

CHAPTER 42:09 TOURISM

ARRANGEMENT OF SECTIONS

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Act 22, 1992,
S.I. 12, 2007.

An Act to make provision for regulating the tourist industry with a view to promoting its development and well-being.

[Date of Commencement: 1st January, 1993]

1. Short title

This Act may be cited as the Tourism Act.

2. Interpretation

In this Act, unless the context otherwise requires-

"grade" in relation to a tourist enterprise, means to assign thereto a symbol in accordance with criteria prescribed by the Minister for the grading and classification of tourist enterprises, and **"regrade"** shall have a corresponding meaning;

"tourist enterprise" means an enterprise or activity specified in the First Schedule, undertaken by a person, or a firm, for the purpose of, or to promote or facilitate, tourism in Botswana in return for financial reward.

3. Appointment of officers

(1) There shall be appointed from the public service a Director of Tourism and such other officers as shall be necessary for the proper administration of this Act, and to promote and secure the purposes thereof.

(2) The Director shall, subject to the directions of the Minister, which directions may be in general terms or in respect of a specified case or specified cases, perform the duties and exercise the powers conferred upon him by this Act, and may, in an appropriate case or in appropriate cases, delegate such duties or powers to another officer or other officers appointed under subsection (1).

(3) A notification in the *Gazette* that a person has been appointed to any office referred to in subsection (1), or of a delegation under subsection (2), shall be conclusive evidence of such appointment or delegation.

4. Licensing of tourist enterprises

(1) No person shall carry on, or assist in carrying on, any tourist enterprise otherwise than under and in accordance with the terms and conditions of a licence issued under this Act:

Provided that the provisions of this subsection shall not apply to an employee of a tourist enterprise in respect of the performance of his duties as such employee, or to such enterprise as the Minister may, where he considers it appropriate in all the circumstances, taking into account factors such as the small size of the enterprise, its remote location or other pertinent matters, exempt therefrom.

(2) For the purpose of subsection (1), the carrying on of a tourist enterprise includes negotiating, soliciting, canvassing or accepting business for that enterprise and engaging in correspondence with a person who may become a customer of that enterprise, or with an agent of such person, concerning the business of that enterprise.

(3) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and liable to a fine of P20 000 and to imprisonment for 2 years.

5. Categories of tourist enterprises

(1) Tourist enterprises shall be classified in accordance with the categories specified and described in relation thereto in the First Schedule to this Act.

(2) A licence to carry on one of the categories of tourist enterprise will not entitle the holder thereof to carry on any other category of tourist enterprise.

6. Establishment of Tourist Industry Licensing Board

(1) There is hereby established a regulatory body to be known as the Tourist Industry Licensing Board, hereinafter referred to as "the Board".

(2) The composition of the Board, the terms of service of its members, its functions and powers and any other matters relating to the Board shall be as provided in the Second Schedule to this Act.

7. Issue of licences, etc.

(1) Any person wishing to carry on a tourist enterprise shall apply to the Director in Form A in the Third Schedule to this Act, and shall supply such additional information as the Director may reasonably require.

(2) Bearing in mind the interests of the tourist industry as a whole, and after satisfying himself as to the quality of accommodation or service offered by the applicant, and the applicant's ability to provide and maintain such quality of accommodation and service, the Director shall forward the application to the Board together with his recommendations as to the issue of a licence and as to the grading of the enterprise.

(3) If the Board, after hearing such evidence or making such further enquiries as it considers necessary or desirable, decides that the licence should be issued, subject to such conditions, and such grading as the Board considers necessary or appropriate, it shall so direct, and on payment of such fee as may be prescribed, the Director shall forthwith issue the licence accordingly, which licence shall be in Form B in the Third Schedule.

(4) Licences shall be issued for such period as may be prescribed, and shall be renewed automatically by the Director on the same terms and with the same grading, on payment of the prescribed fee, without reference to the Board:

Provided that-

- (a) where he considers that there are special circumstances that make such action necessary or desirable, the Director may refer the application to the Board, together with his report on such special circumstances, and his own recommendations, and the application for renewal shall thence be processed in the same manner as an original application for a licence; and
 - (b) where the application for renewal is made in good time, the enterprise may continue to operate until the licence is renewed or the application is rejected, as the case may be.
- (5) An application for an amendment to a licence, or to the grading subject to which it

was issued, or for a transfer of a licence from one company to another or from one establishment to another, shall be made and dealt with in the same manner as an original application for a licence:

Provided that whilst such application is being processed, the enterprise may continue to operate in accordance with the terms and conditions of the original licence.

(6) Public notice of the issue of licences, their amendment or transfer, and of the grading subject to which they are issued, shall be given by notice published in the *Gazette*.

(7) The Board may cancel, or suspend for such period as it considers appropriate, a licence issued under this section, where the enterprise, or the owner or person in charge thereof, is convicted of a contravention of any of the provisions of this Act, or of any regulations made under this Act, or of any other offence involving dishonesty in connection with the operation of the enterprise.

8. Grading of tourist enterprises

(1) All tourist enterprises offering accommodation for tourists shall be required to be graded in accordance with such criteria as the Minister may prescribe, and after receiving such grading shall display a sign or notice in the prescribed form, indicating that grading, in a conspicuous place on the premises concerned, on letterheads and in any promotional material relating to the tourist enterprise concerned.

(2) For the purpose of such grading the Director shall carry out, or cause to be carried out, such inspections of documents or building plans, or of buildings or sites, with or without the assistance of other officials, such as planners or health inspectors, as he considers necessary or desirable, and shall make full report thereon to the Board together with his recommendations.

(3) Notwithstanding the provisions of subsections (1) and (2), the Minister may, by notice in the *Gazette*, exempt any tourist enterprise from the requirement of such grading where he considers it appropriate in all the circumstances, taking into account factors such as the small size of the enterprise, its remote location or other pertinent matters.

9. Appeals to the Minister

(1) Any person aggrieved by any decision of the Board refusing to issue a licence, or to renew or amend a licence, or as to any condition attached to a licence, or as to any grading subject to which a licence is issued, or as to the cancellation or suspension of a licence, may appeal therefrom to the Minister within 30 days of the decision appealed against.

