



LESOTHO
GOVERNMENT GAZETTE
EXTRAORDINARY

Vol. XLII

Tuesday – 30th December 1997

No.97

CONTENTS

ACT

No.		Page
13	Accommodation, catering and Tourism Enterprise Act 1997	987

Published by the Authority of His Majesty the King

Price: M8.60

ACCOMODATION, CATERING AND TOURISM ENTERPRISES ACT 1997

ARRANGEMENT OF SECTIONS

Section

PART I- PRELIMINARY

1. Short title and commencement
2. Interpretation

PART II- ACCOMMODATION, CATERING AND TOURISM

ENTERPRISES BOARD

3. Establishment of Board
4. Membership of Board
5. Functions of Board
6. Tenure of members of Board
7. Remuneration and allowances of Board
8. Resignation of members of Board
9. Termination of appointment of members of Board
10. Acting appointment of members of Board
11. Meetings of Board
12. Procedure at Board meetings
13. Evidence before Board

PART III- LICENCES

14. Types of Licences
15. Operating without Licence
16. Application of Licence
17. Inspection report
18. Requirements for an establishment or enterprise
19. Duration of licence
20. Renewal of licence
21. Suspension or cancellation of licence
22. Lost or destroyed licence
23. Display of licence

PART IV – APPEALS

24. Appeals

PART V- APPEALS BOARD

25. Establishment of Appeals Board
26. Membership of Appeals Board
27. Functions and powers of Appeals Board
28. Tenure of members of Appeals Board
29. Remuneration and allowances of Appeals Board
30. Resignation and allowances of Appeals Board
31. Termination of appointment of members of Appeals Board
32. Acting appointment of members of Appeals Board
33. Meetings of Appeals Board
34. Procedure at meetings of Appeals Board

PART VI- LICENSEE'S LIABILITIES AND RIGHTS

35. Liability of Licensee
36. Seizure of property
37. Sale of seized property
38. Proceeds of sale

PART VII- OFFENCES AND PENALTIES

39. Operating without licence
40. Breach of terms of licence
41. Register, books and records to be kept
42. Permitting unlawful conduct on premises
43. Willful statement or publication
44. Power to enter and inspect premises
45. Power to remove persons from premises or refuse admission
46. Failure or refusal to give evidence
47. General penalty

PART VIII- MISCELLANEOUS

48. Register of licences
49. Regulations
50. Transitional
51. Repeal

ACT NO: 13/1997

**ACCOMMODATION, CATERING AND TOURISM
ENTERPRISE ACT 1997**

An Act to provide for the regulation of accommodation, catering and other tourism enterprises and for related matters.

Enacted by the Parliament of Lesotho

PART I- PRELIMINARY

Short title and commencement

1. This Act may be cited as Accommodation, Catering and Tourism Enterprises Act 1997 and shall come into operation on a date to be appointed by the Minister by notice in the Gazette.

Interpretation

2. In this Act-

“Board” means Accommodation, Catering and Tourism Enterprises Board established under section 3;

“camp-site” includes a caravan park;

“hotel apartments” means self-contained flats offering accommodation within the premises of the hotel;

“hotel manager” means a person who is a holder of a hotel management certificate under section 15(2);

“licence” means a licence issued under section 14;

“licensee” means a holder of a license;

“licensed premises” means premises in respect of which a licence is in force;

“lodge” means premises situated in the rural area offering accommodation, meals and beverages;

“Minister” means the Minister responsible for Tourism;

“prescribed” means prescribed by regulations made under section 49;

“resort” means premises situated in the rural area offering accommodation, meals, beverages and special amenities;

“tourism enterprise” means a trade or business which provides facilities, amenities, informal accommodation, attractions and services for tourism other than serviced accommodation establishments.

PART II- ACCOMMODATION, CATERING AND TOURISM ENTERPRISES

Establishment of Board

3. There is established a board to be known as the Accommodation, Catering and Tourism Enterprises Board.

Membership of Board

4. (1) The Board shall consist of-
 - (a) The principal Secretary of the Ministry of Tourism or his representative who shall be the Chairman;
 - (b) A member nominated by the Ministry of Health;
 - (c) A member nominated by Commissioner of Police;
 - (d) The Commissioner of Trade;
 - (e) The managing Director of Lesotho Tourism Board;
 - (f) A member nominated by Hotels Association;
 - (g) A member nominated by the Restaurant Association;
 - (h) A member nominated by the Lesotho Chamber of Commerce and
 - (i) A member nominated by the Lesotho Consumer Association.
- (2) The Secretary to the Board shall be an officer to be appointed by the Minister.
- (3) The Minister shall appoint the member by notice in the Gazette.

