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An Act to make provision for the establishment of a Botswana Tourism Organisation, a Board of Directors and the regulation of the tourist industry with a view to promoting its development and well-being, and to provide for matters connected there with or incidental thereto.

Date of Assent: 24.12.2009

Date of Commencement: On Notice

ENACTED by the Parliament of Botswana.

PART I – Preliminary

1. This Act may be cited as the Botswana Tourism Organisation Act 2009, and shall come into operation on such date as the Minister may, by Order published in the Gazette, appoint.

Short title and commencement

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

Interpretation

“Board” means the Board of Directors established under section 5;

“Botswana Tourism” means the Botswana Tourism Organisation established under section 3;

“Chief Executive” means the Chief Executive officer of Botswana Tourism Organisation appointed as such under section 18;

“grade” means to assign a symbol in accordance with the criteria prescribed for the grading and classification of tourist enterprises, and “re-grade” shall have a corresponding meaning;

“market intelligence” means, in the context of the tourism industry, the continuous surveillance and evaluation of both the existing and the potential business trends;

“member” means a member of the Board appointed under section 5;

“senior staff” means any employee of Botswana Tourism Organisation who holds a position which is designated as such by the Board; and

“tourist enterprise” shall have the same meaning ascribed to it in the Tourism Act.

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PART II – Establishment and functions of Botswana Tourism Organisation and its Board

3. (1) There is hereby established an organisation to be known as Botswana Tourism Organisation which shall be a body corporate with a common seal, capable of suing and being sued in its own name and, subject to the provisions of this Act, of doing or performing all such acts or things as bodies corporate may, by law, do or perform.

Establishment of Botswana Tourism Organisation

(2) All rights, obligations, assets and liabilities which have accrued to the Botswana Tourism Board in terms of the repealed Act shall, upon this Act coming into force, simultaneously pass and accrue to Botswana Tourism and be dealt with in terms of this Act.

4. (1) Botswana Tourism shall do all such things as are necessary to market and promote tourist attractions, and to encourage and facilitate travel, by local and foreign tourists, to the said attractions.

(2) Without derogating from the generality of the provisions of subsection (1), Botswana Tourism shall –

- (a) plan, develop and implement tourism marketing and promotion strategies aimed at creating and sustaining a positive image of Botswana as a tourist and investor destination;**
- (b) plan, formulate and implement strategies for promoting sustainable tourism development in collaboration with the private sector in the tourism industry, local authorities, local communities and non-governmental organisations;**
- (c) implement Government policies and programmes aimed at facilitating the continued growth and development of the tourism sector;**
- (d) develop and implement appropriate strategies for achieving annual work plan objectives and set performance targets aimed at the promotion of the tourism business in Botswana;**
- (e) establish and expand local as well as international travel trade networks to promote and sell Botswana as a tourist destination;**
- (f) manage and coordinate tourism promotional and publicity programmes;**
- (g) provide market research information and market intelligence on tourism;**
- (h) promote the expansion of existing tourist enterprises and new investments in the tourism sector;**
- (i) market and promote the establishment of joint tourist enterprise ventures between citizen and foreign investors;**
- (j) promote the improvement of tourist enterprise and service standards;**
- (k) grade and classify tourist enterprise facilities in accordance with Part VI;**
- (l) conduct tourism awareness campaigns and tourism research within and outside Botswana;**
- (m) develop and improve the existing tourism opportunities and diversify the sector to include other forms of tourism, such as cultural and heritage tourism, eco-tourism, entertainment, recreational and leisure tourism and bring them to the required marketable standard;**
- (n) select, develop and bring to the required marketable standard, any tourism project, solely or through partnerships with any community based organisation or any individual; and**
- (o) select and facilitate any tourism project from any community based organisation or any individual to bring the project to the required marketable standard.**

5. (1) There shall be a Board of Directors for Botswana Tourism which shall be the governing body of Botswana Tourism.

Board of
Directors

(2) The Board shall consist of the following members appointed by the Minister —

- (a) a Chairperson;
 - (b) a Vice Chairperson;
 - (c) a representative of the Ministry responsible for tourism;
 - (d) six members from the public and private sector who have the skill, experience and competence relevant to the tourism industry.
- (3) The Chief Executive shall be an *ex-officio* member of the Board.

