

GOVERNMENT OF ZAMBIA

ACT

No. 24 of 2007

Date of Assent: 29th November, 2007

ENTITLED

An Act to provide for the establishment of the Zambia Tourism Board and define its functions; to provide for the promotion and marketing of Zambia as a tourist destination within and outside Zambia; and to provide for matters connected with or incidental to the foregoing.

[30th November, 2007

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY

1. This Act may be cited as the Zambia Tourism Board Act, 2007, and shall come into operation on such date as the Minister may, by statutory instrument, appoint.

Short title and commencement

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

Interpretation

“appointed date” means the date appointed by the Minister under section *one*;

“Board” means the Zambia Tourism Board established by section *three*;

“Chairperson” means the person appointed as Chairperson of the Board under section *five*;

“former Board” means the Zambia National Tourist Board established under the Tourism Act;

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“hotel” shall have the meaning assigned to it by the Tourism and Hospitality Act, 2007;

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“ member means a member of the Board and includes the Chairperson and Vice Chairperson;

“ Secretary ” means the person appointed as Secretary to the Board under section *nine*;

“ Tourism Council of Zambia ” means the Tourism Council of Zambia registered under the Societies Act; and

“ Vice-Chairperson ” means the person appointed as Vice Chairperson of the Board under section *five*.

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PART II

THE ZAMBIA TOURISM BOARD

3. There is hereby established the Zambia Tourism Board which shall be a body corporate with perpetual succession and a common seal, capable of suing and of being sued in its corporate name, and with power, subject to the provisions of this Act, to do all such acts and things as a body corporate may, by law, do or perform.

Establishment
of Board

4. (1) It shall be the general duty of the Board to promote such measures as may be necessary to achieve the maximum publicity of Zambia’s tourist attractions, locally and internationally.

Functions of
Board

(2) Without prejudice to the generality of the provisions of subsection (1), the Board shall —

- (a) promote Zambia as a tourist destination;
- (b) design and implement suitable marketing strategies for the promotion of the tourism industry;
- (c) formulate and implement measures designed to enhance the profile and image of Zambia as a preferred tourist destination;
- (d) provide information services for tourists and to that effect may establish and operate tourist information offices;
- (e) collect, evaluate and disseminate information regarding—
 - (i) tourism markets and market potential;
 - (ii) trends in tourist activities, expectations and needs; and
 - (iii) competing tourism markets;
- (f) conduct research into local and international tourism markets;

(f) conduct research into local and international tourism markets;

(g) provide tourists with travel services and with information on —

(i) accommodation;

(ii) tourism destinations and facilities within Zambia; and

(iii) tourist attractions and services available to tourists in Zambia;

(h) subject to the approval of the Minister, negotiate and enter into agreements or arrangements relating to tourism marketing and promotion or any other matter that will enhance tourist traffic within and into Zambia;

(i) promote throughout Zambia awareness on the importance and benefits of tourism and, in so doing, use such media or other means as are available to create maximum awareness of Zambia's tourism attractions;

(j) carry out market research to ensure the appropriate positioning of Zambia's tourist attractions within the international and domestic markets; and

(k) do such other things as are necessary for the promotion of tourism and tourist welfare in Zambia.

(3) The Board shall have power, subject as herein provided, to do anything and to enter into any transaction which in its opinion is calculated to facilitate the discharge of its duties under this Act or which is incidental or conducive thereto.

(4) The Board shall, in the performance of its functions, have regard to the policies of the Government.

(5) The Minister may give such general or specific directions to the Board in relation to the performance of its functions and the Board shall comply with the direction.

5. (1) The Board shall consist of ten part-time members appointed by the Minister.

Composition
of Board

(2) The members appointed under subsection (1) shall be persons who have expertise in hotel management, marketing, broadcasting, wildlife management, and in the operations of the tourism industry and shall include —

(a) one representative of the Tourism Council of Zambia,

- (b) a representative of the Ministry responsible for tourism;
- (c) a representative of the Ministry responsible for finance;
- (d) a representative of the Immigration Department; and
- (e) a representative of the Attorney-General.

