

Lesotho

## Tourism Act, 2002

Act 4 of 2002

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# Tourism Act, 2002

## Contents

Part I – Preliminary .....	1
1. Short title and commencement .....	1
2. Interpretation .....	1
Part II – Lesotho Tourism Development Corporation .....	2
3. Establishment of the Corporation .....	2
4. Functions of the Corporation .....	2
5. Powers of the Corporation .....	3
6. Establishment and composition of the Board .....	4
7. Vacation of office .....	5
8. Meetings of the Board .....	5
9. Remuneration of members of the Board .....	5
10. Personal immunity .....	6
11. Disclosure of interest .....	6
12. Committees .....	6
Part III – Staff of the Corporation and conditions of service .....	6
Section 13. Staff of the Corporation .....	6
Section 14. General conditions of service .....	6
Section 15. Pensions etc. ....	7
Part IV – Financial provisions .....	7
Section 16. Share capital .....	7
Section 17. Funds of the Corporation .....	7
Section 18. Bank accounts .....	8
Section 19. Investment of funds .....	8
Section 20. Accounts and audit .....	8
Section 21. Financial accountability .....	9
Section 22. Assets and liabilities .....	9
Section 23. Annual report .....	9
Part V – Tourism development .....	9
Section 24. Designation of Tourism Development Areas .....	9
Section 25. Schemes of financial assistance .....	9
Section 26. Enforcement of conditions of grants, loans and exemptions .....	10
Section 27. Delegation .....	10
Part VI – Tourism sites and the environment .....	11
Section 28. Provision of tourism sites, premises and related facilities .....	11

Section 29. Development and improvement of the environment .....	11
Part VII – Offences and penalties .....	12
Section 30. Offences and penalties .....	12
Part VIII – Miscellaneous .....	13
Section 31. Liability .....	13
Section 32. Application of Company Law .....	13
Section 33. Liquidation of the Corporation .....	13
Section 34. Regulations .....	13
Section 35. Repeals .....	13
Schedule .....	14



# Lesotho

## Tourism Act, 2002

### Act 4 of 2002

Published in Government Gazette 18 on 26 February 2002

**Commenced**

*[This is the version of this document from 26 February 2002.]*

**An Act to provide for the promotion and development of tourism and for related matters.**

Enacted by the Parliament of Lesotho

### Part I – Preliminary

#### 1. Short title and commencement

This Act may be cited as the Tourism Act 2002 and shall come into operation on a date to be appointed by the Minister by Notice published in the *Gazette*.

#### 2. Interpretation

In this Act unless the context otherwise requires

"**Board**" means the Board of Directors established under [section 6](#);

"**Chairman**" means the chairman of the Board;

"**Chief Executive**" means the Chief Executive of the Corporation appointed under section 13;

"**Corporation**" means the Lesotho Tourism Development Corporation established under [section 3](#);

"**Deputy Chairman**" means the deputy chairman of the Board;

"**Director**" means a member of the Board of Directors;

"**financial year**" means the period of 12 months commencing on the first day of (April and ending on the last day of March;

"**Government**" means the Government of Lesotho;

"**historic sites**" means lands, monuments or buildings designated by the Minister as historic sites and declared to be such by Notice published in the *Gazette*;

"**hotel**" means an establishment licensed as such under Accommodation, Catering and Tourism Enterprises Act 1997;

"**industry**" includes any description of commercial activity, whether undertaken by public or private undertakings or combination thereof, and any section of an industry;

"**land**" includes land covered with water and any interest in, or right over, land;

"**majority**" means a simple majority of 50% plus 1 of those eligible to vote;

"**member**" means a member of the Board;

"**Minister**" means the Minister of Tourism, Sports and Culture;

"**Ministry**" means the Ministry of Tourism, Sports and Culture;

"**person**" means a physical person and a juridical entity;

"**Principal Secretary**" means the Principal Secretary of the Ministry;

"**tourism development area**" means an area designated as such under section 24.

