

TOURISM ACT, 1992
(Act No. 22 of 1992)

TOURISM REGULATIONS, 1996
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IN EXERCISE of the powers conferred on the Minister of Commerce and Industry by section 12 of the Tourism Act, 1992, the following Regulations are hereby made —

1. These Regulations may be cited as the Tourism Regulations, 1996.

2. (1) There is hereby established the National Advisory Council on Tourism (hereinafter referred to as “the Council”) the purpose of which shall be to advise the Minister on all matters concerning or related to the formulation, planning development and administration of a national policy on tourism, and, without prejudice to the generality of the foregoing, to advise him with a view to ensuring that the greatest possible social and economic benefits are obtained on a sustainable basis for the people of Botswana from the tourism resources, scenic beauty, wildlife and unique ecological, geological and cultural characteristics of Botswana.

Citation
Establishment
of National
Advisory
Council on
Tourism

(2) The Council shall consist of the following 15 members —
Deputy Permanent Secretary (Wildlife and Tourism) as Chairman, 11 representatives of Government and Private Sector institutions (concerned with hospitality industry, conservation, Professional Hunters Association, Travel facilitation); and three representatives of institutions concerned with District Administration — Local Authorities.

(3) The Chairman may nominate any other member of the Council to act as Chairman on any occasion when he is unable to attend meetings of the Council.

(4) Members of the Council, other than *ex officio* members, shall be appointed for a period of three years, but shall be eligible for re-appointment.

(5) A quorum of the Council shall consist of the Chairman, or the member acting as Chairman, and at least nine other members of the Council, and decisions of the Council shall require the vote of 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 from the Department of Tourism to be the secretary of the Council.

(7) The Council shall meet not less than four times a year and whenever there is a major issue to be addressed.

(8) Members other than public officers shall be paid such remuneration or allowances as the Minister may, from time to time, determine.

Registers to
be kept

3. (1) A tourist enterprise licensed under the Act to provide accommodation for tourists shall keep and maintain a guest register in which the following details relating to guests shall be recorded —

- (a) name, nationality and date of arrival and departure, and numbers of any family members accompanying;
- (b) the passport number of any guest who is not from Botswana, or the national identity card number or passport number of any guest who is from Botswana; and
- (c) residential address.

(2) The licence holder referred to in subregulation (1) shall submit a copy each of the summary of the register to the Central Statistics Office and the Director of Tourism every quarter, in such form as the Director may require.

Requirements
for a licence

4. (1) No licence shall be issued in respect of any premises relating to Category A of a tourist enterprise unless the premises to which an application relates meets, to an approved standard, the requirements set out in the First Schedule.

(2) A tourist enterprise, other than a Category A enterprise, shall be required to comply with such requirements as may be determined by the Board.

(3) For the purposes of this regulation, “approved” means approved by the Board.

Classification
of grades of
hotels

5. (1) For the purposes of section 8 of the Act, hotels licensed as tourist enterprises shall be classified into the following grades —

- (a) five-star hotel;
- (b) four-star hotel;
- (c) three-star hotel;
- (d) two-star hotel;
- (e) one-star hotel;
- (f) ungraded hotel.

(2) In addition to meeting the requirements specified in the First Schedule, a hotel shall be graded as —

- (a) a five-star hotel, if it complies with the requirements specified in Part I of the Second Schedule;
- (b) a four-star hotel, if it complies with the requirements specified in Part II of the Second Schedule;
- (c) a three-star hotel, if it complies with the requirements specified in Part III of the Second Schedule;
- (d) a two-star hotel, if it complies with the requirements specified in Part IV of the Second Schedule;
- (e) a one-star hotel, if it complies with the requirements specified in Part V of the Second Schedule.

(3) For the purposes of these Regulations, an “ungraded hotel” means a licensed Category A tourist enterprise which meets only the requirements set out in the First Schedule.

6. (1) The Board may, on the recommendation of the Director following an inspection of a tourist enterprise, upgrade or downgrade or cancel the grading of such enterprise:

Change of
classification
of tourist
enterprise

Provided that any change of grading shall only take place with effect from the date of renewal of the licence of the tourist enterprise in question.

(2) Any tourist enterprise that in any way displays any sign or indicates or implies that it has been graded under these Regulations, whilst it has not been so graded, shall be guilty of an offence.