(2) Upon receipt of an appeal under subsection (1), the Minister may cause such investigation into the matter as he considers necessary or advisable, and may, during such investigation, permit the enterprise to operate or continue to operate, subject to such conditions as he thinks advisable.

(3) After such investigation as he considers necessary or advisable, the Minister may uphold the decision of the Board, may reverse it, amend it or make such other decision as he considers proper in all the circumstances, and his decision shall be final and shall not be subject to any further appeal.

(4) Where the Minister upholds a decision of the Board or himself makes a decision refusing or cancelling the issue of a licence, he may, nevertheless, permit the enterprise a period of up to but not more than six months to wind up the enterprise.

10. Power to enter premises or land

(1) It shall be lawful for the Director or any person so authorized by him in writing, or any police officer to-

- (a) stop or seize any vehicle which he has reasonable grounds to believe to be or to contain evidence of an offence under this Act;
- (b) enter without warrant and inspect any premises on which he has reason to believe that a tourist enterprise is being carried on, and there examine and seize or take copies of any books, accounts or documents relating to or appearing to relate to a tourist enterprise, or which on reasonable grounds he suspects to contain evidence of an

- offence under this Act;
- (c) require any person who appears to be engaged in carrying on, or employed in, a tourist enterprise, to give such explanation or information relating to that enterprise as he may reasonably require in the performance of his duties under this Act; or
 - (d) require any person who appears to be engaged in carrying on a tourist enterprise to produce to him, at such time and place as he specifies in writing, all or any of the books, accounts and documents relating or appearing to relate to the enterprise.

(2) Premises shall not be entered forcibly under this section except by or under the direction of a police officer, unless the Director or the authorized officer has reasonable cause to believe that the delay caused by complying with this requirement would, or would tend to, defeat the purposes of this section.

(3) At the time when anything is seized under subsection (1) the person from whose custody it is seized shall be given a written receipt for it, and if no prosecution is brought in respect of an offence to which the thing seized relates, it shall be returned to the person from whom it was seized.

11. Offences and penalties

Any person who-

- (a) knowingly publishes, or causes to be published, in any manner whatsoever, any false or misleading information in connection with or in respect of any tourist enterprise;
- (b) fraudulently gives false information to the Director or to the Board for the purpose of obtaining a licence, or a grading to which he would not otherwise be entitled;
- (c) hinders or obstructs the Director or any officer authorized by him or the Board, or refuses, without good or sufficient reason to assist him where this Act requires such assistance, in the performance of his duties, or the exercise of his functions under this Act; or
- (d) contravenes or fails to comply with any provision of this Act or any regulations made there under, with which it is his duty to comply, and for which a penalty has not been provided for elsewhere in this Act,

shall be guilty of an offence and shall be liable to a fine of P2 000 and to imprisonment for six months.

12. Regulations

(1) The Minister may make regulations prescribing anything which, under this Act, is to be or which may be prescribed, and generally for the better carrying out of the provisions and purposes of this Act, which purposes shall include the imposition of a levy on all tourist enterprises to assist the training of staff for such enterprises.

(2) Without prejudice to the generality of the provisions of subsection (1), the Minister may, by regulations, establish and provide for a national advisory council consisting of not more than fifteen persons drawn from representatives of the Government, the tourist industry and other sectors of the economy and local interests, whose function shall be to advise the Minister on all matters relating to the formulation, planning, development and administration of a policy relating to tourism.

13. Amendment of Schedules

The Minister may by order published in the *Gazette* amend any of the Schedules to this Act.

FIRST SCHEDULE **TOURIST ENTERPRISE** (sections 2 and 5)

Category

- A Operations that offer accommodation facilities on a fixed site such as hotels, motels, guesthouses and bed and breakfast with more than five bedrooms;
- A1 Operations that offer accommodation facilities on a fixed site such as photographic camps, hunting camps, lodges, public camping sites and caravan sites;

- B Operations that offer game drives within national parks and game reserves and guests do not remain there but sleep out in non-fixed accommodation;
- C Operations that offer off-site facilities such as mobile safaris that receive and transport travellers and guests and provide them with overnight sleeping accommodation in facilities that are not geographically fixed;
- D Travel agent companies that make, plan or reserve travel arrangements for clients but do not offer accommodation (whether fixed or not) or other tourism services;
- E Operations that receive and transport guests to tourist attractions including road transfer activities other than within protected areas;
- F Operations that offer motor boating activities;
- G Other enterprises (excluding air charter companies and car rentals) that conduct tourism related activities;
- H *Mekoro* polers and guest houses with a maximum of five bedrooms;
- I Externally based companies that offer tourism related activities in Botswana. They may transfer tourists along the main roads and utilise public facilities. Licence holders are not allowed to conduct their own safaris into the game reserves or national parks, but may hand over to a Botswana Licenced operator if they wish to utilise these facilities.

SECOND SCHEDULE
TOURIST INDUSTRY LICENSING BOARD
(section 6)

1. The Board shall consist of the Director and not more than five other members appointed by the Minister from persons, both in the public and in the private sector, who in his opinion are suitable and qualified to assist in the performance of the functions of the Board and the execution of its duties.
2. Members of the Board shall be appointed for periods of three years, but shall be eligible for re-appointment.
3. In addition to the normal membership of the Board, the Minister may, where he considers that special expertise is required in any particular case or cases, co-opt not more than 4 additional members, for such period as shall be specified in their appointments. Such co-opted members may attend meetings of the Board, and may participate in deliberations of the Board, but shall not be allowed to vote on any matter before the Board.
4. The Director shall be the chairman of the Board, and he may nominate any other member of the Board to act as chairman on any occasion when he is unable to attend meetings of the Board.
5. A quorum of the Board shall be comprised of the chairman, or the member acting as chairman, and at least another two members of the Board, and decisions of the Board shall be made by a majority of the members present and voting, the chairman or acting chairman having a casting vote in the event of equality of votes.
6. The Minister shall nominate a suitable officer in the Department of Tourism to act as secretary of the Board.
7. The Board shall have power, in accordance with such guidelines on the question of policy in respect of tourism in Botswana as the Minister may provide-
 - (a) to determine whether or not a licence should be issued for any particular tourist enterprise;
 - (b) to decide whether or not to cancel or suspend a licence for good cause;
 - (c) to determine the grading of any tourist enterprise;
 - (d) to determine whether or not a licence or a grading should be amended.
8. The Board shall meet as often as is in its opinion necessary to conduct the business of the Board, and shall regulate its own procedure.

