

Statutory Instrument 107 of 1996.

Tourism (Designated Tourist Facilities)(General)Regulations,1996

SIs 107/1996, 49/1998, 278/2003, 129/2005, 208/2005

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THE Minister of Environment and Tourism, in terms of section 57 of the Tourism Act [Chapter 14:20], hereby makes the following regulations:—

PART I
PRELIMINARY

1. Title and date of commencement

- (1) These regulations may be cited as the Tourism (Designated Tourist Facilities) (General) Regulations, 1996.
- (2) These regulations shall come into operation on the 1st January, 1997.

2. Interpretation

In these regulations—

- “Arbitration Committee” means the committee established in terms of section 13;
- “form” means the appropriate form set out in the First Schedule;
- “insignia” means the insignia set out in the Second Schedule;
- “learner professional hunter” means the holder of a learner professional hunter’s licence issued in terms of section 69 of the Parks Act;
- “levy” means the levy payable in terms of section 18;
- “Parks Act” means the Parks and Wild Life Act [*Chapter 20:14*];
- “professional hunter” means the holder of a professional hunter’s licence issued in terms of section 69 of the Parks Act;
- “resident courier” means a courier who is ordinarily resident in Zimbabwe;
- “resident tour operator” means a tour operator who is ordinarily resident in Zimbabwe;
- “tourist or user accommodation” means any amenity or facility provided at a fee for tourists or users to spend one night or more.

PART II

3. Registration and renewal

- (1) An application for registration as a designated tourist facility shall be—(a) made in form D.T.F. 1; (b) accompanied by—
 - (i) fees and charges payable for registration, licensing, inspection and other activities done in terms of this Act as may be determined by the Zimbabwe Tourism Board from time to time;—
[Subparagraph substituted by S.I. 208 of 2005]
 - (ii) in the case of premises providing tourist accommodation, a plan of the premises, to scale, showing—
 - A. the full extent of the land on which the premises are situated;
 - B. all buildings on the land;
 - C. any servitude over or building-line restriction on the land; and (iii).
the documents specified in form D.T.F. 1.
- (2) An application for the renewal of a certificate of registration as a designated tourist facility shall be— (a) submitted to the Authority at least two months before the expiry of such certificate;
(b) made in form D.T.F.2; (c) accompanied by—
 - (i) the certificate of registration to be renewed; and
 - (ii) renewal fees as may be determined by the Zimbabwe Tourism Board from time to time.
[Subparagraph substituted by S.I. 208 of 2005]
 - (iii) a certificate of insurance evidencing that the insurance policy specified in section 23 is in force in respect of the designated tourist facility; and
 - (iv) any other documents specified in form D.T.F.2.
[Subsection substituted by S.I. 278 of 2003]

4. Form and duration of registration

- (1) On registration of a designated tourist or user facility, the Chief Executive shall issue a certificate of registration in form D.T.F. 3 which shall, subject to section 43 of the Act, be valid for twelve months from the date of issue or renewal thereof.
- (2) The registration number stated on the certificate of registration shall be quoted on all— (a) correspondence between the operator and the Authority; (b) publicity material published by the operator.

5. Replacement of certificates of registration

(1) If any certificate of registration issued in terms of sub section (1) of section 4 is damaged, destroyed or lost, the person to whom that certificate was issued may apply to the Chief Executive in form D.T.F. 4 for a replacement the an such application shall be accompanied by a fee of ten thousand dollars.

[Subsection amended by S.I. 278 of 2003]

(2) On receipt of an application in terms of subsection (1), the Chief Executive may issue a certificate to replace that which has been damaged, destroyed or lost.

(3) Upon the issue of a replacement certificate in terms of subsection (2), the person to whom the replacement certificate is issued shall, upon receipt thereof, forthwith return any damaged certificate to the Chief Executive for cancellation.

6. Cancellation of registration

Where the Chief Executive cancels the registration of a registered tourist or user facility in terms of section 43 of the Act, the operator shall forthwith—

- (a) return the certificate of registration to the Chief Executive for cancellation; and
- (b) remove any insignia referred to in section 25 displayed or shown in relation to that tourist or user facility.