7. (1) Licences for tourist enterprises shall be issued for one year from the date of issue, but shall be renewable annually.

Duration and
fees for
licences and
training levy

(2) The annual licence fees to be paid by Category A enterprises in accordance with their grading shall be as follows —

Ungraded hotel	P 200
One-star hotel	P 300
Two-star hotel	P 400
Three-star hotel	P 550
Four-star hotel	P 650
Five-star hotel	P 750

(3) In addition to the fees specified in this regulation, every tourist enterprise shall pay a training levy of One Pula per bed per night which shall be paid into a special account.

(4) In addition to the fees specified in subregulation (2) there shall be paid in respect of an inspection for a change of grading a fee of P250.

(5) The licence fees to be paid by Categories B, C, and D enterprises shall be P1 000 annually.

(6) Applications for the renewal of licences shall be made at least 30 days before the date of their expiry:

Provided that the Director may, in special circumstances, permit the renewal of licences after such a period of 30 days.

8. (1) Equipment and facilities supplied by tourist enterprises for the use of tourists shall at all times be maintained in a good state of repair, be kept clean and in good sanitary condition.

Safety and
sanitation

(2) Adequate fire fighting equipment shall be provided at all tourist enterprises where accommodation for tourists is provided, and shall be easily accessible and clearly marked.

(3) Vehicles used for the transport of tourists shall be regularly tested for roadworthiness in accordance with the requirements of the Road Traffic Act.

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(4) All game drives, walking safaris and other tours shall be conducted only by holders of professional guide licences issued under the Wildlife Conservation and National Parks Act, 1992, and where relevant the holders of tourist enterprise licences shall ensure that tourists are made aware of any potential dangers that may be encountered around the premises of such enterprises.

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(5) Every holder of a tourist enterprise licence shall keep available in a readily accessible location a properly equipped first aid box and suitable means of transport for emergency cases, and shall make adequate arrangements with a doctor or other medical facility, for the treatment and accommodation of emergency cases.

(6) Where any tourist enterprise contravenes or fails to comply with any of the provisions of this regulation the holder of the licence of such enterprise shall be guilty of an offence.

Guests leaving
without
paying

9. Any guest at a tourist enterprise who leaves or attempts to leave such enterprise without paying for his accommodation or board, or without making provision for such payment satisfactory to the licensee, shall be guilty of an offence and liable to a fine of P2 000.

FIRST SCHEDULE

MINIMUM REQUIREMENTS FOR ALL HOTELS (Regulation 4(1))

Bedrooms

1. Thorough ventilation shall be provided in all bedrooms.

2. For hotels constructed after the coming into force of these Regulations, the minimum sizes of bedrooms shall be 11 m for single bedrooms and 16 m for double bedrooms; and for this purpose, the area occupied by built-in cupboards and bathrooms shall not be deducted but the area occupied by balconies shall be deemed not to be part of the bedroom.

3. The window area shall be a minimum of 10 per cent of the floor area. An area equal to 50 per cent of the minimum window area must be capable of opening.

4. There shall be provided —

(a) in each bedroom electric lighting and an electricity outlet; and

(b) at or near a bed for adults, electric lighting operated by a switch close to the bed, and where a double bed is provided, a light for either side shall be supplied each with its own switch.

5. Measures shall be taken against the entry of mosquitoes and similar creatures by providing —

(a) flyscreening or air conditioning; or

(b) mosquito nets for guests and this fact shall be brought to their notice.

6. For hotels constructed after the coming into force of these Regulations, a lighted wash-hand basin, with hot and cold water laid on and available at all times shall be provided in each bedroom which does not have a private bathroom, and there should be an area not less than 600 mm width and 450 mm in height immediately above the basin and which shall be protected with an impervious splash back.

7. The following articles shall be provided at or near every wash-hand basin —

(a) a towel rail;

(b) a shelf;

(c) a mirror;

(d) a drinking glass for each occupant.

(e) soap (on a rail) other hand drying facilities.

8. All bedroom doors shall have locks maintained in safe working condition and keys shall be made available to guests occupying the rooms.

9. An adequately lit dressing table together with at least one drawer, a mirror and a stool or a chair shall be provided in each bedroom.