## **Part II – Lesotho Tourism Development Corporation**

### **3. Establishment of the Corporation**

- (1) There is established a body to be known as the Lesotho Tourism Development Corporation.
- (2) The Corporation is a body corporate with limited liability, perpetual succession, capable of suing and of being sued in its own name and of performing such acts as are necessary for, or incidental to, the attainment of the purpose of the Corporation and the performance of the duties conferred on it by or under this Act or by Regulations made under this Act.
- (3) The Registrar of Companies shall enter the name of the Corporation in the register of companies.
- (4) The permanent seat of the Corporation shall be in the city of Maseru and the Corporation may, with the prior approval of the Minister, establish offices at other places within Lesotho or abroad.
- (5) The Corporation shall have a seal and the application of the seal of the Corporation to any document shall be signed by at least one member of the Board and by the Chief Executive or other officer of the Corporation duly authorised by the Board in that behalf.
- (6) Every document purporting to be an instrument of the Corporation which on the face of it is sealed and attested in accordance with subsection (5) shall be deemed to be such an instrument of the Corporation without further proof unless the contrary is shown.

### **4. Functions of the Corporation**

- (1) The functions of the Corporation are-
  - (a) to formulate and implement a National Plan for Tourism;
  - (b) to develop, improve and encourage tourism in Lesotho;
  - (c) to encourage the visiting of sites of historic, cultural or national interest;
  - (d) to promote the revival and development of traditional handicrafts and popular crafts, festivals and culture;
  - (e) to preserve and develop tourist and historic sites;
  - (f) to provide, maintain and safeguard employment in the tourism industry;
  - (g) to promote the efficiency and international competitiveness of the tourism industry;
  - (h) to assist in the creation of markets for Lesotho products in Lesotho and elsewhere;
  - (i) to carry on or establish tourist undertakings;
  - (j) to advise any Ministry or public body on matters relating to tourism;
  - (k) to provide or adapt sites and modernise or construct premises for tourism undertakings or assist any other person to do any of those things, and provide or assist in the provision of related services or facilities;
  - (l) to manage or assist in the management of sites and premises for tourism undertakings;
  - (m) to undertake or assist the undertaking of the development, re-development and improvement of the physical environment in which the tourism industry operates;

- (n) to grade, and classify accommodation, liquor, and tourism related establishments; and
- (o) to perform such other functions as may be conferred by or under this Act.

## 5. Powers of the Corporation

- (1) The Corporation shall have power-
  - (a) to acquire and dispose of land, premises, plant, machinery and equipment and other property;
  - (b) to manage, develop and carry out works on land and to maintain or assist in the maintenance of any such works;
  - (c) to make land, premises, plant, machinery and equipment and other property available for use by other persons;
  - (d) to acquire, hold and dispose of security;
  - (e) to form bodies corporate or partnerships, in accordance with the Partnerships Proclamation 1957, with other persons;
  - (f) with the approval of the Minister of Finance, to guarantee obligations (arising out of loans or otherwise) incurred by other persons in relation to tourism;
  - (g) to make grants;
  - (h) subject to the Loans (Statutory Bodies)-Act 1975, to borrow money
  - (i) to act as agent for other persons in matters relating to tourism;
  - (j) to provide or assist in the provision of advice or other services or facilities to any person or undertaking in matters relating to tourism;
  - (k) to promote or assist in the promotion of publicity relating to the functions of the Corporation;
  - (l) to promote and undertake research in matters relating to tourism;
  - (m) to reimburse or contribute to the expenses of any other person or organization promoting Lesotho as a tourist destination;
  - (n) to provide vocational training for the tourism sector;
  - (o) to insure with any company or person against any loss, damage, risk and liability that it may incur;
  - (p) to hypothecate any of its property whether movable or immovable;
  - (q) to assist any international organisation or any government, corporation, company, co-operative society, partnership or person with capital or credit by means of investment in stock shares, bonds, debentures or stocks or with other moneys or with any other resources for carrying out any project or undertaking the main purpose of which is compatible with the main purpose of the Corporation;
  - (r) to appoint advisers and agents and to employ officers and employees;
  - (s) by legal process to cause any corporation, company, cooperative society or partnership in which it has a share or interest, to be liquidated or placed under judicial management and for that purpose the Corporation may itself be appointed as liquidator or judicial manager;
  - (t) to open, operate and close bank accounts;
  - (u) to write off bad debts;