7. Minimum standards

The minimum standards to be maintained by a designated tourist or user facility shall be those specified in the Tourism (Designated Tourism Facilities) (Declaration and Requirements for Registration) Regulations 1966, published in Statutory Instrument 106 of 1996.

PART III

REQUIREMENTS FOR CERTAIN REGISTERED TOURIST OR USER FACILITIES

8. Records and accounts in respect of tourist or user accommodation

(1) Every operator of tourist or user accommodation shall keep in respect of his accommodation such records and accounts as may be necessary to show—

- (a) the number of guests who have resided at that accommodation in any calendar month and the amount of the levy payable in respect of each such guest;
- (b) the aggregate amount of the levies collected and remitted by him in each calendar month.

(2) Every operator of tourist or user and accommodation shall ensure that on any account submitted to a guest in respect of his residence at the accommodation the amount of the levy payable in respect of each guest to which the account relates is clearly indicated as a separate item.

(3) Any account or record kept in terms of this section shall be retained by the operator for a period of three years from the date of the period to which the account or record relates.

9. Register of guests

Every operator of tourist or user accommodation shall keep a register in form D.T.F. 5, in which he shall record the following particulars in respect of every person who is given accommodation for not less than one night in the premises of the accommodation managed by him—

- (a) his name; and
- (b) his nationality; and
- (c) his permanent home address; and
- (d) his arrival and departure dates; and
- (e) if he is travelling by vehicle, the vehicle registration number; and
- (f) the address to which he is proceeding;

Provided that the Chief Executive may permit the register to be kept in some other form if he is satisfied as to the adequacy of the form in use.

10. Special conditions of tour operator's registration certificate

A tour operator's registration certificate shall be subject to the special conditions that—

- (a) no hunting safari for a tourist or user is a visitor to Zimbabwe shall be permitted by the tour operator unless it will be under the direct control of a professional hunter or learner professional hunter; and
- (b) three copies of any brochure, booklet or pamphlet shall be lodged by the tour operator with the Chief Executive within twenty-eight days after publication, advertisement or issue thereof, as the case may be; and
- (c) a tour operator shall provide and keep in force a policy of insurance approved by the Chief Executive which insures every tourist or user who undertakes a tour arranged by the tour operator against personal injury, or

loss of life or loss or damage to property which may be caused by the wrongful act or omission of the tour operator or any of his employees in respect of such amount as may be approved by the Chief Executive in respect of each individual.

11. Tour operator's surety bonds

(1) A register tour operator shall lodge a surety bond with the Chief Executive in form D.T.F. 6 which shall be given by such surety or sureties as are acceptable to the Chief Executive and for such amount as may be specified by the Chief Executive which does not exceed ten *per centum* of the annual contractual obligation of the tour operator estimated by the Chief Executive and which, in any event, shall not be for an amount which is less than one thousand dollars.

(2) The Chief Executive may from time to time review a surety bond lodged in terms of subsection (1) and may require or authorize the tour operator concerned to lodge with him any other surety bond in terms of Subsection 11) in substitution for the first mentioned surety bond.

12. Complaints arising from tour operator's tour

(1) The Chief Executive may refer any complaint by a tourist or user relating to the failure by a registered tour operator to fulfil his contractual obligations towards such tourist or user to the Arbitration Committee for examination and report.

(2) Upon receipt of a complaint referred to in subsection (1) the Arbitration Committee shall conduct such inquiry as it deems fit and shall afford the register tour operator an opportunity of making such representations in regard to the complaint as he may wish.

(3) After conducting an inquiry in terms of subsection (2) the Arbitration Committee shall advise the Chief Executive whether or not it recommends that any compensation should be paid to the tourist or user concerned in respect of his complaint and if so the amount of such compensation

(4) The Chief Executive shall advise the registered tour operator concerned of the amount of any compensation which the Arbitration Committee has recommended should be paid to the tourist or user concerned and shall claim the payment of such amount from the tour operator or, in default of payment by him, from the surety or sureties to the bond lodged in terms of section 11 by the tour operator concerned

(5) Any person who is aggrieved by the decision of the Arbitration Committee in recommending the payment of any compensation may appeal, in writing, against such recommendation to the Minister within twenty-eight days of his being notified thereof.

