



Republic of Namibia
Annotated Statutes

Accommodation Establishments and Tourism Ordinance 20 of 1973

(OG 3348)

came into force on 1 January 1974 (section 59); extended to the Rehoboth Gebiet by the Accommodation Establishments and Tourism in Rehoboth Proclamation, AG Proc. 56 of 1978 (OG 3809), which came into force on the date of publication: 16 August 1978; made applicable to Eastern Caprivi Zipfel with effect from 1 February 2000 by GN 4/2000 (GG 2259)

AG Proc. 56 of 1978 states:

“Notwithstanding the provisions of section 16(3) of the Rehoboth Self-Government Act, 1976 (Act 56 of 1976), the Accommodation Establishments and Tourism Amendment Ordinance, 1978, shall apply in Rehoboth with effect from the date of commencement of this Proclamation.”

GN 4/2000 states:

“The Minister of Environment and Tourism has in terms of section 1 of the Application of Laws to the Eastern Caprivi Zipfel Act, 1999 (Act No. 10 of 1999), declared the Accommodation Establishments and Tourism Ordinance, 1973 (Ordinance No. 20 of 1973) to be applicable in the Eastern Caprivi Zipfel with effect from the 1st day of February 2000, subject thereto that, in the event where any accommodation establishment does not comply to any requirement prescribed for the registration or grading of such establishment, the Minister may –

- (a) exempt such establishment from complying with such requirement if he or she is of the opinion that such exemption will not have any serious negative influence on the operation or effectivity of the establishment; or
- (b) allow the said establishment such period of time as he or she deems necessary and reasonable to comply with the said requirement.”

as amended by

**Accommodation Establishments and Tourism
Amendment Ordinance 25 of 1973 (OG 3366)**

came into force on date of publication: 30 November 1973

**Accommodation Establishments and Tourism
Amendment Ordinance 17 of 1974 (OG 3443)**

deemed to have come into operation on 1 August 1974 (section 2)

**Accommodation Establishments and Tourism
Amendment Ordinance 5 of 1977 (OG 3604)**

came into force on date of publication: 28 March 1977

Namibia Tourism Board Act 21 of 2000 (GG 2437)
brought into force on 15 May 2001 by GN 87/2001 (GG 2531)

The Ordinance was previously amended by Ordinance 12 of 1975 (OG 3481), Ordinance 14 of 1977 (OG 3637), Ordinance 4 of 1978 (OG 3735), Ordinance 11 of 1978 (OG 3735) and Ordinance 14 of 1979 (OG 3983). However, these amendments were repealed by the

Namibia Tourism Board Act 21 of 2000 (GG 2437), which also repealed the sections of the principal Ordinance affected by these amending Ordinances.

ORDINANCE

To consolidate and amend the laws relating to accommodation establishments and tourism and to provide for the establishment of tourist recreation areas and incidental matters.

(Assented to 16 August 1973)
(English text signed by the Administrator)
(Date of commencement 1 January 1974)

ARRANGEMENT OF SECTIONS

1. Definitions

[sections 2-47A deleted by Act 21 of 2000]

- 48. Establishment of tourist recreation areas
- 49. Acquisition of property for purposes of tourist recreation areas
- 50. Objects of tourist recreation areas
- 51. Control, management and maintenance of tourist recreation areas
- 52. Restriction or right to pass the night or reside in a tourist recreation area
- 53. Purposes for which permission to pass the night and reside in a tourist recreation area may be granted
- 54. Gratis permission to pass the night or reside in a tourist recreation area
- 55. Prevention of pollution
- 55A. Appointment of tourist officers
- 55B. Powers of tourist officers
- 55C. Disposal of article seized in terms of this Ordinance
- 56. Regulations
- 57. Publicity
- 58. Repeal of laws
- 59. Short title

[SCHEDULE 1 deleted by Ord. 25 of 1973]

SCHEDULE 2: LAWS REPEALED

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa, with the consent of the State President previously obtained and communicated to the Assembly by message from the Administrator, as follows:-

