

Namibia

Namibia Tourism Board Act, 2000

## Regulations relating to the Registration of Regulated Businesses, 2004

Government Notice 138 of 2004

Legislation as at 15 November 2017

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Regulations relating to the Registration of Regulated Businesses, 2004 (Government Notice 138 of 2004)

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Republic of Namibia  
Annotated Statutes

Namibia Tourism Board Act, 2000

## Regulations relating to the Registration of Regulated Businesses, 2004 Government Notice 138 of 2004

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[This is the version of this document at 15 November 2017.]

[Note: The version of this legislation as at 15 November 2017 was revised and consolidated by the Legal Assistance Centre and the Government of the Republic of Namibia. All subsequent amendments have been researched and applied by Laws.Africa for NamibLII.]

### 1. Definitions

In these regulations, unless the context otherwise indicates, a word or expression to which a meaning has been assigned in the Act has that meaning and-

“**aircraft**” means airborne craft of whatever type, whether self-propelled or not, and includes a hovercraft and a hot-air balloon;

“**approved form**” means a form approved in terms of regulation 2;

“**first-aid kit**” means a portable container which is-

- (a) water and dust resistant; and
- (b) stocked with adequate and unexpired medical supplies, equipment and remedies reasonably required for giving first aid treatment in any injury or other emergency situation, in particular situations likely to arise from the risks and dangers inherent to a particular activity offered by a regulated business;

“**operator**”, in relation to a regulated business, means the person-

- (a) by whom or on whose behalf the regulated business is conducted or is to be conducted, whatever may be the nature or extent of that person’s interest in the business; or
- (b) who for the time being receives or is entitled to receive the proceeds of the profits arising from the regulated business;

“**recognised first-aid certificate**” means a first-aid certificate issued after examination by a body or institution approved as a competent authority in terms of the regulations relating to health and safety

made under the Labour Act, 1992 (Act [No. 6 of 1992](#)) or any other body or institution approved by the Minister with the concurrence of the Minister responsible for health;

“**registered accommodation establishment**” means an accommodation establishment registered under section 20 of the Act;

“**registered insurer**” means a company registered as an insurer under the Short-term Insurance Act, 1998 (Act [No. 4 of 1998](#)) or the Long-term Insurance Act, 1998 (Act [No. 5 of 1998](#));

“**regulated business**” means a business falling within a sector of the tourism industry which has been declared a regulated sector under section 23 of the Act;

[\[GN 136/2004 \(GG 3235\)](#) contains a declaration of regulated sectors in terms of [section 23](#), stating that “with effect from 1 February 2005 any person conducting or intending to conduct any business falling within a category set out in the Schedule is required to hold in respect of such business a certificate of registration issued in terms of section 24 of the Act”:

## "SCHEDULE

The following sectors of business within or relating to the tourism industry are regulated sectors:

- (a) **activity operators, being persons conducting business to provide recreational facilities, equipment and training to tourists in relation to tourist related activities such as horse riding, air ballooning, boat trips, dolphin cruises, white water rafting, quad biking or other similar activities;**
- (b) **air charter operators, being persons conducting business by providing non-scheduled air flight services to tourists for scenic tours, transport to tourist destination spots or for other recreational purposes, either with or without the provision of the services of a pilot;**
- (c) **booking agents, being persons conducting business by providing services for making bookings or reservations for travel by air, road or sea or for accommodation at hotels or other accommodation establishments on behalf of tourists or any sector of the tourism industry.**
- (d) **conference centre operators, being persons conducting business by providing facilities, equipment and services for the holding of conferences, not being a facility which forms part of and is conducted by a registered accommodation establishment;**
- (e) **foreign tour operators, being persons conducting business from a base elsewhere than in Namibia and provide services for bringing tourists from a foreign country to tourist destinations in Namibia;**
- (f) **shuttle and transport service operators, being persons conducting business for providing services for transporting tourists-**
  - (i) **upon arrival or departure from or to a port of entry, excluding any courtesy transport service offered by a registered accommodation establishment or regulated business exclusively to their guests or clients; or**
  - (ii) **from any place in Namibia across any border of Namibia to a destination in a foreign country;**
- (g) **tour facilitators, being persons conducting business for providing services for planning and arranging all-inclusive tour packages for tourists, either fixed tour programs or customized tour programs to**

suit the preferences of individual tourists, with respect to itinerary, destinations and accommodation and if provision for the transportation of clients is included, such transportation is provided by means of motor vehicles specially hired for the particular purpose by the tour facilitator or provided by a tour and safari operator with whom arrangements have been made by the facilitator for transportation of the clients;

- (h) tour and safari operators, being persons conducting business from a base in Namibia by providing services for the planning and arranging of a combination of various tourists-related services as a cohesive programme for purchase directly from the operator or through a booking agent and includes services and facilities such as sightseeing tours, transport to tourist destination spots, guides and meals as well as the provisions of accommodation to clients for the duration of a tour in facilities provided by the operator or in registered accommodation establishments;
- (i) trophy hunting operators, being persons conducting business by providing services and facilities to tourists for hunting game for trophy purposes; and
- (j) vehicle rental operators, being persons conducting business by providing services to tourists for hiring motor vehicles for travel, either with or without inclusion of the services of a driver to operate the vehicle.”]

“Road Traffic and Transport Act” means the Road Traffic and Transport Act, 1999 (Act [No. 22 of 1999](#));

“the Act” means the Namibia Tourism Board Act, 2000 (Act [No. 21 of 2000](#));

“vessel” means any water-navigable craft of any type, whether self-propelled or not;

“vehicle” means any conveyance which can be used for the conveyance of persons or goods on land, whether self-propelled or not.

## 2. Form of application, certificate, and other documents

- (1) Every application required to be made, and every certificate or other document required to be issued, in an approved form in terms of these regulations, must be made or issued in a form approved by the Minister.
- (2) The Board must, at the request of a person who proposes to make an application in terms of these regulations, furnish that person with the appropriate application form.

