



tourism

Department:
Tourism
REPUBLIC OF SOUTH AFRICA

ANNEXURE 8:

Comparative analysis of tourism acts (1978 – 2014)



Comparison between the Tour Guides Act, Act 29 of 1978, the Tourism Act, Act 72 of 1993, the Tourism Second Amendment Act, Act 70 of 2000 and the Tourism Act, Act 3 of 2014 in terms of the tourist guiding sector.

Tour Guides Act, Act 29 of 1978	Tourism Act, Act 72 of 1993	Tourism Second Amendment Act, Act 70 of 2000	Tourism Act, Act 3 of 2014
<p>To provide for the registration of tour guides and for matters connected therewith.</p>	<p>Intention</p> <p>To make provision for the promotion of tourism to and in the Republic; the further regulation and rationalization of the tourism industry; measures aimed at the maintenance and enhancement of the standards of facilities and services hired out or made available to tourists; and the co-ordination and rationalization, as far as practicable, of the activities of persons who are active in the tourism industry; with a view to the said matters to establish a board with legal personality which shall be competent and obliged to exercise, perform and carry out certain powers, functions and duties; to authorize the Minister to establish a grading and classification scheme in respect of accommodation establishments, the membership of which shall be voluntary; to authorize the Minister to establish schemes for prescribed sectors of the tourism industry, the membership of which shall be voluntary; to make provision for the registration of tourist guides; to prohibit any person to act for gain as a tourist guide unless he has been registered as</p>	<p>Intention</p> <p>To amend the Tourism Act 1993, so as to insert certain definitions; to further provide for the training and registration of tourist guides; to make provision for a code of conduct and ethics for tourist guides; to regulate the procedure for lodging complaints; to make provision for the endorsement of certain registers in appropriate cases; to provide for disciplinary measures, appeals and reviews; to criminalise certain conduct; to provide for transitional matters; and to provide for matters connected therewith.</p>	<p>Intention</p> <p>To provide for the development and promotion of sustainable tourism for the benefit of the Republic, its residents and its visitors; to provide for the continued existence of the South African Tourism Board; to provide for the establishment of the Tourism Grading Council; to regulate the tourist guide profession; to repeal certain laws; and to provide for matters connected therewith.</p> <p>PREAMBLE</p> <p>SINCE tourism in South Africa has grown considerably since the country's first democratic election;</p> <p>AND SINCE inadequate, uncoordinated, inconsistent and fragmented tourism planning and information provision is the most pervasive challenge facing the development and growth of tourism in the Republic;</p> <p>AND SINCE transformation is vital to ensure the sustainable growth and development of the tourism sector;</p>



	<p>a tourist guide in terms of the Act; to authorize the Minister to make regulations; and to provide for matters connected therewith.</p>		<p>AND SINCE these challenges are best addressed through a concerted effort by all spheres of government and the private sector to work together to create an environment that is conducive to the sustainable growth, development and transformation of tourism,</p>
<p>Definition</p> <p>committee means the advisory committee appointed under section 4.</p> <p>Minister means the Minister of Tourism.</p> <p>prescribed means prescribed by regulation.</p> <p>register means the register kept in terms of section 3; 10.</p> <p>registrar means the officer designated as Registrar of Tour Guides in terms of section 2, and includes an officer of the Department of Tourism acting under a delegation from or under the control or direction of the registrar.</p> <p>regulation means a regulation made under section 14.</p> <p>this Act includes the regulations.</p> <p>tour guide means any person who for reward, monetary or otherwise,</p>	<p>Definition</p> <p>“tourist guide” means any person who for reward, whether monetary or otherwise, accompanies any person who travels within or visits any place within the Republic and who furnishes such person with information or comments with regard to any matter.</p>	<p>Definition</p> <p>“National Registrar” means the National Registrar of Tourist Guides mentioned in section 20(1).</p> <p>“Provincial Registrar” means a Provincial Registrar of Tourist Guides mentioned in section 21.</p>	<p>Definition</p> <p>“tourist guide” means any person registered as such under section 50 and who for reward accompanies any person who travels within or visits any place within the Republic and who furnishes such person with information or comments.</p>



<p>accompanies any other person or persons travelling within or visiting any place within the Republic, and who furnishes such person or persons with information. or comment on any matter.</p>			
	<p>20.Registration of tourist guides, and disqualifications and qualifications of tourist guides</p> <p>(1) The board shall designate an employee of the board as Registrar of Tourist Guides, who shall exercise such powers, perform such functions and carry out such duties as may be conferred upon, assigned to or imposed upon him in terms of this Act.</p> <p>(2) The registrar shall keep a register of tourist guides and shall record in such register the prescribed particulars with regards to tourist guides.</p> <p>(3) The board shall for the purposes of this Act determine the different classes of tourist guides.</p> <p>(4) No person shall be registered as a tourist guide in terms of this Act unless he, when he appears as required by section 21(3), shows that he has the requisite knowledge</p>		



	<p>of the matters specified in subsection (5)</p> <p>(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.</p> <p>(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.⁶⁷⁶</p>		
<p>2. Designation of registrar</p> <p>(1) The Minister shall designate an officer of the Department of Tourism as Registrar of Tour Guides, who shall exercise the powers and perform the duties conferred or imposed upon the registrar in terms of this Act.</p>	<p>20. National Registrar of Tourist Guides</p> <p>(1) The Minister shall appoint a suitably qualified officer in the Department as the National Registrar of Tourist Guides and publish his or her name in the <i>Government Gazette</i>.</p> <p>(2) The National Registrar shall-</p>	<p>The following section is hereby substituted for section 20 of the principal Act: National Registrar of Tourist Guides</p> <p>20. (1) The Minister shall appoint a suitably qualified officer in the</p>	<p>48. National Registrar of Tourist Guides</p> <p>(1) The Minister must appoint a suitably qualified officer in the Department as the National Registrar of Tourist Guides and publish his or her name in the <i>Gazette</i>.</p>

⁶⁷⁶ Subsection 20 and 21 specifically applicable to the tourist guide were part of the Tourism Act, Act 72 of 1993 before the Second Amendment Act, Act 70 of 2000 was promulgated and repealed it. This information was not captured in the regulations.