Definitions

1. In this Ordinance, unless the context otherwise indicates -

“accommodation” means facilities for passing the night and the services commonly associated therewith and includes a piece of land used for the accommodation of caravans of tourists;

Accommodation Establishments and Tourism Ordinance 20 of 1973

“accommodation establishment” means any premises in or on which the business of providing accommodation with or without meals for reward to tourists is or is intended to be conducted and includes a rest camp, guest farm, holiday farm, pension, caravan park and a safari undertaking; and “establishment” has a corresponding meaning;

“Administration” means the Administration of the Territory;

“Board” means the Accommodation Establishments and Tourism Advisory Board instituted under section 2;

“Director” means the Director of Nature Conservation and Tourism of the Administration;

“guest” means any person who *bona fide* and against payment stays and sleeps in an accommodation establishment;

“inspector” means any person appointed as an inspector under section 13;

“manager” with regard to an establishment, means the person registered or deemed to be registered as the manager of such establishment under section 29: Provided that if at any time no person has been or is deemed to be so registered it shall mean the person who, at that time, actually manages or controls the establishment concerned;

“officer” means a person who has been appointed to a post in the Nature Conservation and Tourism Branch of the Administration under the Public Service Act, 1957 (Act 54 of 1957) or the Administration Employees Ordinance, 1957 (Ordinance 17 of 1957);

[The “Administration of South West Africa” and the “Secretary for South West Africa” were removed from the coverage of the Public Service Act 54 of 1957 by RSA Proc. R 112/1980 (RSA GG 7097). The public service in South West Africa was then governed by the Government Service Act 2 of 1980 (OG 4116), which was re-named the Public Service Act 2 of 1980 and replaced by the Public Service Act 13 of 1995. The Administration Employees Ordinance 17 of 1957 (OG 2087), which covered only certain categories of employees, was apparently repealed by Ord. 6/1982 (Whites) (Official Gazette 20 of the Representative Authority of the Whites, dated 1 July 1982); this Gazette has not been located in any of Namibia’s libraries.]

“prescribed” means prescribed by regulation;

“regulation” means a regulation made and in force under this Ordinance;

“service charge” means any fee calculated as a percentage of a guest’s account or otherwise, levied in addition to the account for accommodation provided and services rendered with the intention of remunerating the establishments’ employees;

“Territory” means the Territory of South West Africa;

“this Ordinance” includes the regulations;

“tourist officer” means any person appointed as a tourist officer under section 55A;

[definition of “tourist officer” inserted by Ord. 5 of 1977]

“tourist” means a person, including a child, who stays at an establishment against payment and whose normal place of residence is elsewhere;

"tourist recreation area" means any area declared a tourist recreation area under section 48.

[definition of "tourist recreation area" substituted by Ord. 25 of 1973]

Accommodation Establishments and Tourism Ordinance 20 of 1973

[section 41(1) substituted by Ord. 25 of 1973;
section 47A inserted by Ord. 17 of 1974;
sections 2 to 47A deleted by Act 21 of 2000]

Establishment of tourist recreation areas

48. (1)

[subsection (1) deleted by Ord. 25 of 1973]

(2) (a) The Executive Committee may declare any area a tourist recreation area and assign a name to it.

[paragraph (a) substituted by Ord. 25 of 1973]

(b) Any such declaration of an area as a tourist recreation area and the name assigned to it shall be made known by notice in the *Official Gazette*.

(3) (a) The Executive Committee may from time to time amend the boundaries of a tourist recreation area.

(b) Any such amendment of the boundaries of a tourist recreation area shall be made known by notice in the *Official Gazette*.

(4) (a) The Executive Committee may at any time withdraw the declaration of an area as a tourist recreation area.

(b) Any such withdrawal of the declaration of an area as a tourist recreation area shall be made known by notice in the *Official Gazette*.