## 3. Application for registration of regulated business

- (1) An application in terms of section 24 of the Act for the registration of a regulated business must be made in the approved form and be accompanied by-
  - (a) proof of the applicant’s right of occupation of the premises, if any, from which the regulated business will be operated;
  - (b) a certified copy of any permit, approval or other form of authorization which the applicant is required to obtain from any authority, other than the Board, in terms of any other law-
    - (i) to conduct the category of regulated business to which the application relates; or
    - (ii) to render any service or carry on any other business or activity in or in association with the regulated business,

or if an application for such a permit, approval or authorisation is pending, proof to the satisfaction of the Board that the application has been made, with particulars of the nature thereof;

- 
- (c) in the case of the applicant being a company or close corporation, a certified copy of the certificate of incorporation of the company or the close corporation;
  - (d) a written statement setting out the activities, facilities and services to be provided to clients;
  - (e) if an environmental impact assessment plan is required to be submitted for approval to any authority in terms of any law in respect of any business operation or activity of, proof of such approval accompanied by a copy of the plan;
  - (f) a safety and emergency response plan setting out particulars of equipment and appliances to be provided and measures to be applied in relation to a particular activity offered by the regulated business -
    - (i) for the safety of clients participating in the activity; and
    - (ii) to deal with an emergency that may arise from the participation of clients in the activity;
  - (g) any other information or documents prescribed by these regulations or which the Board requires in connection with the application; and
  - (h) the appropriate application fee prescribed in Annexure 1.
- (2) If it is proposed to provide in connection with any activity of the regulated business -
- (a) a service for the transport of clients, either as an integral part of the activity, as a courtesy service or for recreational or any other purposes, the application in terms of subregulation (1) must be accompanied by proof that the applicant has taken out general passenger liability insurance cover with a registered insurer for a minimum amount of N\$5 million;
  - (b) any service for the recreation of guests to be carried out under the guidance or supervision of a staff member or any other person engaged for that purpose, the application in terms of subregulation (1) must be accompanied by proof that the applicant has taken out general public liability insurance cover, including professional indemnity cover, with a registered insurer for a minimum amount of N\$2.5 million.

#### **4. Requirements for registration and obligations of registered operators**

The requirements for registration and the obligations to be complied with by registered operators are as prescribed in the Annexures to these regulations, as follows:

- (a) activity operators - Annexure 2;
- (b) air charter operators - Annexure 3;
- (c) booking agents - Annexure 4;
- (d) conference centre operators - Annexure 5;
- (e) foreign tour operators - Annexure 6;
- (f) shuttle and transport service operators - Annexure 7;
- (g) tour facilitators - Annexure 8;
- (h) tour and safari operators - Annexure 9;
- (i) trophy hunting operators - Annexure 10;
- (j) vehicle rental operators - Annexure 11.

## 5. Application to alter category of registration

- (1) The operator of a registered regulated business who wishes to have an additional regulated business registered, whether located on the same or any other premises, must apply to the Board for the registration of that business.
- (2) An application under subregulation (1) must be made in the approved form and be accompanied by-
  - (a) the documents referred in regulation 3 in respect of the additional regulated business; and
  - (b) the appropriate application fee prescribed in Annexure 1 for the additional regulated business.

## 6. Reapplication if registration is refused

If an application for registration of a regulated business is refused by the Board, the operator of the business must apply afresh for registration in accordance with regulation 3 if the operator wishes to pursue the registration of that business.

## 7. Operator to provide facilities for inspection

- (1) The operator of a regulated business in respect of which an inspector seeks to carry out an inspection for any purpose mentioned in section 18(1)(b)(i) or (ii) of the Act, must at all reasonable times afford free access to any premises, equipment, vehicles, books or records relating to the business to the inspector.
- (2) If, in the case of an application for registration of a regulated business, the applicant fails to comply with subregulation (1), the Board must not consider the application unless the applicant allows full inspection as required by that subregulation.

## 8. Conditional registration

- (1) Upon granting a conditional registration of a regulated business under section 25 of the Act, the Board must issue to the applicant a conditional certificate of registration in the approved form upon payment of the appropriate fee prescribed in Annexure 1.
- (2) A conditional registration of a regulated business may be granted subject to such conditions as may be determined by the Board and included or attached to the certificate of registration.
- (3) If the owner of a regulated business in respect of which the Board has revoked a conditional registration in terms of section 25(2) of the Act wishes to pursue the registration of that business, the owner must apply afresh for registration in the manner, and accompanied by the documents and fee, prescribed by regulation 3.

## 9. Issue of certificate of registration and discs

- (1) On approval of an application for registration of a regulated business and upon payment of the appropriate registration fee prescribed in Annexure 1, the Board must issue to the applicant-
  - (a) a certificate of registration in the approved form; and
  - (b) a disc bearing the name and emblem of the Board in respect of each vehicle, vessel or aircraft to be used for the conveyance of persons in connection with any activity of that business.
- (2) An operator must-
  - (a) display the certificate of registration of the regulated business in a conspicuous manner at the reception area or office of any premises at which the business is conducted, or if such display is not practicable, keep the certificate of registration available for inspection on request of an inspector or any member of the public; and



- (b) display on every vehicle, vessel or aircraft referred to in subregulation (1) the disc issued in respect thereof.
- (3) An operator who wishes to replace a disc issued in terms of subregulation (1) which is lost, damaged or destroyed, must apply in writing to the Board for a replacement disc and pay the appropriate replacement fee prescribed in Annexure 1.
- (4) Any vehicle, vessel or aircraft acquired by an operator of a registered regulated business -
  - (a) to replace an existing vehicle, vessel or aircraft; or
  - (b) in addition to any existing vehicles, vessels or aircraft,may not be used for the conveyance of any person in connection with any activity of the regulated business unless the operator, upon application to the Board in writing and payment of the appropriate fee prescribed in Annexure 1, has obtained from the Board a disc referred to in subregulation (1)(b) in respect of that vehicle, vessel or aircraft.
- (5) A person commits an offence who-
  - (a) uses a disc referred to in subregulation (1) on a motor vehicle which has not been lawfully issued in respect of that motor vehicle by the Board;
  - (b) not being the owner of a regulated business registered in accordance with these regulations, and with the intention to deceive, uses a disc of the Board referred to in subregulation (1) (b) without the consent of the Board or uses a token or sign resembling a disc of the Board issued to operators under subregulation (1); or
  - (c) being an operator of a registered business, fails to comply with subregulation (2) or contravenes subregulation (4).

