

NORTH-WEST TOURISM COUNCIL ACT**NO. 7 OF 1995**

[ASSENTED TO 5 SEPTEMBER, 1995] [DATE OF COMMENCEMENT: TO BE PROCLAIMED IN THE
PROVINCIAL GAZETTE]

(English text signed by the Premier)

ACT

To establish the North-West Tourism Council in order to promote, develop, regulate, rationalise and co-ordinate the tourist industry in the Province; to provide for measures aimed at the maintenance and enhancement of standards of facilities and services hired out or made available to tourists; to enable the Board in consultation with the responsible member to maintain the national grading and classification scheme in respect of accommodation establishments; to authorise the Board to establish schemes for prescribed sectors of the tourism industry; to make provision for the registration of tourist guides; to authorise the responsible Member to make Regulations; and to provide for incidental matters.

1. Definitions.—In this Act, unless the context otherwise indicates—

"accommodation establishment" means any place in or upon which the business of providing accommodation with or without meals is conducted for gain;

"Board" means the Board of Directors of the North-West Tourism Council established under section 3;

"Council" means the North-West Tourism Council established under section 2;

"financial year" means the financial year of the Council, being the period of twelve months commencing on the first day of April in any year and ending on the thirty-first day of March first following, both days inclusive;

"insignia", in relation to any accommodation establishment, means the depictions, signs and symbols which by themselves or in conjunction with one another and together with the emblem of the scheme mentioned in section 16, in respect of the establishment, the category to which the establishment belongs and the nature of the services and facilities offered and provided by the establishment, and which makes known the fact that the Board has awarded the grading, and classification;

"Managing Director" means the Managing Director of the Council appointed in terms of section 11 of this Act;

"prescribe" means prescribed by regulation;

"Province" means Province of the North-West as contemplated in section 124 (1) of the Constitution of the Republic of South Africa, 1993 (Act 200 of 1993);

"responsible Member" means the Member of Executive Council responsible for Economic Affairs;

"this Act" includes any regulation made under section 30;

"tourist industry" means the organized industry which is concerned with the promotion and handling of tours to and in the Province and the provision of services and facilities to and the provision for the needs of persons who undertake such tours, in the preparation for such tours, while they are under way and during their stay at their destination;

"tourist guide" means any person who for reward, whether monetary or otherwise, accompanies any person who travels within or visits any place within the Province and who furnishes such person with information or comments with regard to any matter.

2. Establishment and objects of North-West Tourism Council.—(1) There is hereby established the North-West Tourism Council which shall under that name be a body corporate and, for the purpose of exercising and performing its powers, functions and duties under this Act, be capable in law of instituting or defending or opposing legal proceedings, of purchasing or otherwise acquiring and holding and alienating movable or immovable property, of entering into contracts and concluding agreements and, generally, of performing such other acts and doing such other things as bodies corporate may by law do and perform, subject to the provisions of this Act.

(2) The objects of the Council shall be to promote, develop, regulate, rationalise and co-ordinate the tourist industry of the Province and, without in any way place limitation on the foregoing objects of the Council—

(a) to encourage persons to visit the Province from elsewhere and to travel about within the Province;

(b) to encourage and promote the development and improvement of travel services and facilities to and within the Province, for which purpose the Council may liaise with any department of the Province; and

(c) to encourage the inhabitants of the Province to travel about therein.

(3) From and after the commencement of this Act and subject to the provisions thereof, the Council shall be controlled and represented by the North-West Tourism Council Board of Directors as hereinafter provided, and all acts of that Board shall be deemed to be acts of the Council.

3. Composition of North-West Tourism Council Board of Directors, appointment and termination of appointment of directors, and remunerations, etc. of directors of the Board.—(1) The responsible Member shall—

(a) from time to time determine the number of directors of the Board, which number shall not be less than five and not more than sixteen, of whom one shall be the designated chairperson of the Board by the responsible Member;

(b) appoint the said directors of the Board for a period of three years;

(c) appoint a Managing Director by virtue of being suitable in view of any professional, technical, administrative, special or other qualifications, expertise and experience, who shall be the Chief Executive Officer of the Council:

Provided that such determination and appointment shall take place in accordance with the principles of transparency and consultation.

(2) The directors shall be appointed by the responsible Member in terms of subsection (1) by virtue of being suitable for membership in view of—

(a) any professional, technical, administrative, special or other qualifications, expertise or experience; and

(b) being representative of the broad classes of the tourist industry related sectors within the Province.

(3) The responsible Member may for each or any director of the Board – hereinafter referred to as an appointed director – appoint an alternate director, and for the purposes of the appointment of such alternate director, the considerations in paragraphs (a) and (b) of subsection (2) which are relevant to the appointment of the director of the Board for whom he or

she is an alternate, shall *mutatis mutandis* apply.

(4) The directors of the Board and their alternate directors shall be appointed by the responsible Member on such terms and conditions as he or she may determine.

(5) Directors of the Board and their alternate directors, other than any director in the full-time service of the State shall, in connection with the performance of their functions and duties as members of the Board, be paid such remuneration and allowance and be entitled to such perquisites as the responsible Member, in consultation with the Member of the Executive Council responsible for Finance and Provincial Expenditure, may from time to time determine (if any): Provided that a director shall be compensated on a basis as determined by the Board for all travelling and other expenses necessarily incurred in connection with the business of the Council and meetings of the Board.

(6) Whenever the director of the Board in respect of whom a person has been appointed as an alternate director is for any reason unable to attend a meeting of the Board or to exercise and perform his or her powers, functions and duties as a director of the Board, such alternate director may in the place of the director for whom he or she is an alternate, attend such meeting of the Board and thereat participate in the proceedings and voting and fully exercise and perform all the other powers, functions and duties of the director for whom he or she is a alternate: Provided that the person appointed as alternate member for the chairperson shall not at any meeting of the Board at which the chairperson is absent, exercise or perform any powers, functions or duties pertaining to the office of chairperson.

(7) An appointed director or alternate director whose term of office has expired, shall be eligible for re-appointment.