- (v) generally, to do anything that is necessary or conducive to the attainment of the purpose of the Corporation, inside and outside Lesotho even though it is not expressly included among the things that the Corporation may do under this section.
- (2) The Minister may, after consultation with the Corporation, give to the Corporation general directions as to the policy to be applied in carrying out the functions of the Corporation and the Corporation shall give effect to those directions.
- (3) Every decision made in accordance with directions given under subsection (2) is deemed, for all purposes, to be a decision of the Corporation.
- (4) If anything may be done by the Corporation under this section, and that thing may also be done by a Minister, Department or other agency of the Government, the Minister may, in particular cases, or in general, determine whether that thing is to be done by the Corporation or by the Minister, Department or other agency, or jointly on such conditions as may be determined by the Minister.
- (5) The Corporation may delegate its powers and duties to a committee on such conditions as it may determine and such delegation shall be published in the gazette.
- (6) If the Corporation considers it necessary for safeguarding an investment made by it, it may act as director, manager, trustee, curator, executor or administrator of any business, estate, trust or fund or may designate any person to act as such on behalf of the Corporation.
- (7) In exercising its functions the Corporation shall have regard to the requirements of agriculture, efficient land management, the needs of the local community and to the requirement for protecting the environment.

## 6. Establishment and composition of the Board

- (1) The governing body of the Corporation shall be a Board of Directors.
- (2) The Board shall consist of-
  - (a) the Director of Tourism, who shall be the Chairman;
  - (b) the Chief Executive appointed under section 13, who shall be an *ex-officio* member; and
  - (c) a member nominated by the Lesotho Council for Tourism, who shall be the Deputy Chairman;
  - (d) a representative of the Hotels and Hospitality Association;
  - (e) 4 other members.
- (3) Members shall be appointed by the Minister, by notice published in the *Gazette*.
- (4) A person shall not be appointed to be a member of the Board under subsection (2)(c) unless he is in possession of qualifications or experience in any of the following
  - (a) tourism;
  - (b) finance;
  - (c) environment;
  - (d) law;
  - (e) culture; or
  - (f) physical planning.
- (5) A member, other than the Chairman and the Chief Executive, shall hold office for a period of 3 years and may be reappointed.



- (6) If the Chairman or Deputy Chairman ceases to be a member of the Board he shall cease to be the Chairman or Deputy Chairman, as the case may be.

## **7. Vacation of office**

- (1) A member of the Board, except the Chairman and the Chief Executive, shall cease to be a member and shall vacate his office if he-
- (a) accepts or continues to hold office or employment with the Corporation;
  - (b) has had his estate sequestrated or is insolvent;
  - (c) is incapacitated by reason of physical or mental illness;
  - (d) has been absent from the meetings of the Board for more than 3 consecutive meetings without the permission of the Board;
  - (e) has been convicted of an offence without the option of a fine;
- or
- (f) is otherwise unable or unfit to discharge the functions of a member of the Board or is, in the opinion of the Minister, unsuitable to continue as a member.
- (2) If it member dies, resigns or otherwise vacates his office before the expiry of the term for which he was appointed, the Minister shall, subject to [section 6\(4\)](#), appoint another person to fill the vacancy.
- (3) The Minister may terminate the appointment of a member if it is necessary in the interest of the effective performance of the functions of the Corporation under this Act or if the public interest of the effective performance of the functions of the Corporation under this Act or if the public interest so requires.