## 10. Reinstatement of registration

- (1) The operator of a regulated business of which the registration has been withdrawn by the Board under section 26 of the Act must apply afresh for registration of the business if the operator wishes to have its registration reinstated.
- (2) An application referred to in subregulation (1) must be made in the manner, and be accompanied by the documents and fee, prescribed by regulation 3.

## 11. Change of particulars of registration

In the event of a change-

- (a) of the ownership or name of a regulated business;
- (b) of the address of the operator of a regulated business;
- (c) of the person appointed as manager of a regulated business in terms of regulation 14; or
- (d) resulting from the acquisition of any replacement or additional vehicle, vessel or aircraft.

[The full stop at the end of paragraph (d) should be a comma.]

the operator must notify the Board thereof within 30 days of the date on which the change occurs.

## 12. Replacement certificates

- (1) In the event of a certificate of registration of a regulated business being damaged, destroyed or lost, the operator of the business must apply in writing to the Chief Executive Officer for the replacement of that certificate.

- (2) An application in terms of subregulation (1) must be accompanied by-
  - (a) the damaged certificate, if the application relates to a certificate that has been damaged; or
  - (b) a sworn statement explaining the circumstances of the loss or destruction of the certificate, if the application relates to a certificate that has been lost, or destroyed; and
  - (c) the appropriate replacement fee prescribed in Annexure 1.
- (3) Upon compliance with subregulation 1, the Chief Executive Officer must issue to the applicant a new certificate of registration.

**[The cross-reference should refer to “subregulation (1)”.]**

### **13. Return of certificate of registration to Board**

- (1) The operator of a regulated business must return to the Board the certificate of registration issued in respect of that business if-
  - (a) the registration of the regulated business is withdrawn under section 26 of the Act;
  - (b) the operator ceases to conduct the regulated business; or
  - (c) the name under which the regulated business is conducted is changed and a new certificate is issued by the Board.
- (2) A person who fails to comply with subregulation (1) commits an offence.

### **14. Appointment of manager**

- (1) If the operator of a registered regulated business-
  - (a) is a body corporate, partnership or an association of persons; or
  - (b) is an individual not personally responsible for the day to day control and management of the business,that operator must appoint a person to conduct the day to day control and management of the regulated business and, not later than 30 days after the date of registration of the business or on which the operator ceases to personally manage the business, as the case may be, notify the Board of the appointment of such manager.
- (2) A notification in terms of subregulation (1) must be made in the manner, and furnish the particulars, as the Board may determine.
- (3) The operator of a regulated business may not appoint a person as manager if the person-
  - (a) is not a Namibian citizen or not resident in Namibia under a permanent residence permit or a work permit issued under the laws relating to immigration;
  - (b) is an unrehabilitated insolvent; or
  - (c) has, within the period of 5 years preceding the date of the proposed appointment, been convicted of an offence in respect of which he or she has been sentenced to a period exceeding three months without the option of a fine.

### **15. Use of logo of Board**

- (1) Only a registered regulated business may, with the approval of the Board, use the logo of the Namibia Tourism Board for endorsement of its business, services and facilities.
- (2) The Board may, upon granting approval under subregulation (1), specify conditions subject to which the logo of the Board may be used or displayed by a registered regulated business.

- (3) A person who contravenes subregulation (1) or the operator of a registered regulated business who fails to observe any specification of the Board under subregulation (2), commits an offence.

## **16. Particulars on letterheads and information concerning services**

- (1) The operator of a regulated business must ensure-
- (a) that particulars of the activities, facilities and services offered to clients, as well as the tariffs charged and conditions of use in respect of those activities, facilities and services are clearly and conspicuously displayed at the reception area or office of the business and are available in a written form on request to clients or prospective clients and for inspection by the Board or an inspector;
  - (b) that all letterheads used and all advertisements, brochures, pamphlets and other material published, distributed or made available for public information, clearly indicate the regulated sector in respect of which the business is registered;
  - (c) that no false or misleading information is displayed, published or given in any way contemplated in paragraph (a) or (b).
- (2) An operator of a regulated business who fails to comply with subregulation (1) commits an offence.

## **17. Only registered regulated business may be conducted**

- (1) Subject to subregulation (2), the operator of a registered regulated business must ensure that the name under which the business is being conducted indicates-
- (a) the category of regulated business under which it is registered; and
  - (b) no other category of business in conjunction with the business referred to in paragraph (a), unless such other class of business is also registered by the operator in accordance with these regulations.
- (2) Despite subregulation (1), a person who, on the date of commencement of these regulations carries on a business or activity which is required to be registered in accordance with these regulations and which is being conducted under a name which does not comply with the requirements of subsection (1), may if that business is registered under these regulations continue to conduct the business under the name concerned for a period not exceeding 5 years after the date these regulations come into effect, whereafter the operator must comply with subsection (1) in relation to that business.
- (3) A person who fails to comply with subregulation (1) or (2) commits an offence.