(8) Notwithstanding the provisions of this section, a person shall be disqualified from being appointed or remaining as an appointed director of the Board if—

(a) he or she is subject to a final order of court whereby his or her estate is sequestrated under the Insolvency Act 1936 (Act 24 of 1936), or if his or her estate is sequestrated in terms of the law of any other country or territory by a competent court or authority of such a country or territory, or if he or she has assigned his or her estate for the benefit of his or her creditors;

(b) he or she is subject to an order of a competent court declaring him or her to be of unsound mind or mentally disordered or defective; or

(c) he or she has been convicted of any offence under this Act or of any offence whatsoever, other than an offence which is regarded as a political offence, in respect of which he or she was sentenced to imprisonment without the option of a fine for a period of not less than six months, irrespective of whether such imprisonment was wholly or partially suspended or not, unless he or she has received a grant of amnesty or a free pardon, or unless the period of such imprisonment or suspension has expired at least ten years before the date of his or her appointment as a director of the Board;

(d) if he or she is not resident in the Republic of South Africa.

(9) An appointed director or alternate director of the Board shall vacate his or her office if—

(a) he or she is found guilty of misconduct;

(b) he or she is unfit for the duties of his or her office;

(c) he or she becomes subject to a permanent infirmity of mind or body which renders him or her incapable of discharging the duties of his or her office or discharging them properly;

(d) he or she becomes subject to any disqualification referred to in subsection (8);

(e) he or she is absent from three consecutive ordinary meetings of the Board without its permission:

Provided that this subsection shall be exercised with due observance of established Labour Law principles.

(10) The office of a director shall be deemed to have been vacated—

(a) upon the death of such director; or

(b) upon the expiration of his or her period of office; or

(c) upon receipt by the Board of his or her resignation as a director: Provided that he or she shall have given 30 days' notice, in writing, to the Board of his or her intention to resign; or

(d) if he or she is directly or indirectly concerned in any contract with the Council or shares in the profits of any contract with the Council: Provided that he or she shall not vacate his or her office if he or she has informed the Board of the nature and extent of his or her interest in such contract and he or she does not vote in respect of such contract or any matter arising therefrom.

(11) Where the office of any appointed director or alternate director becomes vacant, whether by virtue of his or her death or removal or resignation from office, the vacancy shall be filled as soon as may be reasonably practicable, by a suitable person appointed for that purpose by the responsible Member *mutatis mutandis* in accordance with the provisions of subsection (3) and the member so appointed shall hold office for the unexpired period of his or her predecessor's term of office.

4. Chairperson and vice-chairperson of Board.—(1) The responsible Member shall from the number of appointed members of the Board, designate a chairperson for the Board.

(2) The responsible Member shall from the number of appointed members of the Board, designate a vice-chairperson.

(3) The chairperson of the Board shall, subject to the provisions of this section, preside at the meetings of the Board.

(4) The vice-chairperson of the Board shall preside at the meeting of the Board and exercise and perform all the powers, functions and duties of the chairperson of the Board whenever the office of chairperson is vacant or the chairperson is absent or suspended or incapacitated or refuses or fails to act, or is subject to the provisions of section 10, and whenever the offices of both chairperson and vice-chairperson are vacant or both the chairperson and vice-chairperson are absent, incapacitated or refuse or fail to act, or they are both subject to the said provisions, the remaining directors shall from the number of the appointed directors designate a person to preside at the particular meeting or meetings of the Board and to exercise and perform all the powers, functions and duties of the chairperson, for as long as any such vacancy exists, or any of the aforementioned circumstances subsist.

(5) Where any question or dispute arises as to whether or not any incapacity is of a temporary or permanent nature or whether any cause is sufficient for invoking the provisions of that subsection, the matter in issue shall be determined by the decision of the majority of directors who are not alleged to be subject to any incapacity or circumstance contemplated by that subsection.

(6) Whenever it comes to the notice of the responsible Member that, in consequence of the existence of vacancies in the Board or the absence, suspension or incapacity of its directors or any refusal or failure to act contemplated by subsection (4), the number of the remaining directors do not, pending the filling of such vacancies or the termination of any of the circumstances hereinbefore mentioned, form a quorum, the responsible Member shall appoint not less than such number of persons as are required to form such a quorum, but not more than such number of persons as are equal to the difference between the full complement of the Board and the remaining members, to act as members of the Board during the period that such vacancies exist or such circumstances subsist, in order to enable the Board to exercise and perform its powers, functions and duties under this Act.

(7) Notwithstanding the provisions of subsection (4), the responsible Member may, if he or she deems it necessary, appoint any person to act as chairperson of the Board in the circumstances contemplated by that subsection for as long as such circumstances subsist.

5. Acts, resolutions and proceedings of Board not invalidated in certain circumstances.—Subject to the provisions of section 7 (1) and (2) and section 10, the acts, decisions, and proceedings of the Board shall not be rendered invalid or unlawful by reason only of any vacancy occurring therein, as contemplated by section 3, or of any defect or irregularity in the appointment of a member or by reason of the disqualification of any member of the Board.

6. Meetings of Board and notice of meetings.—(1) The meetings of the Board shall be held on such dates and at such times and places as the Board may by resolution determine, but at least once every two months: Provided that the first meeting of a newly constituted Board shall be held on such date and at such time and place as the responsible Member may by written notice to all the members of the Board determine, which date shall not be later than twenty-one days (Saturdays, Sundays and public holidays excluded), after such constitution of the Board.

(2) The chairperson may at any time call for an extraordinary meeting of the Board, if in his or her opinion, it is justified by the circumstances prevailing and shall, upon having been presented with a requisition for that purpose signed by at least two members of the Board, forthwith call for an extraordinary meeting of the Board, and if the chairperson fails to call for such lastmentioned meeting within seven days as from such presentation, such two members may, on the expiration of such seven days call for an extraordinary meeting.

(3) Notice of meetings of the Board shall be given to all members thereof in such manner and form as the Board may from time to time determine.

(4) The chairperson or any other person who, in terms of section 4 (4) acts as chairperson, shall determine the procedure at the meeting over which he or she presides.

7. Quorum and decisions of Board, and voting powers of chairperson.—(1) At any meeting of the Board the quorum shall be a majority of the serving directors.

(2) The decision of the majority of the directors of the Board present at any meeting thereof, shall, subject to the provisions of subsection (1), constitute a decision to be known as a resolution of the Board: Provided that where the directors of the Board present at any meeting thereof constitute a bare quorum a decision or resolution adopted at such meeting shall not be a decision or resolution of the Board nor have any force or effect unless such decision or resolution was adopted unanimously by the directors so present.

(3) In the event of an equality of votes in regard to any matter put to the vote, the chairperson of the Board or person acting as such in terms of section 4 (4) shall have a casting vote in addition to his or her deliberative vote.