<p>(2) (a) Any power conferred or duty imposed upon the registrar may be exercised or performed by the registrar personally or by an officer of the Department of Tourism under a delegation from or under the control or direction of the registrar.</p> <p>(b) Any decision made or order given by any such officer may be withdrawn or amended by the registrar, and shall, until it has been so withdrawn or amended, be deemed, except for the purposes of this paragraph, to have been made or given by the registrar</p>	<p>(a) maintain a central database of all tourist guides registered by Provincial Registrars in terms of section 21A;</p> <p>(b) prepare a code of conduct and ethics for tourist guides in accordance with section 21C;</p> <p>(c) hear and determine appeals lodged under section 21G;</p> <p>(d) monitor trends in the tourist guiding sector by conducting research and analysis;</p> <p>(e) publish or otherwise disseminate information about tourist guides, associations of tourist guides and any other information to promote and develop the tourist guiding sector nationally;</p> <p>(f) liaise with the board, Provincial Registrars, tourist guides, associations of tourist guides, education and training authorities, the South African Police Service, the Consumer Council, the provincial consumer affairs bodies and any other person or organisation to-</p> <p>(i) facilitate the growth and development of the tourist guiding sector;</p> <p>(ii) improve and maintain standards in the tourist guiding sector; and</p> <p>(iii) co-operate on matters of mutual interest in the tourist guiding sector; and</p> <p>(g) review the regulations relating to tourist guides made under section 26 and recommend amendments thereof to the Minister.</p>	<p>Department as the National Registrar of Tourist Guides and publish his or her name in the <i>Government Gazette</i>. I</p> <p>(2) The National Registrar shall—</p> <p>(a) maintain a central database of all tourist guides registered by Provincial Registrars in terms of section 21A;</p> <p>(b) prepare a code of conduct and ethics for tourist guides in accordance with section 21C;</p> <p>(c) hear and determine appeals lodged under section 21 G;</p> <p>(d) monitor trends in the tourist guiding sector by conducting research and analysis;</p> <p>(e) publish or otherwise disseminate information about tourist guides, associations of tourist guides and any other information to promote and develop the tourist guiding sector nationally;</p> <p>(f) liaise with the board, Provincial Registrars, tourist guides, associations of tourist guides, education and training authorities, the South African Police Service, the Consumer Council, the provincial consumer affairs bodies and any other person or organisation to-</p>	<p>(2) The National Registrar must—</p> <p>(a) maintain a central database of all tourist guides registered by Provincial Registrars in terms of section 50;</p> <p>(b) prepare a code of conduct and ethics for tourist guides in accordance with section 52;</p> <p>(c) hear and determine appeals and review irregularities under section 56;</p> <p>(d) monitor trends in the tourist guiding sector by conducting research and analysis;</p> <p>(e) publish or otherwise disseminate information about tourist guides, associations of tourist guides and any other information to promote and develop the tourist guiding sector nationally;</p> <p>(f) liaise with the Board, the Council, Provincial Registrars, tourist guides, associations of tourist guides, education and training authorities, organs of state, the South African Police Service, provincial consumer affairs bodies and any other person or organisation to—</p> <p>(i) facilitate the growth and development of the tourist guiding sector;</p> <p>(ii) improve and maintain standards in the tourist guiding sector;</p>
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		<p>(i) facilitate the growth and development of the tourist guiding sector;</p> <p>(ii) improve and maintain standards in the tourist guiding sector; and</p> <p>(iii) co-operate on matters of mutual interest in the tourist guiding sector; and</p> <p>(g) review the regulations relating to tourist guides made under Section 26 and recommend amendments thereof to the Minister.</p>	<p>(iii) co-operate on matters of mutual interest in the tourist guiding sector.</p>
<p>3. Register of tour guides</p> <p>(1) The registrar shall keep a register of tour guides registered as such in terms of section 6, in which the prescribed particulars relating to such tour guides shall be recorded.</p> <p>(2) The register shall upon payment of the prescribed fee, be open for inspection at the office of the registrar during office hours.</p> <p>(3) The registrar shall furnish any person at his request and on payment of the prescribed fee, with a copy of any particulars recorded in the register or a certificate in respect thereof.</p>			
<p>4. Advisory committee</p> <p>4. (1) The Minister shall appoint an advisory committee consisting of not more than nine persons who in the</p>			



opinion of the Minister command special knowledge with regard to tourist industry matters, to advise him and the registrar on any matter relating to the administration of the provisions of this Act which the Minister or the registrar may refer to it.

(2) Every member of the committee shall be appointed for such period and on such conditions as the Minister may determine at the time of his appointment

(3) The Minister shall designate one of the members of the committee as its chairman.

(4) (a) The majority of the members of the committee shall be appointed by the Minister from persons selected by him from a list of persons nominated at his request by any body or bodies of persons which in the opinion of the Minister is or are representative of the tourist industry of the Republic.

(b) If after such request by the Minister, no or insufficient persons are so nominated, or any person is so nominated who in the opinion of the Minister does not command such knowledge as is referred to in subsection (1), the Minister shall appoint such persons as he may consider suitable, up to the number required for the said majority, to be members of the committee.

(5) Members of the committee who are not in the full-time employment of the State shall be paid, in respect



<p>of the performance of their duties as such members, such remuneration and allowances as the Minister may determine with the concurrence of the Minister of Finance.</p>			
<p>5. Classes of guides</p> <p>The Minister shall after consultation with the committee, by notice in the <i>Gazette</i>, determine classes into which tour guides shall be classified for the purposes of section 6.</p>			
	<p>21 Procedure relating to Registration of Tourist Guides</p> <p>(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.</p> <p>(2) Upon receipt of such application the registration fee the registrar may request the applicant to furnish such additional particulars and information as he may deem necessary in order to consider the application properly.</p> <p>(3)The applicant referred to in subsection (1) shall upon the request of the registrar appear before him 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.</p>		



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

(5) When the registrar registers any person as a tourist guide, he shall issue to him 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 has been registered, indicate to the registrar where he wishes to be registered as a tourist guide in respect of the next ensuing period of one year, and if he indicates that he wishes to be so registered he shall upon payment of the prescribed fee be registered.

(7)(a) If a tourist guide has in the opinion of the registrar failed to comply with any conditions subject to which he has been thus registered, or if in the opinion of the registrar it is not in the public



	<p>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 30 days from the date of the notice, reasons why his registration as a tourist should not be withdrawn.</p> <p>(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).</p> <p>(8)(a) Any person who considers himself aggrieved by any 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.</p> <p>(9)(a) No person that 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.</p> <p>(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</p>		
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	<p>respect of that class, as have been set out in the registration certificate issued to that person.</p> <p>(10) No person may for the promotion of any business undertaking conducted by him employ or continue to employ as a tourist guide any person who has not been registered as a tourist guide under subsection (5), or who has been so registered but whose registration as such has been suspended under subsection (6)(b).⁶⁷⁷</p>		
	<p>21. Provincial Registrars of Tourist Guides</p> <p>(1) The Member of the Executive Council responsible for tourism in each province shall appoint a suitably qualified officer in the province as the Provincial Registrar of Tourist Guides for that province and publish his or her name in the <i>Provincial Gazette</i>.</p> <p>(2) A Provincial Registrar shall—</p> <p>(a) for the purposes of section 21A, keep a register of tourist guides within the province concerned and shall—</p> <p>(i) record in the register the prescribed particulars with regard to each registered tourist guide;</p>	<p>3. The following section is hereby substituted for section 21 of the principal Act: Provincial Registrars of Tourist Guides</p> <p>21. (1) The Member of the Executive Council responsible for tourism in each province shall appoint a suitably qualified officer in the province as the Provincial Registrar of Tourist Guides for that province and publish his or her name in the <i>Provincial Gazette</i>.</p> <p>(2) A Provincial Registrar shall—</p>	<p>49. Provincial Registrars of Tourist Guides</p> <p>(1) The MEC in each province must appoint a suitably qualified officer in the province as the Provincial Registrar of Tourist Guides for that province and publish his or her name in the <i>Provincial Gazette</i>.</p> <p>(2) A Provincial Registrar must—</p> <p>(a) for the purposes of section 50, keep a register of tourist guides within the province concerned and must—</p>

⁶⁷⁷ Subsection 20 and 21 specifically applicable to the tourist guide were part of the Tourism Act, Act 72 of 1993 before the Second Amendment Act, Act 70 of 2000 was promulgated and repealed it. This information was not captured in the regulations.