## **18. Compliance with requirements and renewal of insurance premiums**

- (1) The operator of a registered regulated business must ensure that the requirements prescribed for registration in these regulations are complied with at all times during the duration of registration of that business, including requirements in respect of any service or facility that the operator has contracted out to be provided or managed by any other person.
- (2) operator of a registered regulated business who is required to take out insurance cover in accordance with regulation 3(2)(a) or (b) must-
- (a) ensure that the insurance premiums payable under the relevant policy are regularly paid on the due date; and
  - (b) within 7 days after expiry of the due date, provide proof to the Chief Executive Officer of the payment thereof.
- (3) An operator of a regulated business who fails to comply with subregulation (2)(a) or (b) commits an offence.

## 19. Register of regulated businesses

The register to be kept in terms of section 27 of the Act of particulars of registered regulated businesses must be in a form approved by the Minister.

## 20. Client register and returns

- (1) An operator of a registered regulated business must cause a register to be kept at the premises of the business for entering the particulars prescribed in subregulation (2).
- (2) The following particulars must be entered in the register in respect of each client or booking group in respect of whom a service is provided:
  - (a) citizenship or country of residence;
  - (b) number of persons in a group; and
  - (c) duration of service provided if it extends to more than one day.
- (3) The operator of a registered regulated business, or if a manager is employed, that manager, must submit to the Board, within the period and in the form determined by the Board, monthly returns relating to the activities, facilities and services provided by the regulated business during the previous month.
- (4) An operator of a regulated business who fails to comply with subsection (1), (2) or (3) commits an offence.

## 21. Requirements in respect of vehicles used for activities

The operator of a regulated business, other than a foreign tour operator, where any vehicle is to be used for conveying clients on a public road in connection with any activity or service provided by the business must ensure that no vehicle is used for that purpose unless-

- (a) the vehicle is registered and licensed under the Road Traffic and Transport Act;
- (b) in the case of a motor vehicle of a class prescribed under section 58(2) of the Road Traffic and Transport Act, a current roadworthy certificate is in force in respect of that motor vehicle;
- (c) in the case of a motor vehicle of a class in respect of which an operator card is required to be held in accordance Chapter 6 of the Road Traffic and Transport Act, a valid operator card is displayed on that motor vehicle in the manner prescribed under that Act;
- (d) the vehicle bears clear identification of the operator's business on both sides of the vehicle;
- (e) the driver of the motor vehicle holds a valid driving licence for the class of motor vehicle used;
- (f) the disc of the Board is displayed on the vehicle as required by regulation 9(2); and
- (g) the vehicle carries, in a readily accessible position -
  - (i) a fire extinguisher; and
  - (ii) first-aid kit.

## 22. Requirements in respect of vessels used for activities

- (1) The operator of a regulated business where any vessel is to be used for the conveyance of clients in connection with any activity or service provided by the business must ensure that no vessel is used for that purpose unless-
  - (a) the body, machinery, tackle, apparatus and other accessories or equipment of the vessel or used on the vessel is in good order and effective action;

- (b) every person aboard the vessel is provided with a life-jacket or other means of safety protection in the event of an emergency situation;
- (c) in the case of a vessel used for rafting, every person aboard the vessel is provided with a protective helmet;
- (d) the person in control of the vessel has received proper training in, or has sufficient experience of, the handling of the type of vessel used; and
- (e) in the case of a sea-going vessel, the provisions of the Merchant Shipping Act, 1951 (Act [No. 57 of 1951](#)) are at all times complied with in relation to the vessel and any person engaged to be in control of the vessel.

### 23. Requirements in respect of aircraft used for activities

- (1) The operator of a regulated business where any aircraft is to be used for the conveyance of clients in connection with any activity or service provided by the business must ensure that no aircraft is used for that purpose unless the aircraft-
  - (a) is registered or licensed;
  - (b) has an air worthiness certificate,  
issued under the Aviation Act, 1962 (Act [No. 74 of 1962](#)) and the Civil Aviation Regulations thereunder promulgated by Government Notice No. 1 of 2 January 2001.
- (2) Any person engaged to be in control of an aircraft on any flight carrying clients must be in possession of a valid aircraft operator certificate issued under the Aviation Act, 1962 (Act [No. 74 of 1962](#)) and the Civil Aviation Regulations promulgated by Government Notice No. 1 of 2 January 2001.

### 24. Display of certificate of registration and notice

The operator of every registered regulated business must ensure that there be displayed at the reception area or any office or place where clients or prospective clients are served-

- (a) the certificate of registration issued in respect of the business; and
- (b) the following notice:

"This business, being registered as a regulated business under the Namibia Tourism Board Act, 2000 (Act [No. 21 of 2000](#)) is by law required to comply with certain minimum requirements relating to services, facilities and activities provided. If satisfaction is not obtained from the management, complaint in writing may be made to the Chief Executive, Namibia Tourism Board, Private Bag 13244, Windhoek."

### 25. Penalties

A person convicted of an offence under these regulations is liable to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding one year, or to both such fine and such imprisonment.

## Annexure 1

### FEES

[The punctuation in this Annexure is reproduced as it appears in the Government Gazette.]

**1. Application fees**

Activity operators	N\$1,000 plus N\$250 for each vehicle, vessel or aircraft used, up to a maximum of N\$10,000.  Operators offering activities not involving use of a vehicle, vessel or aircraft N\$1,200.
Air charter operators	N\$1,000 plus N\$600 for each aircraft, to a maximum of N\$10,000.
Booking agents	N\$1,800.
Conference centre operators	N\$2,200.
Foreign tour operators	N\$10,000 plus N\$500 for each vehicle registered to operate in Namibia.
Shuttle and transport service operators	N\$1,000 plus N\$300 for each vehicle, to a maximum of N\$8,000
Tour and safari operators	N\$1,000 plus N\$400 for each vehicle, to a maximum of N\$10,000
Tour facilitators	N\$3,800 plus N\$200 for every disc issued.
Trophy hunting operators	N\$2,500 without hunting accommodation; N\$3,000 with hunting accommodation.
Vehicle rental operators	N\$1,000 plus N\$300 for each vehicle offered for rental, to a maximum of N\$10,000.