(6) Upon an appeal in terms of subsection (5) the Minister may— (a) confirm the recommendation of the Arbitration Committee;

(b) alter the amount of the recommendation;

(c) set aside the recommendation; and the decision of the Minister

shall be final.

(7) Any amount recovered by the Chief Executive in respect of a claim made by him in terms of subsection (4) shall be applied to compensating the tourist or user concerned.

13. Arbitration Committee

(1) The Minister may establish a committee to be called the Arbitration committee for the purposes of considering complaints referred to in subsection (1) of section 12 and for making reports thereon.

(2) The committee shall consist of—

(a) a member of the Board, who shall be the chairman;

(b) the Chief Executive;

(c) a legal practitioner;

(d) a person who is familiar with the business of tour operators.

(3) Members of the Arbitration Committee shall be paid such remuneration, if any, as may be determined by the Authority.

PART IV

GENERAL

14. Qualification for registration

An operator shall not be qualified to have his designated tourist or user facility registered if—

(a) he has, within the five years preceding his application, been convicted— (i) within Zimbabwe of an offence; or

- (ii) outside Zimbabwe of an offence which, in the opinion of the Chief Executive, is substantially similar to an offence under the law of Zimbabwe;
- and sentenced to imprisonment without the option of a fine, which sentence has not been wholly suspended or set aside on appeal or review or been the subject of a free pardon; or (b) he is an unrehabilitated insolvent.

15. Fee for appeal from decision of Board or Chief Executive

The fee which shall be submitted with an appeal in terms of subsection (1) of section 51 of the Act from a decision of the Board or the Chief Executive shall be one hundred dollars.

16. Changes to be notified

The operator of a designated tourist or user facility shall, within twenty days of any change in the information which was supplied by him in connection with his application for registration, notify the Chief Executive of such change.

17. Inspections

A designated officer may enter the premises of any designated tourist or user facility at all reasonable times in order to ensure that it is complying with the minimum standards prescribed in section 5.

18. Levy

A levy be payable in respect of all registered designated tourist or user facility.

19. Rate of levy

The levy shall be at the rate of two *per centum* of the gross amount, excluding sales tax or any other tax or duty, charged to that tourist or user making use of any facility provided at the designated tourist or user facility concerned.

20. Collection of levy

(1) The operator of a designated tourist or user facility shall be responsible for the payment of the levy in respect of that designated tourist or user facility and for its collection.

(2) The operator of a designated tourist or user facility shall add to the charge for accommodating each tourist or user a surcharge equal to the amount of the levy payable in respect of the tourist or user concerned.

21. Remittal of levy

(1) The operator of a designated tourist or user facility shall be responsible for the remittal of the levy in respect of that designated tourist or user facility in terms of this section.

(2) The operator of a designated tourist or user facility shall send the Chief Executive a return in duplicate showing in respect of each calendar month, the number of tourists or users making use of the facilities at his designated tourist or user facility and the gross amounts charged to each of them in respect of such use:

Provided that, if the Chief Executive is satisfied that it is impracticable for any operator to show such particulars he may permit the operator to specify different particulars on the return.

(3) The return referred to in subsection (2), together with the amount of the levy payable in respect of the month to which that return relates, shall be submitted to the Chief Executive in terms of that subsection not later than the fifteenth day of the month following the month to which the return relates.

22. Records and accounts

(1) The operator of a designated tourist or user facility other than the operator of registered tourist or user accommodation shall keep in respect of the designated tourist or user facility such records and accounts as may be necessary to show—

- (a) the number tourists or users who availed of the designated tourist or user facility in any calendar month and the amount of the levy payable in respect of each such tourist;
- (b) the aggregate amount of levies collected and remitted by him in each calendar month.

(2) The operator of a designated tourist or user facility shall ensure that, on any account submitted to a tourist or user in respect of his availing of the designated tourist or user facility, the amount of the levy payable in respect of each tourist or user to which the account relates is clearly indicated as a separate item.

(3) Any account or record kept in terms of this section shall be retained by the operator for a period of three years from the date of the period to which the account or record relates.

