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SUBSIDIARY LEGISLATION

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THE TOURISM (ACCOMMODATION FACILITY) REGULATIONS, 2015

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THE TOURISM ACT,
(CAP. 65)

—

REGULATIONS

—

(Made under section 56)

THE TOURISM (ACCOMMODATION FACILITY) REGULATIONS, 2015

PART I
PRELIMINARY PROVISIONS

Citation
1. These Regulations shall be cited as the Tourism (Accommodation Facility) Regulations, 2015.

Interpretation
2. In these Regulations unless the context requires otherwise:
   “Act” means the Tourism Act;
   “licence” means a licence issued under the Act;
   “Certificate of Registration” means a Certificate of Registration issued under the Act;
   “tourism accommodation facility” means premises that receives guests whether on prior arrangement or on walk-in basis and offers services such as sleeping, meals and drinks for a fee;
   “registration” means the form of licensing which, may or may not demand a minimum standard;
   “classification” means separation of different types of ranges of accommodation into several categories based on the range of criteria;
   “grading” means a quality assessment awarding a symbol to denote an above average service to an accommodation facility.

PART II
REGISTRATION OF ACCOMMODATION FACILITIES

Registration of a Facility
3.- (1) A person who intends to carry on a tourism accommodation business shall make an application for the registration of each facility to the Director, in the manner to be prescribed.

Application for
4.- (1) An application made by an individual,
registration by an individual, partnership or limited liability company under section 10 of the Act shall be in the Form set out in the First Schedule of these Regulations and shall be submitted by post to, or left at the office of the Tourism Division, and shall be accompanied by-

(a) Evidence that the business is registered by Business Registration Licensing Authority (BRELA) if any;
(b) Tax Identification Number (TIN);
(c) staff health certificates from the relevant authority;
(d) fire and rescue certificate from the relevant authority;
(e) evidence of compliance of the applicable building requirements;
(f) title deed, lease agreement or contract;
(g) business plan;
(h) a copy of the Environment Impact Assessment Certificate;
(i) evidence of compliance of the applicable building requirements;
(j) a statement detailing the tariff charges which the applicant proposes for services provided during the certificate period;
(k) occupational permit; and
(l) valid work permit for foreign employees;
(m) a copy of the current insurance cover;
(n) in case the facility is located inside the protected areas, proof that the applicant has been granted a corresponding user right of the land by the relevant authority.

(2) All applicants applying for registration for Accommodation facility by limited liability company shall have to meet all the requirements as stipulated in Regulations 4(1) (a) to (n) with additional of:-
(a) Memorandum and Articles of Association accompanied with a Certificate of Incorporation;
(b) proof of nationality of shareholders.

(3) All documents submitted must be valid at the time of application and must be duly attested by relevant authority.

5.- (1) Where the Director is satisfied that an application has been duly made in accordance with these
Regulations, the Director shall cause the business to be registered in the appropriate Accommodation Facility Register.

(2) The Director may prescribe guidelines, conditions and qualifications for the services which shall be requisite in respect of any category of tourism accommodation business to be eligible for registration in the appropriate register.

6.- (1) The Director shall upon registering a successful applicant of an accommodation facility business, issue a Certificate of Registration to the registered business in the form prescribed in the Second Schedule to these Regulations.

(2) The Certificate of Registration shall be valid for a period of three years.

(3) Certificate of Registration shall be signed by any officer of the Division authorized by the Director.

(4) The Certificate of Registration shall be displayed in a prominent position at or near the principal entrance of a premises during the whole period of registration.

(5) Where a registered Accommodation Facility decides to stop his business, he shall notify the Director forthwith and return the Certificate of Registration.

(6) The Director shall upon receiving a notification under sub-regulation (4), remove the name of such operator from the Accommodation Facility Register.

(7) The Certificate of Registration shall be returned to the Director immediately after being cancelled or whenever the Director so requests.

7.- (1) The Certificate of Registration issued under these Regulations shall be renewed prior to its expiration.

(2) The application for renewal of a Certificate of Registration shall be to the Director.

(3) Application for Renewal of certificate of registration, shall be made by November of the third year of previous registration and shall be in a prescribed form in the First Schedule.

8.- (1) The Director may refuse to register an application of an accommodation Facility if he is satisfied that the applicant has not fulfilled the requirements for
registration as indicated in these Regulations.

(2) The Director shall upon refusal to register an accommodation facility, inform the applicant of the reasons for such refusal.

(3) The applicant may, within fourteen days from the date of receiving the notification of refusal-
   (a) comply with the requirements for registration; or
   (b) make a written representation to the Director with a view to showing that his application is eligible for registration.

(4) The Director shall, within fourteen days from the date of receiving the applicant’s representation make a decision.

9. The Director may, upon being satisfied that the Certificate of Registration has been lost, destroyed, defaced or otherwise rendered unusable-
   (a) in the case of the Certificate having been lost or destroyed, the owner shall forthwith report the circumstances of the loss or destruction to the police and on an application being made by the owner to the Director for a duplicate of the Certificate of Registration and upon payment of the relevant fees, issue such duplicate;
   (a) in any other case, upon surrendering a Certificate of Registration to the Director and payment of the relevant fees, a fresh Certificate of Registration may be issued to the owner of the Certificate so surrendered.

PART III
LICENSING OF ACCOMMODATION FACILITIES

10.- (1) Any person who has been issued with a Certificate of Registration of accommodation facility in accordance with Part II of these Regulations, shall make an application for a licence to the Tanzania Tourism Licensing Board.

   (2) An application for a licence under this Part shall be in the manner set out in the First Schedule to these Regulations and shall be submitted to the Secretary of the Board who shall be the Director of Tourism.

   (3) The application of the accommodation facility
licensure shall be accompanied with—
(a) Certificate of Registration;
(b) in case of renewal, submission of previous licence;
(c) copy(ies) of work permits incase of non–citizen
employees.

(4) The Board shall upon scrutinizing the application—
(a) issue a tourism business licence in the manner set
out in the Third Schedule to these Regulations;
(b) issue a tourism business licence on conditions;
(c) refuse to issue a tourism business licence and
notify the applicants on the reasons for refusal.

(5) Any person who is aggrieved by the decision of
the Board may appeal to the Appeals Authority in
accordance with the provisions of section 20(3) and (4) of
the Act.

(6) A person who conducts a tourism business
without a licence, commits an offence and shall, on
conviction, be liable to a fine of not less than ten million
shillings or to imprisonment for a term of not less than two
years or to both.

11. An owner of an accommodation facility shall
ensure that the licence is exhibited at a conspicuous place
within the business premises.

12.–(1) The licence issued under these Regulations
shall be valid from 1st January to 31st December of each year
and be renewed prior to its expiration.

(2) An application for renewal of a licence shall be—
(a) made by the 1st day of November of each year;
and
(b) in the manner set out in the prescribed form
Second Schedule.

(3) A person who fails to renew his licence commits
an offence and shall, on conviction, be liable to a fine of not
less than ten million shillings or to imprisonment for a term
of not less than two years or to both.

PART IV
CLASSIFICATION AND GRADING

13.–(1) The Director may, subject to section 4(2) of the
Act, have the powers to—
Tourism (Accommodation Facility)

GN. No. 498 (contd.)

and grading schemes of accommodation facilities

(a) approve schemes, including internationally recognized standards for classification and grading of tourism accommodation facilities registered under these Regulations;

(b) develop and enforce guidelines, criteria and conditions necessary for carrying out classifications and grading of tourism accommodation facilities.

(2) The East Africa Community classification and grading systems, with its standard criteria, shall supersede all other classification and grading systems.

14.- (1) A person who has been issued with a Certificate of Registration and a licence to operate an accommodation facility shall make an application for classification and grading exercise to the Director within six months of commencing operations.

(2) All applicants for grading and re-grading must fulfill all the essential items prescribed in the Criteria for Standardization of hotels, restaurants and other tourism facilities of East Africa.

(3) In case of any changes, additional or alteration made to the already classified and graded facility in the manner that it is likely to affect the facility or service provided to tourists, the operator must apply for a re-grading to the Director.

(4) An application for re-grading of an accommodation facility shall be made at least six months prior to the expiry of the current period of classification which is the third year of previous grading.

(5) Where an operator of any registered tourism accommodation facility fails to comply with this regulation, he shall be guilty of an offence and shall, on conviction, be liable to a fine of not less than ten million shillings or to imprisonment for a term of not less than two years or to both.

15. An applicant for grading and re-grading shall pay such fees as may be prescribed under the Tourism (Fees and Charges) Regulations, 2014.

16.- (1) The Director shall upon completion of classification and grading exercise, award to an accommodation facility a certificate and a plaque with the respective grade.

(2) Where the tourism accommodation facility that is registered in any register has been classified or graded, it shall be unlawful for the operator of any such facility to describe or hold out such facility as being of a classification or grade other than
that which it has been allocated for the time being.

(3) The classified and graded accommodation facility
shall maintain the awarded standard at all times.

(4) An authorized officer may inspect a facility at any
time without prior notice.

(5) Where a tourism accommodation facility is classified
and graded under regulation 15, the Director may, where he
deems fit, withdraw the allotted classification or grade.

17.- (1) The Director may, issue a duplicate Plaque or
Certificate or replace a Plaque or Certificate upon being satisfied
that the Plaque or Certificate is:

(a) lost or destroyed, the owner-

(i) reports the circumstances of the loss or
destruction to the police; and

(ii) makes an application for a duplicate of the
Plaque or Certificate and pays of the relevant
fees; and

(b) defaced or otherwise rendered unusable, the owner-

(i) surrenders the defaced Plaque or
Certificate; and

(ii) pays of the relevant fees.

(2) Where an operator of a registered tourism
accommodation facility who fails to comply with this regulation
commits an offence and on conviction is liable to a fine not less
than ten million shillings or to imprisonment for a term not less
than two years or to both that fine and imprisonment.

PART V
MISCELLANEOUS PROVISION

18. The Director may designate appropriate tourism signs
or emblems for use by licensed operators throughout the country.

19.- (1) The Director shall, at least once in every year
publish or cause to be published a list of licensed accommodation
facilities so as to show separately accommodation facilities
registered in each register.

(2) The list under this regulation may include any
information as the Director deems fit.
20.- (1) Every accommodation facility shall maintain-
(a) appropriate books of entry including books of accounts containing number of room, occupancy rate, registration book/form providing details of guest’s name, address, date of arrival and departure, purpose of visit, passport details as well as details of country of residence.
(b) records of employees containing their nationality, gender, qualification, position of employment and duration of employment contract;
(c) other documents including; fire officer reports, health reports, hygiene and safety reports, or any other relevant reports and correspondences involved in the legitimate running of the operation of the business.

(2) The records referred to under sub-regulation (1) shall be made available to the Director as he deems necessary.

21. All registered and licensed accommodation facility shall have adequate public liability insurance for their properties, guests, clients properties and service provided and if requested, a copy of the current insurance cover shall be forwarded to the Director upon initial application and upon each renewal of licence.

22. Every licensee shall pay such annual fees as may be prescribed under the Tourism (Fees and Charges) Regulations, 2014.

23. Where necessary, before a contract for providing services is concluded, the accommodation facility shall provide the potential guest with the following information-
(a) general information on passport and visa requirements applicable in Tanzania;
(b) health formalities required for the journey or stay;
(c) the name, address, telephone number and other such means of communication of the guest permanent residence;
(d) except where the guest is required as the term of the contract-information about an insurance policy which the potential guest may, if he wishes, take out in respect of risk of such costs being incurred.

24. The guest shall be entitled to be compensated by the
owner of the accommodation facility for non-performance of the contract, except in the event of force majeure.

25. Where, on arrival at the accommodation facility, a significant proportion of the services contracted for are not supplied to the guest or the accommodation facility becomes aware that the services will not be provided, the owner of the facility shall ensure that-

(a) he makes suitable alternative arrangements, at no extra cost to the guest, for the continuation of the unsupplied services; and

(b) where it is impossible, to fulfill the requirements in paragraph (a), the accommodation facility shall, where appropriate, compensate the guest the difference for the services not provided as per the terms of the contract.

26.-(1) It shall be unlawful for the operator or occupier of any tourism accommodation premises to describe or hold out such premises unless such premises are registered in the appropriate Register and such operator or occupier is registered in that register as the operator of such premises.

(2) A person who contravenes sub-regulation (1) commits an offence and shall, on conviction, be liable to a fine not less than two hundred thousand shillings.

27. Where the proprietor of registered accommodation facility dies-

(a) the death shall not terminate the registration of the facility; and

(b) the person operating on the said facility shall be deemed to be the proprietor thereof for the purposes of these Regulations until the information of another proprietor is provided.

PART VI
OFFENCES AND PENALTIES

28. Unless otherwise specified, a person who fails to comply with any of the provisions of these regulations or makes any false statement in any application or other document or to any authorised officer performing any function under the Act or these Regulations commits an offence, and shall on conviction, be
liable to a fine not less than ten million shillings or to imprisonment for a term not less than two years or to both.

29. The Tourism (Accommodation) Regulations, 2009 are hereby revoked.

SCHEDULES
# First Schedule

(Made under regulations 4(1) and 11(2))

UNITED REPUBLIC OF TANZANIA

MINISTRY OF NATURAL RESOURCES AND TOURISM

TOURISM DIVISION

TOURISM ACT, CAP 65

APPLICATION FORM FOR REGISTRATION AND LICENSE TO OPERATE AS A TOURISM OPERATOR

Instructions:

1. Use this form to apply for registration and License to operate as Tourism Agents or Accommodation Facility.
2. Fill all the necessary details. Field marked with * are mandatory.
3. Use Capital Letters only.
4. Registration process will not proceed if in the opinion of the Registering authority there's misrepresentation and disclosure of the information.
5. Attach all the required documents. For online application all attachments should be in PDF format.

<table>
<thead>
<tr>
<th>Today's Date:</th>
<th>Application Number: (official use only)</th>
</tr>
</thead>
</table>

**SECTION I: COMPANY'S GENERAL INFORMATION**

Business Name*:

Trading Name (if different from Business Name):

<table>
<thead>
<tr>
<th>Nature of Business*: (Tick one)</th>
<th>Company Type*: (Select one)</th>
<th>TIN No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tourism Agent</td>
<td>Limited Company</td>
<td></td>
</tr>
<tr>
<td>Accommodation Facility</td>
<td>Sole Proprietor</td>
<td>VAT No</td>
</tr>
<tr>
<td>Tourism Agent and Accommodation Facility</td>
<td>Certificate of Incorporation No.</td>
<td></td>
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</tbody>
</table>

(Attach a copy of each of the certificate above)

**SECTION II: ADDRESS AND CONTACT INFORMATION OF THE COMPANY**

Physical Address of the Principal Premises: Street Name: Plot No./House:
### Tourism (Accommodation Facility)

**GN. No. 498 (contd.)**

<table>
<thead>
<tr>
<th>No. of Business:</th>
<th>Building Name:</th>
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<tr>
<td></td>
<td>District:</td>
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<tr>
<th>Contact Information</th>
<th>Contr. Code</th>
<th>Regional/Network</th>
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<tbody>
<tr>
<td>Postal Address:</td>
<td>Telephone number:</td>
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<td>(Box number only):</td>
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<td>Mobile number:</td>
<td>Fax number:</td>
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<tr>
<td>Email:</td>
<td>Website:</td>
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### SECTION III: OWNERSHIP & SHARES INFORMATION
*(Please attach evidence of citizenship for each shareholder e.g. passport, work permit, national id, voters registration card)*

<table>
<thead>
<tr>
<th>S/N</th>
<th>Name of Shareholder</th>
<th>Citizenship</th>
<th>Shares (%)</th>
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### SECTION IV: EMPLOYMENT DETAILS
*(Indicate numbers of staff for each category)*

<table>
<thead>
<tr>
<th>Education Level</th>
<th>Local Permanent Male</th>
<th>Local Permanent Female</th>
<th>Local Temporary Male</th>
<th>Local Temporary Female</th>
<th>Foreigners Male</th>
<th>Foreigners Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary School</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Ordinary Secondary School</td>
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<tr>
<td>Advanced Secondary School</td>
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<td>Vocational Certificate</td>
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<td>Technician Certificate</td>
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<tr>
<td>Ordinary Diploma</td>
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14
Tourism (Accommodation Facility)

GN. No. 498 (contd.)

<table>
<thead>
<tr>
<th>Advanced/ Higher Diploma</th>
<th>Bachelor Degree</th>
<th>Master's Degree</th>
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SECTION V: TOURISM OPERATORS' ACTIVITY
Please list down tourism agent activities that you intend to register. See Appendix 1 for a full list of Tourism Activities.

For Travel agent please attach IATA certificate:

<table>
<thead>
<tr>
<th>Name of Activity</th>
<th>Trading Name</th>
<th>Location</th>
<th>Ad</th>
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</table>

SECTION VI: LIST OF ACCOMMODATION FACILITIES
Please list down types of Accommodation facilities that you intend to register. See appendix 2 for a full list of types of accommodation facilities.

For each accommodation facility attach: Lease agreement/deed, insurance, EIA certificate, OSHA certificate.

<table>
<thead>
<tr>
<th>Type of Accommodation</th>
<th>Trading Name</th>
<th>Location</th>
<th>Ad</th>
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<tbody>
<tr>
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15
Tourism (Accommodation Facility)

GN. No. 498 (contd.)

SECTION VII: INVENTORY OF ACCOMMODATION FACILITIES

For each of the above accommodation facilities, please list down the number available and the total capacity of each of the accommodation facility service.

Key: N=Numbers available, C=Total Capacity in terms of number of people, S = Sections.

<table>
<thead>
<tr>
<th>Name of Accommodation Facility</th>
<th>Rooms</th>
<th>Bar</th>
<th>Conference Rooms</th>
<th>Restaurants</th>
<th>GYM</th>
<th>Massage Parlor</th>
<th>Spa</th>
<th>Kitchen</th>
<th>Ballrooms</th>
<th>Coffee Shops</th>
<th>Swimming Pool</th>
<th>Outdoor Catering</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>N</td>
<td>C</td>
<td>N</td>
<td>C</td>
<td>N</td>
<td>N</td>
<td>C</td>
<td>N</td>
<td>C</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
</tbody>
</table>

SECTION VIII: LIST OF VEHICLES (FOR TOUR OPERATORS AND CAR HIRE (RENTAL))

Please list down your vehicles; at least 3 vehicles for local Companies and 10 vehicles for Foreign Companies.

Attach vehicle registration cards, vehicle inspection Report, and Insurance.

<table>
<thead>
<tr>
<th>Registration Number</th>
<th>Make</th>
<th>Type</th>
<th>Year of Manufacture</th>
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### SECTION IX: APPLICATION FOR OPERATING LICENSE

List down activities that you want to license for 2014

<table>
<thead>
<tr>
<th>Name of Activity</th>
<th>Trading Name</th>
<th>Location</th>
<th>Year you are applying for</th>
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<tbody>
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### SECTION X: DECLARATION

I declare that the information given in this form is true and complete in all aspects to the best of my knowledge.

Name: ..............................................................................

Position: ...........................................................................

Signature: ........................................................................ Date: ........................................................................

(Stamp with Official Stamp)

### SECTION IX: FOR OFFICIAL USE ONLY

Registration Approved/Rejected: ..............................................
Appendix 1

1. Tour Operator and Photographic Safaris
2. Hunting Safaris,
3. Air Charter Services (Non-scheduled flight),
4. Hot Air Balloon Safaris,
5. Horse Riding,
6. Tourism Boating Safaris,
7. Tourism Adventure Sports (Big game fishing, Scuba Diving etc),
8. Tourism Recreation (Theme parks Wildlife ranch, Wildlife farm, Zoo, Snake Parks etc),
9. Mountain Climbing or Trekking,
10. Car Rental or Hire,
11. Travel Agents,
12. Handling Agents,
13. Professional Hunter
14. Tour Guide
15. Proprietors of enterprises offering camps and camping equipment, mountain climbing gears and similar equipment’s for hire.
16. Curio shops.
17. Cultural Heritage centers
18. Cultural Tourism Enterprises or centers
19. Private Museums
20. Special Foreign Air Charter not licensed under the Act

Appendix 2

1. Exclusive luxury accommodation facilities/services
2. Lodges
3. Tented camps
4. Mobile Camps
5. Town hotels
6. Vacation hotels
7. Villas, Cottages and Serviced Apartments
8. Motel
9. Not yet Classified accommodation facilities
10. Approved accommodation facilities
11. Camping and Caravan Sites
12. Tourism Hostels
13. Tourism Home Stay
14. Unclassifiable Accommodation Establishments
SECOND SCHEDULE

CERTIFICATE OF REGISTRATION

(Made under regulation 6(1))

THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF NATURAL RESOURCES AND TOURISM
TOURISM DIVISION
A certificate of Registration for Tourism Operator
Tourism Act Cap. 65

Certificate of Registration No. .........................

This is to certify that .................................................. (Name of registrant)

Has been duly registered and certified to operate the business of ..................................................

Headquarter: .................................................................

Branches: ........................................................................

Date of issue of Certificate: .................................

Date of expiry: ..............................................................

Authorized by: ..............................................................

Signed: .................................................................

Director of Tourism
Tourism Division
THIRD SCHEDULE

TOURISM BUSINESS LICENSE

(Made under regulation 11(4)(a))

THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF NATURAL RESOURCES AND TOURISM
LICENSE TO CARRY ON THE BUSINESS OF
TOURISM OPERATORS

CLASS “………..”

Tourism Act, Cap 65

Tourism Licence No. ……………………

1. (a) Licence is hereby granted to: (Name and Address) …………………………………………to carry on the business of Tourism Class “……………….”
   (a) Premises: ……………………………………………………………………………………………
   (b) Branch (es): ……………………………………………………………………………………………

2. Specific nature of tourism business to be operated: …………………………………………………...

3. (a) Date of issue:…………………………… (b) Date of expiry:……………………………

(c) Fee Paid ………………………………………………… (d) ERV No. ………………………………………

4. Special terms and conditions applying to this licence:
   (a) Not Transferrable
   (b) Submission of Monthly Returns
   (c) …………………………………………………………………………………………………………

5. The licence shall be valid until 31st December, 20……...

Note: This licence is issued subject to the provisions of the Tourism Act, Cap. 65 to all Orders, Regulations and Subsidiary Legislations made there under.

Signed ……………………
Chairperson
Tanzania Tourism Licensing Board

Dar es Salaam, ……………………, 2015
LAZARO S. NYARANDU,
Minister of Natural Resources and Tourism

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