minister, the Board may regulate its own procedure.

Vacancies, etc.,
not to invalidate
proceedings

4. Subject to the provisions of paragraph 3 relating to a quorum, the Board may act notwithstanding any vacancy in the membership and no act or proceeding of the Board shall be invalid by reason only of some defect in the appointment of a person who purports to be a member.

Remuneration
and expenses

5. The members of the Board shall be paid out of the funds of the Board any reasonable remuneration and expenses which the Minister may from time to time determine.