23. Insurance

The operator of a designated tourist or user facility shall provide and keep in force a policy of insurance acceptable to the Chief Executive, issued by an insurer who is registered in terms of the Insurance Act [*Chapter 24:07*] which insures every tourist or user using the designated tourist or user facility against personal injury or loss of life or loss of or damage to property, which may be caused by a wrongful act or omission of the proprietor or any of his employees, to a minimum as may be specified by the Chief Executive in each case.

24. Exemptions, modifications and adaptations

- (1) The Chief Executive may grant a designated tourist or user facility exemption from any of the provisions of these regulations or any of the requirements for registration in special circumstances.
- (2) The Chief Executive may authorize such modifications or adaptations of the forms specified for the purposes of these regulations as lie may deem necessary or convenient.

25. Insignia

- (1) The insignia for a designated tourist or user facility shall be the insignia ret out in the Second Schedule.
- (2) Within three months of being registered, a designated tourist or user facility shall ensure that the insignia set out in the Second Schedule is shown on all letter-heads and advertising material used or issued by him or on his behalf.
- (3) No person shall use or display any insignia or any emblem or device which resembles the insignia set out in the Second Schedule unless he is registered in terms of these regulations.
- (4) Any person who contravenes of subsection (3) shall be guilty of an offence and liable, on conviction, to a fine not exceeding one thousand dollars or to imprisonment for a period not exceeding six months, or to both such fine and such imprison meat.

26. Repeals The

regulations set out in the Third Schedule are repealed.

FIRST SCHEDULE (Section 2)

FORMS

- D.T.F. 1: Application for registration as a designated tourist or user facility.
- D.T.F.2: Application for renewal of registration as a designated tourist or user facility.
- D.T.F.3: Certificate of registration.
- D.T.F.4: Application for the replacement of a certificate of registration.
- D.T.F.5: Register of guests.
- D.T.F.6: Surety bond.

Form D.T.F. 1

TOURISM ACT [CHAPTER 14:20]

APPLICATIONFORREGISTRATION AS A DESIGNATED TOURIST OR USERFACILITY

The Licensing Officer,
P.O. Box CY 286,
Causeway,
Harare.

1. I/We hereby apply in terms of section 2 of the Tourism (Designated Tourist Facilities) (General) Regulations, 1996 (Statutory Instrument 107 of 1996), for

.....
(trading name of tourist or user facility)

.....
(full address of tourist or user facility)

Telephone number FaxTelex

I/We wish the tourist or user facility to be registered as a

.....
(product category)

2. The operator of this tourist or user facility is
(name)

.....
(address)

If the operator is a company, partnership, or other association, the full names of all directors, partners or other persons (excluding shareholders in public companies) who have a financial interest in the facility must be provided.

3. Details of liquor licence, if any, granted to the tourist or user facility in terms of the Liquor Act [Chapter 14:12].

(a)
(type)

(b)
(date and receipt number)

(c)
(name of licensee)

4. Details of casino licence, if any, granted to the tourist or user facility in terms of the Casino Act [Chapter 10:03].

(a)
(type)

(b)
(date and receipt number)

(c)
(name of licensee)

5. To be completed by tour operators:

Hunting Safari Operator

5.1 Operating name

5.2 Category of operation: indicate acreage of land ranch hunt

Plain game hunt

Big game hunt

5.3 If owner of property—attach copies of title deeds

5.4 Hunting rights :—Lease should not be less than five years. Attach lease agreements

5.5 Professional hunter’s licence number :—attach copies

5.6 Indicate period of lease agreement if State concession

5.7 Have you been convicted of any offence under the Parks and Wildlife Act [Chapter 20:14] Yes or No

If yes :State section contravened, date and place where conviction tookplace.