	<p>(ii) delete from the register the particulars of any tourist guide whose registration has been withdrawn;</p> <p>(iii) make the prescribed endorsement against the name of any tourist guide whose registration has been suspended; and</p> <p>(iv) inform the National Registrar of anything done in terms of subparagraph (i), (ii) or (iii);</p> <p>(b) publish or otherwise disseminate information about registered tourist guides within the province and associations of tourist guides and any other information to promote and develop the tourist guiding sector within the province;</p> <p>(c) promote and develop the tourist guiding sector within the province in any manner other than as contemplated in paragraph (b);</p> <p>(d) deal with complaints lodged under section 21D;</p> <p>(e) act in accordance with section 21E when a tourist guide becomes subject to any disqualification mentioned in section 21A(3); and</p> <p>(f) exercise disciplinary powers in accordance with section 21F.</p> <p>(3) The registration of a tourist guide by a Provincial Registrar in terms of subsection (2) shall be valid in all the provinces of the Republic.</p>	<p>(a) for the purposes of section 2 1A, keep a register of tourist guides within the province concerned and shall—</p> <p>(i) record in the register the prescribed particulars with regard to each registered tourist guide;</p> <p>(ii) delete from the register the particulars of any tourist guide whose registration has been withdrawn;</p> <p>(iii) make the prescribed endorsement against the name of any tourist guide whose registration has been suspended; and</p> <p>(iv) inform the National Registrar of anything done in terms of subparagraph (i), (ii) or (iii);</p> <p>(b) publish or otherwise disseminate information about registered tourist guides within the province and associations of tourist guides and any other information to promote and develop the tourist guiding sector within the province;</p> <p>(c) promote and develop the tourist guiding sector within the province in any manner other than as contemplated in paragraph (b);</p>	<p>(i) record in the register the prescribed particulars with regard to each registered tourist guide;</p> <p>(ii) delete from the register the particulars of any tourist guide whose registration has been withdrawn;</p> <p>(iii) make the prescribed endorsement against the name of any tourist guide whose registration has been suspended; and</p> <p>(iv) inform the National Registrar of anything done in terms of subparagraphs (i), (ii) or (iii);</p> <p>(b) publish or otherwise disseminate information about registered tourist guides within the province and associations of tourist guides and any other information to promote and develop the tourist guiding sector within the province;</p> <p>(c) promote and develop the tourist guiding sector within the province in any manner other than as contemplated in paragraph (b);</p> <p>(d) deal with complaints lodged under section 53;</p> <p>(e) act in accordance with section 54 when a tourist guide becomes subject to any disqualification referred to in section 50(3); and</p>
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		<p>(d) deal with complaints lodged under section 2 ID;</p> <p>act in accordance with section 21E when a tourist guide becomes subject to any disqualification mentioned in section 21 A(3); and</p> <p>(f) exercise disciplinary powers in accordance with section 21 F.</p> <p>(3) The registration of a-tourist guide by a Provincial Registrar in terms of subsection (2) shall be valid in all the provinces of the Republic.</p>	<p>(f) exercise disciplinary powers in accordance with section 55;</p> <p>(g) if he or she has reason to believe that any person, company or close corporation contravenes section 57, lay a charge with the South African Police Service.</p>
<p>6. Registration of tour guides</p> <p>(1) Any tour guide who desires to be registered as such, shall apply therefor to the registrar in the prescribed manner, and such application shall be accompanied by the prescribed registration fee.</p> <p>(2) After receipt of any such application and the registration fee concerned, the registrar may request the applicant to furnish such additional particulars and information as he may consider necessary for the purpose of considering the application, and with that end in view the registrar may also institute such inquiry as he may consider necessary.</p>	<p>21A. Procedure relating to registration of tourist guides</p> <p>(1) Any person who wishes to be registered as a tourist guide shall apply to any Provincial Registrar in the prescribed manner, and the application shall be accompanied by the prescribed registration fee.</p> <p>(2) No person shall be registered as a tourist guide in terms of this Act unless he or she shows proof of the competence contemplated in section 21B.</p> <p>(3) No person shall be registered as a tourist guide in terms of this Act if he or she-</p> <p>(a) is within the Republic or elsewhere convicted of an offence and is sentenced to imprisonment without the option of a fine;</p>	<p>4. The following sections are hereby inserted in the principal Act after section 21: Procedure relating to registration of tourist guides</p> <p>21A. (1) Any person who wishes to be registered as a tourist guide shall apply to any Provincial Registrar in the prescribed manner, and the application shall be accompanied by the prescribed registration fee.</p> <p>(2) No person shall be registered as a tourist guide in terms of this Act unless he or she shows proof of the competence contemplated in section 21B.</p>	<p>50. Procedure relating to registration of tourist guides</p> <p>(1) (a) Any person who wishes to be registered as a tourist guide must apply to a Provincial Registrar in the prescribed manner.</p> <p>(b) The application must be accompanied by the prescribed registration fee.</p> <p>(2) No person may be registered as a tourist guide in terms of this Act unless he or she shows proof of the competence contemplated in section 51.</p> <p>(3) No person may be registered as a tourist guide in terms of this Act if he or she—</p>