8. Procedure when Board unable to meet timeously in respect of urgent business.—Whenever any matter to be dealt with by the Board is of such a nature that it requires the immediate and urgent decision of the Board and the circumstances are such that it would not be possible for the Board to meet timeously, then all the relevant documentation and memoranda setting out fully the matter to be dealt with shall be submitted to each member of the Board for consideration, and any decision agreed upon by a simple majority of the total number of its members shall be regarded as the decision of the Board in regard to such matter.

(2) A decision contemplated by subsection (1) shall be ratified by the Board at its next ensuing meeting and shall be recorded in the minutes of that meeting.

(3) (a) Any director of the Board to whom a matter has been submitted in terms of subsection (1), shall be precluded from any participation in disposing of such matter in terms of that subsection if, in relation to such matter, he or she has any interest of any nature contemplated by paragraph (a) or (b) of section 10 (1), and shall, upon becoming aware of having such an interest, disclose his or her interest to the chairperson.

(b) Whenever a director of the Board affected by the provisions of paragraph (a) of this subsection, has failed to comply with the provisions of that paragraph, any decision taken at the time of the non-compliance and regarded by subsection (1) as the decision of the Board, shall be null and void, and such director shall be guilty of an offence and liable on conviction to the penalties prescribed in section 10 (3).

9. Minutes of Board.—(1) The Board shall cause minutes to be prepared and kept of the proceedings of every meeting

thereof and cause copies of the minutes to be circulated to all the directors of the Board, as well as to the responsible Member.

(2) Every minute prepared in terms of subsection (1), when signed at a subsequent meeting of the Board by the person presiding at such meeting, shall, in the absence of proof of error therein, be deemed to be a true and correct record of the proceedings which it purports to minute, and shall at any proceedings in terms of this Act or before a court of law or any tribunal or Commission of inquiry, constitute *prima facie* evidence of the proceedings of the Board and the matters it purports to minute.

10. Commercial and other interests of directors in matters dealt with by Board.—(1) No director of the Board shall be present at any meeting thereof or be present in the room in which such meeting is held, or in any way whatsoever take part in the proceedings of the Board, during the course of the discussion of or voting on—

(a) any matter in which he or she has, directly or indirectly, either by himself or herself or through his or her spouse, partner or business associate or through any person related to him or her within the third degree of consanguinity or affinity, any commercial or pecuniary interest which is greater than that which he or she has as a member of the general public;

(b) any intended or pending, legal arbitration or other proceedings to which the Board is or may become a party and in which any such director has, directly or indirectly, either by himself or herself or through his or her spouse, partner or business associate or through any other person related to him or her within the third degree of consanguinity or affinity, any interest, whether as a party, witness or legal representative or otherwise.

(2) If at any stage during the course of any proceedings before the Board, it appears that any director thereof has or may have an interest which may, in terms of subsection (1), preclude him or her from further participation in such proceedings—

(a) he or she shall forthwith and fully disclose the nature of his or her interest and leave the meeting, so as to enable the remaining members thereof who are present at the meeting in question to discuss the matter and to determine whether such member is so precluded;

(b) such disclosure and the decision taken by such remaining members in relation to such determination, shall be recorded in the minutes of such meeting.

(3) If any director of the Board fails to disclose any interest as required by subsection (2) when the Board turns to consider and deal with any matter affected by such interest, or if such director otherwise contravenes or fails to comply with the preceding provisions of this section, the proceedings of the Board shall be null and void and such director shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or imprisonment for a period not exceeding three months, or to both such fine and such imprisonment, unless it is proved that such director did not know that he or she had such an interest.

11. Managing Director of Council.—(1) The responsible Member shall appoint as Managing Director of the Council a person who—

(a) is suitable in view of his or her professional, technical, administrative, special or other qualifications, expertise or experience; and

(b) is not disqualified in terms of section 3 (8) from becoming a member of the Board,

and the Managing Director shall be, the accounting officer for the Council and, subject to the control of the Board, be the chief executive officer of the Council: Provided that the procedure followed by the responsible Member in the appointment of the Managing Director shall be in accordance with the principles of transparency and consultation.

(2) The Managing Director shall be appointed for such period and on such terms and conditions as to service, as the responsible Member may determine: Provided that such terms and conditions relating to the remuneration, allowances and perquisites of the Managing Director shall in each case be determined by the Board in concurrence with the responsible

Member.

(3) The Managing Director shall not be present at any meeting of the Board nor be present in the room in which such meeting is held nor in any other way take part in the proceedings of the Board, in regard to any matter relating to the terms and conditions of service of, or the remuneration payable or to be paid to, or the appointment of the Managing Director, except in so far as he or she has been requested by the Board to furnish information or make representations in connection therewith.

(4) The Board may by resolution delegate any of its powers, functions or duties in terms of this Act to the Managing Director (excluding the power referred to in section 15), but shall not thereby be divested of any power or be relieved of any function or duty which it may have so delegated, and may revoke or amend any such delegation and amend or withdraw any decision of the Managing Director in terms of a delegation under this subsection.

(5) The Managing Director may on three months' written notice tendered to the Board, resign from his or her office.

(6) The responsible Member may subject to the provisions of subsection (7) remove the Managing Director from office—

(a) on account of his or her misconduct;

(b) for unfitness for the duties of his or her office;

(c) on the ground of a permanent infirmity of mind or body which renders him or her incapable of discharging the duties of his or her office or discharging them properly; or

(d) on the ground that he or she is or has become subject to a disqualification referred to in section 3 (8).

(7) (a) The responsible Member shall, if he or she is on reasonable grounds satisfied that there may exist sufficient cause for the removal of the Managing Director from office in terms of subsection (6), after affording the Managing Director the opportunity to address him or her in this regard, and bearing in mind the provisions of section 24 of the Constitution, constitute a committee to enquire into or investigate whether such sufficient cause does indeed exist for the removal of the Managing Director from office.

(b) The responsible Member may, whenever there is being undertaken any enquiry or investigation for the purpose of establishing whether or not there exists sufficient cause for the removal of the Managing Director from office in terms of subsection (6) as contemplated by subparagraph (a), suspend the Managing Director from his or her office pending the outcome of such an enquiry or investigation.

