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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 983.

3 June 1977.

No. 983.

3 Junie 1977.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 71 of 1977: Hotels Amendment Act, 1977.

No. 71 van 1977: Wysigingswet op Hotelle, 1977.

Act No. 71, 1977

HOTELS AMENDMENT ACT, 1977.

ACT

To amend the Hotels Act, 1965, so as to extend the object of the board to include establishments other than accommodation establishments for certain purposes; to extend certain functions and powers of the board to apply to the accommodation and catering industry; to provide for the training and instruction of persons employed or to be employed in the hotel, accommodation and catering industries in other countries or territories; to increase the number of members of the board; to prohibit a service charge in the case of an hotel; and to extend the power of the Minister to make regulations; and to provide for incidental matters.

(English text signed by the State President.)

(Assented to 25 May 1977.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Substitution of
section 3 of
Act 70 of 1965.

1. The following section is hereby substituted for section 3 of the Hotels Act, 1965 (hereinafter referred to as the principal Act):

“Object of
board.

3. The object for which the board is established

is—
(a) to foster the development and improvement of accommodation establishments with a view to achieving and maintaining the highest possible standards in the quality of the accommodation, meals and services provided by such establishments;

(b) to assist in achieving and maintaining the highest possible standards in the quality of meals and catering services provided by establishments other than accommodation establishments.”.

Amendment of
section 4 of
Act 70 of 1965.

2. Section 4 of the principal Act is hereby amended—

(a) by the substitution for paragraph (e) of the following paragraph:

“(e) to encourage the adoption of measures for providing adequate training and instruction for persons employed or intending to take up employment in the hotel, accommodation or catering industry, or, with the approval of the Minister, itself to adopt any such measures, including the undertaking of financial obligations, the incurring of expenditure and the levying of fees;”;

(b) by the substitution for paragraph (f) of the following paragraph:

“(f) to call for such information and obtain such statistics (including financial statements) in regard

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WET

Tot wysiging van die Wet op Hotelle, 1965, ten einde die oogmerk van die raad uit te brei om vir sekere doeleindes ander inrigtings as huisvestingsinrigtings in te sluit; sekere werksaamhede en bevoegdhede van die raad uit te brei om van toepassing te wees op die huisvestings- en proviandbedryf; voorsiening te maak vir die opleiding en onderrig van persone wat werksaam is of gaan word in die hotel-, huisvestings- of proviandbedryf in ander lande of gebiede; die aantal lede van die raad te vermeerder; 'n verbod te plaas op 'n bedieningsgeld in die geval van 'n hotel; en die bevoegdheid van die Minister om regulasies uit te vaardig, uit te brei; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 25 Mei 1977.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 3 van die Wet op Hotelle, 1965 (hieronder die Hoofwet genoem), word hierby deur die volgende artikel vervang:

Vervanging van
artikel 3 van
Wet 70 van 1965.

„Oogmerk van raad. 3. Die oogmerk waarmee die raad gestig word, is—
(a) om die ontwikkeling en verbetering van huisvestingsinrigtings te bevorder ten einde die hoogste moontlike standarde in die gehalte van die huisvesting, etes en dienste wat deur sodanige inrigtings verskaf word, te bereik en te handhaaf;
(b) om te help met die bereiking en handhawing van die hoogste moontlike standarde in die gehalte van etes en provianddienste wat deur ander inrigtings as huisvestingsinrigtings verskaf word.”.

2. Artikel 4 van die Hoofwet word hierby gewysig—

Wysiging van
artikel 4 van
Wet 70 van 1965.

(a) deur paragraaf (e) deur die volgende paragraaf te vervang:

„(e) om die tref van maatreëls vir die verskaffing van geskikte opleiding en onderrig aan persone wat in die hotel-, huisvestings- of proviandbedryf werksaam is of voornemens is om daarin in diens te tree, aan te moedig of om, met die goedkeuring van die Minister, self sodanige maatreëls, met inbegrip van die aanvaarding van finansiële verpligtings, die aangaan van uitgawes en die heffing van gelde, te tref;”;

(b) deur paragraaf (f) deur die volgende paragraaf te vervang:

„(f) om die inligting in te win en die statistiek (met inbegrip van finansiële state) te versamel met

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to hotels as may be deemed necessary or as may be prescribed, and to compile statistical data relating to all or any hotels;"; and

- (c) by the addition of the following subsection, the existing section becoming subsection (1):

"(2) The board may, with the approval of the Minister and subject to such conditions as he may in each case determine, adopt measures, including the entering into of agreements with the government of, or a person in, any other country or territory, in order to—

- (a) assist with the development and improvement of the hotel, accommodation and catering industries in any country or territory with a view to achieving and maintaining the highest possible standards in the quality of the accommodation, meals and services provided by such establishments;
- (b) provide for, or assist with, the training and instruction, in or outside the Republic, of persons from the Republic or any other country or territory employed or intending to take up employment in the hotel, accommodation or catering industry in the Republic or any other country or territory."

Amendment of
section 5 of
Act 70 of 1965.

3. Section 5 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The board shall consist of nine members to be appointed by the State President, of whom not fewer than three shall be persons actively engaged in the hotel industry or possessing such special knowledge or experience of the hotel industry generally or of any branch or aspect thereof as in the opinion of the State President makes them suitable persons for appointment as members of the board."