10. A wardrobe or a built in cupboard shall be provided in each bedroom with —

- (a) coat hangers; and
- (b) two or more shelves or drawers.

11. A waste-paper basket shall be provided in each bedroom.

12. There shall be:—

- (a) wall to wall carpeting;
- (b) one floor mat, not less than 90 cm by 120 cm serving all beds; or
- (c) one bedside mat, not less than 60 cm by 100 cm for each adult bed.

13. Beds, but not beds for children, shall be of a minimum width of 90 cm and shall be provided with inner-spring or foam-rubber mattresses of a minimum thickness of 10cm or a similar type, as may be approved.

14. A suitable chair shall be provided for each bedroom in addition to the chair for the dressing table.

15. A luggage rack shall be provided in each bedroom.

16. A bedside cabinet or table shall be accessible to all adult beds.

17. All rooms shall be numbered or named.

Bathrooms

18. (1) There shall be at least one bathroom and one toilet for every eight beds which are not served by private bathrooms.

(2) Separate bathrooms and toilets shall be provided for each sex on each floor on which there are bedrooms without private bathrooms.

(3) All bathrooms and toilets shall show for which sex they are provided.

19. All bathrooms shall be served by an efficient hot-and-cold-water system maintained in good working order.

20. All baths shall be built in with impervious material.

21. (1) All walls of bathrooms shall be covered with impervious material up to the height of 180 cm.

(2) The wall above the tiling shall be of a satisfactory finish.

22. Floors shall be of impervious material and all corners and junctions with walls shall be coved.

23. Every bathroom shall be provided with:—

- (a) a mirror, shelf and towel rail;
- (b) a bath mat;
- (c) hooks for hanging clothes;
- (d) door which can be locked or bolted; and
- (e) wash-hand basin.

24. (1) All toilet pans shall be provided with lids and seats.

(2) There shall be a toilet paper dispenser in each toilet and a suitable form of sanitary disposal in each female toilet.

25. There shall be fly screens on all windows capable of opening.

Communication Systems

26. Electrical bells shall be installed in all bedrooms and public rooms.

Electric Lighting

27. (1) Electric lighting shall be provided over the whole premises.
(2) Where self-generated electric current is used, alternative means of lighting shall be available in all bedrooms, bathrooms, cloakrooms and public rooms, for use when current is not available; notices prominently displayed, drawing attention to this fact, shall be provided.

Dining Rooms and Lounges

28. Dining rooms and lounges shall be adequately ventilated.
29. Adequate furniture of acceptable quality shall be provided.
30. Adequate and proper table sets and appointments including cutlery, condiments sets and crockery shall be provided.
31. A clean and legible menu showing the meal tariff shall be made available to guests when orders are taken.
32. Fly screens shall be provided for all windows capable of opening where no air-conditioning is available.
33. No chipped, cracked or broken crockery shall be used.

Fire

34. Fire-fighting appliances which comply with local bye-laws shall be available.
35. Fire escape facilities indicated by prominent notices shall be provided and maintained in safe order.

Insurance

36. The hotel shall provide and keep in force an approved public liability insurance policy.

Kitchens, Storerooms and Pantries

37. Floors of kitchens, storerooms and pantries shall be of impervious material, suitably graded and drained; all corners, edges and junctions with walls shall be coved.
38. Walls shall be tiled or be covered with other impervious finish to a height of not less than 180 cm.
39. All kitchen and pantry furniture tops and shelving shall be of stainless steel or other impervious material.
40. (1) Separate hand washing facilities with hot and cold water and splash-back shall be provided in the kitchen for the use of staff.
(2) A separate sink with splash-back shall be provided exclusively for the preparation of food.
41. Kitchens shall be kept free of insects and rodents.
42. Ventilation shall be provided and hot air fumes shall be disposed of by appropriate means.
43. No chipped or damaged utensils shall be kept in areas where food is stored, prepared and served.
44. Fly screens shall be provided for all windows capable of opening.

Sculleries

45. Floors shall be of impervious material, suitably graded and drained and all corners, edges and junctions with the walls shall be coved.
46. Walls shall be tiled or be covered with other impervious materials to a height of not less than 180 cm.
47. All kitchen and pantry furniture tops and shelving shall be of stainless steel, or other impervious material.