THIRD SCHEDULE
FORMS*(section 7)*
Application Form: Company Profile

(All information supplied on this form will be treated as confidential)

1. Name of Company:
 2. Postal Address:
 3. Physical address of main office:
 4. Telephone No:
- Fax No:
- E-mail:

5. Company Secretaries and their contact numbers:
6. Certificate of Incorporation No.:
Dated:
7. Principal business of the company:
8. Details of the shareholders of the company: (*attach separate sheet if necessary*)
Name: Nationality: % Shares held:
9. Details of the directors of the company:
Name: Residential Address: Nationality:
10. Has any director or shareholder been convicted within or outside Botswana of any criminal offence or been declared insolvent in any previous business operation?
YES/NO
If yes, please give details:
11. Is the company also registered elsewhere?
YES/NO
If yes, provide details of its operations outside Botswana, names and addresses including marketing details:
12. Has the company submitted a human resources training programme to the Department of Labour?
YES/NO
If no, please explain:
13. If the company has a head office or support office which does not require a Tourism Enterprise Licence, please provide current level of employment of this office.
Citizens male Citizens female
Non Citizens male Non Citizens female

14. Please provide job classifications of employees noted in (16):

	Employed		Vacant		Total
	Citizens	Non Citizen	Citizen	Non Citizens	
Non Supervisory					
Supervisory					
Middle Management					
Senior Management					

15. Does the company have existing Tourism Enterprise Licences?

YES/NO

16. If the answer to (15) is yes, please give details of licences held:

Licence No	Category:	Expiry Date:	Trading Name:
.....
.....
.....

PLEASE NOTE:

The following is a list of licence categories. Please note that licences are mutually exclusive (i.e. a C or F licence does not entitle the holder to conduct a day drive in the National Parks (this needs a B licence). If you operate, or intend to operate, more than one hotel/lodge/camp or more than one of the activities listed, a separate licence application form of the relevant category must be completed for each.

A Licence: For operations that offer accommodation facilities on a fixed site such as hotels, motels, guesthouses and bed and breakfast.

A1 Licence: For operations that offer accommodation facilities on a fixed site such as photographic and hunting camps, lodges, public camping sites and caravan parks.

B Licence: For operations that offer game drives within national parks and game reserves and do not remain there to sleep out overnight in non-fixed accommodation.

C Licence: For operations that offer facilities off-site such as mobile safari operators that receive and transport travellers and guests and provide them with overnight sleeping accommodation in facilities that are not geographically fixed.

D Licence: For travel agent companies that make, plan or reserve travel arrangements for clients but do not offer accommodation (whether fixed or not) or other tourist services themselves.

E Licence: For operations that receive and transport guests to tourist attractions, including road transfer activities, other than within Protected Areas.

F Licence: For operations that offer motor boating activities.

G Licence: Other enterprises (excluding air charter companies and car rentals) that conduct tourism related activities.

H Licence: For *Mekoro* polers and guest houses.

I Licence: Externally based companies that offer tourism related activities within Botswana. They may transfer tourists along the main roads and utilise public facilities. Holders are not allowed to conduct their own safaris into the game reserves or national parks but may hand over to a Botswana licensed operator if they wish to utilise these facilities.

17. Please indicate the categories and number of licences your company is applying for:

.....

I,, certify that the information given
(Please print name clearly)

on this application form is true and correct. I understand that failure to provide true and correct information may result in rejection or withdrawal of licences.

Position in company:

Contact telephone number:

Signature:

DATED this day of, 20.....

**DOCUMENTATION TO BE ATTACHED TO THIS
COMPANY PROFILE**

- Copy of Certificate of Incorporation or Certification of Registration
- Copy of Form F2 (from company secretaries)
- Copy of objectives of the Company (from Memorandum of Articles of Association)
- Copies of relevant (sub) lease or rental agreements
- Copies of approval for (sub) lease and/or rental agreements from relevant authorities (i.e. Land Board, Department of Lands)
- Proof of payment of lease fees and resource royalties where relevant

TOURISM ENTERPRISE LICENCE

Application Form: 'A and A1' Licences - Fixed Accommodation

(All information supplied on this Form will be treated as confidential)

Please note that these questions are applicable only to the individual licence being applied for.

1. Name of Company:
2. Trading name of establishment:
3. Is the company currently operating?
YES/NO
If no, please explain and then give projected figures to the questions below.
4. Physical location of establishment:
5. Which premises detailed on the company profile does this licence refer to?
6. How many months of the year does this business operate?
.....months.
7. Number of guest rooms:
Number of guest beds:
Number of beds sold during the past 12 months:

8. Current level of employment (*full time employees only*):

Citizens male Citizens female

Non Citizens male Non Citizens female

9. Please supply job classifications for those employees listed in (8) above:

	Employed		Vacant		Total
	Citizen	Non Citizen	Citizen	Non Citizen	
Non Supervisory					
Supervisory					
Middle Management					
Senior Management					
Professional Guides					

10. How many staff members have been sent for training in the past 12 months?

No. Staff: Institution: Course: Duration:

11. Is the shareholding of this operation different from those detailed on the company profile?

YES/NO

12. If the answer to (11) is yes, please detail:

Name of Shareholder: Nationality: % Shares held:

13. Are the directors of this operation different from those detailed on the company profile?

YES/NO

14. If the answer to (13) is yes, please detail:

Director's Name: Residential Address: Citizen/Non-Citizen:

I,, certify that the information supplied on
(Please print name clearly)

this application form is true and correct. I understand that failure to provide true and correct information could result in rejection or withdrawal of licences.

Position in company:

Telephone:

Fax:

E-mail address:

Signature:

Dated thisday of 20..... .