6. (1) The Board shall, with the concurrence of the Minister, appoint a Secretary, who shall be suitably qualified and experienced.

Appointment
of Secretary
of Board

(2) The Secretary of the Board shall attend meetings of the Board but shall have no right to vote, and shall be responsible for the accurate and complete recording of the Board's proceedings and decisions.

(3) The Secretary of the Board shall be accountable to the Chief Executive and to the Board for his or her functions and responsibilities.

(4) The conditions of service, including the remuneration package of the Secretary, shall be set by the Board with the concurrence of the Minister.

7. (1) The Board shall —

Powers and
functions of
Board

- (a) determine policies for giving effect to the objects and purposes of the Act;
- (b) advise the Minister to change, review or formulate tourism-related policies and strategies where necessary;
- (c) set performance targets and design programmes aimed at facilitating the continued growth and development of tourism; and
- (d) investigate any matter that may have a negative effect on the tourism industry, and make recommendations thereon to the Minister.

(2) The Minister may give the Board written directions, of a general or specific nature, regarding the exercise of its powers and the performance of its functions, which directions shall not be inconsistent with this Act or with the contractual or other legal obligations of the Board.

(3) The Board shall give effect to the Minister's directions given in accordance with subsection (2).

8. (1) The seal of Botswana Tourism shall be such device as may be determined by the Board and shall be kept by the Chief Executive.

Seal of
Botswana
Tourism

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

(3) Any contract or instrument which if entered into or executed by a person not being a body corporate would not be required to be under seal, may be entered into or executed without seal on behalf of the Board by the Chairperson or any other person generally or specifically authorised by the Board to do so.

Tenure of office

9. (1) A member of the Board other than the Chairperson shall hold office for a period not exceeding three years, and shall be eligible for reappointment for a further term of three years.

(2) The Chairperson shall hold office for a period not exceeding five years, at the end of which he or she shall be eligible for reappointment.

Disqualification, removal, suspension and resignation of members of Board

10. (1) No person shall be appointed as a member or be qualified to continue to hold office who —

(a) has in terms of a law in force in any country —

- (i) been adjudged or otherwise declared bankrupt and has not been discharged; or
- (ii) made an assignment to, arrangement or composition with his or her creditors, which has not been rescinded or set aside;

(b) has within the period of 10 years immediately preceding the date of his or her appointment, been convicted —

- (i) of a criminal offence within Botswana; or
- (ii) outside Botswana, of an offence which if committed in Botswana, would have been a criminal offence, and sentenced by a court of competent jurisdiction to imprisonment for six months or more without the option of a fine, whether that sentence has been suspended or not, and for which he or she has not received a free pardon.

(2) The Minister may, in writing, suspend from office a member against whom criminal proceedings are instituted for an offence in respect of which a sentence of imprisonment may be imposed, and whilst that member is so suspended, he or she shall not carry out any duties or be entitled to any remuneration or allowances as a member of the Board.

(3) The Minister shall remove from office a member if the member —

- (a) is absent without reasonable cause from three consecutive meetings of the Board of which he or she has had notice;
- (b) has been found to be physically or mentally incapable of performing his or her duties efficiently, and a medical doctor has issued a certificate to that effect;
- (c) contravenes the provisions of this Act or otherwise misconducts himself or herself to the detriment of the objectives of the Board;
- (d) has failed to comply with the provisions of section 16 or 17; or
- (e) has been convicted of an offence under this Act, or under any other Act for which he or she is sentenced to imprisonment for a term of six months or more without an option of a fine.

(4) A member may resign from office by giving 30 days' notice in writing to the Minister.

(5) For the purposes of subsection (3) (c) “misconduct” includes any act done without reasonable excuse by a member which –

- (a) amounts to a failure to perform in a proper manner, any duty imposed on him or her as such;
- (b) is prejudicial to the efficient carrying out of the functions of the Board; or
- (c) tends to bring the Board into disrepute.