**2. Registration fees**

Activity operators	N\$50 for each vehicle, vessel or aircraft used, to a maximum of N\$2,000;  Operators offering activities not involving use of a vehicle, vessel or aircraft N\$100.
Air charter operators	N\$100 for each aircraft used, to a maximum of N\$2,000.
Booking agents	N\$200.

Conference centres operators	N\$200.
Foreign tour operators	N\$2,000 plus N\$100 for each vehicle registered for conveying clients in Namibia.
Shuttle and transport service operators	N\$100 for each vehicle used, to a maximum of N\$2,000.
Tour and safari operators	N\$100 for each vehicle used, to a maximum of N\$2,000.
Tour facilitators	N\$200.
Trophy hunting operators	N\$200 without hunting accommodation; N\$200 with hunting accommodation.
Vehicle rental operators	N\$100 for each vehicle offered for rental, to a maximum of N\$2,000.

### 3. Operator conducting more than one business

If an application relates to a business comprising a combination of different categories of regulated businesses or classes of accommodation, the application fee must be calculated as follows:

- (a) 100% of the application fee prescribed in item 1 for any other type of the core business as determined by the Board;
- (b) 50% of the application fee as prescribed in item 1 for any other type of the second main business as determined by the Board; and
- (c) 25% of the application fee as prescribed in item 1 for any other type of business conducted in addition to business activities mentioned in paragraphs (a) and (b).

### 4. Other fees

Replacement of certificate of registration	N\$100
Replacement of disc, either for disc lost, damaged or destroyed or for a replacement of a vehicle	N\$80
Issue of additional disc	N\$200
Issue of new certificate of registration due to change of name or category of business	N\$100

## Annexure 2

### ACTIVITY OPERATORS: REQUIREMENTS FOR REGISTRATION AND OBLIGATIONS

1. For registration as an activity operator, the operator of the business must provide recreational facilities, equipment and training to tourists in relation to tourist related activities, such as horse riding, air ballooning, quad biking, white water rafting or other similar activities.
2. At the operator's business premises or operational base-
  - (a) the inside and outside of all permanent buildings and structures and any grounds where clients are received or which are used by them or to which they have access, must be kept in a clean and tidy condition and good order of repair at all times; and
  - (b) at least one toilet must be provided for clients.
3. Equipment and facilities provided for use in connection with an activity must at all times be in good order of repair and effective action. Personal safety gear and equipment must be provided to clients appropriate for the risks and dangers of injury inherent to a particular activity.
4. Any activity offered for participation by clients must be provided under the guidance of a person with appropriate training or experience to advise and assist clients.
5. The operator or at least one employee of the operator must be in possession of a recognised first-aid certificate and such person must be in attendance at any place where, and for the duration that, an activity is being carried on.
6. First-aid kit must be available in close proximity where an activity is carried out.
7. Any animal used in or in connection with an activity must be professionally trained for the type of work it is to perform and no animal must be used unless it is well-maintained and in a fit and healthy condition. Animals to be handled by participants must be of a reliable and friendly-tempered nature.
8. Guidelines and instructions reasonably required for advising participants in relation to risks inherent to an activity must be provided to clients either in writing or in a formal presentation.

## Annexure 3

### AIR CHARTER OPERATORS: REQUIREMENTS FOR REGISTRATION AND OBLIGATIONS

1. For registration as an air charter operator, the operator of the business must provide air charter flights to tourists for scenic tours or other recreational purposes or transport to tourist destination spots, either with or without the services of a pilot provided by the operator.
2. At the business premises or operational base of a Namibian based operator-
  - (a) the inside and outside of all permanent buildings and structures and any grounds where clients are received or which are used by them or to which they have access, must be kept in a clean and tidy condition and good order of repair at all times; and
  - (b) at least one toilet must be provided for clients.
3. Details of any insurance cover provided by a registered insurer that is obtainable through the assistance of the operator must be made available to clients, and any client taking out any such insurance cover through the operator must be provided with the insurance policy of the registered insurer.
4. The operator must, in respect of every aircraft used to transport clients, be in possession of-
  - (a) an aircraft certificate of registration; and



- (b) air worthiness certificate,  
issued under the Aviation Act, 1962 (Act [No. 74 of 1962](#)) and the Civil Aviation Regulations thereunder promulgated by Government Notice No. 1 of 2 January 2001.
- 5. Safety instructions in at least English must be available on the aircraft for every passenger during any flight.
- 6. First-aid kit must be carried in a readily accessible position on the aircraft during every flight.

#### **Annexure 4**

### **BOOKING AGENTS: REQUIREMENTS FOR REGISTRATION AND OBLIGATIONS**

1. For registration as a booking agent, the operator of the business must provide services for making bookings or reservations for travel by air, road or sea or for accommodation at hotels or other accommodation establishments on behalf of tourists or any sector of the tourism industry.
2. The operator's business must be conducted from fixed premises and the operator must ensure that-
  - (a) the inside and outside of all permanent buildings and structures and any grounds where clients are received or which are used by them or to which they have access, are kept in a clean and tidy condition and in good order of repair at all times; and
  - (b) at least one toilet is provided for clients.
3. Details of any insurance cover provided by a registered insurer that is obtainable through the agency of the booking agent must be made available to clients, and any client taking out any such insurance cover through the operator must be provided with the insurance policy of the registered insurer.