DOCUMENTS TO BE ENCLOSED WITH THIS APPLICATION:

Please provide certified copies, or original letters, of the following where applicable:

Copy of (sub)lease of premises/concession area

Copies of Approval of relevant authorities i.e. Department of Lands, Land Board, building permission from Council etc relative to the above premises/concession areas

Copy of rental agreement if renting premises

Copy of management contract if this business is managed on your behalf

Form F2 detailing shareholding from company secretaries if answer to (11) is yes

Tourism Enterprise Licence if applicable

Copy of training programme lodged with the Department of Labour

Company brochures.

VERY IMPORTANT:

IF THIS LICENCE APPLICATION IS APPROVED, FUTURE RENEWALS OF SAME WILL REQUIRE PRODUCTION OF AN AUDIT CERTIFICATE.

TOURISM ENTERPRISE LICENCE
Application Form: 'B' Licence - Game Drives

(All information supplied on this form will be treated as confidential)

Please note that these questions are applicable only to the individual licence being applied for.

1. Name of Company:
2. Trading name of operation:
3. Is the company currently operating?
YES/NO

If no, please explain and then give projected figures to the questions below.
4. Physical location of operation:
5. Are the premises detailed at the physical address above owned/leased/sub-leased/rented/other? *(please circle)*. Please explain and give expiry date of lease/rental agreement, etc.....
6. Does this operation hold a current Tourism Enterprise Licence?
YES/NO

Licence No: Category: Expiry Date:
7. How many months of the year does this business operate?months.
8. Number of passenger vehicles currently in use:

Total number of seats available:
9. Number of clients carried on game drives during the past 12 months:
10. In which Game Reserves/National Parks do you conduct game drives? *(please be area specific if applicable)*

11. Are game drives conducted on behalf of a business as described in category 'A'?

YES/NO

12. If yes, please give name of 'A' category establishment:

13. What percentage of your business is generated by this 'A' establishment?

.....

14. Do you conduct game drives for clients generated by your own marketing?

YES/NO

15. What percentage of your business is generated by your own marketing?

.....

16. Do you conduct game drives for "walk-in" trade?

YES/NO

17. What percentage of your business is generated by this "walk-in" trade?

.....

18. Current level of employment (*for full time employees only*):

Citizens male Citizens female

Non Citizens male Non Citizens female

19. Please supply job classifications for those employees listed in (18) above:

	Employed		Vacant		
	Citizen	Non citizen	Citizen	Non citizen	Total
Non supervisory					
Supervisory					
Middle management					
Senior management					
Professional guides					

20. How many staff members have been sent for training in the past 12 months?

No. of Staff: Institution: Course offered: Duration:

21. Is the shareholding of this operation different from those detailed on the company profile?

YES/NO

22. If the answer to (21) is yes, please give details:

Name of Shareholder Resident/Non Resident Citizen/Non Citizen % Share held

23. Are the directors of this operation different from those detailed on the company profile?

YES/NO

22. If the answer to (21) is yes, please give details:

Name of Shareholder Resident/Non Resident Citizen/Non Citizen % Share held

23. Are the directors of this operation different from those detailed on the company profile?

YES/NO

24. If the answer to (23) is yes, please give details:

Director's Name: Residential Address: Citizen/Non-Citizen:

I,, certify that the information supplied on
(Please print name clearly)

this application form is true and correct. I understand that failure to provide true and correct information could result in rejection or withdrawal of licences.

Position in company:

Telephone:

Fax:

E-mail address:

Signature:

Dated this day of, 20.....

DOCUMENTS TO BE ENCLOSED WITH THIS APPLICATION:

Copy of Certificate of Incorporation or certificate of registration of Company if different from company profile.

Copy of lease, sub-lease (with approval of relevant authorities, ie Department of Lands, Land Boards), rental agreement for premises detailed at (5).

Copy of contract if game drives being conducted on behalf of another company.

Form F2 detailing shareholding in the company from company secretaries if different from company profile.

Copy of Tourism Enterprise Licence.

Copy of training programme submitted to Department of Labour.

Copies of all Professional Guide Licences applicable to this operation.

Company Brochures.

PLEASE NOTE:

IF THIS LICENCE APPLICATION IS APPROVED, FUTURE RENEWALS WILL REQUIRE PRODUCTION OF AN AUDIT CERTIFICATE.

**TOURISM ENTERPRISES LICENCE
Application Form: 'C' Licence - Mobile Safaris**

(All information supplied on this form will be treated as confidential)

Please note that these questions are applicable only to the individual licence being applied for.

1. Name of Company:
2. Trading name of operation:
3. Is the company currently operating? YES/NO
If, no, please explain and then give projected figures to the questions below.
4. Physical location of operational base:
5. Are the premises detailed at the physical address above owned/leased/sub-leased/rented/other? *(please circle)*. Please explain and give expiry date of lease/rental agreement etc.

6. Does this operation hold a current Tourism Enterprise Licence?
 YES/NO
 Licence No: Category: Expiry Date:
7. Principal business of the applying company:
8. How many months of the year does this business operate?months.
9. Number of passenger vehicles currently in use:
 Total number of seats available:
10. Number of clients carried on during the past 12 months:
11. In which game Reserves/National Parks do you conduct mobile safaris? (*please be area specific if applicable*)
12. Are clients generated by your own marketing?
 YES/NO
13. What percentage of your business is generated by your own marketing?
14. Do you conduct mobile safaris on behalf of any other company (ies)?
 YES/NO
15. What percentage of your business is generated by the other company (ies) ?
16. Please give the names of any other company (ies) you are operating mobile safaris on behalf of.....
17. Current level of employment (*full time employees only*):
 Citizens male Citizens female
 Non Citizens male Non Citizens female
18. Please supply job classifications for those employees listed in (17) above:

	Employed		Vacant		Total
	Citizen	Non citizen	Citizen	Non citizen	
Non Supervisory					
Supervisory					
Middle Management					
Senior Management					
Professional guides					

19. How many staff members have been sent for training in the past 12 months?

No. Staff: Institution: Course: offered: Duration:

20. Is the shareholding of this operation different from those detailed on the company profile?

YES/NO

21. If the answer to (20) is yes, please give detail:

Name of Shareholder: Resident/Non resident: Citizen/Non Citizen: % Shares held:

22. Are the directors of this operation different from those detailed on the company profile?

YES/NO

23. If the answer to (22) is yes, please give details:

Director's Name: Residential Address: Citizen Non Citizen:

I,, certify that the information supplied on this
(Please print name clearly)

application form is true and correct. I understand that failure to provide true and correct information could result in rejection or withdrawal of licences.