(3) The Minister shall appoint a Chairperson and Vice—
Chairperson from among the members referred to in subsection (2):

Provided that the Chairperson shall be appointed from among the members from the private sector.

(4) The Minister shall, insofar as is practicable, ensure that among the members of the Board there is an equitable balance between men and women.

(5) A person shall not be appointed as a member of the Board if the person—

- (a) is an undischarged bankrupt;
- (b) has been convicted of an offence involving fraud or dishonesty;
- (c) has been convicted of an offence under any written law and sentenced to a term of imprisonment of not less than six months, without the option of a fine; or
- (d) is of unsound mind.

Tenure of
office of
member

6. (1) Subject to the provisions of this Act, a member shall hold office for a period of three years from the date of appointment and may be re-appointed for a further period of three years.

(2) A member may resign upon giving one month's notice in writing to the Minister.

(3) The office of member shall become vacant—

- (a) if a member is an undischarged bankrupt;
- (b) upon the member's death;
- (c) if a member becomes mentally or physically incapable of performing the duties of a member of the Board;
- (d) if a member is convicted of an offence under any written law and sentenced to serve a term of imprisonment of not less than six months without the option of a fine;

- (e) on the member ceasing to be a representative of the organisation which nominated the member; or
- (f) if the member is absent, without reasonable excuse, from three consecutive meetings of the Board of which the member has had notice.

(4) On the expiration of the period for which a member is appointed, the member shall continue to hold office until the member's successor is appointed, but in no case shall the further period exceed three months.

7. Whenever the office of a member becomes vacant before the expiry of the term of office, the Minister may appoint another person to hold office for the unexpired part of the term from the same organisation as the member who vacates office, and such person shall be eligible for re-appointment.

Filling of
casual
vacancy

8. (1) The Board shall, with the approval of the Minister, appoint a Managing Director who shall be the chief executive officer of the Board and who shall, subject to the control and direction of the Board, be responsible for implementation of the decisions of the Board and the day to day administration of the Board.

Managing
Director

(2) The Board shall, with the approval of the Minister, determine the terms and conditions of service of the Managing Director.

(3) The Board may in writing delegate to the Managing Director such of its functions as it may consider necessary.

(4) The Managing Director shall attend meetings of the Board and any committee of the Board and may address the meetings, but shall have no vote.

9. (1) The Board shall appoint a Secretary on such terms and conditions as the Board may, with the approval of the Minister, determine.

Secretary and
other staff

(2) The Secretary shall, subject to the directions of the Managing Director, perform such duties as may be assigned to the Secretary.

(3) The Board may, appoint such other staff of the Board as it considers necessary for the performance of its functions under this Act, on such terms and conditions as it may, with the approval of the Minister determine.

10. (1) The seal of the Board shall be such device as may be determined by the Board and shall be kept by the Secretary.

Seal of
Board

(2) The affixing of the seal shall be authenticated by the Chairperson or the Vice-Chairperson and the Secretary or one other person authorised in that behalf by a resolution of the Board.

(3) Any document purporting to be a document under the seal of the Board or issued on behalf of the Board shall be received in evidence and shall be executed or issued, as the case may be, without further proof, unless the contrary is proved.

Proceedings
of Board

11. (1) Subject to the other provisions of this Act, the Board may regulate its own procedure.

(2) The Board shall meet for the transaction of business at least once in every three months at such places and such times as the Chairperson may decide.

(3) Upon giving notice of not less than fourteen days, a meeting of the Board may be called by the Chairperson and shall be called if not less than two thirds of the members so request in writing: Provided that if the urgency of any particular matter does not permit the giving of such notice; a special meeting may be called upon giving shorter notice.

(4) The quorum at any meeting of the Board shall be seven members.

(5) There shall preside at any meeting of the Board—

(a) the Chairperson;

(b) in the absence of the Chairperson, the Vice-Chairperson;
or

(c) in the absence of the Chairperson and the Vice Chairperson such member as the members present may elect for the purpose of that meeting.

(6) A decision of the Board on any question shall be by a majority of the members present and voting at the meeting, and in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to a deliberative vote.

(7) Where a member is for any reasonable cause unable to attend any meeting of the Board, the member may, in writing, nominate another person from the same organisation to attend such meeting in the member's stead and such person shall be deemed to be a member for the purpose of such meeting.