## **8. Meetings of the Board**

- (1) The Board shall meet as often as the business of the Corporation may require, but in any case not less than four times in each financial year.
- (2) The Chairman shall preside at all meetings of the Board and, in his absence the Deputy Chairman shall preside.
- (3) Any issue before the Board at a meeting shall be decided by the majority of votes of the members present and voting.
- (4) The quorum at a meeting of the Board shall be 5 members.
- (5) A presiding member shall have a deliberative vote and in the event of an equality of votes, he shall have a casting vote.
- (6) Subject to this section, the Board shall regulate its own procedure.
- (7) The validity of any act or proceedings of the Board shall not be affected by any vacancy among the members or by any defect subsequently discovered in the appointment of a member or by reason that some person who was not entitled to do so took part therein.

## **9. Remuneration of members of the Board**

A member of the Board, shall be paid such remuneration, fees and allowances for expenses as may be determined by the Minister after consultation with the Minister of Finance.

## 10. Personal immunity

No member of the Board shall be personally liable for any debt or obligation of the Corporation.

## 11. Disclosure of interest

- (1) A member who has any direct or indirect interest in any company or concern with which the Corporation proposes to make any contract with or any interest in such a contract shall disclose to the Board the fact of that interest, and such disclosure shall be recorded in the minutes of the Board and such member shall refrain from voting on any matter relating thereto.
- (2) A member who contravenes sub-section (1) commits an offence and, on conviction, is liable to a fine not exceeding M600 or to imprisonment for a period not exceeding 3 months.

## 12. Committees

- (1) The Board may, on such terms and conditions as it may determine establish committees for the purposes of carrying out its functions as may appear to it appropriate.
- (2) The membership of such committees shall consist of all or any of the persons listed in the Schedule and the Minister may, on the advice of the Board, amend the Schedule.
- (3) The Corporation shall pay members of any committee established under subsection (1), who are not members of the Board or employees of the Corporation traveling and other allowances, including compensation for loss of remunerative time, in accordance with arrangements to be made by the Minister after consultation with the Minister of Finance.

## Part III – Staff of the Corporation and conditions of service

### 13. Staff of the Corporation

- (1) The staff of the Corporation shall consist of-
  - (a) the Chief Executive who shall-
    - (i) subject to approval of the Minister, be appointed by the Board for a period of 4 years and may be reappointed;
    - (ii) be secretary to the Board;
    - (iii) be responsible for the execution of Government policy on tourism and the day to day transaction of the Corporation's business; and
    - (iv) perform any other duties as may be assigned to him by this Act of the Board; and
  - (b) such other staff as may be appointed by the Board.
- (2) In the absence of the Chief Executive, the Board may appoint another person or a director to act as stich.

### 14. General conditions of service

The Corporation may, subject to the approval of the Minister, in respect of its officers and employees, prescribe the general conditions of service and disciplinary measures and may remunerate, discharge or suspend them temporarily, and indemnify them in respect of any harm, damage or loss suffered by them in the course of the performance of their duties.

## 15. Pensions etc.

The Corporation may, subject to the approval of the Minister-

- (a) establish and maintain pension, superannuation, provident or other funds as it may consider desirable for the provision of payments or other allowances on death, sickness, injury, superannuation, resignation or retirement or discharge of its officers and other staff.
- (b) make rules for the payment of moneys out of the revenue of the Corporation to funds established under this section and providing for the contribution to such funds by the officers and employees of the Corporation.
- (c) contract with an insurance company or other body for the maintenance of funds established under this section.