5.8 Area of operation and camp location.....

5.9 Hunting vehicle registration numbers

6. To be completed by tour operators:

Non-Hunting Operation

- 6.1 Operating name
-
- 6.2 Category of operation: indicate—photographic, canoeing, rafting, kayaking, touring, etc
.....
-
- 6.3 Areas of operation: e.g., national parks, forestry commission, communal lands (districts), etc
.....
-
- 6.4 Submit letters of authorization.....
-
- 6.5 Specify equipment: (tented camps, lodges, chalets, bungalows, canoes, rafts, guest cottage, house-boats, etc.)
- 6.6 Mode of transport—vehicles and their numbers.....
-
- Public service vehicle permit numbers.....
-
- 6.7 Type of structures.....
-
- 6.8 Registration numbers of boats (in terms of the Inland Waters Shipping Act [Chapter 13:06].
.....
-
- 6.9 Professional guides licence numbers—attach copies.....
-
- 6.10 Courier guides licence numbers—attach copies.....
-
- 6.11 Launch Master’s certificate numbers—attach copies.....
-
- 6.12 Areas of operation (location of camp or equipment where it can be inspected)
.....
-
- 6.13 Number of people employed and their duties.
.....
-
-
- 6.14 I enclose in support of my application—
 - (a) A statement of capital certified by a bank/letter from the bank.
 - (b) A list of all third parties contracted to provide a service during a tour or safari-indicate permanently employed citizens.
 - (c) A surety bond in terms of section 11 of the Regulations.
- 7. I/We enclose, in support of this application (where applicable),
 - (a) a list of facilities available to tourists or users ;
 - (b) a brochure or other printed material promoting the facility;
 - (c) certificate of insurance in terms of section 23 of the regulations;
 - (d) the application fee of

- (e) a plan of the tourist or user facility to scale, showing— (i) the full extent of the land occupied by the facility;
- (ii) all buildings on the land;
- (iii) any servitude or building restrictions; and
- (iv) the proposed or existing layout of the facility, including all ablution-blocks, laundries, cooking caravan-areas, or camping- areas, access-roads, paths, drainage, power and water points, sporting facilities, facility buildings and any other features i.e. cages in respect of animal parks, etc;
- (f) a copy of the licence application, form L. 1, to the licensing officer in terms of the Tourism (Designated Tourist) (Licensing) Regulations, 1996.

8. Proposed scale of charges

<i>High season</i>	<i>Mid season</i>	<i>Low season</i>
<i>per person</i>	<i>per person</i>	<i>per person</i>
.....
.....
.....

I certify that, to the best of my knowledge and belief, the information given in this application and the documents in support thereof are true and correct.

Place

Date

.....

(Signature of applicant)

Notes

- (1) All structures, equipment and facilities used by the tourist or user facility will be inspected by a designated officer prior to registration.
- (2) The product categories which are designated are those listed in the Tourism (Designated Tourist Facilities) (Declaration and Requirements for Registration) Regulations, 1996, published in Statutory Instrument 106 of 1996.
- (3) If this application relates to premises for tourist or user accommodation which is to be established, it must be accompanied by either—
 - (a) a statement that no approval for the establishment thereof is required in terms of the Regional, Town and Country Planning Act [*Chapter 29:12*]; or
 - (b) proof that approval for the establishment thereof has been granted in terms of the Regional, Town and Country Planning Act [*Chapter 29:12*] as the case may be.
- (4) THIS FORM, WITH THE RELEVANT ATTACHMENTS AND FEES SHOULD BE SUBMITTED TO THE CHIEF EXECUTIVE, ZIMBABWETOURISM AUTHORITY, P.O. BOX CY 286, CAUSEWAY, HARARE.

Form D.T.F. 2

. TOURISM ACT [*CHAPTER 14:20*]

APPLICATION FOR RENEWALREGISTRATION AS ADESIGNATED TOURIST OR USER FACILITY

The Licensing Officer,
P.O. Box CY 286,
Causeway,
Harare.

1. I/We,
(name of operator)

for
(trading name of tourist or user facility)

of

(full address of tourist or user facility)

Telephone number Fax Telex

Registered as a

(product category)

hereby apply for the renewal of my/our registration of the above-named tourist or user facility.

2. In support of my/our application, I/we enclose herewith—

- (a) the renewal fee of
- (b) the current brochure or other printed material promoting the facility;
- (c) the certificate to be renewed; and (d) the certificate of insurance; (e) public liability/insurance policy.

3. I certify that there has been no change in the information provided in my original application.* Changes in the information provided in my previous application are attached.*

4. Scale of charges

<i>High season</i>	<i>Mid season</i>	<i>Low season</i>
<i>per person</i>	<i>per person</i>	<i>per person</i>
.....
.....
.....

Place

Date

.....