(8) Whenever the Managing Director is suspended in accordance with the provisions of subsection (7), he or she shall, in respect of the period of his or her suspension unless the responsible Member after consultation with the Board directs otherwise, not be entitled to any emoluments under this Act: Provided that—

(a) if the period of his or her suspension endures for longer than three months, the Council shall until such time as such suspension is terminated and the Managing Director is either removed from office under subsection (6) or restored to his or her office, pay to the Managing Director an amount equal to such portion of his or her basic salary as would have accrued to him or her in respect of the period in excess of such three-month period;

(b) if he or she is restored to his or her office, he or she shall in respect of the period of his or her suspension, and in addition to any amount paid or payable to him or her under paragraph (a) of this proviso (if any), be paid all such emoluments as would have been payable to him or her under this Act had he or she not been so suspended.

12. Deputy Managing Director.—(1) The Managing Director may, subject to the approval of the Board, appoint a person as Deputy Managing Director to assist the Managing Director, subject to his or her directions and control, in exercising and performing the powers, functions and duties conferred and imposed upon him or her by or in terms of this Act.

(2) The Managing Director may, with the approval of the Board and subject to the provisions of the by-laws made under section 15 (if any), remove any Deputy Managing Director from office for any cause specified in paragraph (a), (b), (c) or (d) of section 11 (6).

(3) A Deputy Managing Director may on two months' written notice tendered to the Managing Director resign from his or her office.

13. Officers, employees and other staff of Council.—(1) The staff establishment of the Council shall consist of such posts as the Board in consultation with the responsible Member may from time to time determine.

(2) The Board may appoint such officers, employees and workmen, and engage the services of such experts or advisers in any profession, technique or science, for the Council as it may deem necessary in order to assist the Council in the due, proper and effective exercise, performance and execution of the powers, functions, duties, projects and affairs of the Council, subject to the directions of the responsible Member (if any), and may—

(a) determine the terms and conditions of service of such officers, employees and workmen;

(b) negotiate the purposes for and conditions subject to which the services of experts or advisers shall be engaged by the Council;

(c) on good cause shown, suspend or dismiss any such officer, employee or workman.

(3) (a) The provisions of this section shall not be construed so as to preclude the Board from procuring, by way of agreement with the government of the Province, the services of any officer of the Public Service on secondment to the Council in terms of the Public Service Act, 1994.

(b) Any officer of the Public Service seconded for service with the Council shall, in regard to the performance of his or her services with the Council, for all purposes in law be deemed to have been appointed under this section as an officer of the Council.

14. Powers of the Board.—The Board shall have the power—

(a) to co-operate or negotiate with any tribal, regional or local authority or other public authority or any body corporate or association of persons, whether within the Province or elsewhere, or with the government of the Province or any other Provincial Government or National Government or the Government of any other country or territory, and to promote co-operation or negotiations with or amongst any of such authorities or bodies corporate, associations and governments, in regard to any matter calculated to promote (whether directly or indirectly) the achievement of objects of the Council as contemplated in section 2 (2): Provided that the Council shall not engage in any such co-operation or negotiations with any foreign government or any of the aforesaid institutions of a foreign country or territory without the prior approval of the responsible Member;

(b) establish or assist in the establishment of advisory committees on all matters regarding tourism on a provincial, regional or local basis, and to co-ordinate the activities of, and give guidance and advice to, such committees, and to initiate and organise meetings, conferences for considering and dealing with matters falling within the purview of the objects, powers and functions of the Board;

(c) to inaugurate, plan, finance, co-ordinate, promote or carry out or to assist in the inauguration, planning, financing, co-ordination, promotion or carrying out of projects which are intended to benefit and develop the tourist industry in the Province;

(d) to engage in the systematic collection in the Province and elsewhere, of information relating to the tourist industry generally, and, in particular, to that of the Province, and to disseminate such information;

(e) to advertise and make known or otherwise promote the tourist attractions of the Province in any manner it deems fit;

(f) to produce, publish, print and sell, and to circulate and distribute, with or without charge, travel or tourist books or guides, maps, posters, placards, brochures and bills and publications of any nature calculated to be useful to tourists and travellers within the Province, or otherwise calculated to promote the achievement or its objects, whether directly or indirectly;

(g) to produce and distribute, with or without charge, motion pictures, photographs or other pictorial material (including video material), and to sponsor, arrange or organise displays, broadcasts, telecasts, talks and public lectures, relating to the tourist industry within the Province;

(h) to engage jointly, or to otherwise co-operate, with any tribal, local or regional authority or other public authority or any person or association of persons, whether in the Province or elsewhere, or with the government of the Province or any other Provincial Government or the National government, in the production, promotion, organisation or distribution of all or any of the publicity material and communications referred to in paragraph (f) and (g);

(i) to maintain a grading and classification scheme in respect of accommodation establishments and other tourist related sectors;

(j) to apply its funds or moneys to the establishment of a reserve fund, or to invest any funds or moneys not immediately required for its affairs in any manner;

(k) for the performance of its activities to purchase, hire or lease or otherwise acquire land or buildings, to erect buildings on its land, to sell, let or otherwise dispose of or mortgage such land or buildings;

(l) to accept donations and to receive any moneys offered or due to it,

(m) to open banking accounts;

(n) to pay all expenses in connection with its establishment and administration;

(o) to purchase, hire, develop or hold or to subscribe to or otherwise acquire or take over movable property of any kind, including any shares, stocks, debentures and securities, or any interest in any business of or a mortgage over any property, and to let, sell or otherwise alienate it or pledge it or deal otherwise therewith;

(p) by legal process to cause any company, corporation or juristic person in which it has any share or interest, to be liquidated or placed under judicial management and may for that purpose itself be appointed as liquidator or judicial manager, and to petition a competent court to sequester the estate of any of its debtors;

(q) to act, where necessary, to protect its investments, or otherwise to act as director, manager, trustee, curator, executor or administrator of any business, estate, trust, company, juristic person or persons or to designate a person or persons to act for any such purpose on its behalf;

(r) to act as agent or representative in connection with any matter of whatsoever nature for or on behalf of a person in connection with all or any of its objects or itself to appoint agents or representatives in connection with any of its objects;

(s) to employ, remunerate, house, discharge or suspend officers and employees required for its operations and to indemnify such officers and employees or dependants of such officers or employees in respect of any harm, damage or loss suffered by them in the course of the execution of

their duties;

(t) to provide or give pension and sick benefits to any of its officers and employees;

(u) to acquire land by purchase, lease or otherwise, for the purpose of erecting thereon dwelling houses for persons in its employ, erect such dwelling-houses and enter into agreements with such persons for the letting or sale of such dwelling houses to such persons;

(v) make loans available to employees of the Council for the purchase by them of vehicles and equipment to be used by them in the exercise and performance of their powers, functions and duties;