#### **Annexure 5**

### **CONFERENCE CENTRE OPERATORS: REQUIREMENTS OR REGISTRATION AND OBLIGATIONS**

1. For registration as a conference centre operator, the operator of the business must provide facilities, equipment and services for the holding of conferences, not being a facility which forms part of and is conducted by a registered accommodation establishment.
2. The operator of a registered conference centre must ensure that the following requirements are complied with:
  - (a) All meeting rooms, including its furnishings, equipment and appliances, must be in a good state of repair;
  - (b) Meeting rooms must-
    - (i) have sufficient natural or artificial lighting,
    - (ii) have sufficient and effective ventilation or air conditioning;
    - (iii) be provided with adequate power points for conference equipment; and
    - (iv) be provided with a minimum of one black or white board as standard for the room.
  - (c) Meetings rooms seating 150 people or more must be provided with a sound amplification system and microphones.
  - (d) Separate toilets for each of the sexes must be provided at the ratio of at least one toilet for every 25 delegates.
  - (e) Suitable facilities for the registration of attendants of a meeting must be provided.

- (f) Adequate parking facilities for vehicles on the premises must be provided.
3. In addition to the requirements of paragraph 2, the following equipment must be made available and provided on request:
- (a) Slide, film, overhead or multimedia projectors with screens.
  - (b) Video cassette recorders with television sets.
  - (c) Photocopying, telephone and fax facilities.
  - (d) Sufficient number of good quality chairs and conference tables must be provided to permit a variety of seating configurations.

## **Annexure 6**

### **FOREIGN TOUR OPERATORS: REQUIREMENTS FOR REGISTRATION AND OBLIGATIONS**

1. For registration as a foreign tour operator, the operator of the business must conduct business from a base in a foreign country and provide services for bringing tourists to tourist destinations in Namibia.
2. An operator must be in possession of insurance cover as provided in regulation 3(2)(a) and (b), obtained either from a registered insurer in Namibia or from an insurer registered in accordance with the laws of another country and providing equal cover for an event occurring in Namibia.
3. A foreign tour operator who uses for a tour through any part of Namibia a motor vehicle which is not registered and licensed in Namibia under the Road Traffic and Transport Act, must ensure-
  - (a) that there is in force in respect of that vehicle a current roadworthy certificate or other similar document issued by a competent authority of the country where the operator is based as contemplated in section 58(4)(b) of the Road Traffic and Transport Act; and
  - (b) that in respect of any tour undertaken to Namibia which constitutes crossborder road transport in accordance with the provisions of Part II of Chapter 6 of the Road Traffic and Transport Act, a cross-border permit as required by those provisions is held by the operator;
4. An operator must ensure-
  - (a) that every person employed to accompany and provide services to clients on a tour in Namibia who is not a Namibian citizen is authorised by an appropriate permit or other authorisation issued under the immigration laws of Namibia to perform work of the kind in question in Namibia;
  - (b) that every person employed to drive a motor vehicle in Namibia conveying clients is in possession of a valid driver's licence issued under the Road Traffic and Transport Act or a valid driver's licence or other document authorising the driving of a motor vehicle of the class in question which in terms of section 41 of the Road Traffic and Transport Act is deemed to be driver's licence for the purposes of that Act;
  - (c) if transportation of tourists is provided by means of a motor vehicle in respect of which an operator card is required to be held in accordance Chapter 6 of the Road Traffic and Transport Act, that a valid operator card is displayed on that motor vehicle in the manner prescribed by that Act; and
  - (d) that every vehicle used for transporting clients carries in a readily accessible position -
    - (i) a first-aid kit; and
    - (ii) a fire extinguisher.
5. The operator or at least one employee of the operator must be in possession of a recognised first-aid certificate and such person must accompany clients and be in attendance for the duration of a tour.

6. Every vehicle used for conveying clients in Namibia, whether owned by the operator or hired, must bear-
  - (a) clear identification of the operator's business on both sides of the vehicle; and
  - (b) the Board's disc as required by regulation 9(2).
7. If a tour includes outdoor camping, the following must be provided to clients-
  - (a) accommodation in tents or other suitable structures, each of which must be provided with -
    - (i) a camping bed for each person, fitted with a mattress or sleeping bag; and
    - (ii) appropriate means of lighting.
  - (b) a lockable container for the safe keeping of valuables of clients;
  - (c) suitable washing and cooking facilities;
  - (d) equipment and facilities reasonably required for the comfort and leisure of clients; and
  - (e) suitable toilet and sanitation facilities.

### **Annexure 7**

#### **SHUTTLE AND TRANSPORT SERVICES OPERATORS: REQUIREMENTS FOR REGISTRATION AND OBLIGATIONS**

1. For registration as a shuttle and transport service operator, the operator of the business must provide services for transporting tourists-
  - (a) upon arrival and departure from or to a port of entry, excluding any courtesy transport service offered by a registered accommodation establishment or regulated business exclusively to their guests or clients; or
  - (b) from any place in Namibia across any border of Namibia to a destination in a foreign country.
2. A registered shuttle and transport service operator must ensure that no vehicle is used for transporting clients unless the operator holds a valid certificate of fitness issued in respect of that vehicle in terms of the Road Traffic and Transport Act.

### **Annexure 8**

#### **TOUR FACILITATORS: REQUIREMENTS FOR REQUIREMENTS FOR REGISTRATION AND OBLIGATIONS**

1. For registration as a tour facilitator, the operator of the business must provide services for planning and arranging all -inclusive tour packages for tourists, either fixed tour programs or customized tour programs to suit the preferences of individual tourists, with respect to itinerary, destinations and accommodation and with the inclusion of transportation of clients either by means of motor vehicles specially hired for the particular purpose by the operator or provided by a tour and safari operator with whom arrangements have been made by the operator to provide transport.
2. The operator's business must be conducted from fixed premises and the operator must ensure that-
  - (a) the inside and outside of all permanent buildings and structures and any grounds where clients are received or which are used by them or to which they have access, are kept in a clean and tidy condition and in good order of repair at all times; and
  - (b) at least one toilet is provided for clients.