<p>(3) Any such applicant shall at the request of the registrar appear personally before him and furnish such particulars and information as the registrar may require in order to be able to decide whether the application concerned shall be granted.</p> <p>(4) If after any such applicant has complied with the registrar's requirements under subsections (2) and (3) of this section, and after an inquiry, if any, instituted by the registrar under subsection (2) of this section, the registrar is satisfied that the applicant complies with the prescribed requirements for registration as tour guide in any class determined under section 5, and that the applicant is suitable therefor, he shall register the applicant as a tour guide in such class, subject to such prescribed conditions as he may deem fit, and record the applicable prescribed particulars in the register.</p> <p>(5) If the registrar is not so satisfied, he shall refer the application in question to the committee for its opinion thereon, before making a decision in regard thereto.</p>	<p>(b) loses his or her South African citizenship or right of permanent residence or work permit in the Republic;</p> <p>(c) has failed to pass the prescribed quality assurance process that a tourist guide shall complete not later than two years after the date of his or her last registration.</p> <p>(4) If the Provincial Registrar is satisfied that the applicant complies with the competence for registration as a tourist guide and that the applicant is not subject to any disqualification mentioned in subsection (3), he or she shall register the applicant as a tourist guide.</p> <p>(5) When the Provincial Registrar registers any person as a tourist guide, he or she shall issue to that person a registration certificate and a badge, which shall be in the prescribed form.</p> <p>(6) (a) Registration as a tourist guide shall be valid for a period of two years, reckoned from the date of issue of the registration certificate.</p> <p>(b) Any person registered as a tourist guide may before the end of the period for which he or she has been registered, apply to the Provincial Registrar on the prescribed form for the renewal of his or her registration as a tourist guide in respect of the ensuing period of two years, and if the person so applies for the renewal of his or her registration, his or her registration shall upon the payment of the prescribed fee be renewed, unless he or she has become subject to any of the</p>	<p>(3) No person shall be registered as a tourist guide in terms of this Act if he or she—</p> <p>(a) is within the Republic or elsewhere convicted of an offence and is sentenced to imprisonment without the option of a fine;</p> <p>(b) loses his or her South African citizenship or right of permanent residence or work permit in the Republic,</p> <p>(c) has failed to pass the prescribed quality assurance process that a tourist guide shall complete not later than two years after the date of his or her last registration.</p> <p>(4) If the Provincial Registrar is satisfied that the applicant complies with the competence for registration as a tourist guide and that the applicant is not subject to any disqualification mentioned in subsection (3), he or she shall register the applicant as a tourist guide.</p> <p>(5) When the Provincial Registrar registers any person as a tourist guide, he or she shall issue to that person a registration certificate and a badge, which shall be in the prescribed form.</p> <p>(6) (a) Registration as a tourist guide shall be valid for a period of two years,</p>	<p>(a) has been convicted of an offence in the Republic, other than an offence committed prior to 27 April 1994 associated with political objectives, and sentenced to imprisonment without the option of a fine or, in the case of fraud or any other offence involving dishonesty, to a fine or imprisonment or both;</p> <p>(b) subject to subsection (4), has been convicted of an offence in a foreign country and sentenced to imprisonment without the option of a fine or, in the case of fraud or any other offence involving dishonesty, to a fine or imprisonment or both;</p> <p>(c) loses his or her South African citizenship or right of permanent residence or work permit in the Republic;</p> <p>(d) has failed to pass the prescribed quality assurance process that a tourist guide must complete not later than two years after the date of his or her last registration as a tourist guide.</p> <p>(4) An offence contemplated in subsection (3)(b) must constitute an offence under South African law.</p> <p>(5) If the Provincial Registrar is satisfied that the applicant complies with the competence for registration as a tourist guide and that the applicant is not subject to any disqualification mentioned in subsection (3), he or she must register the applicant as a tourist guide.</p>
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	<p>disqualifications mentioned in subsection (3) since the previous registration or renewal of registration.</p> <p>(7) If a tourist guide has since his or her registration acquired a competence contemplated in section 21B in a prescribed field of specialisation or an additional competence within a field of specialisation the Provincial Registrar shall, on the application of the tourist guide made in the prescribed manner, accompanied by the prescribed fee, issue to the tourist guide a new registration certificate reflecting that competence and also a new badge, which shall be in the prescribed form.</p> <p>(8) (a) Subject to paragraphs (b) and (c), the Provincial Registrar may refuse to approve an application for registration as a tourist guide if the applicant's registration was withdrawn on the grounds of misconduct in terms of section 21F at any time within the period of three years preceding the date of application.</p> <p>(b) If the Provincial Registrar is contemplating a refusal under paragraph (a), he or she shall, by notice sent by registered post or any other effective method, inform the applicant of the possible refusal and the reason therefor and call upon the applicant to submit such representations in connection therewith as he or she may wish to make, within a period specified in the notice, which, in any case, may not be fewer than 30 days from the date of the notice.</p>	<p>reckoned from the date of issue of the registration certificate.</p> <p>(b) Any person registered as a tourist guide may before the end of the period for which he or she has been registered, apply to the Provincial Registrar on the prescribed form for the renewal of his or her registration as a tourist guide in respect of the ensuing period of two years, and if the person so applies for the renewal of his or her registration, his or her registration shall upon the payment of the prescribed fee be renewed, unless he or she has become subject to any of the disqualifications mentioned in subsection (3) since the previous registration or renewal of registration.</p> <p>(7) If a tourist guide has since his or her registration acquired a competence contemplated in section 21 B in a prescribed field of specialisation or an additional competence within a field of specialisation the Provincial Registrar shall, on the application of the tourist guide made in the prescribed manner, accompanied by the prescribed fee, issue to the tourist guide a new registration certificate reflecting that competence and also a new badge, which shall be in the prescribed form.</p> <p>(8) (a) Subject to paragraphs (b) and (c), the Provincial Registrar may refuse to approve an application for</p>	<p>(6) When the Provincial Registrar registers any person as a tourist guide, he or she must issue to that person a registration certificate and a badge, which must be in the prescribed form.</p> <p>(7) Registration as a tourist guide is valid—</p> <p>(a) for a period of three years, reckoned from the date of issue of the registration certificate;</p> <p>(b) in all the provinces of the Republic.</p> <p>(8) (a) Any person registered as a tourist guide may before the end of the period for which he or she has been registered, apply to the Provincial Registrar on the prescribed form for the renewal of his or her registration as a tourist guide in respect of the ensuing period of three years.</p> <p>(b) If the person so applies for the renewal of his or her registration, his or her registration must upon payment of the prescribed fee be renewed, unless he or she has become subject to any disqualification referred to in subsection (3) since the previous registration or renewal of registration.</p> <p>(9) If a tourist guide has since his or her registration acquired a competence contemplated in section 51 in a prescribed field of specialisation or an additional competence within a prescribed field of specialisation, the Provincial Registrar must, on the application of the tourist guide</p>
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	<p>(c) Before the Provincial Registrar decides on an application under this subsection, he or she shall consider the representations, if any, made by the applicant in accordance with paragraph (b).</p>	<p>registration as a tourist guide if the applicant's registration was withdrawn on the grounds of misconduct in terms of section 21 F at any time within the period of three years preceding the date of application.</p> <p>(b) If the Provincial Registrar is contemplating a refusal under paragraph (a), he or she shall, by notice sent by registered post or any other effective method, inform the applicant of the possible refusal and the reason therefor and call upon the applicant to submit such representations in connection therewith as he or she may wish to make, within a period specified in the notice, which, in any case, may not be fewer than 30 days from the date of the notice.</p> <p>(c) Before the Provincial Registrar decides on an application under this subsection, he or she shall consider the representations, if any, made by the applicant in accordance with paragraph (b).</p>	<p>made in the prescribed manner, accompanied by the prescribed fee, issue to the tourist guide a new registration certificate reflecting that competence and also a new badge, which must be in the prescribed form.</p> <p>(10) Subject to subsections (11) and (12), the Provincial Registrar may refuse to approve an application for registration as a tourist guide if the applicant's registration was withdrawn on the grounds of misconduct in terms of section 55 at any time within a period of three years preceding the date of application.</p> <p>(11) Before the Provincial Registrar refuses to approve an application for registration under subsection (10), he or she must, by notice sent by registered post or any other effective method, inform the applicant of the possible refusal and the reason therefor and call upon the applicant to submit such representations in connection therewith as he or she may wish to make, within a period specified in the notice, which, in any case, may not be fewer than 30 days from the date of the notice.</p> <p>(12) Before the Provincial Registrar decides on an application under this section, he or she must consider the representations, if any, made by the applicant in accordance with subsection (11).</p>
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<p>7. Certificate of registration and badge</p> <p>(1) Whenever the registrar registers any tour guide as such, he shall issue to him a certificate of registration and a badge in the prescribed form.</p> <p>(2) Whenever any tour guide registered as such in terms of section 6, acts in that capacity</p> <p>(a) he shall have in his possession the certificate of registration issued to him in terms of subsection (1) of this section, or a true copy thereof, and display in the prescribed manner the badge issued to him in terms of the said subsection (1); and</p> <p>(b) exhibit such certificate of registration on demand to any officer authorized under section 8.</p>			
<p>8. Authorized officers</p> <p>The Secretary for Tourism may in writing authorize any officer of the Department of Tourism to demand from any person, who acts as a tour guide, that he exhibit to such officer the certificate of registration issued to him in terms of section 7.</p>			
<p>11. Requirements for acting as a tour guide</p>	<p>21B. Competence</p> <p>The competence mentioned in section 21A(2) shall be determined by the</p>		<p>51. Competence</p> <p>The competence referred to in section 50 must be determined by the South African</p>



<p>(1) Subject to the provisions of subsection (3), no person who is not registered as a tour guide in terms of section 6, or whose registration as a tour guide has been suspended under section 9 (2), shall act as a tour guide.</p> <p>(2) No tour guide registered as such in terms of section 6, shall act as a tour guide in any class other than that in which he has been classified in terms of section 6 (4).</p> <p>(3) The Minister may, on application made to the registrar, exempt, for such period and on such conditions as the Minister may determine, from the operation of the provisions of subsection (1) any tour guide who does not comply with the prescribed requirements for registration as a tour guide, but is in the opinion of the Minister otherwise fit to act as a tour guide.</p> <p>(4) Subsection (1) shall not apply to tour guides falling within such category or categories of tour guides as the Minister may from time to time, after consultation with the committee, determine by notice in the <i>Gazette</i>.</p>	<p>South African Qualifications Authority established by the South African Qualifications Authority Act, 1995 (Act No. 58 of 1995), in either unit standards or national qualifications, to meet the objectives of the National Qualifications Framework defined in the said Act. [S. 21B inserted by s. 4 of Act 70/2000]</p>		<p>Qualifications Authority in accordance with the national qualifications framework contemplated in the National Qualifications Framework Act, 2008 (Act No. 67 of 2008).</p>
	<p>21C. Code of conduct and ethics</p> <p>(1) The National Registrar shall in the prescribed manner, after consultation with the Member of the Executive Council referred to in section 21(1), the Provincial Registrars, stakeholder groupings and the Minister of Transport, prepare and publish a code</p>	<p>Code of conduct and ethics</p> <p>21C. (1) The National Registrar shall in the prescribed manner, after consultation with the Member of the Executive Council referred to in section 21(1), the Provincial Registrars,</p>	<p>52. Code of conduct and ethics</p> <p>(1) The National Registrar must in the prescribed manner, after consultation with the MEC, the Provincial Registrars and stakeholder groupings, prepare and publish a code of conduct and ethics with</p>