11. A member shall vacate his or her office and his or her office shall become vacant –

- (a) if he or she becomes disqualified, in terms of section 10, to hold office as a member;
- (b) if he or she is adjudged bankrupt or insolvent;
- (c) if he or she is absent from three consecutive meetings of the Board without reasonable excuse;
- (d) upon his or her death;
- (e) if he or she becomes mentally or physically incapable of performing his or her duties as a member of the Board;
- (f) upon the expiry of one month’s notice in writing to the Minister of his or her intention to resign from office;
- (g) if he or she is summarily dismissed by the Minister on the grounds of contravening the provisions of this Act or for misconduct in accordance with section 10 (3) (c);
- (h) after a period of 30 days from the date that a ruling against the member is made on all appeals made in respect of a conviction of an offence under this Act, or under any other Act for which he or she is sentenced to imprisonment for a term of six months or more without an option of a fine.

12. (1) Where the office of a member becomes vacant before the expiry of the member’s term of office, the Minister shall appoint another person to be a member in place of the member who vacates office, until the expiry of a period during which such member would have otherwise continued in office.

(2) Subsection (1) shall not apply where the remainder of the period for which the member whose office has been vacated would otherwise have held office is less than six months.

13. A member shall be paid such remuneration, and such travelling expenses, incurred in connection with his or her service on the Board, if any, as the Minister may from time to time determine.

PART III – *Meetings and proceedings of Board*

14. (1) Subject to the provisions of this Act, the Board shall regulate its own proceedings.

(2) The Board shall meet for the transaction of business at least four times in a year.

Vacation of office by members of Board

Filling of vacancy

Remuneration and allowances

Proceedings of Board

(3) Upon giving notice in writing, of not less than 14 days, a meeting of the Board may be called by the Chairperson 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 of a shorter notice.

(4) The quorum at any meeting of the Board shall be a simple majority of the members of the Board.

(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 Vice Chairperson, such member as the members present may elect from amongst themselves for the purpose of that meeting.

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

(7) The Board may invite any person whose presence it deems necessary, to attend and participate in the deliberations of a meeting of the Board, but such person shall have no vote.

(8) The Chief Executive's presence shall not count towards the constitution of the quorum and he or she shall not be entitled to vote in any matter that is before the Board.

Committees
of Board

15. (1) The Board may, for the purpose of performing its functions, establish such committees as it considers appropriate, and may delegate, to any such committee, such of its functions as it considers necessary.

(2) The Board may appoint, to committees established under subsection (1), such number of members of the Board and such number of persons with specialised skills, not being members of the Board, as it considers appropriate, and the members of such committee shall hold office for such period as the Board may determine.

(3) The members of the committee who are not members of the Board may take part in the proceedings of the committee, but shall not have the right to vote.

(4) Subject to the specific or general directions of the Board, a committee established under this section may regulate its own procedure.

(5) Unless in appointing any such committee the Board has appointed a Chairperson, the committee shall elect one of its members as a Chairperson of the committee.

(6) The Board may revoke or amend any delegation made under the provisions of subsection (1) and may attach conditions to such delegation, including general or particular directions, as to the manner in which any delegated power is to be exercised.

(7) Meetings of a committee shall be held at such times and places as the committee may determine, or as the Board may direct.

16. (1) If a member is present at a meeting of the Board or any committee of the Board at which any matter in which the member is directly or indirectly interested in a private capacity is the subject of consideration, he or she shall, as soon as practicable after the commencement of the meeting, disclose such interest and shall not, unless the Board otherwise directs, take part in any consideration or discussion of, or vote on, any question touching such matter.

Disclosure of
interest by
member

(2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which it is made.

(3) Where a member fails to disclose his or her interest in accordance with subsection (1), and a decision by the Board is made benefiting such member, such decision shall be null and void to the extent that it benefits such member.

(4) A member who fails to comply with the provisions of subsection (1) commits an offence and is liable to a fine not exceeding P2 000, or to imprisonment for a term not exceeding six months, or to both.

17. (1) A member and any other person assisting the Board shall observe and preserve the confidentiality of all matters coming before the Board, and such confidentiality shall subsist even after the termination of their terms of office or their mandates.

Confidentiality

(2) Any member or any person to whom confidential information is revealed through working with the Board shall not disclose that information to any other person unless he or she is required to do so in terms of any written law or for purposes of any judicial proceedings.