Acquisition of property for purposes of tourist recreation areas

49. The Executive Committee may provide for the acquisition or lease of movable and immovable property, servitudes or other rights thereon, for the purposes of a tourist recreation area.

[The word "servitudes" is misspelt in the *Official Gazette*, as reproduced above.]

Objects of tourist recreation areas

50. An area shall be declared a tourist recreation area for the orderly development thereof, for the preservation therein of the environment and in the interest of and for the benefit and enjoyment of the inhabitants of the Territory and other visitors to the tourist recreation area.

[section 50 substituted by Ord. 25 of 1973]

Control, management and maintenance of tourist recreation areas

51. (1) The Executive Committee shall control, manage and maintain the tourist recreation areas for the objects referred to in section 50.

(2) The Executive Committee may in or at a tourist recreation area -

Accommodation Establishments and Tourism Ordinance 20 of 1973

- (a) lay out and erect roads, aerodromes, bridges, buildings, water installations, power-stations, fences, breakwaters, seawalls, boathouses, landing stages, mooring places, sports and recreation facilities, sleeping facilities and other facilities connected therewith and swimming pools and carry out such other works as it may consider necessary for the control, management, development or maintenance of tourist recreation areas;
- (b) render any services to provide for the basic needs of visitors to the tourist recreation area;
- (c) establish, erect, equip, and maintain any building, structure, depot or premises required in connection with any matter referred to in paragraph (a) or (b) or let any premises required for such a purpose;
- (d) levy the fees determined by it in connection with any such matter;
- (e) authorise any person subject to such conditions and the payment of such fees as it may determine, to carry on any activities or render any services which may be carried on or rendered by the Executive Committee under paragraph (b).

Restriction or right to pass the night or reside in a tourist recreation area

52. (1) The Executive Committee may refuse to allow any person to pass the night or reside in a tourist recreation area if -

- (a) sufficient or suitable facilities are not available in such tourist recreation area;
- (b) such person is, in his opinion, under the influence of liquor;
- (c) such person behaves himself in a boisterous or offensive manner;
- (d) does any deed or act which may give offence to other visitors to the tourist recreation area.

(2) The Executive Committee may reserve any tourist recreation area or any portion of a tourist recreation area or any facilities in such area for the exclusive use of the classes or groups of persons determined by it.

Purposes for which permission to pass the night and reside in a tourist recreation area may be granted

53. (1) No person shall pass the night or reside in a tourist recreation area without the permission of the Executive Committee.

(2) Permission to pass the night or reside in a tourist recreation area may subject to the provisions of section 54 be granted on the conditions and against payment of the fees which the Executive Committee may, in its discretion, determine and shall be granted only for the purposes of -

- (a) health, study or recreation or matters incidental thereto;
- (b) transacting any lawful business.

(3) Any person who contravenes or fails to comply with any provision of this section or the conditions on which any permission under this section has been granted to him shall be guilty

Accommodation Establishments and Tourism Ordinance 20 of 1973

of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Gratis permission to pass the night or reside in a tourist recreation area

54. The Executive Committee may in its discretion grant permission to pass the night or to reside in a tourist recreation area free of charge to -

- (a) ministers or doctors for the performance of their duties;
- (b) friends or relations of an officer residing in a tourist recreation area if they stay with the officer concerned;
- (c) private persons authorised by the Executive Committee to execute work at or in the tourist recreation area;
- (d) special visitors;
- (e) persons lawfully residing in such tourist recreation area.

Prevention of pollution

55. (1) No person shall within a tourist recreation area -

- (a) throw away or leave behind any rubbish, refuse, fish or any portion of a fish, or fish bait except in the rubbish bins provided for that purpose;
- (b) relieve himself except in the sanitary conveniences provided for that purpose;
- (c) dirty, besmirch or disfigure any area in any manner whatsoever;
- (d) smoke or dry fish to the inconvenience of other persons.