(w) incur expenditure in respect of official entertainment by the Board for the purposes of or in connection with advancing, promoting, or executing the affairs, operations and objects of the Council;

(x) insure the Council with any company or association against any loss, damage, risk, liability or accident whatsoever which it may suffer or incur: Provided that the maximum amount of the cover and benefits of any policy of insurance taken out by the Board in terms of this paragraph and the premiums or moneys payable in respect of such insurance, shall not exceed, the amounts as are from time to time approved by the responsible Member;

(y) subsidise, to such extent as may from time to time be determined by the responsible Member any contributions due by its officers and employees under any group medical scheme arranged or approved by the Board;

(z) take out an insurance policy with any insurer providing insurance cover for the members of the Board, and for the staff of the Council, in respect of injury, disablement or death which may occur or may be sustained by them in the exercise or performance of their powers, functions or duties as such members, officers or employees;

(aa) establish or arrange, and administer and control, for the benefit of its officers and employees and, where appropriate, their dependants, a group insurance scheme, and a medical aid fund or scheme;

(bb) subject to the approval of the responsible Member grant loans to its officers and employees to purchase any land or premises for their residential purposes and for the purposes of constructing a dwelling on such land, or to guarantee the repayment of any loan taken up from elsewhere by such officer or employees for any such purpose or for the purpose of effecting any improvement to their residential premises;

(cc) train or provide or arrange training facilities for the officers and employees of the Council and all other persons employed or engaged in connection with the business and operations of the Council, and bear the study costs of officers or employees studying at any university or technical or other educational institution (wherever situated) which is approved by the responsible Member, and may grant bursaries or study loan to any person for the purpose of research, study or further study in any field covered by the business or operations of the Council, at any such university or technical or educational institution; and

(dd) to exercise any other power which the responsible Member may consider necessary for the attainment of its object and which the responsible Member may confer upon it by notice in the *Provincial Gazette*,

and may, generally, do anything not inconsistent with the provisions of this Act that is necessary for or conducive to the attainment of its objects and the exercise of its powers, whether or not it relates to any matter expressly mentioned in this section.

15. By-laws of Council.—The Board may, with the prior approval of the responsible Member, by notice in the *Provincial Gazette*, make by-laws not inconsistent with the provisions of this Act in relation to the following matters—

- (a) the proceedings and business of the Council;
- (b) the duties of officers, employees and other persons in its employment, including delegation of the powers of appointment and dismissal to any particular officer; and
- (c) the scales of salaries, wages or other remuneration of persons in its employment, and the contributions to be paid by the Council towards any pension or superannuation fund established by it;
- (d) any staff matter provided for in section 27.

16. Board in consultation with responsible Member may establish and maintain grading and classification scheme in respect of accommodation establishments.—(1) The Board in consultation with the responsible Member may by notice in the *Provincial Gazette*, with a view to the maintenance or enhancement of standards and quality of facilities and services rendered or made available by persons conducting accommodation establishments, establish a grading and classification scheme in respect of accommodation establishments, in the Province.

(2) In the event of the existence of a national grading and classification scheme such a scheme shall be adopted for implementation in the Province for purposes of maintaining a uniformity of service standards in the country. The implementation and control of such a scheme shall be vested with the Board.

(3) The Board in consultation with the responsible Member may, if it is necessary for the proper conduct or continuation of an effective grading and classification scheme, or to keep abreast with developments in the tourism industry from time to time consult with the national body or committee tasked with such responsibilities, for purposes of recommending the amendments of the provisions of such establishments.

(4) The acquisition, continuation and termination of membership of such a scheme shall be governed by the provisions of such establishments.

(5) The Board shall in respect of any accommodation establishment classified and graded in terms of a scheme referred to in subsection (1) grant authority to the person conducting the establishment to use and display in respect of that establishment the prescribed insignia, which shall include a depiction or depictions of a star or number of stars, or any other symbol as may have been designated and authorized by the national body or committee mandated to do so, which indicate the grading awarded in respect of that establishment in terms of the scheme.

(6) The Board shall keep a record of all persons conducting accommodation establishments and who are members of a grading and classification scheme, and of all establishments graded and classified in terms of such a scheme.

(7) In order to ensure compliance and effectiveness of the scheme, as well as to render appropriate services to the subscribers, the Board shall have in its employment, qualified inspectors/advisors who will subscribe on matters of interest.

(8) The Board will, subject to agreements entered into bilaterally and otherwise with all designated bodies controlling the scheme, allow for the periodic audit of the scheme in the Province by the national body or committee mandated to do so in order to ensure compliance and uniformity in its application.

17. Board in consultation with responsible Member may establish schemes in respect of certain prescribed sectors of tourism industry.—(1) The Board in consultation with the responsible Member may in respect of any prescribed sector of the tourism industry, other than accommodation establishment and after consultation with persons who are active in such sector, establish schemes with a view to the maintenance or enhancement of the standards of services or facilities rendered or made available by persons who are active in that sector.

(2) The provisions of section 15 (2), (3) and (4) shall *mutatis mutandis* apply in respect of services and facilities rendered or made available by persons who are active in that sector.

(3) If the Board in concurrence with the responsible Member intends to establish a scheme in terms of subsection (2) for any sector which involves the functions assigned to another Member of the Executive Council in terms of any law, such scheme shall be established with the concurrence of such other Member of the Executive Council.

18. Registration of tourist guides, classes of tourist guides, and disqualifications and qualifications of tourist guide.—

(1) The Board shall designate an employee of the Council as Registrar of Tourist Guides in the North-West, who shall exercise such powers, perform such functions and carry out such duties as may be conferred upon, assigned to or imposed upon him or her in terms of this Act.

(2) The registrar shall keep a register of tourist guides and shall record in such register the prescribed particulars with regard to tourist guides.

(3) The Board shall for the purposes of this Act determine the different classes of the tourist guides, or adopt such categories of tourist guides as per the guidance of the national body, or committee mandated, for purposes of uniformity in the country.

(4) No person shall be registered as a tourist guide in terms of this Act unless he or she, when he or she appears as required by section 18 (3), shows that he or she has the required knowledge of the matters specified in subsection (5).

(5) The knowledge contemplated in subsection (4) shall relate to the history, geography, fauna, flora, climate, availability of medical and emergency services, background and culture of the different peoples, infrastructure of the tourism industry and the economic circumstances in and of the geographical area in question.