Position in company:

Telephone:

Fax:

E-mail address:

Signature :

DATED thisday of....., 20.....

DOCUMENTS TO BE ENCLOSED WITH THIS APPLICATION:

- Copy of Certificate of Incorporation of company if different from company profile.
- Copy of lease, sublease (with approval of relevant authorities such as Department of Lands, Land Board, etc), rental agreement of premises.
- Form F2 detailing shareholding from company secretaries if different from company profile.
- Copy of Tourism Enterprise Licence.
- Copy of training programme submitted to the Department of Labour.
- Copies of all professional guide licences applicable to this operation.
- (If you have answered yes to (14), copy of contract between applying company and Company(ies) detailed in (16))*
- Company Brochures

PLEASE NOTE:

IF THIS LICENCE APPLICATION IS APPROVED, FUTURE RENEWALS WILL REQUIRE PRODUCTION OF AN AUDIT CERTIFICATE.

**TOURISM ENTERPRISES LICENCE
Application Form: 'D' Licence - Travel Agents**

(All information supplied on this form will be treated as confidential)

Please note that these questions are applicable only to the individual licence being applied for.

1. Name of Company:
2. Trading name of operation:
3. Is the company currently operating?
YES/NO
If, no, please explain and then give projected figures to the questions below.
4. Postal Address:
5. Physical Address:

6. Telephone No: Fax No: E-mail:
7. Are the premises detailed at the physical address above owned/leased/sub-leased/rented/other? (*please circle*). Please explain and give expiry date of lease/rental agreement, etc.
8. Does this operation hold a current Tourism Enterprise Licence?
 YES/NO
 Licence No: Category: Expiry Date:
9. Does this operation hold a current Tourism Enterprise License?
 YES/NO
 License No: Category: Expiry Date:
10. What type of travel agency business do you conduct (*please circle*):
General/Leisure Agent: deals with all types of travel products from package holiday to car hire, bookings, tours, rail and coach tickets
Holiday Agent: specialises in selling package holidays as their principal source of day-to-day business and to a larger extent excludes other types of business
Business Agent: enjoys a steady flow of business throughout the year without peaks and troughs and is normally very large and international in scale.
Retail Travel Agent: makes bookings for customers with a variety of companies e.g. airlines, tour operators, hotels, coach operators, car hire companies, cruise lines.
Other: (describe):.....
11. How many years has this agency been operating?
12. What is the gross annual turnover of the agency?
13. Does the agency have an IATA license?
 YES / NO.
 If yes, please attach a copy of the certificate.
 If no, please indicate why not:

14. Is the agency a member of any other association?

YES / NO

If yes, please indicate which ones:

15. Is the agency computerized? YES / NO

16. Current level of employment (*full time employees only*):

Citizens male Citizens female

Non Citizens male Non Citizens female

17. Please supply job classifications for those employees listed in (16) above:

	Employed		Vacant		Total
	Citizen	Non citizen	Citizen	Non citizen	
Non Supervisory					
Supervisory					
Middle Management					
Senior Management					

18. How many staff members have been sent for training in the past 12 months?

No. Staff : Institution : Course offered: Duration:

19. Is the shareholding of this operation different from those detailed on the company profile?

YES/NO

20. If the answer to (19) is yes, please give details:

Name of Shareholder: Resident/Non Resident: Citizen/Non Citizen: % Share held:

21. Are the directors of this operation different from those detailed on the company profile?

YES/NO

22. If the answer to (21) is yes, please give details:

Director's Name: Residential Address: Citizen/Non Citizen:

I,, certify that the information supplied on this
(Please print name clearly)

application form is true and correct. I understand that failure to provide true and correct information could result in rejection or withdrawal of licences.

Position in company:

Telephone:

Fax:

E-mail address:

Signature:

Dated thisday of..... , 20.....

DOCUMENTS TO BE ENCLOSED WITH THIS APPLICATION:

Copy of certificate of incorporation of the company if different from company profile

Copy of lease, sublease (with approval of relevant authorities such as Department of Lands, Land Board, etc)

Rental agreement of premises stated at (5)

Form F2 detailing shareholding from company secretaries if different from company profile

Copy of Tourism Enterprise Licence

Copy of training programme submitted to the Department of Labour

Proof that at least one person in the staff of the company has a minimum of 2 years experience in the travel agency business.

PLEASE NOTE:

IF THIS LICENCE APPLICATION IS APPROVED, FUTURE RENEWALS WILL REQUIRE PRODUCTION OF AN AUDIT CERTIFICATE.

TOURISM ENTERPRISES LICENCE
Application Form: 'E' Licence - Tourist Transfers

(All information supplied on this form will be treated as confidential)

Please note that these questions are applicable only to the individual licence being applied for.

1. Name of Company:
2. Trading name of operation:
3. Physical address:
4. Is the company currently operating?

YES/NO

If, no, please explain and then give projected figures to the questions below.

5. Are the premises detailed at the physical address above owned/leased/sub-leased/rented/other? *(please circle)*. Please explain and give expiry date of lease/rental agreement, etc.....
6. Does the company hold a passenger transport permit or any other appropriate permit issued by the Department of Transport?

YES/NO.

If yes, please attach relevant copy.

7. How many months in a year does this business operate?months.
8. Detail below a description of the planned operation with regards to the following:
Details of service to be provided:
Areas/routes that the service will operate:

State the name and category of other tourism enterprise(s) the licence is applied for.

Details of vehicle, including registration numbers, capacity and compliance with the Road Traffic Act (Cap. 69:01) and the Road Transport (Permits) Act (Cap. 69:03).
(please attach relevant documents from the Department of Transport.)