	<p>of conduct and ethics with which all registered tourist guides shall comply. (2) The code of conduct and ethics shall include provisions requiring of a tourist guide to take all reasonable steps to ensure the safety of a tourist whom the tourist guide is accompanying and requiring the tourist guide to render to the tourist services of an acceptable standard.</p>	<p>stakeholder groupings and the Minister of Transport, prepare and publish a code of conduct and ethics with which all registered tourist guides shall comply. (2) The code of conduct and ethics shall include provisions requiring of a tourist guide to take all reasonable steps to ensure the safety of a tourist whom the tourist guide is accompanying and requiring the tourist guide to render to the tourist services of an acceptable standard.</p>	<p>which every registered tourist guide must comply. (2) The code of conduct and ethics must include provisions requiring a tourist guide— <i>(a)</i> to take all reasonable steps to ensure the safety of a tourist whom the tourist guide is accompanying; <i>(b)</i> to render services which comply with any norms and standards determined under section 7.</p>
	<p>21D. Complaints</p> <p>(1) <i>(a)</i> Any person may lodge a complaint with a Provincial Registrar if a person is acting as a tourist guide in contravention of section 21H(1), (2) or (4). <i>(b)</i> The Provincial Registrar shall, if the complaint discloses an offence, lay a charge with the South African Police Service. <i>(c)</i> In the case of a contravention of section 21H(2), the Provincial Registrar shall consider taking steps in accordance with section 21E. (2) <i>(a)</i> Any person may lodge a complaint with a Provincial Registrar regarding the misconduct of a tourist guide. <i>(b)</i> The Provincial Registrar shall, if the complaint discloses – <i>(i)</i> a contravention of this Act or any other law constituting an offence, lay a</p>	<p>Complaints</p> <p>21D. (1) <i>(a)</i> Any person may lodge a complaint with a Provincial Registrar if a person is acting as a tourist guide in contravention of section 21 H(1), (2) or (4). <i>(b)</i> The Provincial Registrar shall, if the complaint discloses an offence, lay a charge with the South African Police Service. <i>(c)</i> In the case of a contravention of section 21 H(2), the Provincial Registrar shall consider taking steps in accordance with section 21E. (2) <i>(a)</i> Any person may lodge a complaint with a Provincial Registrar</p>	<p>53. Reporting of contraventions and lodging of complaints</p> <p>(1) <i>(a)</i> Any person may report a contravention of section 57(1), (2) or (3) with a Provincial Registrar. <i>(b)</i> The Provincial Registrar must, if the complaint discloses an offence, lay a charge with the South African Police Service. <i>(c)</i> In the case of a contravention of section 57(2), the Provincial Registrar must act in accordance with section 54. (2) <i>(a)</i> Any person may lodge a complaint with a Provincial Registrar regarding the misconduct of a tourist guide.</p>



	<p>charge with the South African Police Service and take steps in accordance with section 21F;</p> <p>(ii) misconduct not constituting an offence, including a contravention of the code of conduct and ethics contemplated in section 21C, take steps in accordance with section 21F.</p> <p>(3) (a) Any person may lodge a complaint with a Provincial Registrar regarding a contravention of section 21H(3) or (5).</p> <p>(b) The Provincial Registrar shall, if the complaint discloses an offence, lay a charge with the South African Police Service.</p> <p>(4) The Provincial Registrar concerned shall within 14 days report to the National Registrar in writing on the result of any case dealt with in terms of subsection (1), (2) or (3). [S. 21D inserted by s. 4 of Act 70/2000]</p>	<p>regarding the misconduct of a tourist guide.</p> <p>(b) The Provincial Registrar shall, if the complaint discloses—</p> <p>(i) a contravention of this Act or any other law constituting an offence, lay a charge with the South African Police Service and take steps in accordance with section 21 F;</p> <p>(ii) misconduct not constituting an offence, including a contravention of the code of conduct and ethics contemplated in section 21 C, take steps in accordance with section 2 IF.</p> <p>(3) (a) Any person may lodge a complaint with a Provincial Registrar regarding a contravention of section 21 H(3) or (5).</p> <p>(b) The Provincial Registrar shall, if the complaint discloses an offence, lay a charge with the South African Police Service.</p> <p>(4) The Provincial Registrar concerned shall within 14 days report to the National Registrar in writing on the result of any case dealt within terms of subsection (1), (2) or (3).</p>	<p>(b) The Provincial Registrar must, if the complaint discloses—</p> <p>(i) a contravention of this Act or any other law constituting an offence, lay a charge with the South African Police Service and act in accordance with section 54;</p> <p>(ii) misconduct not constituting an offence, including a contravention of the code of conduct and ethics contemplated in section 52, act in accordance with section 54.</p> <p>(3) A Provincial Registrar concerned must within 14 days report to the National Registrar in writing the result of any case dealt with in terms of this section.</p>
<p>9 Cancellation of registration as a tour guide</p>	<p>21E. Action by Provincial Registrar regarding disqualification of tourist guide</p>	<p>Action by Provincial Registrar regarding disqualification of tourist guide</p>	<p>54. Action by Provincial Registrar regarding disqualification of tourist guides</p>