(2) Any person who contravenes or fails to comply with any provision of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Appointment of tourist officers

55A. (1) The Executive Committee may, subject to the provisions of the Public Service Act, 1957 (Act 54 of 1957), and, the Administration Employees Ordinance, 1957 (Ordinance 17 of 1957), appoint such persons as it may deem necessary and suitable as tourist officers for the proper enforcement of the provisions of this Ordinance relating to tourist recreation areas.

[The "Administration of South West Africa" and the "Secretary for South West Africa" were removed from the coverage of the Public Service Act 54 of 1957 by RSA Proc. R 112/1980 (RSA GG 7097). The public service in South West Africa was then governed by the Government Service Act 2 of 1980 (OG 4116), which was re-named the Public Service Act 2 of 1980 and replaced by the Public Service Act 13 of 1995. The Administration Employees Ordinance 17 of 1957 (OG 2087), which covered only certain categories of employees, was apparently repealed by Ord. 6/1982 (Whites) (Official Gazette 20 of the Representative Authority of the Whites, dated 1 July 1982); this Gazette has not been located in any of Namibia's libraries.]

(2) Every tourist officer shall be furnished with a certificate of appointment and a badge by the Director.

Accommodation Establishments and Tourism Ordinance 20 of 1973

(3) A tourist officer shall, when exercising any power or performing any duty or function in terms of this Ordinance, exhibit the certificate of appointment referred to in subsection (2) if requested to do so by any person affected by the exercise of such power or the performance of such duty or function.

[section 55A inserted by Ord. 5 of 1977]

Powers of tourist officers

55B. (1) A tourist officer may exercise and perform all those powers, duties and functions granted to or imposed on him by or in terms of this Ordinance and may, in addition thereto, within a tourist recreation area -

- (a) at any time conduct any investigation which he deems necessary in order to determine whether the provisions of this Ordinance are being complied with;
- (b) at any reasonable time enter any bungalow, caravan stand or camping site in any tourist recreation area and any caravan and tent thereon and there conduct such inspection as he may deem necessary to ascertain whether the provisions of this Ordinance are being complied with: Provided that such tourist officer shall first audibly demand admission to the bungalow, caravan or tent in question and notify the purpose for which he seeks to enter such bungalow, caravan or tent;
- (c) at any time require any vehicle or other means of conveyance to be brought to a standstill, board such vehicle or other means of conveyance and search such vehicle or other means of conveyance and any container therein or thereupon and any person therein or thereupon if he has reasonable grounds to suspect that -
 - (i) any tree, plant, shrub, herb or other object of botanical, zoological, geological, archaeological, historical or other scientific interest which was picked or collected in such tourist recreation area contrary to any provision of this Ordinance; or
 - (ii) any furniture, fittings, towel, costume or other article belonging to the Administration which was removed or taken away from any bungalow, building, camping site or caravan stand in such tourist recreation area contrary to any provision of this Ordinance,

is in or on such vehicle, other means of conveyance or container or in possession of such person, and seize such tree, plant, shrub, herb, other object of botanical, zoological, geological, archaeological, historical or other scientific interest, furniture, fittings, towel, costume or other article (hereinafter referred to as an article);

- (d) at any time question any person who, in his opinion, may be capable of furnishing any information which he may require in connection with the enforcement of any provision of this Ordinance or the commission of any offence in terms of this Ordinance, and for that purpose require any vehicle or other means of conveyance to be brought to a standstill;
- (e) demand his name and address from any person -
 - (i) who has committed an offence in terms of this Ordinance, or who is reasonably suspected of having committed such an offence;

Accommodation Establishments and Tourism Ordinance 20 of 1973

- (ii) who is reasonably considered to be able to give evidence in connection with an offence committed in terms of this Ordinance, or which is reasonably suspected of having been so committed;
- (f) at anytime seize anything (hereinafter referred to as an article) which in his opinion may afford evidence of the commission or suspected commission of an offence in terms of this Ordinance;

[The word “anytime” should be written as two words: “any time”.]