## Part IV – Financial provisions

### 16. Share capital

- (1) The share capital of the Corporation shall be determined by the Minister and the Government shall be the majority shareholder by 51%.
- (2) The Minister of Finance shall subscribe for the shares of the capital stock of the Corporation and shall pay the amount of such subscription out of the Consolidated Fund at such time as the Corporation may require.
- (3) The shares of the Corporation are not transferable and shall be recorded in the register of the Corporation in the name of the Ministry.
- (4) The share capital of the Corporation may, with the approval of the Minister, be increased to such an extent as the Corporation may authorise and the Corporation shall give notice of the increase by notice published in the *Gazette*.
- (5) The liability of the Government as sole shareholder in the Corporation is limited to the amount unpaid on the shares held by the Government.

### 17. Funds of the Corporation

- (1) The funds, assets and resources of the Corporation consist of-
  - (a) the share capital of the Corporation;
  - (b) all funds, assets and resources under a contract entered into by the Government of Lesotho and third persons on behalf of the Corporation prior to its establishment, that have been assumed and accepted by the Corporation;
  - (c) all moneys or property that may from time to time be donated, lent or granted to the Corporation
    - (i) by the Government or by a Ministry, Department or other agency of the Government, pursuant to any powers lawfully vested in it by an Appropriation Act or otherwise; and
    - (ii) by another government, by a person or by an international organisation;
  - (d) all property and investments acquired by or vested in the Corporation and all money earned or arising therefrom;
  - (e) sums from time to time received or falling due to the Corporation in respect of the repayment of any loan or advance made by the Corporation or the interest payable of any such loan or advance;

- (f) moneys raised or borrowed by the Corporation;
  - (g) all other moneys or property that may in any manner become payable to or vested in the Corporation in respect of any matter incidental to its functions, powers and duties.
- (2) The expenditure incurred by or on behalf of the Corporation, including the expenses of directors and the costs and expenses of audit, is defrayed out of the funds of the Corporation, but no director, except the Chief Executive, is entitled to the payment of remuneration other than reasonable expenses out of the funds of the Corporation.
  - (3) The Corporation shall manage its affairs in a prudent manner in accordance with high standards prevalent in a commercial undertaking.
  - (4) All income and property, and all profits of the Corporation, from whatever source they may be acquired, shall be applied exclusively to the promotion of the functions of the Corporation and no dividend shall be paid to the shareholder.
  - (5) The Corporation may establish general and other reserves, and may credit to those reserves such appropriations as may be authorised in the annual estimates of the Corporation.
  - (6) The Corporation shall not, except with the consent of the Minister, dispose of or grant a lease of land.
  - (7) If the Corporation has made a loan under the provisions of this Act on the security of any corporeal property or has under the provisions of the Act sold or acquired the seller's rights under a hire purchase or installment sale agreement to any corporeal property, the Corporation may, from time to time, value or inspect that property, or cause it to be valued or inspected, and for that purpose may in writing authorise any of its officers, employees or agents or any other person to make that valuation or inspection and any person authorised to value or inspect corporeal property may, at all reasonable times, value and inspect that property and enter upon any land or premises if it is necessary for that purpose.

## 18. Bank accounts

- (1) The Corporation may, with the approval of the Board, open and maintain an account or accounts with an approved bank or banks licensed or registered under the Financial Institutions Act 1999 and shall maintain at all times at least one such account.
- (2) All moneys received by the Corporation shall be paid into the bank and shall be credited to such of the Corporation's accounts as may be appropriate.

## 19. Investment of funds

The Corporation may invest all or any of its moneys not required for the performance of its functions

- (a) in the purchase of any security issued, or in any deposit account maintained by the Government of Lesotho or by any government of a country approved by the Minister, acting in consultation with the Minister of Finance;
- (b) in any securities in which a trustee may invest under the provision of any law in force in Lesotho;
- (c) in deposits in any bank or building society;
- (d) in any other securities approved either generally or specifically by the Minister of Finance in writing.

## 20. Accounts and audit

- (1) The Corporation shall cause proper books of account to be kept; as well as necessary books and records in connection therewith.