<p>(1) If any tour guide registered as such in terms of section 6 f fails in the opinion of the registrar to comply with any condition subject to which he has been so registered, or if in the opinion of the registrar it would not be in the public interest for any such tour guide to continue to be so registered, the registrar may, by notice sent by registered post, call upon such tour guide to show cause, within such period of at least thirty days as from the date of such notice, as may be mentioned in such notice, why his registration as a tour guide should not be cancelled.</p> <p>(2) The registrar may by such notice suspend the registration of the tour guide concerned as such.</p> <p>(3) Upon the expiry of the period referred to in subsection (1), the registrar shall, after consultation with the committee, decide whether or not the registration of the tour guide concerned as such shall be cancelled, and shall thereupon inform that tour guide of his decision.</p> <p>(4) If the registrar decides that such registration shall be cancelled, he shall cancel it with effect from such date as he may determine.</p> <p>(5) If the registrar decides that such registration shall not be cancelled,</p>	<p>(1) If a Provincial Registrar has reason to believe that a tourist guide has become subject to any disqualification mentioned in section 21A(3), the Provincial Registrar shall by notice, sent by registered post or any other effective method, inform the tourist guide of the allegations against him or her and call upon that tourist guide to submit such representations in connection therewith as he or she may wish to make, within a period specified in the notice, which, in any case, may not be fewer than 30 days from the date of the notice.</p> <p>(2) The notice shall direct the attention of the tourist guide to the possibility of his or her registration as a tourist guide being withdrawn.</p> <p>(3) If the tourist guide requests the Provincial Registrar to be allowed to present his or her case personally before the Provincial Registrar, the Provincial Registrar shall grant such request.</p> <p>(4) Where the tourist guide personally presents his or her case in terms of subsection (3), he or she may be assisted by an adviser of his or her choice.</p> <p>(5) If, after considering the allegations against the tourist guide and his or her representations, if any, the Provincial Registrar is satisfied that one or more of the disqualifications mentioned in section 21A(3) are applicable, the Provincial Registrar shall withdraw the person's registration as a tourist guide.</p>	<p>21E. (1) If a Provincial Registrar has reason to believe that a tourist guide has become subject to any disqualification mentioned in section 21 A(3), the Provincial Registrar shall by notice, sent by registered post or any other effective method, inform the tourist guide of the allegations against him or her and call upon that tourist guide to submit such representations in connection therewith as he or she may wish to make, within a period specified in the notice, which, in any case, may not be fewer than 30 days from the date of the notice.</p> <p>(2) The notice shall direct the attention of the tourist guide to the possibility of his or her registration as a tourist guide being withdrawn.</p> <p>(3) If the tourist guide requests the Provincial Registrar to be allowed to present his or her case personally before the Provincial Registrar, the Provincial Registrar shall grant such request.</p> <p>(4) Where the tourist guide personally presents his or her case in terms of subsection (3), he or she may be assisted by an adviser of his or her choice.</p>	<p>(1) (a) If a Provincial Registrar has reason to believe that a tourist guide has become subject to any disqualification referred to in section 50(3), the Provincial Registrar must by notice, sent by registered post or any other effective method, inform the tourist guide of the allegation against him or her and call upon that tourist guide to submit such representations in connection therewith as he or she may wish to make.</p> <p>(b) The representations must be submitted to the Provincial Registrar within the period specified in the notice, which may not be fewer than 30 days from the date of the notice.</p> <p>(2) The notice must direct the attention of the tourist guide to the possibility of his or her registration as a tourist guide being withdrawn.</p> <p>(3) The tourist guide may present his or her case personally before the Provincial Registrar or through an adviser of his or her choice.</p> <p>(4) If, after considering the allegations against the tourist guide and his or her representations, if any, the Provincial Registrar is satisfied that one or more of the disqualifications referred to in section 50(3) are applicable, the Provincial Registrar must withdraw the registration as a tourist guide.</p>
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<p>any suspension under subsection (2) shall cease as soon as the tour guide concerned is informed of such decision in terms of subsection (3).</p> <p>(6) The registrar shall cancel the registration, in terms of section 6, of any tour guide who requests the registrar to cancel it.</p> <p>(7) Any tour guide registered as such in terms of section 6 who has ceased to act as a tour guide or whose registration as such in terms of that section has been cancelled in terms of subsection (4) or (6) of this section, shall within the prescribed period return to the registrar the certificate of registration and badge issued to him in terms of section 7 (1), together with any copy or duplicate thereof made or caused to be made by him.</p>	<p>(6) The Provincial Registrar may by the notice referred to in subsection (1) suspend, for a period not exceeding 30 days, the registration of the tourist guide concerned, pending the decision of the Provincial Registrar under subsection 15): Provided that before the decision to suspend the registration of the tourist guide is taken, he or she shall be afforded an opportunity to make representations to show why the registration should not be suspended.</p> <p>(7) The provisions of subsections (3) and (4) are applicable to any proceedings for the suspension of the registration of a tourist guide under subsection (6).</p> <p>(8) If the registration of a tourist guide is suspended in terms of subsection (6), the Provincial Registrar shall make the prescribed endorsement in the register against the name of the tourist guide.</p> <p>(9) The Provincial Registrar shall cause the names of persons whose registration has been withdrawn under this section to be published in the <i>Government Gazette</i> and in at least one newspaper that circulates in the province concerned.</p>	<p>(5) If, after considering the allegations against the tourist guide and his or her representations, if any, the Provincial Registrar is satisfied that one or more of the disqualifications mentioned in section 21 A(3) are applicable, the Provincial Registrar shall withdraw the person's registration as a tourist guide.</p> <p>(6) The Provincial Registrar may by the notice referred to in subsection (1) suspend, for a period not exceeding 30 days, the registration of the tourist guide concerned, pending the decision of the Provincial Registrar under subsection (5): Provided that before the decision to suspend the registration of the tourist guide is taken, he or she shall be afforded an opportunity to make representations to show why the registration should not be suspended.</p> <p>(7) The provisions of subsections (3) and (4) are applicable to any proceedings for the suspension of the registration of a tourist guide under subsection (6).</p> <p>(8) If the registration of a tourist guide is suspended in terms of subsection (6), the Provincial Registrar shall make the prescribed endorsement in the register against the name of the tourist guide.</p> <p>(9) The Provincial Registrar shall cause the names of persons whose registration has been withdrawn under</p>	<p>(5) (a) The Provincial Registrar may, by the notice referred to in subsection (1), suspend, for a period not exceeding 30 days, the registration of the tourist guide concerned, pending the decision of the Provincial Registrar under subsection (4).</p> <p>(b) The Provincial Registrar must, before the decision to suspend the registration of the tourist guide is taken, afford the tourist guide an opportunity to make representations to show why the registration should not be suspended.</p> <p>(6) Subsection (3) applies to any proceedings for the suspension of the registration of a tourist guide under subsection (5).</p> <p>(7) If the registration of a tourist guide is suspended in terms of subsection (5), the Provincial Registrar must make the prescribed endorsement in the register of tourist guides referred to in section 49(2), against the name of the tourist guide.</p> <p>(8) The Provincial Registrar must cause the names of any person whose registration has been withdrawn under this section to be published in the <i>Gazette</i> and in at least one newspaper that circulates in the province concerned.</p>
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		<p>this section to be published in the <i>Government Gazette</i> and in at least one newspaper that circulates in the province concerned.</p>	
<p>13 Offences and penalties</p> <p>Any person who contravenes the provisions of section 7 (2), 9 (7), 11 (1) or (2) or 12, shall be guilty of an offence and on conviction liable to a fine not exceeding R500 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.</p>	<p>21F. Disciplinary measures</p> <p>(1) A Provincial Registrar who has reason to believe that a tourist guide is guilty of misconduct by-</p> <p>(a) contravening a provision of this Act or any other law;</p> <p>(b) contravening the code of conduct and ethics contemplated in section 21C; or</p> <p>(c) failing to comply with any condition subject to which he or she has been registered,</p> <p>shall institute an investigation or cause an investigation to be instituted and, if satisfied that there is substance to such belief, by notice, sent by registered post or any other effective method, inform the tourist guide of the charge against him or her and call upon that tourist guide to submit such representations in connection therewith as he or she may wish to make, within a period specified in the notice, which, in any case, may not be fewer than 30 days from the date of the notice.</p> <p>(2) The notice shall direct the attention of the tourist guide to the possible penalties mentioned in subsection (5).</p> <p>(3) If the tourist guide requests the Provincial Registrar to be allowed to present his or her case personally before the Provincial Registrar, the</p>	<p>Disciplinary measures</p> <p>21F. (1) A Provincial Registrar who has reason to believe that a tourist guide is guilty of misconduct by—</p> <p>(a) contravening a provision of this Act or any other law;</p> <p>(b) contravening the code of conduct and ethics contemplated in section 21C; or</p> <p>(c) failing to comply with any condition subject to which he or she has been registered, shall institute an investigation or cause an investigation to be instituted and, if satisfied that there is substance to such belief, by notice, sent by registered post or any other effective method, inform the tourist guide of the charge against him or her and call upon that tourist guide to submit such representations in connection therewith as he or she may wish to make, within a period specified in the notice, which, in any case, may not be fewer than 30 days from the date of the notice.</p>	<p>55. Disciplinary measures</p> <p>(1) (a) A Provincial Registrar must institute an investigation or cause an investigation to be instituted if he or she has reason to believe that a tourist guide is guilty of misconduct by—</p> <p>(i) contravening a provision of this Act or any other law;</p> <p>(ii) contravening the code of conduct and ethics referred to in section 52; or</p> <p>(iii) failing to comply with any condition subject to which he or she has been registered.</p> <p>(2) (a) A Provincial Registrar who institutes an investigation or causes an investigation to be instituted contemplated in subsection (1) must by notice, sent by registered post or any other effective method, inform the tourist guide of the charge against him or her.</p> <p>(b) The notice must call upon that tourist guide to submit such representations in connection with the charge as he or she may wish to make, within a period specified</p>