48. Sculleries shall be kept free from insects and rodents.

49. (1) At least one double-bowl sink with splash-back or dish-washing machine with piped hot and cold water shall be provided in the scullery.

(2) Separate facilities for washing pots shall be provided.

Refrigeration

50. Adequate refrigeration or coldroom capacity shall be provided for foodstuffs in or near the areas where food is prepared and for drinks in or near the bar.

Refuse

51. (1) Refuse shall be disposed of in a sanitary manner.

(2) All refuse bins shall be provided with tight-fitting lids.

(3) Where refuse is stored outside the building, a suitable plinth shall be provided to ensure that refuse bins are above ground level.

(4) The refuse area shall be kept clean and tidy and free of insects and rodents.

Uniforms

52. All hotel staff shall wear clean and neat uniforms.

53. Facilities for the pressing and drying of clothes by guests shall be available unless valet services are provided.

Water

54. (1) A supply of treated water shall be available at all times.

(2) Water for drinking shall be chilled.

Reception of Guests

55. Every hotel shall have a reception area.

56. A competent person shall be available to receive guests.

57. Means shall be available at or near the main entrance for summoning the receptionist.

58. A porter or other member of the staff shall be available to assist guests with the carrying of luggage.

Tariff and Services

59. A legible up-to-date information notice or brochure on tariff and services including meal times shall be provided for guests —

(a) at the reception desk or elsewhere within the reception area; and

(b) in all bedrooms.

Bar

60. A double bowl sink of stainless steel with splash-back or other impervious material with hot and cold running water or glass-washing machines shall be provided at or near the bar together with provision for storing glasses.

Public Cloakrooms

61. Separate Public Cloakrooms shall be provided for each sex.

62. The cloakroom for men shall provide—

(a) a urinal of stainless steel or other impervious material;

(b) a toilet pan with a lid, seat and toilet paper dispenser in a cubicle provided with a door which can be locked or bolted;

- (c) a wash-hand basin with running hot water and splash back;
 - (d) a mirror of at least 60 cm by 80 cm and a shelf;
 - (e) soap and towel (on a rail) or other hand drying facilities;
 - (f) hooks for hanging garments; and
 - (g) adequate lighting.
63. The cloakroom for women shall provide —
- (a) a toilet pan with a lid, seat and toilet paper dispenser in a cubicle provided with a door which can be locked or bolted;
 - (b) a wash-hand basin with running hot and cold water and splash back;
 - (c) soap and a towel (on a rail) or other hand-drying facilities;
 - (d) a mirror of at least 60 cm by 80 cm and a shelf or dressing table;
 - (e) a chair or a stool;
 - (f) hooks for hanging garments;
 - (g) a suitable form of sanitary disposal; and
 - (h) adequate lighting.
64. The location of every public cloak-room shall be clearly indicated.

Sanitation

65. Sewerage shall be water-borne in all sanitary facilities provided for guests or for the public.
66. Waste water shall be disposed of —
- (a) into a public sewer;
 - (b) into a soak-away which is not in close proximity to any water supply; or
 - (c) in any other approved method.

Staff Quarters and Amenities

67. Ablution and toilet facilities shall be provided.
68. Sewerage shall be water-borne or be disposed of by some other approved method.
69. All waste water shall be properly disposed of —
- (a) into a public sewer;
 - (b) into a soak-away not in close proximity to any water supply; or
 - (c) in any other approved manner.
70. Any sleeping quarters controlled by the hotel shall be kept in a clean and hygienic condition and shall be provided with —
- (a) windows;
 - (b) floors of impervious material with all corners and junctions coved;
 - (c) smooth plastered walls;
 - (d) approved ventilation and adequate space for each occupant;
 - (e) a bed for each occupant ; and
 - (f) facilities for the storage and hanging of clothes.
71. Non-resident staff shall be provided with —
- (a) ablution and toilet facilities;
 - (b) facilities for the storage and hanging off clothes and personal effects; and
 - (c) canteen facilities, which shall be weather proof, well ventilated and furnished with chairs or benches.