(6) In order to be registered as a specialist tourist guide in respect of any area or matter the person applying for such registration shall possess specialized knowledge, to the satisfaction of the registrar, of the area or matter to which the application relates.

19. Procedure relating to registration of tourist guides.—(1) Any person who wishes to be registered as a tourist guide shall in the prescribed manner apply to the registrar, and such application shall be accompanied by the prescribed registration fee.

(2) Upon receipt of such an application and registration fee the registrar may request the applicant to furnish such additional particulars and information as he or she may deem necessary in order to consider the application properly.

(3) An applicant referred to in subsection (1), shall upon the request of the registrar appear before him or her in person and shall furnish such additional particulars and information as may be required by the registrar in order to enable the registrar to decide whether the application should be granted.

(4) If the registrar after he or she has considered the information and particulars contemplated in subsections (2) and (3) is satisfied that the applicant complies with the prescribed requirements for registration as a tourist guide falling within any class determined under this Act, he or she shall register the applicant as a tourist guide.

(5) When the registrar registers any person as a tourist guide, he or she shall issue to him or her a registration certificate and a badge, which shall be in the prescribed form.

(6) (a) A registration as tourist guide shall be valid for a period of one year, reckoned from the date of issue of the registration certificate.

(b) Any person registered as a tourist guide shall before the end of the period for which he or she has been registered, indicate to the registrar whether he or she wishes to be registered as a tourist guide in respect of the next ensuing period of one year, and if he or she indicates that he or she wishes to be so registered he or she shall upon the payment of the prescribed fee be reregistered.

(7) (a) If a tourist guide has in the opinion of the registrar failed to comply with any condition subject to which he or she has been thus registered, or if in the opinion of the registrar it is not in the public interest that a tourist guide should continue to be so registered, the registrar may by notice sent by registered post, direct that tourist guide to advance within a period specified in the notice, of not fewer than thirty days from the date of the notice, reasons why his or her registration as a tourist guide should not be withdrawn.

(b) The registrar may by notice sent by registered post suspend the registration as such of the tourist guide concerned, pending the decision of the registrar under paragraph (a).

(8) Any person who considers himself or herself aggrieved by an decision or action of the registrar may appeal to the Board against the decision or action in question, and the Board may confirm, set aside or amend the decision or action.

(9) (a) No person who has not been registered as a tourist guide or whose registration as a tourist guide has been suspended shall for reward, whether monetary or otherwise, act as a tourist guide.

(b) A person who has been registered as a tourist guide in respect of a particular class referred to in subsection (4) may act as a tourist guide only in respect of the area or matters determined in respect of that class, as have been set out in the registration certificate issued to that person.

20. Financing of Council, and guarantees in respect of certain loans to it.—(1) The Council shall be financed and be provided with working capital out of—

(a) such moneys as may from time to time be appropriated to the Council by the Provincial Legislature, together with such monies which, upon the commencement of this Act, may from public funds be allocated to the Council by the responsible Member, which he or she is hereby authorised to do which contributions shall be regarded as constituting share-capital held by the Provincial Government;

(b) loans granted to the Council by the Provincial Government of the Republic on such terms and conditions as the responsible Member in concurrence with the Member of the Executive Council responsible for Finance and Provincial Expenditure may from time to time determine in accordance with the provision of the North West Exchequer Act, 1994;

(c) loans raised or overdrafts obtained from any bank or financial institution registered in the Republic or elsewhere;

(d) loans negotiated by the Council with other states, or with international bodies, agencies, institutions or financiers;

(e) all fees, charges and monies payable to the Council in respect of services rendered or supplied by the Council;

(f) the proceeds derived by the Council from the realisation of any of its assets or property;

(g) rent or other moneys payable to the Council by its officers, employees and workmen in respect of housing or accommodation provided by the Council, as contemplated by section 14;

(h) interest payable to the Council by its officers, employees and workmen in respect of the outstanding balances on loans granted to them by the Council in terms of section 14;

(i) interest derived from the investment of monies by the Council in terms of section 23;

(j) donations and bequests made to the Council and accept by it;

(k) the proceeds of any sale in terms of section 14;

(l) levies charge on any tourism related to establishment or undertaking.

(2) No loan or overdraft referred to in subsection 1 (c) or (d) shall be raised or obtained from a foreign country without the prior written consent of the Member of the Executive Council responsible for Finance and Provincial Expenditure.

(3) The Member of the Executive Council responsible for Finance and Provincial Expenditure may, on behalf of the Provincial Government and, upon such terms and conditions as he or she deems fit and subject to the provisions of the North West Provincial Exchequer Act, 1994 (Act 4 of 1994) guarantee the repayment of the capital of, and the payment of the interest on and any charges incurred in connection with, any loan raised or negotiated by the Council in terms of subsection (1).

(4) Any agreement entered into in pursuance of the provisions of subsection (3), may be signed on behalf of the Provincial Government by the Member of the Executive Council responsible for Finance and Provincial Expenditure or any person authorised thereto in writing by the Member of the Executive Council responsible for Finance and Provincial Expenditure.

21. Banking account of Council.—(1) The Council shall open and maintain with a commercial or other bank or other financial institution registered in the Republic, an account to be known as the North-West Tourism Council Current Account in which shall be deposited, subject to the provisions of section 23, all monies and income of the Council under this Act and from which all payments by or on behalf of the Council shall be effected.

(2) All cheques and other negotiable instruments drawn on the Council shall be signed by the Managing Director, and any one other member of the Board or one officer of the Council specifically authorised by the Board for that purpose, or by any two other members of the Board so authorised, or by any two officers so authorised.

22. Revenue account of Council.—(1) The Council shall have a revenue account for each financial year and shall credit such account with such monies, contemplated by section 20, as constitute its income for such year and debit such account with all monies expended or owing by it during such year in the performance of its functions, the everyday administration of its affairs and the normal course of its business and operations in terms of this Act, and shall, in so doing, make proper provision for—

(a) the depreciation or diminution in value of its assets;

(b) the payment of interest and other charges in respect of loans or any overdraft raised, obtained or negotiated by it in terms of section 17 (1) (c) or (d);

(c) the redemption by the Council of loans to it or of overdrafts at a bank or financial institution referred to in section 20 (1) (c).

(2) Whenever at the end of any financial year there is in the revenue account—

(a) a surplus of income over expenditure surplus it shall be carried forward as a credit balance in the revenue account for the next ensuing financial year;

(b) a deficit in that expenditure of the Council exceeds its income, the deficit existing in the revenue account for such financial year shall be carried forward as a debit balance in the revenue account for the next ensuing financial year.