- (2) The accounts of the Corporation shall be audited by the office of the Auditor General or a Chartered Accountant appointed by the Auditor General.
- (3) The auditor may by writing under his hand, require the production of all books, deeds, contract, vouchers, receipts and other documents or computerised records relating to the accounts or investments of the Corporation that he may deem necessary for the purpose of the audit.
- (4) The auditor may, by notice in writing, summon all such persons as may appear to him to have knowledge of the affairs of the Corporation, to appear before him personally at the offices of the Corporation at a time to be fixed in that notice, for examination in connection with any document, record or matter relating to the audit.
- (5) Every person summoned to attend to give evidence or to produce any paper, book, record or document before the auditor under this section is entitled in respect of such evidence or the disclosure of any communication, or the production of any such paper, book, record or document, to the same right or privilege as before a court of law.

## **21. Financial accountability**

The Corporation shall

- (a) prepare in respect of each of its financial year a statement of accounts in such form as the Minister of Finance may prescribe;
- (b) provide the Minister with such information relating to the activities or proposed activities of the Corporation as the Minister may from time to time require;
- (c) permit any person authorised by the Minister of Finance for that purpose, to inspect and make copies of its accounts, books documents, papers or computerised records and to afford the person such explanation as he may reasonably require.

## **22. Assets and liabilities**

Upon the commencement of this Act, all assets and liabilities of the Lesotho Tourist Board shall vest in the Corporation.

## **23. Annual report**

It shall be the duty of the Corporation to make available to the Minister not later than 3 months after the end of each financial year, a report dealing with the operations of the Corporation during that year, and the Minister shall table the report in Parliament within 15 sitting days.

# **Part V – Tourism development**

## **24. Designation of Tourism Development Areas**

The Minister may, following consultation with the Minister of Local Government, by notice published in the *Gazette*, designate specified areas as tourism development areas and the areas shall be subject to the planning restrictions and eligible for financial assistance as the Minister may determine.

## **25. Schemes of financial assistance**

- (1) The Corporation may prepare and issue schemes for the provision of financial assistance by way of grant, loan or exemption, for the carrying out of such projects as may be specified in the schemes, being projects, which may
  - (a) provide or improve tourist amenities;
  - (b) protect, preserve or enhance buildings, sites or items of Basotho heritage;

- (c) foster, promote or enable cultural activities to take place.
- (2) A project may be eligible for financial assistance under this section if it furthers any of the objectives set out in subsection (1).
- (3) Any scheme prepared under subsection (1) shall be submitted to the Minister for approval with or without modification, after consultation with the Minister of Finance.
- (4) In making a grant, loan or exemption under any scheme made by virtue of this section, the Minister may, subject to the provision of the scheme, impose such terms and conditions as he thinks fit, including conditions for the payment of a grant or removal of exemptions in specified circumstances and section 26 shall have effect for securing compliance with the conditions subject to which any grant or exemption was made.
- (5) Subject to subsection (3) a scheme may be varied or revoked by a subsequent scheme prepared, submitted and confirmed in like manner.