9. Are clients generated by your own marketing?

YES/NO

10. What percentage of your business is generated by your own marketing?

11. What percentage of your business is generated by the enterprises mentioned above?

12. Number of clients carried over the past 12 months:

15. Current level of employment (*full time employees only*):

Citizens male Citizens female

Non citizens male Non citizens female

16. Please supply job classifications for those employees listed in (8) above:

	Employed		Vacant		Total
	Citizen	Non Citizen	Citizen	Non Citizen	
Non Supervisory					
Supervisory					
Middle Management					
Senior Management					
Professional guides					

17. How many staff members have been sent for training in the past 12 months?

No. Staff: Institution: Course offered: Duration:

18. Is the shareholding of this operation different from those detailed on the company profile?

YES/NO

19. If the answer to (18) is yes, please give details:

Name of Shareholder: Resident/Non Resident: Citizen/Non Citizen: % Shares held:

20. Are the directors of this operation different from those detailed on the company profile?

YES/NO

21. If the answer to (20) is yes, please give details:

Director's Name: Residential Address: Citizen/Non Citizen:

I,, certify that the
(Please print name clearly)

information supplied on this application form is true and correct. I understand that failure to provide true and correct information could result in rejection or withdrawal of licences.

Position in company:

Telephone:

Fax:

E-mail address:

Signature:

Dated this.....day of....., 20.....

DOCUMENTS TO BE ENCLOSED WITH THIS APPLICATION:

Copy of Certificate of Incorporation of Company if different from Company Profile.

Copy of lease, sublease (with approval of relevant authorities such as Department of Lands, Land Board etc), rental agreement of premises stated at (5).

Form F2 detailing shareholding from company secretaries if different from company profile.

Copy of Tourism Enterprise Licence.

Copy of transport permit.

Copy of training programme submitted to the Department of Labour.

Copies of contract or confirmation between applying company and other tourist enterprises in connection with which the licence is needed.

PLEASE NOTE:

IF THIS LICENCE APPLICATION IS APPROVED, FUTURE RENEWALS WILL REQUIRE PRODUCTION OF AN AUDIT CERTIFICATE

TOURISM ENTERPRISES LICENCE
Application Form: 'F' Licence - Motor Boats

(All information supplied on this form will be treated as confidential)

Please note that these questions are applicable only to the individual licence being applied for.

1. Name of Company:
2. Trading name of operation:
3. Is the company currently operating?
YES/NO

If, no, please explain and then give projected figures to the questions below.
4. Physical location of operational base:
5. Are the premises detailed at the physical address above owned/leased/sub-leased/rented/other? (*please circle*). Please explain and give expiry date of lease/rental agreement etc.....
6. Does this operation hold a current Tourism Enterprise Licence?
YES/NO

Licence No:
Category:
Expiry Date:
7. Principal business of the applying company
8. How many months of the year does this business operate months.
9. Number of boats and seats available (ie 2 x 30 seaters, 3 x 8 seaters, etc)
10. Number of clients carried on during the past 12 months:

11. In which Game Reserves/National Parks do you conduct boat trips *(please be area specific if applicable)*

12. Do you operate outside of Game Reserves and National Parks?

YES/NO

13. Are clients generated by your own marketing?

YES/NO

14. What percentage of your business is generated by your own marketing?

.....

15. Are you conducting boat trips on behalf of another company?

YES/NO

16. What percentage of your business is generated by the other company?

17. Please give the names of any company you are operating boat activities on behalf of

18. Current level of employment *(full time employees only)*:

Citizens male Citizens female

Non citizens male Non Citizens female

19. Please supply job classifications for those employees listed in (18) above:

	Employed	Vacant	
	Nationality	Nationality	Total
Non Supervisory			
Supervisory			
Middle Management			
Senior Management			
Professional guides			

20. How many staff members have been sent for training in the past 12 months?
No. Staff: Institution: Course offered: Duration:
21. Is the shareholding of this operation different from those detailed on the company profile?
YES/NO
22. If the answer to (21) is yes, please give details:
Name of Shareholder Nationality % Shares held
23. Are the directors of this operation different from those detailed on the company profile?
YES/NO
24. If the answer to (23) is yes, please give details:
Director's Name Residential Address Citizen/Non-Citizen

DOCUMENTS TO BE ENCLOSED WITH THIS APPLICATION:

- Copy of Certificate of Incorporation of company.
- Copy of lease, sublease (with approval of relevant authorities such as Department of Lands, Land Board , etc), rental agreement of premises.
- Form F2 detailing shareholding (from company secretaries).
- Copy of Tourism Enterprise Licence.
- Copy of training programme submitted to the Department of Labour.
- Copies of professional guide licences.
- Copies of boat registration licences.
- Company brochures.

PLEASE NOTE:

IF THIS LICENCE APPLICATION IS APPROVED, FUTURE RENEWALS WILL REQUIRE PRODUCTION OF AN AUDIT CERTIFICATE.

TOURISM ENTERPRISES LICENCE
Application Form: 'G' Licence - Other Tourist Services

(All information supplied on this form will be treated as confidential)

Please note that these questions are applicable only to the individual licence being applied for.

1. Name of Company:
2. Trading name of operation:
3. Physical Address:
4. Is the company currently operating?

YES/NO

If, no, please explain and then give projected figures to the questions below.

.....

5. Are the premises detailed at the physical address above owned/leased/ sub-leased/ rented/other? *(please circle)*. Please explain and give expiry date of lease/rental agreement etc.....
6. Does this operation hold a current Tourism Enterprise Licence?

YES/NO

Licence No:

Category:

Expiry Date:

Activity:

7. How many months of the year does this business operate?months.
8. Principal business of the applying company:

9. Please provide a detailed description of the tourism activities to be undertaken:

10. In which area(s) do you intend to undertake the activities described above?

11. Are clients generated by your own marketing?
 YES/NO
12. What percentage of your business is generated by your own marketing?
13. Do you conduct business on behalf of another company?
 YES/NO
 If yes, which company (ies):
14. What percentage of your business is generated by the other company (ies)?
15. Current level of employment (*full time employees only*):
 Citizens male Citizens female
 Non citizens male Non citizens female
16. Please supply job classifications for those employees listed in (15) above:
- | | Employed | | Vacant | | Total |
|---------------------|----------|-------------|---------|-------------|-------|
| | Citizen | Non Citizen | Citizen | Non Citizen | |
| Non Supervisory | | | | | |
| Supervisory | | | | | |
| Middle Management | | | | | |
| Senior Management | | | | | |
| Professional Guides | | | | | |
17. How many staff members have been sent for training in the past 12 months?
 No. Staff: Institution: Course offered: Duration:
18. Is the shareholding of this operation different from those detailed on the company profile?
 YES/NO

19. If the answer to (18) is yes, please give details:

Name of Shareholder: Nationality: % Shares held:

20. Are the directors of this operation different from those detailed on the company profile?

YES/NO

21. If the answer to (20) is yes, please detail:

Director's Name: Residential Address: Nationality:

Insurer:..... Policy No:

I,, certify that the information supplied on this
(Please print name clearly)

application form is true and correct. I understand that failure to provide true and correct information could result in rejection or withdrawal of licences.