(3) Where the provisions of subsection (2) (b) require a deficit to be carried forward as a debit balance, the responsible Member shall, where monies have been appropriated by Provincial Legislature for that purpose, either fully meet such deficit which shall be carried forward as a debit balance in the revenue account, as may be dictated by the circumstances.

(4) The monies paid out by the responsible Member in terms of subsection (3) shall for all purposes in law be regarded as a loan made to the Council by the Provincial Government on such terms and conditions and repayable by the Council over such period, as the responsible Member in concurrence with the Member of the Executive Council responsible for Finance

and Provincial Expenditure may in writing determine.

(5) For the purposes of subsection (2)—

(a) the word "income" includes a credit balance in the revenue account; and

(b) the word "expenditure" includes a debit balance in the revenue account,

brought forward from the revenue account for the preceding financial year.

23. Standards to be observed by Council in relation to conduct of its business and financial affairs.—The Council shall, in the performance of its functions and the conduct of its business, undertakings, and affairs, at all times—

(a) act in such manner, as in its opinion, will best serve to promote and attain its objects as contemplated by section 2;

(b) strive to ensure that the expenditure incurred by it and/or charged to the revenue account in respect of any financial year does not exceed the income of the Council for such year,

and shall at all times conduct its business and undertakings in accordance with generally accepted economic and commercial principles.

(2) The responsible Member may, after consultation with the Board in writing issue to the Council such general directions in regard to the exercise and performance by the Council of its powers, functions and duties under or by virtue of this Act, as the responsible Member considers to be in the interests of the people of the Province.

(3) The Council shall, in the exercise and performance of the powers, functions and duties referred to in subsection (2), comply with all such directions issued in terms of that subsection as may be relevant and appropriate in the circumstances of every particular case.

24. Investment of moneys.—The moneys constituting the funds of the Council in terms of section 20 and which are not immediately required to meet the current expenditure of the Council may be invested at any bank or other financial institution approved by the Board.

25. Financial accountability of Council, and provisions relating to audit and annual report.—(1) The Board shall subject to the provisions of subsection (5), in respect of every financial year, cause proper books and records of account to be kept in accordance with established accounting practice, principles and procedure of—

(a) all the monies received by the Council within the contemplation of section 20;

(b) all monies deposited in or payments made from the account contemplated by section 21;

(c) all monies of the Council invested or deposited in terms of section 24;

(d) all movable and immovable property and other assets held by the Council, and every loan raised or overdraft obtained by or for the council and the capital amount outstanding on each such loan or overdraft;

(e) all costs incurred or monies expended or owing by the Council in connection with the exercise and performance of its powers, functions and duties under this Act;

(f) the interest paid or payable by the Council in respect of every loan or overdraft referred to in paragraph (d); and

(g) the interest received or accrued on monies invested or deposited in terms of section 24,

and the Board shall, within three months as from the end of each financial year, or such longer period as the head of the Provincial Department for Finance may allow, submit the said books and records of account together with the financial statements of the Council in respect of such year, comprising an income and expenditure statement and a balance sheet, to be audited in accordance with the provisions of subsection (2).

(2) The books and records of account and financial statements contemplated by subsection (1), shall be audited annually by the Auditor General (if he or she is so authorised by law or otherwise) or a practising public accountant and auditor appointed by the responsible Member for that purpose, at the conclusion of which audit the auditor concerned shall furnish his or her report to the Board.

(3) The chairperson of the Board shall as soon as may be reasonably practicable after the end of each financial year, prepare a report in respect of such financial year in regard to the exercise and performance by the Council and the Board of the powers, functions and duties conferred and imposed by or in terms of this Act, and to the execution and attainment of the programmes, projects and priorities of the Council, and achievements of the Council for the purposes of ensuring the proper execution of this Act and attaining its objects.

(4) The Board shall, not later than thirty days after receipt of the auditor's report referred to in subsection (2), submit a copy of the audited financial statements of the Council, together with such report and the report referred to in subsection (3), to the responsible Member—

(a) submit a copy to the Premier; and

(b) within fourteen days after receipt thereof lay it on the table in the Provincial Legislature, if the Provincial Legislature is then in session, or, if the Provincial Legislature is not then in session, within fourteen days after the commencement of its next ensuing session.

(5) In the event of the Minister of Finance listing the Council as a public entity in terms of the Reporting by Public Entities Act, 1992 (Act 93 of 1992), the financial accountability of the Council shall be dealt with in accordance with the provisions of that Act.

26. Offices of Council, and execution of documents of Council.—(1) The Council shall have a head office and may open branch offices in other centres of the Province as and whenever it becomes necessary or expedient: Provided that, with the permission of the responsible Member and the Government of any other Province involved, the Council may establish offices in other Provinces in the Republic.

(2) Subject to the provisions of section 21 (2) and subsection (3) of this section, every contract, agreement, authority or approval and any other document or instrument, shall have been duly executed for or on behalf of the Council where it complies with the provisions of this Act in all other respects and has been signed by the chairperson of the Board, or if he or she is not available or where any resolution of the Board so requires, by any other director or officer generally or specifically authorised for that purpose by resolution of the Board.

(3) The Managing Director may, in his or her discretion but subject to the provisions of this Act, execute or prepare, and sign, any such notice, document or instrument as may be necessary or expedient for the everyday administration and affairs of the Council.

27. Powers of responsible Member to ensure compliance with Act by Council.—(1) Whenever the responsible Member is satisfied that a failure to comply with the provisions of this Act has occurred—

(a) on the part of the chairperson of the Board or any other member of the Board or on the part of any person employed by the Council or acting on its behalf with the authority of the Board; or

(b) on the part of the Board,

he or she may, by written notice to the Board, inform it accordingly and direct to the Board to take all the necessary steps or cause the same to be taken, so as to make good such failure within a reasonable time, which shall be specified in such notice, and, where applicable, to ensure future compliance with such provisions.

(2) Upon failure by the Board to comply or ensure compliance with a direction contemplated by subsection (1), the responsible Member may apply to the relevant Division of the Supreme Court of South Africa for an order directing the Board to make good the failure in question, whereupon the Court may make such order as it deems fit.