Function of Board

5. (1) The functions of the Board are-
 - (a) To issue, renew, vary, review, transfer, remove, suspend or cancel licenses;
 - (b) To be investigated and determine complaints relating to licences; and
 - (c) To recommend, to the Minister minimum requirements of accommodation, catering and tourism enterprise.

(2) In determining a complaint under subsection (1)(b) the Board may inspect the licensed premises.

Tenure of members of Board

6. A member referred to in section 4(1)(f),(g), (h) and (i) shall hold office for a period of three years from the date of his appointment and is eligible for reappointment.

Remuneration and allowances of Board

7. A member of the Board who is not a public officer shall be paid such remuneration and allowances as the Board, with the approval of the Minister acting in consultation with the Minister of Finance, may determine.

Resignation of members of Board

8. A member referred to in section 4(1)(f),(g),(h) and (i) may resign from office by notice, in writing, delivered to the Minister.

Termination of appointment of members of Board

9. The Minister may terminate the appointment of a member referred to in section 4(1)(f),(g),(h) and (i)-
 - (a) For misbehavior or physical or mental incapacity;
 - (b) If the member fails, without reasonable excuse, to comply with an obligation imposed on him by section 12(3); or
 - (c) If the member is convicted, in Lesotho or elsewhere, of an offence involving moral turpitude and sentenced to a term of imprisonment exceeding six months.

Acting appointment of members of Board

10. The Minister may appoint a person to act as a member during a period when the member is for any reason unable to perform the duties of the office.

Meeting of the Board

11. (1) The Board shall sit quarterly to consider new applications for licences and monthly to consider renewals of licences, on such a date, at a time and place as it may determine.
 - (2) The Chairman may, at any time, convene a meeting of the Board.
 - (3) At the meeting, the Chairman and four other members of the Board shall constitute a quorum.
 - (4) The chairman shall preside at all meetings of the Board.

(5) In the absence of the Chairman, the members shall elect, among themselves, a person who shall be Chairman.

(6) A decision of the Board shall be determined by a majority of votes of the members present and voting at a meeting.

(7) The Chairman has a deliberative vote and in the event of an equality of votes shall have a casting vote.

(8) A member referred to in section 4(1)(f),(g), (h) and (I) who fails to attend three consecutive meetings of the Board shall be deemed to have vacated the membership of the Board.

Procedure at Board meetings

12. (1) The Board shall determine its own procedure.

(2) The Board may invite to its meetings any person whom it considers appropriate to consult for the purpose of enabling it to exercise or perform its functions effectively.

(3) A member who has direct or indirect interest in the consideration and determination of an application for a licence shall-

(a) Disclose the nature of the interest at the meeting of the Board; and

(b) Not take part in the proceedings in which the application is heard.

(4) An applicant shall be present at the meeting of the Board at which his application is to be heard.

(5) An applicant for the renewal of a licence shall not be obliged to attend or be represented at a meeting of the Board unless the Board directs otherwise.

(6) The Board shall keep a record, in writing, of its proceedings.

Evidence before Board

13. (1) The Board may take evidence from any person in respect of a question to be determined and the evidence shall be given on oath administered by the Chairman and recorded.

(2) The Board may, in writing, require a person who-

(a) Has made an application for a new licence or renewal, or transfer of a licence;
or

(b) Is, in the opinion of the Board, able to testify as to the matter before the Board,

to appear before it and may require the person to produce before it, a book or document in his possession or control which is relevant to the matter.

PART III- LICENCES

Types of licenses

14. (1) The Board may issue, renew, vary, transfer, remove, suspend or cancel the following licences-

- (a) a camp-site licence;
- (b) a hotel licence;
- (c) a lodge licence;
- (d) a restaurant licence;
- (e) a self-catering establishment licence;
- (f) bed and breakfast licence;
- (g) a youth hostel licence;
- (h) a resort licence;
- (i) a motel licence;
- (j) a catering licence; and
- (k) a guest house licence.

(2) A licence issued by the Board shall only be in respect of the premises specified on the licence.

(3) The Board may impose such restrictions and conditions on a licence as it may think fit and direct that they be endorsed on the licence.