Position in company:

Telephone:

Fax:.....

E-mail address:

Signature:

Dated thisday of....., 20.....

DOCUMENTS TO BE ENCLOSED WITH THIS APPLICATION:

Copy of certificate of incorporation of company if different from company profile.

Copy of lease, sublease (with approval of relevant authorities such as Department of Lands, Land Board ,etc), rental agreement of premises.

Form F2 detailing shareholding from company secretaries if different from company profile.

Copy of Tourism Enterprise Licence.

Copy of training programme submitted to the Department of Labour.

Copies of contract or confirmation between applying company and other tourist enterprises in connection with which the licence is needed.

Permission from the relevant authorities for the intended activities.

PLEASE NOTE:

IF THIS LICENCE APPLICATION IS APPROVED, FUTURE RENEWALS WILL REQUIRE PRODUCTION OF AN AUDIT CERTIFICATE.

**TOURISM ENTERPRISES LICENCE
Application Form: 'H' Licence - Exemption**

(All information supplied on this form will be treated as confidential)

Please note that these questions are applicable only to the individual licence being applied for.

Part A, Fixed Accommodation Only.

1. Name of Company:
2. Trading name of establishment:
3. Is the company currently in operation?
YES/NO
If, no, please explain and then give projected figures to the questions below.
4. Physical location of establishment:
5. Which premises detailed on the company profile does this licence refer to?
6. Which months of the year does this business operate?
..... months.
7. Number of guest rooms
Number of guest beds
Number of beds sold during the past 12 months

8. Current level of employment (*full time employees only*):
 Citizens male Citizens female
 Non Citizens male Non citizens female

9. Details of shareholders of this establishment:

Name: Identity Number/Omang:

10. Details of directors of this establishment:

Name: Residential Address: Identity Number/Omang:

Part B, Mekoro Polers Only.

11. Name of trust/person:

12. Trading name (*where applicable*):

13. Is the Trust currently in operation?

YES / NO

14. Do you have an existing exemption, please give details:

Number: Date issued: Expiry date:

15. In which area are the operations being carried out?

16. Details of poler(s): (*attach additional list if necessary*)

Name: Age: Sex: Identity Number/Omang: Date of assuming membership (if trust)

Polers: Expiry date:

Licence No.

17. How many months of the year does this business operate?

18. State the number of *mekoro* being utilised in the operations?

19. Give details of the Board of Trustees *(if applicant is a trust)*

Name:

Identity Number/Omang:

Address:

Position held (eg chairman, member):

8. Who provides the applicant with clients?

.....

Part C, To Be Filled By All Applicants

I,, certify that the information
(please print name clearly)

supplied on this application form is true and correct. I understand that failure to provide true and correct information could result in rejection or withdrawal of licences.

Position held in Trust or operation:

Address:

Telephone No.

Signature:

Dated this day of, 20.....

DOCUMENTS TO BE ENCLOSED WITH THIS APPLICATION *(where applicable):*

Copy of certificate of incorporation of applicant company.

Copy of lease/rental agreement of premises.

Form F2 detailing shareholding from company secretaries.

Letter of exemption from holding Tourism Enterprise Licence.

Copy of professional guides licence *(mekoro)*.

Environmental health certificate/report of the premises *(guest houses only)*.

Proof of attendance of basic tourism course in hospitality, customer relations and other related training.

**TOURISM ENTERPRISES LICENCE
Application Form: 'I' Licence - External Tour Operators**

(All information supplied on this form will be treated as confidential)

Please note that these questions are applicable only to the individual licence being applied for.

1. Name of company:
2. Trading name of company:
3. Country of origin:
4. How long has this company been operational in its country of origin?.....
5. Physical address:
6. Postal address:
7. Telephone No. Fax:
E-mail address:
8. Principal business of the company:
9. Please give details of any tourism association of which you are a member in your own country, e.g. TASA, SATSA, ZATSO:
Association name: Membership No.....
Association name: Membership No.
10. Does the company currently bring tourists into Botswana?
YES/NO
If yes, indicate the frequency of entry into Botswana and approximate duration of stay:
11. If yes, how many months of the year does the company operate in Botswana?
.....

12. How many clients have you brought into Botswana in the past 12 months?

13. Does this operation have a current Botswana Tourism Enterprise Licence?
 YES/NO
 Licence No: Category: Expiry Date:
14. Which routes in Botswana do you travel?
15. Do you use the services of a Botswana Tour Operator to take clients into Game Reserves and National Parks?
 YES/NO
16. If yes, which Botswana company(ies) do you use?
17. Which areas do you visit in Botswana outside of National Parks/Game Reserves?

18. Please provide details of the shareholders of this company: *(use separate sheet if necessary)*
 Name of Shareholder: Residential Address: % Shares held:
19. Please provide details of the directors of this company:
 Name of Director: Residential Address: Telephone No:
20. Have any of the shareholders or directors named above been convicted of a criminal offence or been involved in any way with personal or company insolvency in any country?
 YES/NO
21. If yes, please explain:.....
22. Has the company ever had any claim made against it by any client travelling with the Company?
 YES/NO
23. If yes, please provide details:

24. Please provide names and contact details of two companies which will support this application for a Tourism Enterprise Licence to operate in Botswana.