28. Duty of seller of travelling facilities to destinations in foreign countries.—Any person who in the course of his or her business sells facilities for a journey to any destination in a foreign country shall when selling such facilities offer in the manner prescribed to the buyer thereof his or her assistance in order to enable such buyer insurance which will be sufficient to enable the buyer to obtain alternative travelling facilities for his or her return journey to the Republic in any case where the person who in terms of the agreement in question is obliged to provide such facilities should fail or should for any reason be unable to do so.

29. Power of Board to inspect any accommodation establishment, if requested to do so.—The Board may at the request of any person who conducts or intends to conduct any accommodation establishment and upon payment of the prescribed fee inspect any accommodation establishment and may issue a document in the prescribed form stating that such establishment would have complied with any relevant provisions of a scheme referred to in section 16 (1) had such establishment been evaluated with reference to such provisions.

30. Regulations.—The responsible Member may, after consultation with the Board, make regulations not inconsistent with the provisions of this Act, in relation to—

- (a) any matter which shall or may be prescribed in terms of this Act;
- (b) any matter necessary to be prescribed for the purposes of the due and effective administration and execution of this Act and of ensuring that its objects are attained;
- (c) any matter relating to the exercise and performance of the powers, functions and duties of the Council in terms of section 14;
- (d) the keeping of registers, records and books of account by the Board;
- (e) the official seal of the Board;
- (f) such other matters as are necessary or useful to be prescribed for the attaining of the objects of this Act, the generality of this provision not being limited by the provision of the preceding paragraphs;
- (g) in relation to the procedure to be followed and steps to be taken by the Board for the purpose of obtaining the responsible Members' approval or consent in cases where the Board is required by this Act to obtain such approval or consent.

(2) A regulation made in terms of subsection (1) may provide a penalty, not exceeding one thousand rand, for a contravention thereof or failure to comply therewith.

(3) The regulations which, immediately prior to the date of commencement of this Act are in force in relation to any matter of a nature specified in subsection (1), shall as from such date be deemed be the regulations made in terms of that subsection until repealed or amended by the responsible Member in consultation with the Board.

31. Offences and penalties.—Any person who—

- (a) professes to be a member of a grading and classification scheme referred to in section 16, or of a scheme referred to in section 17, while he or she is not such a member;
- (b) uses in relation to any accommodation establishment conducted by him or her any depiction or depictions of a star or stars, unless he or she is a member of a scheme referred to in paragraph (a);

(c) uses in relation to any accommodation establishment conducted by him or her an insignia depicting a number of stars which is greater than the number which he or she is authorised to depict in terms of such schemes;

(d) contravenes section 19 (9) (a);

(e) fails to render his or her assistance as required by section 28 to a buyer referred to in that section,

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

32. Vesting and devolution of certain rights, obligations, duties etc. and transitional provisions.—(1) (a) As from the date of commencement of this Act all transactions, agreements, contracts, proceedings, matters, acts or things which, after the date of commencement of this Act but prior to the date of promulgation thereof in the *Gazette*, were concluded, brought, performed, or done in pursuit or furtherance of the objects of the Council or the carrying on of its business and operations in accordance with the provisions of a repealed law, shall be deemed to have been lawfully concluded, brought, performed or done in accordance with the provisions of this Act.

(b) The Board of Directors appointed in terms of a repealed law and in existence at the date of commencement of this Act, shall continue to be the Board of Directors of the Council until such time as the responsible Member appoints a Board of Directors in terms of section 3 of this Act, in which event the firstmentioned Board shall, notwithstanding any provision in any law to the contrary, be dissolved from the date of the appointment of the new Board.

(c) Any interim management structure which exists at the date of the coming into effect of this Act, shall be dissolved on the date of appointment of the new Board of Directors by the responsible Member and shall from that date onwards have no powers, duties or functions in relation to the Council.

(d) The Bophuthatswana Tourism Council transformed into the North-West Tourism Council in terms of the North-West Tourism Council Amendment Act, 1994 is hereby abolished.

(e) The Council shall for all purposes in law be the legal successor to all property and other assets (whether movable or immovable), rights interests, privileges, liabilities and obligations of the said Council referred to in paragraph (d) as at the date immediately preceding abolition in terms of paragraph (d) of this section.

(f) All persons who, immediately prior to the commencement of this section, are officers and employees in the service of the Council referred to in paragraph (d) in accordance with the provisions of section 20 of the North-West Tourism Council Act, 1989 shall, notwithstanding the repeal of the said Act, be transferred to the service of the Council established in terms of this Act and thereupon shall for all purposes in law be deemed to be officers or employees (as the case may be) appointed in the service of the latter Council under section 13 of this Act.

(g) The terms and conditions of service regarding the tenure, remuneration, allowances, perquisites, leave, pension and any other financial benefits or any officer or employee transferred to the service of the Council under subsection (1), shall not be reduced or adversely affected by virtue of the provisions of that subsection, and—

(i) any period of service which, prior to the commencement of this section had been rendered by such an officer or employee whilst in the employ of the said Council referred to in paragraph (d), shall be deemed to have been rendered by him or her in his or her capacity as an officer or employee (as the case may be) of the Council established by section 2 (1) of this Act; and

(ii) any leave and any pension or other benefits of a financial nature, as at the date of the commencement of this section, which have accrued to him or her by virtue of service with the Council referred to in paragraph (d), shall be deemed to have accrued to him or her in his or her capacity as an officer or employee of the Council established by section 2 (1) of this Act by virtue of service with the latter Council.

(2) Any reference in any law, register, license, notice, report, deed, contract, agreement or any other document, to the Bophuthatswana Tourism Council, however expressed shall, unless obviously inappropriate, be construed as a reference to the Council established by section 2 of this Act.

33. Repeal of laws.—The laws specified in the first two columns in the Schedule to this Act, are hereby repealed.

34. Short title and date of commencement.—This Act shall be called the North-West Tourism Council Act, 1995, and shall come into operation on a date to be determined by the responsible Member by notice in the *Gazette* (which date shall be retrospective).

Schedule

Number and year of law	Short title
Act 7 of 1989	Bophuthatswana Tourism Council Act, 1989
Act 44 of 1991	Bophuthatswana Tourism Council Amendment Act, 1991
Act 5 of 1992	Bophuthatswana Tourism Council Amendment Act, 1992
Act 13 of 1980	Hotels Act, 1980
Act 8 of 1989	Tour Guides Act, 1989
Act 4 of 1992	Tour Guides Amendment Act, 1992
Act 7 of 1994	North-West Tourism Council Amendment Act, 1994
Act 8 of 1994	North-West Hotels Amendment Act, 1994