Sundry

72. There shall be room service from 0700 hours to 2000 hours.

SECOND SCHEDULE
(Regulation 5(2))

ADDITIONAL REQUIREMENTS FOR GRADED HOTELS

PART I

FIVE-STAR HOTELS

Bedrooms

1. (1) The minimum number of bedrooms shall be 50.
(2) A minimum of 10 per cent of the bedrooms may be in the form of suites.
2. A mirror not less than 60 cm by 80 cm shall be provided.
3. There shall be effective sound proofing.
4. There shall be piped music, a radio and, if the hotel is in a television reception area, a television set.
5. There shall be wall-to-wall carpeting or an approved alternative.
6. A telephone connected to an exchange which caters for both internal and external calls shall be provided.
7. There shall be air-conditioning and heating.
8. The treated water shall be chilled and stored in a vacuum jug or vacuum flask.
9. All beds for adults shall be provided with headboards.

Bathrooms

10. There shall be private bathrooms which shall have a toilet, a bath, a wash-hand basin, a shower and a shaver point.

Public Rooms

11. There shall be a cocktail bar in addition to another bar; there shall also be a lounge.
12. There shall be two rooms for the holdings of functions: one shall have a minimum seating capacity of 250 and the other 75.
13. There shall be at least two restaurants.
14. There shall be separate doors (with touch-plates and kick-plates) for in-going and out-going traffic to, and from, the kitchen and the doors shall be screened from the view of guests in the restaurant.
15. Public rooms shall have air-conditioning and heating.

Sundry

16. There shall be 24 hour room service.
17. A person shall be available 24 hours a day to receive guests and carry their baggage.
18. There shall be valet services from 0700 to 2000 hours and a same-day laundry service.
19. There shall be —
 - (a) secretarial services;
 - (b) shops or boutiques;
 - (c) tourists information services;
 - (d) car hire;
 - (e) cinema shows;
 - (f) concerts;
 - (g) theatre shows;
 - (h) baby-sitting facilities;
 - (i) 24-hour parking facilities.

20. The reception area shall have a porter's desk and a baggage room.

21. For hotels constructed after the coming into force of these Regulations, a lift shall be provided and, if there are three floors or more, at least two lifts shall be provided, one for service only.

22. There shall be at least two telephone booths.

23. There shall be a telex service.

24. There shall be a swimming pool with —

(a) a lifeguard;

(b) change rooms, at least one for each sex; and

(c) toilets, at least one for each sex.

25. There shall be a guest register in which there shall be entered the full names of each adult guest, his permanent address, his national registration card number or passport number, his citizenship and his next destination.

PART II

FOUR-STAR-HOTELS

Bedrooms

1. (1) The minimum number of bedrooms shall be 50.

(2) A maximum of 10 per cent of the bedrooms may be in the form of suites.

2. A mirror of not less than 60 cm by 80 cm shall be provided.

3. There shall be effective sound proofing.

4. Piped music, a radio and, if the hotel is in a television reception area, a television set shall be provided.

5. There shall be wall to wall carpeting or an approved alternative.

6. A telephone connected to an exchange which caters for both internal and external calls shall be provided.

7. Where it is climatically necessary, there shall be air-conditioning and heating.

8. The treated water shall be chilled and be in vacuum jugs or vacuum flask.

9. All beds for adults shall be provided with headboards.

Bathrooms

10. There shall be private bathrooms which shall have a toilet, a bath, a wash-hand basin, a shower and shaver point.

Public Rooms

11. There shall be a cocktail bar in addition to another bar; there shall also be a lounge.

12. There shall be at least two rooms for the holding of functions.

13. There shall be at least two restaurants.

14. There shall be separate doors (with touch-plates and kick plates) for in-going and out-going traffic to and from the kitchen and the doors shall be screened from the view of guests in the restaurants.

15. Public rooms shall have air-conditioning where it is climatically necessary.

Sundry

16. There shall be room service from 0600 to 0200 hours.

17. A person shall be available 24 hours a day to receive guests and their baggage.

18. There shall be valet services from 0700 hours to 1900 hours and a same day laundry service.

19. There shall be —

- (a) secretarial services;
- (b) shops or boutiques;
- (c) tourist information services;
- (d) car-hire;
- (e) cinema shows;
- (f) concerts;
- (g) theatre shows;
- (h) baby sitting facilities,
- (i) at least one hair dressing salon; and
- (j) adequate parking facilities.

20. The reception area shall have a porter's desk and a baggage room.

21. For hotels constructed after the coming into force of these Regulations a lift shall be provided and, if there are three floors or more, at least two lifts shall be provided, one for service only.