(3) Any member or any other person who contravenes the provisions of this section commits an offence and is liable to a fine not exceeding P2 000, or to imprisonment for a term not exceeding 12 months, or to both, and for a second or subsequent offence to a fine not exceeding P5 000, or to imprisonment for a term not exceeding five years, or to both.

PART IV – Chief Executive and Other Staff of Botswana Tourism

18. (1) The Minister shall, on the recommendation of the Board, appoint a Chief Executive of Botswana Tourism for such fixed contract period, not exceeding five years, as the Minister may determine.

Chief
Executive

(2) No person shall be appointed as Chief Executive unless he or she possesses such experience and training as the Minister may determine, and he or she has demonstrated that he or she is competent to carry out the functions of Botswana Tourism.

(3) The Chief Executive shall, subject to such directions on matters of policy as may be given by the Board, be responsible for the day to day management of the affairs of Botswana Tourism.

(4) The Chief Executive may delegate, to any senior officer of Botswana Tourism, the exercise of any powers which he or she is authorised to exercise under this Act.

Appointment of
staff of
Botswana
Tourism

19. (1) The Board shall appoint the senior staff of Botswana Tourism and the Chief Executive shall appoint such other staff as may be necessary for the proper discharge of the functions of the Board.

(2) The terms and conditions of employment of staff of Botswana Tourism shall be as may be determined by the Board in consultation with the Minister.

PART V – *Financial provisions*

Revenues of
Botswana
Tourism

20. (1) Botswana Tourism's revenues shall consist of —

- (a) such monies as may be appropriated by the National Assembly for the purposes of Botswana Tourism;
- (b) such grants and donations as Botswana Tourism may receive;
- (c) such fees as may be charged for services rendered by Botswana Tourism; and
- (d) income that Botswana Tourism may receive from investments.

(2) Botswana Tourism shall use the funds acquired under subsection (1) to meet the costs incurred for its operations and any surplus accrued shall be used for such purposes as are consistent with the provisions of this Act.

Financial year

21. The financial year of Botswana Tourism shall be a period of 12 months, beginning on the 1st April of each year and ending on the 31st March of the subsequent year.

Accounts and
audit

22. (1) Botswana Tourism shall keep and maintain proper accounts and records of accounts in respect of every financial year relating to its assets, liabilities, income and expenditure, and shall prepare, in each financial year, a statement of such accounts.

(2) The accounts of Botswana Tourism in respect of each financial year shall, within three months of the end of the financial year, be audited by an auditor appointed by the Board.

(3) The auditor shall report in respect of the accounts for each financial year, in addition to any other matter on which the auditor deems it pertinent to comment on, whether or not —

- (a) the auditor has received all the information and explanation which, to the best of the auditor's knowledge and belief, were necessary for the performance of the auditor's duties;
- (b) the accounts and related records of Botswana Tourism have been properly kept;
- (c) Botswana Tourism has complied with all the financial provisions of this Act with which it is its duty to comply with; and
- (d) the statement of accounts prepared by Botswana Tourism was prepared on a basis consistent with that of the preceding year and represents a true and fair view of the transactions and financial affairs of Botswana Tourism.

(4) The auditor's report and a copy of the audited accounts shall, within 14 days of completion, be forwarded to Botswana Tourism by the auditor.

23. (1) Botswana Tourism may, out of its revenues, establish and maintain such pension, superannuation, provident or other funds as it may consider desirable or necessary for the payment of benefits or other allowances on the death, sickness, injury, superannuation, resignation, retirement or discharge of its staff and may, make rules providing for the payment of money out of its revenues to such funds and providing for contributions to such funds by its staff.

Pension and other funds

(2) Botswana Tourism may contract with insurance companies or such other bodies as may be appropriate for the maintenance and administration of the funds authorised under subsection (1).

24. (1) Botswana Tourism shall, within a period of six months after the financial year or within such longer period as the Minister may approve, submit, to the Minister, a comprehensive report of its operations during that year, together with the auditor's report and the audited accounts as provided for in section 22 and the report shall be published in such manner as the Minister may require.

Annual Report

(2) A report compiled in accordance with subsection (1) shall be laid in Parliament by the Minister within three months of its receipt.

