

TOURISM

Accommodation Establishments and Tourism Ordinance 20 of 1973

Summary: This Ordinance ([OG 3348](#)) consolidates the laws on accommodation establishments and tourism and provides for the establishment of recreation areas. It repeals the Accommodation Establishments and Tourism Ordinance 29 of 1967.

This Ordinance was 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 its date of publication: 16 August 1978, and applied to the Eastern Caprivi Zipfel with effect from 1 February 2000 by GN 4/2000 ([GG 2259](#)).

Amendments: The Ordinance is amended by Ord. 25/1973 ([OG 3366](#)), Ord. 17/1974 ([OG 3443](#)) and Ord. 5/1977 ([OG 3604](#)).

The Namibia Tourism Board Act 21 of 2000 ([GG 2437](#)) repeals sections 2-47A and section 56(1)(b)-(l).

The Ordinance was previously amended by Ord. 12/1975 ([OG 3481](#)), Ord. 14/1977 ([OG 3637](#)), Ord. 4/1978 ([OG 3735](#)), Ord. 11/1978 ([OG 3735](#)) and Ord. 14/1979 ([OG 3983](#)), but all of these amending Ordinances were repealed by the Namibia Tourism Board Act 21 of 2000 ([GG 2437](#)), which also repealed the affected sections of the Ordinance.

Regulations: Regulations are authorised by section 56 of the Ordinance. There is no savings clause for regulations issued under the repealed law.

Regulations relating to Accommodation Establishments and Tourism are contained in GN 75/1974 ([OG 3391](#)), as amended by the following:

- GN 119/1974 ([OG 3405](#))
- GN 130/1975 ([OG 3467](#))
- GN 315/1977 ([OG 3647](#))
- Native Laws Amendment Proclamation, AG 3 of 1979 ([OG 3898](#)), deemed to have come into force in relevant part on 1 August 1978 (section 5 of AG 3 of 1979), which amends certain terminology in the regulations
- GN 24/2000 ([GG 2264](#))
- GN 89/2000 ([GG 2304](#)).

These regulations repeal the regulations published in Government Notice 188/1968 ([OG 2945](#)), as amended.

Regulations on Tourist Recreation Areas are contained in GN 236/1974 ([OG 3437](#)), as amended by the following:

- GN 248/1976 ([OG 3559](#))
- GN 356/1976 ([OG 3581](#))
- GN 268/1977 ([OG 3639](#))
- GN 37/1978 ([OG 3709](#))
- GN 9/1979 ([OG 3894](#))
- AG GN 11/1981 ([OG 4368](#))
- AG 60/1983 ([OG 4757](#)).

These regulations repeal the regulations published in GN 73/1974 ([OG 3389](#)).

Notices: GN 25/1974 (OG 3378) establishes the National West Coast Tourist Recreation Area in terms of section 48(2)(a) of the Ordinance.

Namibia Wildlife Resorts Company Act 3 of 1998

Summary: This Act ([GG 1809](#)) creates a company known as Namibia Wildlife Resorts Limited and provides for the transfer to this company of the state's wildlife resorts enterprise (including the resorts in Etosha National Park, in other game parks and nature reserves and in any tourist recreation area). In terms of the Act, the state is the only shareholder of the company.

Amendments: The State-owned Enterprises Governance Act 2 of 2006 ([GG 3698](#)), which was brought into force on 1 November 2006 by Proc. 13/2006 ([GG 3733](#)) and later re-named the Public Enterprises Governance Act 2 of 2006, amends sections 4 and 5.

Regulations: The Act makes no provision for regulations.

Notices: Title, rights and interests in certain immovable properties were transferred to the Namibia Wildlife Resorts Company by GN 161/2007 ([GG 3900](#)). This transfer includes land in a number of public parks: Gross Barmen, Popa Falls, Duwiseb, Hobas, Daan Viljoen, two erven at Lüderitz, Sesriem, Etosha (Namutoni, Halali and Okaukeujo), Torra Bay, Terrace Bay, Naukluft, Reho Spa and Khorixas Rest Camp.

Certain immovable property was transferred to the Namibia Wildlife Resorts Company as of 15 March 2011 by GN 30/2011 ([GG 4669](#)).

Cases: *Namibia Wildlife Resorts Ltd v Government Institutions Pension Fund & Others* 2015 (1) NR 88 (SC).

Namibia Tourism Board Act 21 of 2000

Summary: This Act ([GG 2437](#)) establishes the Namibia Tourism Board and provides for its functions. It also provides for the registration and grading of accommodation establishments, and the regulations of sectors of the tourism industry. The Act was brought into force on 15 May 2001 by GN 87/2001 ([GG 2531](#)).

Amendments: The State-owned Enterprises Governance Act 2 of 2006 ([GG 3698](#)), which was brought into force on 1 November 2006 by Proc. 13/2006 ([GG 3733](#)) and later re-named the Public Enterprises Governance Act 2 of 2006, amends sections 4, 7, 8 and 11, and substitutes section 13.

Regulations: Regulations made under the repealed provisions of the Accommodation Establishments and Tourism Ordinance 20 of 1973 appear to survive in terms of section 35(2) of this Act:

Anything done under any law repealed by subsection (1) which could have been done in terms of a corresponding provision of this Act, shall be deemed to have been done under that provision.

Regulations made in terms of the Accommodation Establishments and Tourism Ordinance 20 of 1973 are listed under the entry for that Act, which has not been entirely repealed.

Regulations are authorised by section 30 of this Act. The following regulations have been issued made under the current Act:

Regulations relating to **levies payable by accommodation establishments** are contained in GN 137/2004 ([GG 3235](#)), which states that these regulations come into effect on 1 November 2004.

Regulations relating to the **registration of regulated businesses** are contained in GN 138/2004 ([GG 3235](#)), which states that these regulations come into effect on 1 February 2005.

Regulations relating to the **registration of accommodation establishments** are contained in GN 139/2004 ([GG 3235](#)), which states that these regulations come into effect on 1 November 2004.

National Star Grading Regulations relating to Accommodation Establishments are contained in GN 204/2012 ([GG 5009](#)), which states that these regulations come into effect on 1 October 2013.

None of the regulations issued under this Act repeal any of the regulations made in terms of the Accommodation Establishments and Tourism Ordinance 20 of 1973, although there seems to be some overlap in subject matter.

Notices: GN 136/2004 ([GG 3235](#)) contains a declaration of business sectors relating to the tourism industry to be regulated. It came into effect on 1 February 2005.

Appointments: Members of the Namibia Tourism Board are announced in GN 88/2001 ([GG 2531](#)) and GN 191/2020 ([GG 7309](#)).

INTERNATIONAL LAW

Charter of the Regional Tourism Organisation of Southern Africa (RETOSA), 1997

SADC Protocol on the Development of Tourism, 1998

Statutes of the World Tourism Organization (UNWTO), 1970.