3. If transportation of clients is provided by the operator, clients transported must be accompanied for the duration of the journey by a person who is in possession of a recognised first-aid certificate.

### **Annexure 9**

#### **TOUR AND SAFARI OPERATORS: REQUIREMENTS FOR REGISTRATION AND OBLIGATIONS**

1. For registration as a tour and safari operator, the operator of the business must provide services for the planning and arranging of a combination of various tourists-related services as a cohesive programme for purchase directly from the operator or through a booking agent and includes services and facilities such as sightseeing tours, transport to tourist destination spots, guides and meals as well as the provisions of accommodation to clients for the duration of a tour in facilities provided by the operator or in registered accommodation establishments.
2. The operator's business must be conducted from fixed premises and the operator must ensure that-
  - (a) the inside and outside of all permanent buildings and structures and any grounds where clients are received or which are used by them or to which they have access, are kept in a clean and tidy condition and in good order of repair at all times; and
  - (b) at least one toilet is provided for clients.
3. Any tour offered must be provided under the guidance of a person with appropriate training or experience to assist and advise clients.
4. The operator or at least one employee of the operator must be in possession of a recognised first-aid certificate, and such person must accompany clients and be in attendance for the duration of a tour.
5. Adequate refreshments of good quality must be provided to clients during any journey along a route through remote places where facilities for food and beverages are not available.
6. If a tour includes outdoor camping, the following must be provided to clients-
  - (a) accommodation in tents or other suitable structures, each of which must be provided with -
    - (i) a camping bed for each person, fitted with a mattress or sleeping bag; and
    - (ii) appropriate means of lighting.
  - (b) a lockable container for the safe keeping of valuables of clients;
  - (c) suitable washing and cooking facilities;
  - (d) equipment and facilities reasonably required for the comfort and leisure of clients; and
  - (e) suitable toilet and sanitation facilities.

### **Annexure 10**

#### **TROPHY HUNTING OPERATORS: REQUIREMENTS FOR REGISTRATION AND OBLIGATIONS**

1. For registration as a trophy hunting operator, the operator of the business must-
  - (a) provide services and facilities to tourists for hunting game for trophy purposes;
  - (b) qualify for registration in accordance with paragraph 2.

- 
2. The following persons qualify for registration as a trophy hunting operator:
- (a) An individual who is the owner or lessee, or the holder of any other right to the possession and use of, land which is registered under the Nature Conservation Ordinance, 1975 as a hunting farm or a guest farm registered under the Namibian Tourism Board Act, 2000;
  - (b) Any individual, company, close corporation partnership or other association of persons holding a right to hunt game for trophy purposes on any land in accordance with the Nature Conservation Ordinance, 1975;
  - (c) The spouse or domestic partner or a child of an individual referred to in paragraph (a).
  - (d) In the case a company or a close corporation which is an owner or lessee or the holder of a right referred to in paragraph (a) -
    - (i) a director of the company or a member of the close corporation;
    - (ii) the spouse or domestic partner or a child of a person referred to in subparagraph (i).
  - (e) An employee of a person referred to in paragraph (a) or (d) who-
    - (i) resides on the land concerned; and
    - (ii) is registered as a professional hunter or hunting guide under the Nature Conservation Ordinance, 1975.
  - (f) In the case of land comprising a conservancy declared under section 24A of the Nature Conservation Ordinance, 1975 in respect of which a trophy hunting quota has been allocated by the Minister responsible for Environment, the chairperson of the relevant conservancy committee.
3. A trophy hunting operator who provides accommodation to guests, either in fixed premises or in tents or other temporary facilities not being premises or a facility registered as an accommodation establishment under the Act, must comply with the following requirements in relation to the accommodation and facilities provided:
- 3.1 Fixed facilities**
- 3.1.1 Bedrooms:**
- (a) At least 1, but not more than 4, bedrooms for guests must be provided;
  - (b) Minimum floor area of each bedroom is 10m<sup>2</sup>;
  - (c) Windows of bedrooms must be not less than 1m<sup>2</sup>, in total, provided with curtains or blinds;
  - (d) The entrance to each bedroom must be provided with a lockable door and key;
  - (e) Each bedroom must be provided with -
    - (i) Adequate beds for the number of persons occupying the bedroom, complying with the following:
      - (aa) Minimum Size - single bed 180cm x 90cm double bed 180cm x 135cm;
      - (bb) Mattresses must be inner-spring or foam rubber or equivalent substance with a minimum thickness of 12cm: Provided that alternative suitable beds may be provided for children.
    - (ii) a mirror of at least 250 cm<sup>2</sup>.
    - (iii) a wardrobe or other storage facilities for clothes and other belongings, at least one unit of which must have a serviceable lock;

- (iv) if not fully carpeted, one floor mat, tanned skin or similar floor covering for each bed of at least 1m<sup>2</sup>, or one piece of similar floor covering at least 2.4m<sup>2</sup> to serve all beds;
- (v) a waste paper basket;
- (vi) at least one tumbler per guest.

### 3.1.2 Bathrooms and toilets:

- (a) Bathrooms and toilets facilities must be provided for guests separate from those for the operator's household and staff.
- (b) Floors must be of impervious material or concrete.
- (c) Baths, showers and washbasins must be provided with hot and cold running water.
- (d) Each bathroom must be provided with -
  - (i) a washbasin;
  - (ii) a mirror of at least 45cm x 30cm, with an adjacent shelf;
  - (iii) sufficient towel rails, hooks or rings;
  - (iv) a soap holder and soap; and
  - (v) a washable bath mat.
- (e) Each toilet must be provided with -
  - (i) a toilet bowl with a lid;
  - (ii) a toilet paper dispenser;
  - (iii) toilet paper; and
  - (iv) a sanitary bin with a lid.
- (f) Bathrooms and toilets must have water-borne sewerage draining.