Insertion of
section 33A in
Act 70 of 1965.

4. The following section is hereby inserted in the principal Act after section 33:

"Prohibition
of service
charge.

33A. (1) No person shall, save in accordance with the provisions of section 28—

- (a) reflect on or add to any tariff of charges or statement of account in respect of any accommodation, meal, refreshment or service offered or provided at any hotel, any amount representing a levy, surcharge, service charge or charge of a like nature on the price of such accommodation, meal, refreshment or service; or
- (b) require any other person to pay in respect of any such accommodation, meal, refreshment or service any amount by way of a levy, surcharge, service charge or charge of a like nature in addition to the said price.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(3) The provisions of subsection (1) shall not apply to any telephone service provided by an hotel."

Amendment of
section 34 of
Act 70 of 1965.

5. Section 34 of the principal Act is hereby amended by the insertion after paragraph (g) of subsection (1) of the following paragraphs:

"(gA) prescribing the particulars and information which shall be furnished in relation to any matter in respect of which information and statistics may be called for and obtained by the board under this Act;

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- betrekking tot hotelle wat nodig geag word of wat voorgeskryf word en om statistiese gegewens betreffende alle of enige hotelle saam te stel;"; en
- (c) deur die volgende subartikel by te voeg, terwyl die bestaande artikel subartikel (1) word:

“(2) Die raad kan, met die goedkeuring van die Minister en onderworpe aan die voorwaardes wat hy in elke geval bepaal, maatreëls tref, met inbegrip van die sluit van ooreenkomste met die regering van, of ’n persoon in, enige ander land of gebied, ten einde—

- (a) te help met die ontwikkeling en verbetering van die hotel-, huisvestings- en proviandbedryf in enige land of gebied ten einde die hoogste moontlike standarde in die gehalte van die huisvesting, etes en dienste wat deur sodanige bedrywe verskaf word, te bereik en te handhaaf;
- (b) voorsiening te maak vir, of te help met, die opleiding en onderrig, binne of buite die Republiek, van persone uit die Republiek of enige ander land of gebied wat in die hotel-, huisvestings- of proviandbedryf in die Republiek of ’n ander land of gebied werkzaam is of voornemens is om daarin in diens te tree.”.

3. Artikel 5 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van artikel 5 van Wet 70 van 1965.

„(1) Die raad bestaan uit nege lede wat deur die Staatspresident aangestel word, van wie minstens drie persone moet wees wat aktief by die hotelbedryf betrokke is of sodanige spesiale kennis of ondervinding van die hotelbedryf in die algemeen of van enige vertakking of aspek daarvan besit dat dit van hulle, na die mening van die Staatspresident, geskikte persone maak vir aanstelling as lede van die raad.”.

4. Die volgende artikel word hierby in die Hoofwet na artikel 33 ingevoeg:

Invoeging van artikel 33A in Wet 70 van 1965.

„Verbod op bedieningsgeld.

33A. (1) Niemand mag, behalwe ooreenkomstig die bepalings van artikel 28—

- (a) op ’n geldetarief of rekeningstaat ten opsigte van huisvesting, etes, verversings of diens by ’n hotel aangebied of voorsien ’n bedrag aangee of byvoeg wat ’n heffing, toeslag, bedieningsgeld of vordering van soortgelyke aard op die prys van sodanige huisvesting, etes, verversings of diens verteenwoordig nie; of
- (b) van iemand anders vereis om ten opsigte van sodanige huisvesting, etes, verversings of diens benewens die genoemde prys ’n bedrag by wyse van ’n heffing, toeslag, bedieningsgeld of vordering van soortgelyke aard te betaal nie.

(2) Iemand wat die bepalings van subartikel (1) oortree, is aan ’n misdryf skuldig en by skuldigbevinding strafbaar met ’n boete van hoogstens tweehonderd rand of met gevangenisstraf vir ’n tydperk van hoogstens ses maande of met sowel sodanige boete as sodanige gevangenisstraf.

(3) Die bepalings van subartikel (1) is nie van toepassing nie op ’n telefoondiens wat deur ’n hotel voorsien word.”.

5. Artikel 34 van die Hoofwet word hierby gewysig deur na paragraaf (g) van subartikel (1) die volgende paragrawe in te voeg:

Wysiging van artikel 34 van Wet 70 van 1965.

„(gA) wat die besonderhede en inligting voorskryf wat verstrek moet word met betrekking tot enige aangeleentheid ten opsigte waarvan inligting en statistiek deur die raad kragtens hierdie Wet ingewin en versamel kan word;

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(gB) relating to the manner in which, the times at which, the places where and the persons by whom and to whom the particulars and information prescribed under paragraph (gA) shall be furnished;”.

6. (1) This Act shall be called the Hotels Amendment Act, 1977, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.
(2) Different dates may under subsection (1) be fixed in respect of different provisions of this Act.

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(g) met betrekking tot die wyse en die plek waar en die persone deur wie en aan wie die besonderse en inligting kragtens paragraaf (e) voorgeskryf versnel moet word.

d. (1) Hierdie Wet heet die Wysingswet op Hotelle, 1977, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die Staatskoerant bepaal.
(2) Verskillende datums kan kragtens subartikel (1) bepaal word ten opsigte van verskillende bepalings van hierdie Wet.