	<p>Provincial Registrar shall grant such request.</p> <p>(4) Where the tourist guide personally presents his or her case in terms of subsection (3), he or she may be assisted by an adviser of his or her choice.</p> <p>(5) If, after considering the charge against the tourist guide and his or her representations, if any, the Provincial Registrar is satisfied that the tourist guide is guilty of the charge of which he or she is accused, the Provincial Registrar may—</p> <p>(a) issue a warning to the tourist guide;</p> <p>(b) impose the prescribed fine, which may not exceed R1 000, on the tourist guide; or</p> <p>(c) withdraw the registration as a tourist guide for such period, not exceeding five years, as the Provincial Registrar may determine.</p> <p>(6) The Provincial Registrar may, by the notice referred to in subsection (1), suspend, for a period not exceeding 30 days, the registration of the tourist guide concerned, pending the decision of the Provincial Registrar under subsection (5): Provided that before the decision to suspend the registration of the tourist guide is taken, he or she shall be afforded an opportunity to make representations to show why the registration should not be suspended.</p> <p>(7) The provisions of subsections (3) and (4) are applicable to any proceedings for the suspension of the registration of a tourist guide under subsection (6).</p>	<p>(2) The notice shall direct the attention of the tourist guide to the possible penalties mentioned in subsection (5).</p> <p>(3) If the tourist guide requests the Provincial Registrar to be allowed to present his or her case personally before the Provincial Registrar, the Provincial Registrar shall grant such request.</p> <p>(4) Where the tourist guide personally presents his or her case in terms of subsection (3), he or she may be assisted by an adviser of his or her choice.</p> <p>(5) If, after considering the charge against the tourist guide and his or her representations, if any, the Provincial Registrar is satisfied that the tourist guide is guilty of the charge of which he or she is accused, the Provincial Registrar may—</p> <p>(a) issue a warning to the tourist guide;</p> <p>(b) impose the prescribed fine, which may not exceed R1000, on the tourist guide; or</p> <p>(c) withdraw the registration as a tourist guide for such period, not exceeding five years, as the Provincial Registrar may determine.</p> <p>(6) The Provincial Registrar may, by the notice referred to in subsection (1),</p>	<p>in the notice, which may not be fewer than 30 days from the date of the notice.</p> <p>(c) The notice must direct the attention of the tourist guide to the possible penalties referred to in subsection (4).</p> <p>(3) The tourist guide may present his or her case personally before the Provincial Registrar or through an adviser of his or her choice.</p> <p>(4) If, after considering the charge against the tourist guide and his or her representations, if any, the Provincial Registrar is satisfied that the tourist guide is guilty of the charge of which he or she is accused, the Provincial Registrar may—</p> <p>(a) issue a warning to the tourist guide;</p> <p>(b) impose the prescribed fine, which may not exceed R10 000, on the tourist guide; or</p> <p>(c) withdraw the registration as a tourist guide for such period, not exceeding five years, as the Provincial Registrar may determine.</p> <p>(5) (a) The Provincial Registrar may, by notice contemplated in subsection (2)(a), suspend, for a period not exceeding 30 days, the registration of the tourist guide concerned, pending the decision of the Provincial Registrar under subsection (4).</p> <p>(b) The Provincial Registrar must, before the decision to suspend the registration of</p>
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	<p>(8) If the registration of a tourist guide is suspended in terms of subsection (6), the Provincial Registrar shall make the prescribed endorsement in the register against the name of the tourist guide.</p>	<p>suspend, for a period not exceeding 30 days, the registration of the tourist guide concerned, pending the decision of the Provincial Registrar under subsection (5): Provided that before the decision to suspend the registration of the tourist guide is taken, he or she shall be afforded an opportunity to make representations to show why the registration should not be suspended.</p> <p>(7) The provisions of subsections (3) and (4) are applicable to any proceedings for the suspension of the registration of a tourist guide under subsection (6).</p> <p>(8) If the registration of a tourist guide is suspended in terms of subsection (6), the Provincial Registrar shall make the prescribed endorsement in the register against the name of the tourist guide.</p>	<p>the tourist guide is taken, afford the tourist guide an opportunity to make representations to show why the registration should not be suspended.</p> <p>(6) Subsection (3) applies to any proceedings for the suspension of the registration of a tourist guide under subsection (5).</p> <p>(7) If the registration of a tourist guide is suspended in terms of subsection (5), the Provincial Registrar must make the prescribed endorsement in the register of tourist guides referred to in section 49(2), against the name of the tourist guide.</p>
<p>10 Right of appeal</p> <p>Any person who considers himself aggrieved by any decision or action taken by the registrar in terms of this Act, may within the period and in the manner prescribed, appeal against the decision or action in question to the Minister, who may confirm, set aside or vary such decision or action.</p>	<p>21G. Appeals and reviews</p> <p>(1) (a) Any person who considers himself or herself aggrieved by a decision of a Provincial Registrar, may appeal against the decision in question to the National Registrar in the prescribed manner, within the prescribed period and upon payment of the prescribed fee.</p> <p>(b) If the appellant requests the National Registrar to be allowed to argue his or her appeal personally before the National Registrar, the</p>	<p>Appeals and reviews</p> <p>21G. (1) (a) Any person who considers himself or herself aggrieved by a decision of a Provincial Registrar, may appeal against the decision in question to the National Registrar in the prescribed manner, within the prescribed period and upon payment of the prescribed fee.</p> <p>(b) If the appellant requests the National Registrar to be allowed to</p>	<p>56. Appeals and reviews</p> <p>(1) Any person who is aggrieved by a decision of a Provincial Registrar may appeal against the decision in question to the National Registrar in the prescribed manner, within the prescribed period and upon payment of the prescribed fee.</p> <p>(2) The appellant may argue his or her appeal personally before the National</p>



	<p>National Registrar shall grant such request.</p> <p>(c) Where the appellant personally argues his or her appeal in terms of paragraph (b), he or she may be assisted by an adviser of his or her choice.</p> <p>(d) The National Registrar may confirm, set aside or amend the decision.</p> <p>(2) The power to determine an appeal in terms of this section is not restricted to the merits of the decision appealed against, but includes the power to review any irregularity alleged regarding the decision.</p>	<p>argue his or her appeal personally before the National Registrar, the National Registrar shall grant such request.</p> <p>(c) Where the appellant personally argues his or her appeal in terms of paragraph (b), he or she may be assisted by an adviser of his or her choice.</p> <p>(d) The National Registrar may confirm, set aside or amend the decision.</p> <p>(2) The power to determine an appeal in terms of this section is not restricted to the merits of the decision appealed against, but includes the power to review any irregularity alleged regarding the decision.</p>	<p>Registrar, or through an adviser of his or her choice.</p> <p>(3) The National Registrar may confirm, set aside or amend the decision.</p> <p>(4) The power to determine an appeal in terms of this section is not restricted to the merits of the decision appealed against, but includes the power to review any irregularity alleged regarding the decision.</p>
<p>12 Employment of unregistered persons prohibited</p> <p>No person shall in the course of business employ or use as a tour guide any other person who is not registered as a tour guide in terms of section 6 or exempted therefrom under section 11 (3), or whose registration as such has been suspended under section 9 (2).</p>	<p>21H. Prohibitions</p> <p>(1) No person who is not a registered tourist guide or whose registration as a tourist guide has been suspended or withdrawn, may for reward, whether monetary or otherwise, act as a tourist guide.</p> <p>(2) No person who has become subject to any disqualification mentioned in section 21A(3) may for reward, whether monetary or otherwise, continue to act as a tourist guide.</p> <p>(3) No person, company or close corporation may for the promotion of any business undertaking conducted by him, her or it, employ or continue to</p>	<p>Prohibitions</p> <p>21H. (1) No person who is not a registered tourist guide or whose registration as a tourist guide has been suspended or withdrawn, may for reward, whether monetary or otherwise, act as a tourist guide.</p> <p>(2) No person who has become subject to any disqualification mentioned in section 21A(3) may for reward, whether monetary or otherwise, continue to act as a tourist guide.</p>	<p>57. Prohibitions</p> <p>(1) No person who is not a registered tourist guide or whose registration as a tourist guide has been suspended or withdrawn, may for reward, whether monetary or otherwise, act as a tourist guide.</p> <p>(2) No person who has become subject to any disqualification referred to in section 50(3) may for reward, whether monetary or otherwise, act as a tourist guide.</p> <p>(3) No person, company or close corporation may for the promotion of any</p>