(Signature of applicant)

*Delete the inapplicable

((2) The product categories which are designated are those listed in the Tourism (Designated Tourist Facilities) (Declaration and Requirements for Registration) Regulations, 1996, published in Statutory Instrument 106 of 1996.

(4) THIS FORM, WITH THE RELEVANT ATTACHMENTS AND FEES SHOULD BE SUBMITTED TO THE CHIEF EXECUTIVE, ZIMBABWETOURISM AUTHORITY, P.O. BOX CY 286, CAUSEWAY, HARARE.

Form D.T.F. 3

TOURISM ACT [CHAPTER 14:20]

CERTIFICATE OF REGISTRATION AS A DESIGNATED TOURIST OR USER FACILITY

I certify that, in terms of section 39 of the Tourism Act [Chapter 14:20]—

.....

(trading name of designated tourist or user facility)

.....

(situated at)

is registered as

(product category)

* carrying out hunting/non-hunting tours* in the following areas

.....

The validity of this registration shall expire on theday of, 19,

Grade (where applicable) :

.....
Chief Executive of the
Zimbabwe Tourism Authority

Harare, 19.....

**Delete inapplicable*

Form D.T.F. 4

TOURISM ACT [CHAPTER 14:20]

APPLICATION FOR THE REPLACEMENT OF A CERTIFICATE OF REGISTRATION

The Licensing Officer,
P.O. Box CY 286,
Causeway,
Harare.

I/We hereby apply for the replacement of—

Certificate number, dated the, 19 issued by the Chief Executive in respect

of
(name of registered tourist or user facility)

The original licence mentioned above has been damaged/destroyed/lost* in the following circumstances—

.....
.....

I undertake to return the damaged certificate to the Chief Executive immediately upon receipt of a new certificate.

Place:

Date :

.....
(Signature of operator)

**Delete the inapplicable*

Form D.T.F. 5

TOURISM ACT [CHAPTER 14:20]

REGISTER OF GUESTS

Name	Nationality	Home address	Date of arrival	Date of departure	Vehicle Registration Number	Address to which proceeding
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TOURISM ACT [CHAPTER 14:20]

SURETY BOND

In terms of section 11 of the Tourism (Designated Tourist Facilities)(General) Regulations, 1996 (Statutory Instrument 107 of 1996).

I/We, the undersigneddo hereby bind myself/ourselves
(surety or sureties)

as surety/s and co-principal debtor/s under renunciation of the benefits of excursion and division to the Chief Executive for the due payment by

.....
of any amount that the Chief Executive may be entitled to claim from him in terms of section 12(4) of the Tourism (Designated Tourist Facilities) (General) Regulations, 1996 (Statutory Instrument 107 of 1996), up to an amount not exceeding \$ in respect of an award of compensation that may be made to a tourist or user in terms of the said regulations.

Dated atthisday of, 19

Witness :
(Surety)

Witness :
(Surety)

SECOND SCHEDULE (Section 25)

INSIGNIA



At the top of the insignia, within the concentric circles, each designated tourist or user facility which uses or displays the insignia shall insert the product category title as shown on the certificate of registration.

Note

The product categories which are designated are those listed in the Tourism (Designated Tourist Facilities) (Declaration and Requirements for Registration)Regulations, 1996, published in Statutory Instrument 106 of 1996.

THIRD SCHEDULE (Section 26)

REPEALS

<i>Title</i>	<i>Statutory Instrument</i>
Development of Tourism (Designated Tourist Amenities) (General) (Regulations), 1980	78 of 1980
Development of Tourism (Designated Tourist Amenities) (General) (Regulations), 1980: Correction of Errors	316 of 1980
Development of Tourism (Designated Tourist Amenities) (General) (Amendment)(Regulations), 1991 (No. 1)	80 of 1991
Development of Tourism (Designated Tourist Amenities) (General) (Amendment)(Regulations), 1995 (No. 2)	369 of 1995

Note by Deputy Chairman of the Law Development Commission

S.I. 48/1998 amended the following sections and schedules by substituting “tourist or user” for “tourist” and “tourists or users” for “tourists” - 2 (Definition of “tourist accommodation”), 6, 7, 8, 9, 10, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, first schedule (Forms D.T.F. 1, 2, 3, 4) and second schedule.