## 26. Enforcement of conditions of grants, loans and exemptions

- (1) The Minister and any person acting on his behalf may, by written notification, require any person who has received a grant or loan or who has been granted an exemption under section 25, and any person acting on his behalf, to furnish to the Minister such information, or to produce for examination on behalf of the Minister such books, records, documents or computerised files as may be specified in the written notice for the purpose of enabling the Minister to determine whether any condition subject to which the grant, loan or exemption was made is satisfied or is being complied with; or whether the grant or exemption has become repayable in whole or in part in accordance with any such condition; or whether such loan is to be repaid in whole or in part before the term date.
- (2) Any person duly authorised by the Minister for that purpose may, on production of written evidence of his authority, at all reasonable times, enter and inspect any premises in relation to which a grant, loan or exemption has been made by the Minister under this Act for the purposes of determining whether any condition upon which the grant, loan or exemption was made is satisfied or is being complied with or whether the grant, loan or exemption has become repayable in whole or in part in accordance with any such condition.
- (3) Any written notice made under this section shall state the time by which the information to which it relates shall be furnished and the place at which it shall be delivered provided that the time specified in the notification shall not be earlier than the end of the period of 21 days beginning with the serving of the written notice.
- (4) Any person who willfully obstructs any duly authorised person acting in the exercise of a right conferred by this section commits an offence and is liable on conviction to a fine not less than M3,000 but not exceeding M12,000 or to imprisonment for a period not less than 18 months but not exceeding 3 years.
- (8) A written notice under this section may be served-
  - (a) by delivering it to the person on whom it is served;
  - (b) by leaving it at the usual or at the last known place of abode of that person;
  - (c) in the case of an incorporated company or body, by delivering it to the secretary of the company or body at the registered or principal office.

*[Please note: numbering as in original.]*

## 27. Delegation

- (1) The Minister may, in writing, delegate his powers under section 26 to the Corporation.

- (2) A delegation shall specify the purpose for which and the manner in which the Corporation is to exercise the powers.
- (3) The annual report required to be made under section 23 shall specify any delegation that has been given under this section during that year.

## **Part VI – Tourism sites and the environment**

### **28. Provision of tourism sites, premises and related facilities**

- (1) The Corporation, in the exercise of its power of providing or managing sites and premises and related facilities, shall do so in accordance with any delegation given to the Corporation under section 27.
- (2) Without prejudice to the generality of section 27, the Government may authorise the Corporation to undertake or assist in the provision of areas of access or other services or facilities in, or for, an area where it appears to the Government to be expedient for the purpose of contributing to, or supporting, the development of tourism in that area.

### **29. Development and improvement of the environment**

- (1) The Corporation shall, in the exercise of its power under [section 5\(1\)\(b\)](#) and after consultation with the Minister, the Minister of Environment, the local community and other public bodies as appear to have an interest in the works, from time to time, prepare and submit to the Minister for his approval proposals for the development, redevelopment or improvement of any area where the purpose is to enhance the physical environment for tourism.
- (2) The Minister may, following consultation with the Minister of Agriculture, the Minister of Environment and the Minister of Planning, approve, in whole or in part, or with modification, any proposals submitted to him under subsection (1), or may refuse to approve them, and any such approval may be given in relation to a specific act of the Corporation or in relation to all acts of a class or description specified in the approval, or may be given subject to such conditions as may be so specified.
- (3) The Corporation, either by itself or by agents or in conjunction with any other person, may implement or assist in implementing proposals under this section.
- (4) The Corporation may appoint any person to act as the agent of the Corporation for the purpose of this section.
- (5) The Corporation may make payments of such amount and in such manner as it may determine, to any person towards the cost of carrying out the works specified in proposals approved under this section.
- (6) In the exercise of its functions under this Act, the Corporation shall have regard to
  - (a) national and international environmental standards as they affect the tourism sector and consult with Non-Governmental Organisations where necessary or expedient in relation to consumer and industry interests and shall conduct environmental impact assessment before undertaking any operation;
  - (b) the interests of those persons whose lives may be endangered or adversely affected by tourism.
- (7) Notwithstanding anything contained in this Act, all things required to be done under this Act in relation to the environment shall be done in accordance with the law relating to the environment.