- (g) at any time require any person who performs or has performed or is reasonably suspected of performing or having performed an act which may be performed solely under the authority of permission granted under this Ordinance, to exhibit such permission;
- (h) order any person who, in that tourist recreation area, in his opinion performs an act which -
 - (i) is prohibited by or in terms of this Ordinance; or
 - (ii) is or may be dangerous or causes or may cause damage, injury or inconvenience or gives or may give offence to other persons in that tourist recreation area,

to stop performing such act immediately or within such period as may be determined by such tourist officer and to remove anything by means of which the said danger, damage, injury or inconvenience is or may be caused or the said offence is or may be given and may further -

- (aa) order any person who refuses or fails to stop performing any act in accordance with an order so given to him, to leave such tourist recreation area immediately along the shortest route to which the public have a right of access;
- (bb) remove and seize anything (hereinafter referred to as an article) which is not removed in accordance with an order given by a tourist officer under this paragraph;
- (i) at any time catch or destroy any animal which is or may be dangerous to man;
- (j) if it is necessary or he considers it necessary for the exercise of his powers or the performance of his duties or functions carry a fire-arm with him;
- (k) for the exercise of any power or the better performance of any duty or function take an interpreter or assistant, who shall be an officer, with him, and such interpreter or assistant shall, while acting under the lawful command and supervision of such tourist officer have the same powers, duties and functions as such tourist officer.

(2) Any person who assaults or resists or hinders or impedes a tourist officer or the interpreter or assistant of a tourist officer in the exercise of his powers or the performance of his duties or functions or wilfully interferes with such tourist officer, assistant or interpreter, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Accommodation Establishments and Tourism Ordinance 20 of 1973

- (3) Any person who -
- (a) falsely pretends to be a tourist officer or the assistant or interpreter of a tourist officer;
 - (b) refuses or fails to comply forthwith with any lawful order, direction, requirement or request given or put to him by a tourist officer or the assistant or interpreter of a tourist officer in the exercise of any power or the performance of any duty or function in terms of this Ordinance, or who furnishes untrue or misleading information when complying with any such order, direction, requirement or request,

shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[section 55B inserted by Ord. 5 of 1977]

Disposal of article seized in terms of this Ordinance

- 55C.** (1) A tourist officer who seizes any article in terms of section 55(1)(c), (f) or (h) -
- (a) may, if the article is a perishable, with due regard to the interests of the persons concerned, dispose of the article in such manner as the circumstances may require; or
 - (b) may, if the article was removed or taken away from any bungalow, building, camping site or caravan stand in a tourist recreation area contrary to any provision of this Ordinance, with the consent of the person from whom it was seized, deliver the article to the officer in charge of the tourist recreation area concerned and shall warn such officer to hold such article available for production at any resultant criminal proceedings, if required to do so; or
 - (c) shall, if the article is not disposed of or delivered in terms of the provisions of paragraph (a) or (b), give it a distinctive identification mark and deliver it to a policeman, who shall retain it in police custody or make such other arrangements with regard to the custody thereof as the circumstances may require, whereupon the provisions of sections 50D, 50E, 50F and 50G of the Criminal Procedure Ordinance, 1963 (Ordinance 34 of 1963), shall apply *mutatis mutandis* with reference to any such article and such article shall for the purposes of the said sections be deemed to be an article referred to in section 50C(c) of the said Ordinance: Provided that any such article which may be forfeited in terms of any of the said sections, shall be forfeited to the Administration.

[The Criminal Procedure Ordinance 34 of 1963, with the exception of sections 300(3) and 370, has been replaced by the Criminal Procedure Act 51 of 1977.]

(2) The Executive Committee may dispose of any article so forfeited to the Administration at its discretion and the proceeds (if any) shall be paid into the Territory Revenue Fund referred to in section 31 of the South-West Africa Constitution Act, 1968 (Act 39 of 1968).

[The South West Africa Constitution Act 39 of 1968 was repealed by Article 147 of the Namibian Constitution.]