	<p>employ as a tourist guide any person who is not a registered tourist guide or whose registration as a tourist guide has been suspended or withdrawn or who has become subject to a disqualification contemplated in subsection (2).</p> <p>(4) No tourist guide may drive a vehicle with a carrying capacity of more than 10 persons and at the same time act as a tourist guide.</p> <p>(5) No person, company or close corporation employing a tourist guide may allow that tourist guide to drive a vehicle in contravention of subsection (4).</p>	<p>(3) No person, company or close corporation may for the promotion of any business undertaking conducted by him, her or it, employ or continue to employ as a tourist guide any person who is not a registered tourist guide or whose registration as a tourist guide has been suspended or withdrawn or who has become subject to a disqualification contemplated in subsection (2).</p> <p>(4) No tourist guide may drive a vehicle with a carrying capacity of more than 10 persons and at the same time act as a tourist guide.</p> <p>(5) No person, company or close corporation employing a tourist guide may allow that tourist guide to drive a vehicle in contravention of subsection (4).</p>	<p>business undertaking conducted by him, her or it, employ or continue to employ as a tourist guide any person who is not a registered tourist guide or whose registration as a tourist guide has been suspended or withdrawn or who has become subject to a disqualification contemplated in subsection (2).</p>
		<p>Disputes</p> <p>211. (1) Where a dispute or disagreement arises between the National Registrar and a Provincial Registrar concerning the performance of any of the functions contemplated in section 21, 21 A, 21 C, 21 D, 21 E, 21 F or 21 G, the matter shall be referred to the Director-General: Environmental Affairs and Tourism for arbitration and his or her decision shall be final.</p>	



		(2) The Director-General shall make a decision within 60 days after the date on which the matter is referred to him or her in terms of subsection (1).	
14 Regulations (1) The Minister may after consultation with the committee make regulations- (a) as to the calling of and the procedure and quorum at meetings of the committee; (b) with regard to any matter which in terms of this Act is required or permitted to be prescribed by regulation, and, in general, with regard to any matter which the Minister may consider necessary or expedient to prescribe or regulate in order to attain or further the objects of this Act, and the generality of this provision shall not be limited by the preceding paragraphs of this subsection. (2) Different regulations may be made under this section in respect of different classes of tour guides registered as such in terms of section 6. (3) A regulation may prescribe penalties for any contravention of or failure to comply with its provisions, not exceeding a fine of R200 or imprisonment for a period of six months.			
		Amendment of section 26 of Act 72 of 1993	



		<p>5. Section 26 of the principal Act is hereby amended by the addition of the following</p> <p>subsections, the existing section becoming subsection (1):</p> <p>(2) The Minister shall, within 30-days after making any regulations under this Act, table the regulations in the National Assembly and the National Council of Provinces or, if Parliament is then not in session, within 30 days after the beginning of the ensuing session of Parliament.</p> <p>(3) The National Assembly and the National council of provinces may, within 30 days of the tabling of the regulations, submit their comments to tie Minister.</p> <p>(4) The Member of the Executive Council referred to in section 21(1) shall, within 30 days after the Minister made any regulations under this Act, table the regulations in the provincial legislature, and the provisions of subsections (2) and</p> <p>(3) shall for the purpose of this subsection apply with the necessary changes..</p>	
		<p>Amendment of section 28 of Act 72 of 1993</p>	



		<p>6. Section 28 of the principal Act is hereby amended—</p> <p>(a) by the substitution for paragraph (d) of the following paragraph:</p> <p>(a) contravenes section [21(9)(a) or (10)] 21 H.; and</p> <p>(b) by the addition of the following subsection, the existing section becoming subsection (1):</p> <p>(2) Any company or close corporation that contravenes section 21 H(3) or (5) shall be guilty of an offence and liable on conviction to a fine not exceeding R10 000.”.</p>	
		<p>Transitional provisions</p> <p>7. (l) The person, if any, who immediately before the date of commencement of this section occupied the post of Registrar of Tourist Guides in the employment of the board shall, with his or her consent, on such commencement be transferred to the establishment of the Department to the post of National Registrar of Tourist Guides, and shall be deemed to have been appointed as such by the Minister in terms of section 20 of the principal Act.</p>	<p>TRANSITIONAL PROVISIONS AND SAVINGS</p> <p>4. Registrar of Tourist Guides and Provincial Registrars of Tourist Guides</p> <p>Any person who occupies the post of National Registrar of Tourist Guides or a post of Provincial Registrar of Tourist Guides immediately before this Act takes effect, remains in that post and is regarded as having been appointed under section 48 or section 49, as the case may be.</p>



		<p>(2) The incumbents of not more than two subordinate posts in the employment of the board who, immediately before the date of commencement of this section, were charged with the registration of tourist guides shall, with their consent, on such commencement be transferred to the establishment of the Department under the supervision of the National Registrar of Tourist Guides.</p> <p>(3) (a) The conditions of employment which were applicable to the persons referred to in subsections (1) and (2) immediately before the date of commencement of this section, shall not be affected to the detriment of the person concerned, and no such condition of employment shall after that date be construed or applied in a manner which is less favourable to the person concerned than the manner in which it was construed or applied immediately before that date.</p> <p>(b) The period of service of the persons referred to in subsections (1) and (2) in the public service shall be deemed to be part of and continuous with their employment by the board, for all purposes, including those of leave, pension and any other conditions of service, and the provisions of any pension law applicable to them as such employees, or in the event of their</p>	<p>5. Tourist guides</p> <p>(1) Any person registered as a tourist guide in terms of section 21A of the repealed Act immediately before this Act takes effect, remains registered as a tourist guide for the rest of the period of validity of his or her registration and must be regarded as having been registered in terms of section 50.</p> <p>(2) Any tourist guide registered in a field of specialisation contemplated in section 21A(7) of the repealed Act immediately before this Act takes effect, remains so registered for the rest of the period of validity of his or her registration and must be regarded as having been registered in terms of section 50(9).</p> <p>(3) Any application by a tourist guide for the renewal of his or her registration as a tourist guide, which has been lodged with a Provincial Registrar in terms of section 21A(6)(b) of the repealed Act but not yet finalised when this Act takes effect, must be dealt with, and a registration certificate issued, in terms of this Act.</p>
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		<p>deaths, to their dependants, shall, with the necessary changes, continue so to apply.</p> <p>(4) The furniture, equipment and other movable assets and records (including computer software) used by the persons referred to in subsections (1) and (2) for the performance of their functions in the employment of the board, shall be transferred to the Department on the commencement of this section.</p> <p>(5) Any tourist guide registered in terms of the principal Act immediately before the date of amendment thereof by section 4 of this Act, shall remain so registered, subject to the principal Act as so amended, and shall be exempt from section 21A(2) or (3)(c) of the principal Act for a period of two years from the date of commencement of this section.</p> <p>(6) Any person who acted as a tourist guide immediately before the commencement of this Act without being registered as a tourist guide in terms of the principal Act, may, subject to subsection (7), continue to so act for a period of two years from the date of commencement of this section and shall be exempt from sections 21A, 21 H and 28 of the principal Act for that period.</p>	
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		<p>(7) (a) Any person contemplated in subsection (5) or (6) who wishes to be registered as a tourist guide under the principal Act as amended by section 4 of this Act, shall, within a period of six months from the commencement of this Act, apply for provisional registration to any Provincial Registrar.</p> <p>(b) The Minister may extend the period referred to in paragraph (u) if he or she deems it necessary.</p> <p>(c) The Provincial Registrar may require the applicant to produce documentary or other proof that he or she acted as a tourist guide immediately before the commencement of this Act.</p> <p>(d) In considering any application the Provincial Registrar shall have due regard to any measures and codes of practice made or developed by the State for the promotion of equality in accordance with Chapter 5 of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No. 4 of 2000).</p> <p>(e) A person whose application for provisional registration has been approved by the Provincial Registrar shall, within the period of two years referred to in subsection (5) or (6), for validation of registration, prove competence as contemplated in section 21 B of the principal Act. If the person</p>	
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		<p>fulfils the requirements for validation, he or she shall be deemed to have complied with and to have been registered in terms of section 21 A of the principal Act.</p> <p>(8) In this section—</p> <p>“Board” means the South African Tourism Board established by section 2 of the principal Act;</p> <p>“Department” means the Department of Environmental Affairs and Tourism: and</p> <p>“Minister” means the Minister of Environmental Affairs and Tourism.</p>	
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