(8) The Board may invite any person, whose presence is, in its opinion desirable, to attend and to participate in the deliberations of a meeting of the Board but such person shall have no vote.

(9) The Board shall cause to be kept minutes of the proceedings of every meeting of the Board and of every meeting of any committee appointed by the Board.

(10) The validity of any proceedings, act or decision shall not be affected by—

(a) any vacancy in the membership of the Board;

(b) any defect in the appointment of any member; or

(c) by reason that any person not entitled so to do, took part in the proceedings.

12. (1) The Board may for the purpose of performing its functions appoint such other committees, as it may consider necessary.

Committees

(2) The Board may delegate to a committee such functions, as it may consider necessary.

(3) A member shall preside at a meeting of a committee.

(4) The Board may appoint, as a member of a committee, persons who are not members and those persons shall hold office for such a period as the Board may determine.

13. (1) If a member or person is present at a meeting of the Board or any committee of the Board at which any matter in which that person or that person's spouse is directly interested in a private capacity, is the subject of consideration, that member or person shall, as soon as is practicable, after the commencement of the meeting, disclose that interest and shall not unless the Board otherwise directs, take part in any consideration of, or discussion of or vote on that matter.

Disclosure
of interest

(2) A declaration of interest made under this section shall be recorded in the minutes of the meeting at which it was made.

14. A member of the Board or any committee of the Board shall be paid such allowance as the Board may, with the approval of the Minister, determine.

Allowances

15. (1) A person shall not without the consent in writing given by, or on behalf of, the Board, publish or disclose to any person other than in the course of duties, the contents of any document, communication or information which relates to, and which has come to the person's knowledge in the course of the person's duties under this Act.

Prohibition
of
publication
or
disclosure of
information

(2) Any person who knowingly contravenes the provisions of subsection (1) commits an offence and shall be liable, on conviction to a fine not exceeding ten thousand penalty units or to imprisonment for a term not exceeding three months, or to both.

Prohibition
of use of
name

15A. (1) A person shall not in the course of trade or business and for the purpose of promoting the sale of services or products, use the name "Zambia Tourism Board" or any business name which includes the words "Tourism Board" or so closely resembles the name "Zambia Tourism Board" as to give the public the impression that that trade or business is conducted by, or on behalf of the Board, or with the consent or approval of the Board.

(2) Any person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding three years, or to both

PART III

FINANCIAL PROVISIONS

Funds of
Board

16. (1) The funds of the Board shall consist of such moneys as may—

- (a) be appropriated by Parliament for the purpose of the Board;
- (b) be paid to the Board by way of loans, grants or donations; or
- (c) vest in or accrue to the Board.

(2) The Board may —

- (a) subject to the approval of the Minister, accept moneys by way of grants or donations from any source within or outside Zambia; and
- (b) subject to the approval of the Minister, raise by way of loans or otherwise, such moneys as it may require for the discharge of its functions; and
- (c) charge and collect fees for services provided by, or activities organised by, the Board.

(3) There shall be paid from the funds of the Board—

- (a) the salaries, allowances, loans, gratuities and pensions of staff of the Board and other payments for the recruitment and retention of staff;
- (b) such reasonable travelling and subsistence allowances for members or for members of any committee of the Board when engaged in the business of the Board, at such rates as the Board may, with the approval of the Minister, determine; and

(c) any other expenses incurred by the Board in the performance of its functions.

17. The Board may invest in such manner as it considers appropriate, any of the Board's funds, which it does not immediately require for the performance of its functions.

Investment
of
funds

18. The financial year of the Board shall be a period of twelve months ending on the 31st December, in each year.

Financial
year

19. (1) The Board shall cause to be kept proper books of accounts and other records relating to the Board's accounts.

Accounts

(2) The accounts of the Board shall be audited annually by independent auditors appointed by the Board, subject to the approval of the Auditor-General.

(3) The auditor's fees shall be paid by the Board.

20. (1) As soon as is practicable, but not later than three months after the end of each financial year, the Board shall submit to the Minister a report concerning its activities during such financial year.