22. There shall be at least two telephone booths.

23. There shall be a swimming pool with —

- (a) a lifeguard;
- (b) change rooms, at least one for each sex; and
- (c) toilets, at least one for each sex.

24. There shall be a guest register in which there shall be entered the full names of each adult guest, his permanent address, his national registration card number or passport number, his citizenship and his next destination.

PART III

THREE-STAR HOTELS

Bedrooms

1. The minimum number of bedrooms shall be 20.
2. A mirror of not less than 60 cm by 80 cm shall be provided.
3. A telephone connected to an exchange which caters for both internal and external calls shall be provided.
4. Where it is climatically necessary, there shall be a heater and a fan.
5. The treated water shall be chilled and be in vacuum jugs or vacuum flasks.
6. All beds for adults shall be provided with headboards.

Bathrooms

7. (1) There shall be private bathrooms in at least 75 per cent of the bedrooms.
(2) The private bathrooms shall have a toilet, a bath or shower (but not less than 50 per cent of the bedrooms shall have a bath) a wash-hand basin and a shaver point shall be provided.

Public Rooms

8. There shall be a cocktail bar in addition to another bar; there shall also be a lounge.
9. There shall be at least two restaurants.
10. There shall be separate doors (with touch plates and kick-plates) for incoming and outgoing traffic to and from the kitchen and the door shall be screened from the view of guests in the restaurants.
11. Public rooms shall have heating or fans where it is climatically necessary.

Sundry

12. There shall be room service from 0600 to 2400 hours.
13. A person shall be available from 0600 to 2300 hours to receive guests and carry their baggage. At other hours a person shall be made available on request.
14. There shall be valet services from 0700 to 1600 hours and a laundry service.
15. There shall be —
 - (a) a shop or boutique;
 - (b) tourist information services;
 - (c) car hire;
 - (d) cinema shows;
 - (e) concerts;
 - (f) theatre shows;
 - (g) baby-sitting facilities; and
 - (h) parking.
16. The reception area shall have a porters' desk and a baggage room.
17. At least one lift shall be provided if there are three floors or more.
18. A telephone shall be provided for the hotel.

PART IV

TWO-STAR HOTELS

Bedrooms

1. The minimum number of bedrooms shall be 15.
2. There shall be a power point.

Bathrooms

3. (1) There shall be private bathrooms in at least 50 per cent of the bedrooms.
(2) The private bathrooms shall have a toilet or shower (but not less than 50 per cent of the bedrooms shall have a bath) and a wash-hand basin.

Public Rooms

4. There shall be at least one restaurant.
5. There shall be separate doors (with touch plates and kick-plates) for in-going and out-going traffic to and from the kitchen and the doors shall be screened from the view of the guests in the restaurants.
6. Public rooms shall have heating and fans where it is climatically necessary.

Sundry

7. There shall be room service from 0600 to 2230 hours.
8. Heating or fan shall be available on request.
9. A person shall be available from 0700 to 2030 hours to receive guests and carry their baggage. At other hours a person shall be available on request.
10. There shall be valet services from 0700 to 1600 hours and a laundry service.
11. There shall be —
 - (a) a shop or boutique;
 - (b) tourist information services; and
 - (c) parking.
12. For the purposes of communication, there shall be at least electric bells.

PART V
ONE-STAR HOTEL

Bedrooms

1. The minimum number of bedrooms shall be 10.

Bathrooms

2. (1) There shall be private bathrooms in at least 20 per cent of the bedrooms.
(2) The private bathrooms shall have a toilet, a bath or shower and a wash-hand basin.

Public Rooms

3. There shall be at least one restaurant.

Sundry

4. There shall be room service from 0600 to 2100 hours.
5. Heating and fans shall be made available on request.
6. A person shall be available from 0700 to 2030 hours to receive guests; and at other hours a person shall be made available on request:
Provided that portage need only be available on request.
7. There shall be valet or laundry services.
8. There shall be —
 - (a) a shop stocking toiletry; and
 - (b) tourist information services.
9. For the purpose of communication, there shall be at least electric bells.

MADE this 28th day of June, 1996.

K.G. KGOROBA,
Minister of Commerce and Industry.

L2/7/299 (II)