## Part VII – Offences and penalties

### 30. Offences and penalties

- (1) A person who hinders or obstructs another person who has been authorised to inspect or value property under section 17(7) commits an offence and is liable on conviction to a fine not less than M2,000 but not exceeding M5,000 or to imprisonment for a period not less than 2 years but not exceeding 5 years or both.
- (2) Subject to section 20(5) and subsection (3) a person to whom subsection (4) applies, who, without just cause, the proof of which shall lie upon him-
  - (a) fails or refuses to produce any document or computerised record that he has been duly required by the auditor to produce;  
or
  - (b) fails or refuses to comply with a notice summoning him to appear before the auditor;  
or
  - (c) refuses to be examined by the auditor after having appeared before him on a notice summoning him to appear or otherwise;  
or
  - (d) refuses to answer questions pertaining to the audit that are put to him by the auditor after the person has appeared before him on a notice summoning him to appear or otherwise;  
or
  - (e) having appeared before the auditor on a notice summoning him to appear or otherwise, makes any statement pertaining to the auditor that he knows or believes to be false or that he does not or believe to be done,

commits an offence and is liable on conviction to a fine not less than M2,000 but not exceeding M5,000 or to imprisonment for a period not less than 2 years but not exceeding 5 years or both.

- (3) A conviction under subsection (2) shall not exempt the person convicted from the liability to do or perform the act, matter, a thing required of him, except as provided by section 20(5).
- (4) A person who, in relation to section 26-
  - (a) intentionally gives false or misleading information or evidence;
  - (b) refuses to provide information, documents, records or computerised files when required by the Minister;
  - (c) fails, without reasonable cause-
    - (i) to implement decisions tendered by the Minister;
    - (ii) to comply with a written notice or instruction given by Minister commits an offence and is liable on conviction to a fine not exceeding M3000 or to imprisonment for a period not exceeding 3 years or both.

commits an offence and is liable on conviction to a fine not exceeding M3000 or to imprisonment for a period not exceeding 3 years or both.



## Part VIII – Miscellaneous

### 31. Liability

The Chief Executive or a member of the staff of the Corporation is not personally liable for any loss or damage that may occur in or in connection with the performance of his duties, unless that loss or damage is due to his willful misconduct, dishonesty, gross negligence of failure or refusal to comply with any provisions of this Act or Regulations made under it.

### 32. Application of Company Law

- (1) Subject to subsection (2), no provision of a statute law in force in Lesotho relating to companies applies to the Corporation,
- (2) The Minister may, by notice published in the *Gazette*, declare that any provision of the Companies Act 1967, that is not inconsistent with this Act, applies to the Corporation with such modifications as he may specify in that Notice, and may revoke or amend that notice.
- (3) For so long as a notice issued under subsection (2) remains in force, that provision of the law relating to companies shall apply to the Corporation subject to any modification in the notice and to any amendment to the notice.

### 33. Liquidation of the Corporation

The Corporation shall not be liquidated except by or under the authority of an Act of Parliament.

### 34. Regulations

- (1) The Minister may, by notice published in the *Gazette*, make Regulations for carrying into effect the provisions of this Act.
- (2) Without derogating from the generality of subsection (1), the Minister may make Regulations for
  - (a) the classification or grading of hotels and restaurants;
  - (b) the manner in which any person whose establishment is to be the subject of a classifications or grading shall be entitled to make representations to the Corporation before any classification grading is accorded to the establishment and before the classification grading is altered or cancelled.
  - (c) the fees to be paid in connection with any functions to be carried out under this Act.

### 35. Repeals

The Lesotho Tourist Board Act 1983 is repealed.

#### *Note*

1. Act [No. 13 of 1997](#)
2. [Proclamation No. 78 of 1957](#)
3. Act [No. 22 of 1975](#)
4. Act [No.6 of 1999](#)
5. Act. No. 12 of 1983

## **Schedule**

### **Membership of Committees (section 12(2))**

1. Representatives nominated by Lesotho Council for Tourism
2. Representatives nominated by Lesotho Chamber of Commerce and Industry
3. Representatives nominated by Lesotho Highlands Development Authority
4. Representatives nominated by Lesotho National Development Corporation
5. Representatives nominated by the Principal Secretary Ministry of Tourism, Sports and Culture
6. Representatives nominated by the Principal Secretary Ministry of Home Affairs (Immigration and Police Services)