PART VI – *Grading of tourist enterprises*

25. (1) Botswana Tourism shall, in accordance with section 27, grade all tourist enterprises licensed under the Tourism Act.

Grading of tourist enterprises Cap. 42:09

(2) For the purpose of grading tourist enterprises, Botswana Tourism shall carry out, or cause to be carried out, such inspections of documents or building plans, or of buildings or sites, with or without the assistance of other officials, such as planners or health inspectors, as it considers necessary or desirable, and shall make a full report of its findings.

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

(4) Any person who operates a tourist enterprise that is not graded in accordance with this Act commits an offence and is liable to a fine not exceeding P20 000, or to imprisonment for a term not exceeding five years, or to both.

26. A tourist enterprise shall make an application for a grade to the Chief Executive in such form as may be prescribed.

Application for grade

Criteria for
grading of
tourist
enterprises

27. (1) Botswana Tourism shall —

- (a) bearing in mind the interests of the tourist industry as a whole;
 - (b) after satisfying itself that the quality of accommodation or service offered by the applicant complies with the requirements specified under this Act; and
 - (c) the applicant's ability to provide and maintain such quality of accommodation and service,
- grade a tourist enterprise in accordance with the prescribed grades.

(2) If Botswana Tourism, after hearing such evidence or making such further enquiries as it considers necessary or desirable, decides on a particular grade for the tourist enterprise, it shall, on payment of such grading fees as may be prescribed, issue a grading certificate and a plaque in such form as may be prescribed, subject to such conditions as it considers necessary or appropriate.

(3) If after making all the necessary inspections and investigations, Botswana Tourism is not satisfied that a tourist enterprise qualifies to be graded it shall assign to the tourist enterprise, a grade symbol of 'ungraded'.

(4) A tourist enterprise may only operate on a grade symbol of 'ungraded' for 12 months, after which it shall attain at least a one star grade.

(5) A tourist enterprise which fails to attain at least a one star grade after 12 months of operating as 'ungraded', and upon being given a further extension of not more than 3 months by Botswana Tourism, shall cease to operate as a tourist enterprise in line with the requirements of the Tourism Act.

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Duration and
renewal of
grading
certificate

28. (1) A grading certificate issued under this Act shall, unless revoked, expire at the end of a period of 24 months from the date of issue.

(2) Subject to section 31, a tourist enterprise shall, at least 30 days before the expiry of the 24 months period referred to under subsection (1), apply to the Chief Executive in such form as may be prescribed to renew its grading certificate:

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

(3) Where a tourist enterprise does not renew its grading certificate within 3 months of its expiry, Botswana Tourism shall revoke that grading certificate.

(4) Where the grading certificate of a tourist enterprise is revoked, the tourist enterprise shall apply for re-grading and the application shall be dealt with in the same manner as an original grading application.

Amendment
of grade

29. (1) A tourist enterprise may make an application to Botswana Tourism to amend its grade in the prescribed form and the application shall be dealt with in the same manner as an original grading application:

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

(2) Notwithstanding an application under subsection (1), Botswana Tourism shall make periodic inspections of any tourist enterprise.

(3) Botswana Tourism may, following an inspection of a tourist enterprise, upgrade, downgrade or revoke the grading of such enterprise.

30. (1) A tourist enterprise shall display a grading certificate and a plaque in a conspicuous place on its business premises, and display the assigned grade on its letterheads and in any promotional material relating to it.

Grade to be displayed

(2) Any person who operates a tourist enterprise which in any way displays a grade or indicates or implies that the enterprise has been graded under this Part with a grade other than the one which Botswana Tourism has assigned to it, or fails to display the certificate or plaque commits an offence and is liable to a fine not exceeding P5 000, or to a term of imprisonment not exceeding two years, or to both.

31. (1) All graded enterprises shall pay the prescribed grading fees in terms of section 27 and 28.

Grading fees

(2) A tourist enterprise which fails to pay the prescribed grading fees commits an offence and is liable to a fine not exceeding P10 000, or to a term of imprisonment not exceeding four years, or to both.