[section 55C inserted by Ord. 5 of 1977]

Accommodation Establishments and Tourism Ordinance 20 of 1973**Regulations**

56. (1) The Executive Committee may make regulations with regard to -
- (a) any matter which is required or permitted to be prescribed under this Ordinance;

[paragraphs (b) to (l) deleted by Act 21 of 2000]

- (m) (i) the conditions on which permission to enter a tourist recreation area or to pass the night or reside therein, may be granted;
- (ii) the conditions on which any person entering a tourist recreation area or passing the night or residing therein, may obtain the services or attendance of officers and the fees to be paid for such services or attendance;
- (iii) the fees, if any, to be paid for permission to enter or pass the night or reside in a tourist recreation area, the admission of motor vehicles, aircraft, vessels or other vehicles to a tourist recreation area or for any other purpose connected with the use and enjoyment of a tourist recreation area;
- (iv) the protection and preservation of a tourist recreation area and the property therein;
- (v) the regulation of traffic in a tourist recreation area and the places where persons may enter a tourist recreation area;
- (vi) the management and control of swimming pools, sports grounds, rest camps, caravan parks, camping areas, amusement parks, marinas and any form of accommodation;
- (vii) the functions, duties and powers of officers;
- (viii) generally for the efficient control and management of a tourist recreation area;
- (n) in general any matter which it may deem necessary or expedient to prescribe in order to ensure the effective execution of the provisions of this Ordinance.

(2) The Executive Committee may make different regulations under subsection (1)(m) in regard to different tourist recreation areas.

(3) Any person who contravenes or fails to comply with the provisions of any regulation made under this section shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(4) Any person convicted of an offence under subsection (3), who after such conviction persists in the conduct or omission constituting such offence shall be guilty of a continuous offence and liable to a fine not exceeding twenty rand in respect of every day he so persists.

Publicity

Accommodation Establishments and Tourism Ordinance 20 of 1973

57. The Executive Committee may from time to time in any manner which it may deem necessary or expedient, from moneys voted for that purpose by the Legislative Assembly, both within and outside the Territory boost tourism in the Territory.

Repeal of laws

58. (1) Subject to the provisions of subsections (2), (3) and (4) the Laws mentioned in Schedule 2 are repealed hereby to the extent set out in the third column thereof.

[The word "Laws" should not be capitalised.]

(2) Any establishment which has been registered and graded under a law repealed by subsection (1) and which complies with the requirements, prescribed under this Ordinance, for such registration and the award of such grade shall be deemed to have been thus registered and to have been awarded that grade under this Ordinance.

(3) Any loan granted under a law repealed by subsection (1) shall be deemed to have been granted under this Ordinance.

(4) Any mortgage bond registered in respect of any loan under a law repealed by subsection (1) shall be deemed to have been registered under this Ordinance.

Short title

59. This Ordinance shall be called the Accommodation Establishments and Tourism Ordinance, 1973, and shall come into operation on the first day of January, 1974.

SCHEDULE 1

[SCHEDULE 1 deleted by Ord. 25 of 1973]

SCHEDULE 2

LAWS REPEALED

Accommodation Establishments and Tourism Ordinance, 1967	Ordinance 29 of 1967.	The whole, except for section 16. [Section 16 was subsequently repealed by Ord. 8 of 1982 of the Representative Authority for Whites (Official Gazette 23 of the Representative Authority for the Whites, dated 14 September 1982).]
Accommodation Establishments and Tourism Amendment Ordinance 1969	Ordinance 11 of 1969.	The whole.
Accommodation Establishments and Tourism Amendment Ordinance, 1970.	Ordinance 16 of 1970.	The whole.

Accommodation Establishments and Tourism Ordinance 20 of 1973

Accommodation Establishments Ordinance 3 of 1971. The whole.
and Tourism Amendment
Ordinance, 1971.

[The punctuation in the Schedule above is reproduced above exactly as it appears in the *Official Gazette*. In addition to the inconsistent use of full stops throughout, there is a comma missing in the title of Ord. 11 of 1969.]