Annual
Report

(2) The report referred to in subsection (1) shall include information on the financial affairs of the Board and there shall be appended to the report—

(a) an audited balance sheet;

(b) an audited statement of income and expenditure; and

(c) such other information as the Minister may require.

(3) The Minister shall, not later than seven days after the first sitting of the National Assembly next after the receipt of the report referred to in subsection (1) lay it before the National Assembly.

PART IV

TRANSITIONAL AND GENERAL PROVISIONS

21. On or after the appointed date, reference in any written law or any other legal document to the Managing Director shall be read and construed as references to the Managing Director appointed under section *eight* of this Act.

References to
Managing
Director

22. (1) On or after the appointed date, there shall be transferred to and vest in, or subsist against, the Board by virtue of this Act without further assurance —

Vesting of
assets of
former Board

(a) the affairs of the former Board; and

(b) subject to this Act, all property, rights, liabilities and obligations which immediately before the appointed date were the property, rights, liabilities and obligations of the former Board.

(2) Except as provided in this Act, every deed, bond and agreement (other than an agreement for personal service) to which the former Board was a party immediately before the appointed

date, whether in writing or not, and whether or not of such a nature that rights, liabilities and obligations thereunder could be assigned, shall, unless its subject-matter or terms make it impossible that it should have effect as modified in the manner provided by this subsection, have effect as from the date of the assignment thereof, as if—

- (a) the Board had been a party thereto;
- (b) for any reference to the former Board there were substituted, as respects anything falling to be done on or after the appointed date, a reference to the Board; and
- (c) for any reference to an employee of the former Board not being a party thereto and beneficially interested therein there were substituted, as respects anything falling to be done on or after the appointed date, a reference to such employee of the Board as the Board shall designate.

(3) Subject to the provisions of subsection (2), documents, other than those referred to therein, which refer specifically or generally to the Board shall be construed in accordance with subsection (2) as far as applicable.

Registration
of
property to
be
transferred
by former
Board

23. (1) Whenever in pursuance of this Act, any property, rights, liabilities and obligations of the former Board are deemed transferred to the Board in respect of which transfer a written law provides for registration, the Board shall make an application in writing to the appropriate authority for registration of the transfer.

(2) The registration authority referred to in subsection (1) shall make such entries in the appropriate register as shall give effect to such transfer and, where applicable, issue to the transferee concerned a certificate of title in respect of the property or make necessary amendments to the register, as the case may be, and shall make endorsement on the deeds relating to the title, right or obligation concerned, and no registration fees, stamp duty or other duties shall be payable in respect thereof.

Legal
proceedings

24. (1) Without prejudice to the other provisions of this Act, where any right, liability or obligation vests in the Board by virtue of this Act, the Board and all other persons shall, as from the commencement of this Act, have the same rights, powers and remedies (and in particular the same rights as to the instituting or defending of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of the Board.

(2) Any legal proceedings or application of any authority

pending immediately before the commencement of this Act by or against the former Board may be continued by or against the Board.

(3) After the commencement of this Act, proceedings in respect of any right, liability or obligation which was vested in, held, enjoyed, incurred or suffered by the former Board may be instituted by or against the Board.

25. (1) On or after the appointed date, the Board shall on such terms and conditions as it may, with the approval of the Minister, determine appoint as employees of the Board such employees of the former Board as may be necessary for the performance of the functions of the Board.

Terms of
service of
employees
of
Board

(2) Where an employee of the former Board is appointed to the service of the Board—

(a) the terms and conditions of service with the Board shall not be less favourable than those the employee enjoyed in the service of the former Board; and

(b) the employee's employment shall be deemed to have terminated in accordance with the terms and conditions of service of the former Board.

(3) On or after the appointed date the service of the employees of the former Board who are not engaged by the Board shall be terminated in accordance with the applicable terms and conditions of the former Board as respects termination of employment.

26. (1) The Minister may, on the recommendation of the Board, by statutory instrument, make regulations for the better carrying out of the provisions of this Act.

Regulations

(2) Without prejudice to the generality of subsection (1), regulations made under that subsection may—

(a) provide for the means by which tourism may be promoted and marketed effectively; and

(b) prescribe anything which is required to be prescribed under this Act.