PART VII – *General provisions*

32. (1) It shall be lawful for a member of staff of Botswana Tourism or any person authorised in writing by Botswana Tourism or a police officer to —

Power to enter premises or land

- (a) enter without warrant and inspect any premises on which he or she has reason to believe that a tourist enterprise is being carried on, and there examine and seize or take copies of any books, accounts or documents relating to or appearing to relate to a tourist enterprise, or which on reasonable grounds he or she suspects to contain evidence of an offence under this Act;
- (b) require any person who appears to be engaged in carrying on, or employed in, a tourist enterprise, to give such explanation or information relating to that enterprise as he or she may reasonably require in the performance of his or her duties under this Act; or
- (c) require any person who appears to be engaged in carrying on, or employed in a tourist enterprise to produce to him or her, at such time and place as he or she specifies in writing, all or any of the books, accounts and documents relating or appearing to relate to the grading of the enterprise.

(2) Premises referred to under this section shall not be entered forcibly except by or under the direction of a police officer and unless Botswana Tourism, the Chief Executive or the authorised person has reasonable cause to believe that the delay caused by complying with this requirement would defeat the purposes of this section.

- (3) Where a member of staff of Botswana Tourism, an authorised person or a police officer seizes anything in accordance with subsection (1), the member of staff, the authorised person or the police officer shall —
- (a) give a written receipt or inventory of the property to the person from whose custody the property is seized; and
 - (b) if no prosecution is brought in respect of an offence to which the thing seized relates, it shall be returned to the person from whom it was seized.

Appeals to
Minister

33. (1) Any person aggrieved by any decision of Botswana Tourism in grading or refusing to re-grade, or to amend the grading of a tourist enterprise, or as to any condition attached to such grading, may appeal to the Minister within 30 days of that decision.

(2) Upon receipt of an appeal under subsection (1), the Minister may cause an investigation into the matter as he or she considers necessary or advisable, and may, during such investigation, permit the enterprise to operate without a grade where it was not graded or continue to operate with the grade awarded by Botswana Tourism, subject to such conditions as he or she thinks necessary.

(3) After the investigation, the Minister may uphold the decision of Botswana Tourism, reverse it, amend it or make such other decision as he or she considers proper in all the circumstances.

Indemnity

34. No matter or thing done or omitted to be done by a member of the Board, a member of staff of Botswana Tourism or any person authorised by the Board or Botswana Tourism shall, if the matter or thing is done *bona fide* in the course of the operations of Botswana Tourism, render that authorised person, member or member of staff, personally liable to an action, claim or demand.

Offences

35. Any person who —

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

commits an offence and is liable to a fine not exceeding P5 000, or to imprisonment for a term not exceeding two years, or to both.

36. (1) The Minister may make regulations prescribing anything under this Act which is to be prescribed or which is necessary or convenient to be prescribed for the better carrying out of the objects and purposes of this Act, or to give force and effect to its provisions.

Regulations

(2) Without prejudice to the generality of subsection (1), regulations may provide for —

- (a) minimum customer service standards;**
- (b) maintenance of quality and standards;**
- (c) tourism marketing and promotion;**
- (d) the procedure for the assessment of the environmental, cultural and social impact on tourism;**
- (e) tourism data collection; or**
- (f) forms to be used and fees to be paid in relation to anything done under this Act.**

37. (1) The Botswana Tourism Board Act is hereby repealed.

Repeal of
Cap. 42:10

(2) Notwithstanding the repeal effected under subsection (1) —

- (a) all subsidiary legislation made under the repealed Act or the Tourism Act, and in force immediately prior to the coming into operation of this Act shall, in so far as it is not inconsistent with the provisions of this Act, continue in force as if made under this Act; and**
- (b) a grading certificate or grading assigned to any tourist enterprise shall remain valid until its expiry date whereupon the tourist enterprise shall apply under this Act for a grading certificate.**
- (c) every person who was employed or appointed under the repealed Act shall continue to be employed or hold the same appointment in Botswana Tourism or the Board as if employed or appointed under this Act, in so far as that employment or appointment is not inconsistent with this Act.**

Cap. 42:09

PASSED by the National Assembly on this 15th day of December, 2009.

B.N. DITHAPO,
Clerk of the National Assembly.