Company Name:

Contact Person:

Telephone:

Fax:/E-mail:

Company Name:

Contact Person:

Telephone/Fax/E-mail:

PLEASE NOTE:

- **All Commercial vehicles operating in Botswana are required to have company names and logos on the front passengers and driver doors.**
- **Approval of this licence will allow you to use main roads only. You are not allowed to enter or carry out any activities in National parks or Games Reserves.**
- **A professional guide must be the driver of the vehicle or craft that is used to carry clients and must carry a certified copy of his/her professional guides licence.**
- **The driver must carry a valid driver's Licence appropriate for the size or weight of the vehicle being driven.**
- **Your Company must comply with all Immigration, Labour, Customs, Transport and other applicable Botswana Laws.**

I,....., being the Managing Director of the applying company, *(please print name clearly)*

certify that the information supplied on this application form is true and correct. I further pledge that all persons conducting business in Botswana on behalf of the company will remain on routes designated by the Department of Tourism and will not enter Game Reserves, National Parks or Wildlife Management Areas within Botswana.

Signed:

Telephone/Fax/E-mail address:

THUS SIGNED and sworn to before me this day of, 200... .

.....
Commissioner of Oaths.

DOCUMENTS TO BE ENCLOSED WITH THIS APPLICATION:

Copy of Certificate of Incorporation or Certificate of Registration of company in country of origin.

Copy of Company Trading Licence.

Botswana Tourism Enterprise Licence *(if applicable)*.

Proof of shareholding *(from company secretaries)*.

Proof of directorships *(from company secretaries)*.

Proof of insurance stating public and passenger liability cover.

Copy of contract(s) with Botswana host company(ies) stated in (16).

Letter of recommendation from the two companies stated in (24).

Details of professional guides employed by your company including copies of professional guides licences.

Company brochures.

**FOURTH SCHEDULE TOURISM ENTERPRISES LICENCE
Application Form: Renewal**

(All information supplied on this form will be treated as confidential)

Please note that these questions are applicable only to the individual licence being applied for.

SECTION A – To be completed by all companies applying for renewal of Tourism Enterprise Licences.

1. Name of Company:
(State both registered and trading names where applicable)
2. Postal address:

3. Physical address:
4. Telephone: Fax: E-mail:
5. Is the company currently in operation?
 YES/NO
 If no, please explain:
6. Tax Clearance Certificate
 Worker's Compensation Policy No: Insurer:
 Passenger liability Insurance Policy No: Insurer:
 Public liability Insurance Policy No: Insurer:
7. Details of licence being renewed:
 Licence No: Category: Date of Issue:
 Place of Issue: Expiry Date:
 Name in which the current licence is held:
8. Has the shareholding of this operation changed over the past 12 months?
 YES/NO
9. If yes, please provide new details:
 Name of Shareholder: Resident/Non Resident: Citizen/Non citizen: %s Shares held:
10. Have the directors of this operation changed over the past 12 months?
 YES/NO
11. If yes, please provide new details:
 Director's Name: Residential Address: Citizen/Non Citizen:

SECTION B – To be completed by companies renewing licences issued in category of A, A1, B, C, D, E, F, G or H only

12. Please update details applicable to this operation against the relevant category:

Category

- A** No. rooms: No. beds:
beds sold in last 12 months:
- B** No. vehicles: No. seats
seats sold in last 12 months
- C** No. vehicles: No. seats:
seats sold in last 12 months:
- D** Tours sold in the last 12 months
- E** No. vehicles No. Seats
Seats sold in the last 12 months
- F** No. boats: No. seats:
seats sold in last 12 months:
- G**
- H** No. rooms: No. beds:
Beds sold in last 12 months:

13. Current level of employment (*full time employees only*):

Citizen male Citizen female

Non Citizen male Non Citizen female

14. Please supply job classifications for those employees listed in (13) above:

	Employed		Vacant		Total
	Citizen	Non citizen	Citizen	Non citizen	
Non supervisory					
Supervisory					
Middle Management					
Senior Management					
Professional guides					

15. How many staff members have been sent for training in the past 12 months?

No. Staff: Institution: Course offered: Duration:

16. Has the company invested in property/buildings in Botswana over the past 12 months?

YES/NO

If, yes, please indicate size of investment (in Pula) and other pertinent details:

.....

SECTION C – To be completed by companies applying to renew an ‘I’ category licence only.

17. How many clients were brought into Botswana in the past 12 months?

18. Has any of the companies which hosted you in Botswana changed over the past 12 months?

YES/NO:

2. If yes, please provide details and contact person of the host company (ies):.....

Company name:

Contact person:

Telephone/Fax/E-mail:

SECTION D — To be completed by all companies applying for renewal of Tourism Enterprise Licences.

3. Has the business owner/manager been convicted for violating any of the laws and regulations pertaining to the operations of the company in the past 12 months?

.....

YES/NO:

If, yes, please state nature of the offence:

I,certify that the information given on
(Please print name clearly)

this application form is true and correct. I understand that failure to provide true and correct information could result in the rejection or withdrawal of licences.

Position in company

Contact telephone number:

Signature

Dated this day of, 20..... .

DOCUMENTS TO BE ENCLOSED WITH THIS APPLICATION:

ALL APPLICANTS

Copy of previous Tourism Enterprise Licence

Proof of current company shareholding (*from company secretaries*)

Proof of current directorship of company (to be filled in by company secretaries)

Proof of current passenger or public liability insurance

Company brochures.

APPLICANTS FOR CATEGORY A, B, C, D, E, F, G AND H LICENCES ONLY

Copy of lease, sublease (*with approval of relevant authorities such a Department of Lands, Land Board, etc*), of property indicated in (16) above:

Copy of audit certificate:

Proof of current Worker's Compensation insurance:

Copies of boat registration certificates (*if extra purchases made during past 12 months*)

Confirmation that monthly accommodation and the training levy for the last 12 months are up to date.

APPLICANTS FOR 'I' CATEGORY LICENCES ONLY

Copy of host contracts applicable for the next 12 months of operation

FOR OFFICIAL USE ONLY:

Date on which application was received:

Date on which application was approved/rejected:

If rejected, state reasons for rejection:

If approved, number of licence issued: Date:

Name of Licensing officer: Identity No:

Signature of licensing officer: Date: