

Statutory Instrument No. 18 of 2021

TOURISM ACT
(Cap. 42:09)

TOURISM (AMENDMENT) REGULATIONS, 2021
(Published on 12th March, 2021)

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation
2. Amendment of Regulation 4 of Cap. 42:09 (Sub. Leg.)
3. Amendment of Schedules I, II and III of the Regulations

IN EXERCISE of the powers conferred on the Minister of Environment, Natural Resources Conservation and Tourism by section 30(1) of the Tourism Act, the following Regulations are hereby made —

1. These Regulations may be cited as the Tourism (Amendment) Regulations, 2021. Citation
2. The Tourism Regulations (in these regulations referred to as the Regulations) in regulation 4 are amended by inserting immediately after subregulation (1), the following new subregulation —
“(1A) Where the Committee issues a licence in respect of Category C, E, F, I, or J tourist enterprise, it shall issue to the applicant, a vehicle or boat licence disc in Form 2A3 set out in Schedule II.” Amendment of Regulation 4 of Cap. 42:09 (Sub. Leg.)
3. The Regulations are amended by substituting for Schedules I, II and III the following new Schedules — Amendment of Schedule I, II and III of the Regulations

**"SCHEDULE I
TOURISM ENTERPRISE LICENCE
(reg. 3)**

Application Form: Categories A, A1, B, B1, C, D, E, F, G, H, J& K (All information supplied in this Form will be treated as confidential)

1. Name of Company
2. Trading name of establishment:
3. Postal address.....
4. Business physical address.....
5. Telephone No.
Fax No.
E-mail address
- Mobile phone No.
6. Company Secretaries and their contact numbers
7. Certificate of Incorporation No. Dated
8. Principal tourism activity
9. Details of all the shareholders of the company:
Name..... Surname..... Nationality..... % Shares held.....
ID/Passport No..... Residential address.....
10. Details of Directors of the Company:
Name..... Surname..... Residential address.....
ID/Passport No..... Nationality.....
11. Has any director or shareholder been convicted within or outside Botswana of any criminal offence or been declared insolvent in any previous business operation?
YES/NO
If yes, please give details

12. Is the Company registered elsewhere?

YES/NO

If yes, provide details of its operations outside Botswana, names and addresses including marketing details

.....
.....

13. Has the Company submitted a manpower training programme to the Department responsible for Labour?

YES/NO

If no, please explain

14. Does your Company have existing Tourism Enterprise Licences?

YES/NO

15. If the answer to (14) is yes ~ please give details of licenses held:

License No.	Category	Due date for annual fees	Trading name
.....
.....

16. The following is a list of licence category classifications. If you operate, or intend to operate, more than one of the below listed activities, a separate licence application form of the relevant category must be completed for each:

A Licence: For operations that offer accommodation facilities on a fixed site such as hotels, motels, nature lodge, guesthouses including corporate guesthouses, bed and breakfast, self-catering apartments, backpackers tourist accommodation, tented camp/campsites, nature lodge/camp outside protected areas and cultural villages, including operations that offer such accommodation facilities on a timeshare basis.

A1 Licence: For operations that offer accommodation facilities on a fixed site such as hotels, guesthouses, bed and breakfast, self-catering apartments, backpackers tourist accommodation, tented camp/campsites outside protected areas and cultural villages within agricultural farms operations that offer such accommodation facilities on a timeshare basis.

B Licence: For operations that offer accommodation facilities on a fixed site such as photographic/hunting camps and lodges, tented camps, public camping sites or caravan sites that offer game drives and other outdoor activities within wildlife management areas and protected areas, including operations that offer such accommodation facilities on a timeshare basis.

B1 Licence: For operations that offer accommodation facilities on a fixed site such as photographic/hunting camps and lodges, public camping sites or caravan sites that offer game drives and other outdoor activities within agricultural farms located in wildlife management areas and protected areas, including operations that offer such accommodation facilities on a timeshare basis.

C Licence: Operations that offer off-site facilities such as mobile safaris operators that receive and transport travellers and guests within protected areas.

D Licence: Operations that make, plan or reserve travel arrangements for clients but do not offer accommodation (whether fixed or not) or other tourist services. Operators intending to issue air tickets are required to have accredited with any of international air ticketing agency within 12 months of operation.

E Licence: Operations that receive and transport guests to tourist attractions, including road transfer activities other than within protected areas.

F Licence: Operations that offer motor boating activities other than within their leased land which is in protected areas, private reserves and wildlife management areas.

G Licence: Other enterprises (excluding air charter companies and car rentals) that conducts tourism related activities e.g. hot air ballooning, cycling, bungee jumping, etc.

H Licence: Operations that offer *mekoro* activities.

I Licence: Foreign based companies that offer tourism related activities in Botswana. They may transfer tourists along the main roads and utilise public facilities. Licence holders are not allowed to conduct their own safaris into the game reserves or national parks, but may hand over to a Botswana licensed operator if they wish to utilise these facilities.

J Licence: Houseboats operations - a mobile self-contained accommodation facility that operates in water bodies.

K Licence: Semi permanent mobile tented camp – an exclusive upmarket ensuite non-participatory accommodation in a designated area for a duration not exceeding three months.

17. Please indicate the category and classification of licence your company is applying for.

.....

I,, certify that the information given

(Please print name clearly)

on this application form is true and correct. I understand that failure to provide true and correct information could result in rejection or withdrawal of licences.

Position in Company

Telephone No..... Mobile phone No.

Signature.....

Dated this.....day of.....20.....

If you are applying for a tourist accomanadtion facility please specify the Classification
i.e. guesthouse/self-catering apartments etc.....

18. Brief summary/description of service to be offered (in not more than 250 words)
.....
.....
.....
.....
.....
.....
19. (a) Source of Finance:.....
(b) Estimated Capital Investment:
20. (a) Number of guest rooms:
(b) Number of guest beds:
(c) Facility's bed capacity:
21. If you are applying for tour/mobile operation, please provide the following:
(a) Fleet size:
(b) Registration No. :
(c) Carrying capacity:
22. If you are applying for motor boats or *mekoro* activities, please provide the following:
(a) Fleet size:
(b) Registration No. :
(c) Carrying capacity:
23. In which areas do you intend to conduct boat trips?
24. Where do you intend to dock?
25. Current level of employment (*full time employees only*):
Citizens male: Citizens female:..... Non-Citizens male..... Non-Citizens female.....

26. Please supply job classification for those employees listed in (21) above:

Job Classification	Citizens		Non-Citizens	
	Males	Females	Males	Females
Non-Supervisory				
Supervisory				
Middle Management				
Senior Management				
Professional Guides				

DOCUMENTATION TO BE PROVIDED WITH THIS APPLICATION

Please provide certified copies of the following:

Copy of Certificate of Incorporation or Certification of Registration;

Proof of shareholding (Company extract);

Relevant (sub) lease or rental agreements;

Proof of land ownership (i.e. Title Deed, approval for (sub) lease and/or rental agreements from relevant authorities (i.e. Land Board, Department of Lands);

Professional Guide Licences where applicable; and

Permission from the relevant authorities for the intended activities and any other requirements prescribed in the Licencing Guidelines.

Application Form: Category 'T' Licence - External Tour Operators

1. Name of company:
2. Trading name of company:
3. Country of origin:
4. How long has this company been operational in its country of origin?
5. Physical address:
6. Postal address:
7. Telephone No.: Mobile phone No.
Fax: E-mail address:
8. Principal business of the company:
9. Please give details of any tourism association of which you are a member in your own country, e.g. TASA, SATSA, ZATSO:
Association name: Membership No.
Association name: Membership No.
10. Please provide addresses of the Association mentioned in (9) above
.....
11. Does this operation have a current Botswana Tourism Enterprise Licence? YES/NO
Licence No: Category: Expiry Date:
12. Which routes in Botswana do you intend to use?
.....
13. List Botswana tour operators to be used in protected areas such as Game Reserves and National Parks:
.....
.....
14. Which areas do you intend to visit in Botswana outside of National Parks/Game Reserves?
.....

15. Please provide details of the shareholders of this company:

Name of Shareholder:	Residential address:	Citizen/Non-Citizen:	Resident/Non-Resident:	% Shares held:
.....
.....
.....
.....
.....
.....

16. Please provide details of the directors of this company:

Name of Director:	Residential address:	Telephone No:	Citizen/Non-Citizen
.....
.....
.....

17. Have any of the shareholders or directors named above been convicted of a criminal offence or been involved in any way with personal or company insolvency in any country?

YES/NO

18. If yes, please explain:

19. Has the company ever had any claim made against it by any client travelling with the Company? YES/NO

20. If yes, please provide details:

21. Please provide names and contact details of two companies which will support this application for a Tourism Enterprise Licence to operate in Botswana.

Name of Company:

Contact person:

Telephone No.: Mobile phone No.:

Fax: E-mail address:

Name of Company:

Contact person:

Telephone No.: Mobile phone No. :

Fax: E-mail address:

PLEASE NOTE:

- All commercial vehicles operating in Botswana are required to have company names and logos on the front passenger and driver doors.
- Approval of this licence will allow you to use main roads only. You are not allowed to enter or carry out any activities in protected areas such as National Parks or Game Reserves and Heritage Sites.
- The driver must carry a valid driver's licence appropriate for the size or weight of the vehicle being driven.
- Your Company must comply with all Immigration, Labour, Custom, Transport and other applicable Botswana laws.

I,, being the Managing Director of the applying company, certify
(please print name clearly)
that the information supplied on this application form is true and correct. I further pledge
that all persons conducting business in Botswana on behalf of the company will remain
on routes designated by the Department of Tourism and will not enter protected areas i.e.
Game Reserves, Heritage Sites, National Parks or Wildlife Management Areas within
Botswana.

Signed:

Telephone No. : Mobile No. :

Fax:

E-mail address:

THUS SIGNED and sworn to before me this day of, 20

.....
Commissioner of Oaths.

DOCUMENTS TO BE ENCLOSED WITH THIS APPLICATION:

Copy of Certificate of Incorporation or Certificate of Registration of company in country of Origin;

Copy of Company Trading Licence;

Botswana Tourist Enterprise Licence for hosting companies;

Copy of contract(s) with Botswana host company (ies) stated in (13);

Letter of recommendation from the two companies stated in (21);

Proof of shareholding (Company extract);

Proof of directorship from relevant authorities;

Proof of insurance stating public and passenger liability cover;

Details of professional guides employed by your company including copies of professional guides licences;

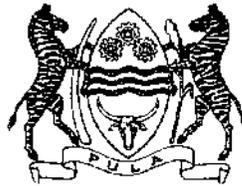
Company brochures;

Copies of vehicle registration book; and

Copies of valid road worthiness certificate

SCHEDULE II
Form 2A

TOURIST ENTERPRISE LICENCE
(reg 4(1))



REPUBLIC OF BOTSWANA

TOURISM ACT,
(Cap. 42:09)

1. In terms of section 17 of the Tourism Act, a licence is hereby granted to:
.....
for the purposes of conducting a tourist enterprise at
.....
in the category of.....
2. Endorsements in case of B licence
3. This licence is issued subject to the following conditions:
 - (a)
 - (b)
 - (c)
 - (d)
4. Place of issue.....
5. Date of Annual Licence Fee.....
6. Name of Issuing Officer
7. Signature of Issuing Officer:..... 8. Date of issue.....

Form 2A1

CATEGORY I TOURIST ENTERPRISE LICENCE

(reg 4(1))



REPUBLIC OF BOTSWANA

TOURISM ACT,
(Cap. 42:09)

(All information supplied on this form will be treated as confidential)

1. In terms of section 17 of the Tourism Act, a Category I licence is hereby granted to:

.....

for the purposes of conducting a tourist enterprise at

.....

2. This licence is issued subject to the following conditions:

(a)

(b)

(c)

3. Place of issue.....

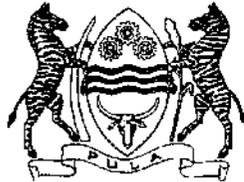
4. Expiry date.....

5. Name of Issuing Officer

6. Signature of Issuing Officer:..... 7. Date of issue.....

Form 2A2

TOURIST ENTERPRISE PROVISIONAL LICENCE
(reg 4(4))



REPUBLIC OF BOTSWANA

TOURISM ACT,
(Cap. 42:09)

1. In terms of section 17(3) of the Tourism Act, a provisional licence is hereby granted to:
.....
for the purposes of conducting a tourist enterprise at
.....
in the category of.....
2. This licence is issued subject to the following conditions:
 - (a)
 - (b)
 - (c)
3. Place of issue.....
4. Expiry date.....
5. Name of Issuing Officer
6. Signature of Issuing Officer: 7. Date of issue.....

Form 2A3

VEHICLE/BOAT LICENCE DISC
(reg 4 (1A))



REPUBLIC OF BOTSWANA

TOURISM ACT,
(Cap. 42:09)

Company name Trading name

Issued to:

Vehicle/boat registration

Number

Licence No.....

Valid until

Place of
issue.....

Name of Issuing Officer..... ID Number.....

Signature of Issuing Officer:..... Date.....

Form 2B

TOURIST ENTERPRISE EXEMPTION CERTIFICATE
(reg 6)



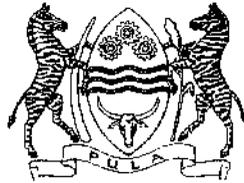
REPUBLIC OF BOTSWANA

TOURISM ACT,
(Cap. 42:09)

1. In terms of section 15(1) of the Tourism Act, an exemption certificate is hereby granted to:
.....
for the purposes of conducting a tourist enterprise at
.....
in the category of.....
2. This certificate is issued subject to the following conditions:
 - (a)
 - (b)
 - (c)
3. Place of issue.....
4. Expiry date.....
5. Name of Issuing Officer
6. Signature of Issuing Officer:.....7. Date of issue.....

SCHEDULE III
Form 3A

APPLICATION FOR TRANSFER OF LICENCE
(reg. 7(1))



REPUBLIC OF BOTSWANA

TOURISM ACT,
(Cap. 42:09)

(All information supplied in this form will be treated as confidential)

1. Name of company (*transferor*).....
Certificate of Incorporation No.....
Date of Incorporation
2. Trading name of establishment
3. Is the company currently operating?
YES/NO
4. Physical location of establishment
5. Postal address
6. Email address
7. Telephone No. Mobile phone No.....
8. Fax
9. Licence category
10. Licence number

11. Previous shareholders

- I.
.....
.....
.....
.....
- II. Nationality
- III. No. of shares
- IV. Identity number
- V. *Passport number for non-citizens
- VI. Residential address
- VII. Companies Secretaries
- VIII. Telephone No. Mobile phone No.

12. Previous directors

- I.
.....
.....
.....
.....
- II. Nationality
- III. Identity No:
- IV. Residential address
- V. * Passport number for non-citizens

- 13. I. Name of Company (*transferee*)
- II. Certificate of Incorporation No.
- III. Date of Incorporation
- IV. Trading Name Establishment
- V. Is the Company currently operating? YES/ NO

VI. Physical location of establishment.....

VII. Postal address..... Email address.....

VIII. Telephone No..... Mobile phone No.....

14. New shareholders

I.
.....
.....
.....
.....

II. Nationality

III. No. of shares

IV. Identity number

V. * Passport number for non-citizens

VI. Residential address

15. New directors

I.
.....
.....
.....
.....

I. Nationality

II. Identity No:

III. * Passport number for non-citizens

V. Residential address

I, certify that the information given on this application
(Please print name clearly)
form is true and correct. I understand that failure to provide true and correct information
could result in rejection or withdrawal of licence.

Position in Company.....

Telephone No..... Mobile phone No.....

Signature.....

Dated thisday of.....20.....

DOCUMENTS TO BE ENCLOSED WITH THIS APPLICATION:

Please provide certified copies, of the following where applicable:

Shareholders certificates (Company Extract);

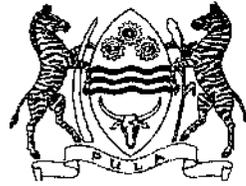
Notice of issue of shares;

Notice of change of directors or secretary and particulars of directors or secretary; and

Certified copies of ID/Passport of transferee.

Form 3B

APPLICATION FOR AMENDMENT OF LICENCE
(reg. 8(1))



REPUBLIC OF BOTSWANA

TOURISM ACT,
(Cap. 42:09)

(All information supplied in this form will be treated as confidential)

Please note that these questions are applicable only to the individual licence being applied for.

1. Name of Company:
2. Trading name of operation:
3. What category of the Tourism Enterprise Licence is the company currently operating?
.....
Licence No: Category:
- Due date of Annual Licence Fee:
4. Is the category provided above the one to be amended.....
5. Physical location of operation:
6. Are the premises detailed at the physical address above owned / leased / sub-leased/rented /other? (Please circle). Please explain and give expiry date of lease/rental agreement, etc.
.....
7. Is the new business going to be operated at the above location?
YES/NO
If no give details
.....
.....
8. Current level of employment (for full time employees only):
No. Citizen Males..... No. Citizen Females
- No. Non-Citizen Males..... No. Non-Citizen Females.....

9. Please supply job classifications for those employees listed in (8) above:

Job Classification	Employed		Vacant		Total
	Citizen	Non-Citizen	Citizen	Non-Citizen	
Non-Supervisory					
Supervisory					
Middle Management					
Senior Management					

10. How many staff members have been sent for training in the past 12 months?

No. of Staff Institution..... Course offered Duration

11. Are the Directors and Shareholders of this operation different from those detailed on the company profile?

YES/NO

12. If yes, please give details:

Director's name:

Residential address:

Citizen/Non-Citizen:

ID /Passport No..... Nationality.....

13. Shareholder's name..... Residential address:.....

Citizen/Non-Citizen..... ID/Passport No.....

Nationality.....

I,, certify that the information supplied on

(Please print name clearly)

this application form is true and correct. I understand that failure to provide true and correct information could result in rejection or withdrawal of licences.

Position in company:.....

Telephone No..... Mobile phone No.....

Fax:

E-mail address:

Signature.....

Dated this day of 20.....

DOCUMENTS TO BE ENCLOSED WITH THIS APPLICATION:

Copy of Certificate of Incorporation or certificate of registration of Company if different from company profile;

Copy of lease, sub-lease (with approval of relevant authorities);

Form F2 detailing shareholding in the company from company secretaries if different from company profile (Company Extracts);

Copy of training programme submitted to Department of Labour;

Copies of all Professional Guide Licences applicable to this operation; and

Company Brochures.

Form 3C

APPLICATION FORM FOR DUPLICATE LICENCE
(reg. 9(1))



REPUBLIC OF BOTSWANA

TOURISM ACT,
(Cap. 42:09)

(All information supplied in this form will be treated as confidential)

1. Name of Company:
2. Trading name:
3. Postal address:
4. Business physical address:
5. Telephone No:..... Mobile phone No.....
6. Fax No:
7. E-mail address:
8. Company Secretaries and their contact numbers:
9. Certificate of Incorporation No:
- Date of Incorporation:
- Date of Trading Name Registration:
10. Principal Tourism Activity:
11. Details of the shareholders of the company:

Name:	Nationality:	% Shares held:
Name:	Nationality:	% Shares held:
Name:	Nationality:	% Shares held:
Name:	Nationality:	% Shares held:

12. Details of the Directors of the company:

Name: Residential address: Nationality:

13. Give details of licence:

Licence No. Category:

Due Date for Annual Licence fees (if applicable):

14. Please indicate reasons for this application

.....
.....
.....
.....

I, certify that the information given
(Please print name clearly)
on this application form is true and correct. I understand that failure to provide true and
correct information may result in rejection or withdrawal of licence.

Position in company:

Telephone No. Mobile phone No:

Signature:

Dated this day of, 20

DOCUMENTATION TO BE ATTACHED TO THIS APPLICATION:

Copy of Certificate of Incorporation or Certification of Registration;

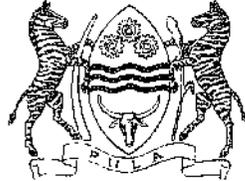
Proof of shareholding from relevant authority (Company extract);

Copy of original licence; and

Copy of a Police Report and or affidavit.

Form 3D

APPLICATION FORM FOR RENEWAL OF CATEGORY I
LICENCE
(reg. 10 (1))



REPUBLIC OF BOTSWANA

TOURISM ACT,
(Cap. 42:09)

(All information supplied on this form will be treated as confidential)

1. Name of Company: Trading Name:
(State both company and registered trading names where applicable)
2. Postal address:
3. Business physical address: Country of origin:
4. Telephone No: Mobile phone No:
Fax: E-mail address:
5. Is the company currently in operation?
YES / NO

If, no, please explain:
6. Provide details on the following
Worker's Compensation Policy No: Insurer:
Passenger Liability Insurance Policy No: Insurer:
Public liability Insurance Policy No: Insurer:
7. Has the shareholding of this operation changed over the past 12 months?
YES / NO

8. If yes, please provide new details:

Name of Shareholder	Resident/Non Resident	Citizen/Non-Citizen	Residential Address	% Shares held
.....
.....
.....

9. Have the Directors of this operation changed over the past 12 months?

YES / NO

10. If yes, please provide new details:

Director's Name	Residential address	Citizen/Non-Citizen	Telephone/Mobile No.
.....
.....
.....

11. How many clients were brought into Botswana in the past 12 months?

12. Has any of the companies which hosted you in Botswana changed over the past 12 months?

YES / NO

13. If yes, please provide details and contact person of the host company (ies):

Company name:

Contact person:

Telephone No. Mobile phone No.

Fax: E-mail address:

15. Has the business owner/manager been convicted for violating any of the laws and regulations pertaining to the operations of the company in the past 12 months?

YES / NO

If, yes, please state nature of the offence:

I,, certify that the information given on
(Please print name clearly)
this application form is true and correct. I understand that failure to provide true and correct information could result in the rejection or withdrawal of licence.

Position in company.....

Telephone No. Mobile phone No.

Signature

Dated thisday of....., 20.....

**DOCUMENTS TO BE ENCLOSED WITH THIS APPLICATION:
ALL APPLICANTS**

- Copy of previous Tourism Enterprise Licence;
- Proof of current company shareholding (*from company secretaries*);
- Proof of current directorship of company (to be filled in by company secretaries);
- Proof of current passenger or public liability insurance;
- Company brochures; and
- Copy of host contracts applicable for the next 12 months of operation.”.

MADE this 24th day of February, 2021.

PHILDA N. KERENG,
*Minister of Environment, Natural Resources
Conservation and Tourism.*