### 3.1.3 Dining room/lounge

- (a) Dining room and lounge facilities for guests may be provided either in the facilities of the operator's household or separately and must provide adequate seating for guests.
- (b) Meals or suitable cooking facilities for preparation of food by guests must be provided.

### 3.1.4 Kitchens, wash -ups and food storage areas

- (a) Facilities may be either those of the operator's household or may be provided separately for guests.
- (b) Floors must be of an impervious material or concrete;
- (c) Each work surface must be of stainless steel, marble, granite or other impervious material.
- (d) All walls must be tiled to a height of at least 135cm from the floor and coated with washable paint above the tiles, or if not practicable, be coated completely with washable paint;
- (e) Adequate refrigerators or other cold storage facilities must be provided;
- (f) At least one sink with hot and cold running water must be provided for washing of dishes;

- (g) Adequate and hygienic food storage areas must be provided.
- (h) There must be no direct access to a toilet from the kitchen.
- (i) Kitchens, wash -ups and food storage areas must be kept clean and free of insects and rodents.

### 3.1.5 Laundry facilities

Facilities for the washing, cleaning and ironing of guests' clothes and other belongings must be available on or off the premises.

### 3.2 Tented or other temporary accommodation:

Each tent or other temporary accommodation unit must be provided with -

- (a) a bed and mattress or sleeping bag for each guest;
- (b) a lockable storage box or safe;
- (c) adequate lighting;
- (d) suitable facilities for cooking and washing of dishes;
- (e) ablution and toilet facilities which must be kept in a clean and hygienic condition at all times.

### 3.3 Facilities and service in relation to accommodation

- (a) Clean bed linen and bath towels in sufficient quantities must be provided for each newly arrived guest and be changed at least once per week.
- (b) Bedrooms in a fixed establishment must be cleaned daily.
- (c) Bedrooms, dining rooms, lounges and kitchens must be properly ventilated.
- (d) A fire extinguisher or other suitable fire-fighting appliance must be provided in readily available on the premises.
- (e) The inside and outside of all permanent buildings and the premises of the establishment must be kept clean and in good order of repair.
- (f) First-aid kit must be available in a readily accessible position.
- (g) Staff members engaged in serving guests must at all times be clean and suitably dressed.
- (h) An operator must ensure that staff members engaged in preparing, handling, serving or selling food or beverages comply with the provisions of Chapter XIX of the General Health Regulations promulgated under Government Notice No. 121 of 14 October 1969.
- (i) Guests must be provided access to telephone or other communication facilities.
- (j) Guests must have 24 -hour access to accommodation facilities. If a staff member is not available at all times, guests must be provided with keys to the premises and their rooms.
- (k) Guidelines and instructions reasonably required for advising guests in relation to risks inherent to the hunting operations and the environment must be provided either in writing or in a formal presentation.

## 5. Requirements in respect of hunting activities

- (a) Every trophy hunting operator must ensure-
  - (i) that only Hunting Guides, Master Hunting Guides or Professional Hunters registered under Nature Conservation Ordinance, 1975 are engaged in guiding trophy hunters while on a hunting excursion;

- (ii) that every vehicle used for hunting, is equipped with -
    - (aa) appropriate seating facilities for hunters;
    - (bb) holding facilities for a gun or rifle; and
    - (cc) a first-aid kit in a readily accessible position;
  - (iii) that on every vehicle used for hunting the Board's disc is displayed as required by regulation 9(2);
  - (iv) that equipment and facilities provided for hunting activities are kept in a good order of repair and effective action;
- (b) A suitable place for slaughtering animals and salting of trophies must be provided, as well as appropriate equipment and appliances for such operations. A gantry-type slaughtering facility must be provided.
- (c) Facilities for the testing of rifles must be provided by the operator and located in such a position as to prevent any risk of injury, harm or damage to any person, animal or property.

**[Please note: numbering as in original.]**

## Annexure 11

### VEHICLE RENTAL OPERATORS: REQUIREMENTS FOR REGISTRATION AND OBLIGATIONS

1. For registration of a regulated business as a vehicle rental operator, the operator of the business must provide services to tourists for hiring out motor vehicles for travel, either with or without inclusion of the services of a driver to operate the vehicle.
2. The operator's business must be conducted from fixed premises and the operator must ensure that-
  - (a) the inside and outside of all permanent buildings and structures and any grounds where clients are received or which are used by them or to which they have access, are kept in a clean and tidy condition and in good order of repair at all times; and
  - (b) at least one toilet is provided for clients
3. The operator of a vehicle rental business must ensure-
  - (a) that details of services offered, conditions of rental and tariffs are clearly displayed at the premises of the business or are made available in the form of a brochure;
  - (b) that a register is kept at the business premises of all vehicles used and provided by the operator for rental purposes to clients at any given time. An operator must on request supply a copy of that register to the Board; and

**[The phrase "An operator must on request supply a copy of that register to the Board; and" is not grammatically correct as used in paragraph (b), but is reproduced as it appears in the Government Gazette]**

  - (c) that vehicles provided to clients under rental agreements are in a roadworthy condition at all times and comply in all respects with the provisions of the Road Traffic and Transport Act relating to the use of a vehicle of the particular class on a public road.
4. A rental agreement offered by an operator must contain, or be accompanied by a brochure or statement setting out information and options in relation to-
  - (a) the conditions subject to which vehicles are offered for rental by the operator, which must also be explained to the client verbally, and conditions on speeding and travelling on gravel roads must be highlighted in the agreement; and



- (b) any motor vehicle and travel insurance cover obtainable from registered insurers, including insurance cover for emergency medical expenses, personal accident, return of mortal remains, personal liability and other risks;
- 5. Upon conclusion of a rental agreement the operator must provide the client with a copy of that rental agreement containing or accompanied by the conditions applicable to the agreement.
- 6. Breakdown, tow-in or other roadside assistance services must be available to clients.