

A Guide for Accommodation Establishment Owners & Managers Statutory Operating Responsibilities

SECTION 1

Check list of statutes requiring mandatory/voluntary registration and or the lodging of certain information/documents and or the application for a specific activity, registration and or permit.

This document, which is not exhaustive, serves as a **broad** guide and will point you in the right direction as far as compliance is concerned. The comments contained in this guide must not be acted upon or implemented in isolation and must be read in conjunction with the actual provisions contained in the statute concerned.

Category/Type	Legislation	Sphere of Government	Departments and websites	Description & Requirements
Business License applications. National	National Business Act 1991 and or local By-Laws https://www.ehrn.co.za/download/act_business.pdf Applicability set out in schedule 1	National Act but Local Authority application and administration	Municipal websites. The municipality in which the business is located	All businesses must apply for a business license if their operation includes the sale or supply of meals or if they offer health or entertainment services. The local municipality website/offices will provide additional information re applications, forms, costs and submission.
Business License applications Provincial Limpopo	Limpopo Provincial Business Registration. Act http://www.ledet.gov.za/wp-content/uploads/2015/07/Limpopo-Business-Registration-Act-Act-no-5-of-2003.pdf Regulations - http://www.ledet.gov.za/wp-content/uploads/2015/07/Limpopo-Business-Registration-Regulations2015.pdf	A provincial Act but Local Authorities handle applications and administration from various appointed registration centres	Registration can take place at a number of municipal registration centres – see Regulations for further details.	Requires all businesses across the province to register. The Regulations published in 2015 set out all of the various requirements, the location of registration centres and applicable forms. Businesses registered under the Limpopo Business legislation would not be required to register under the National Business Act as set out above.

Company registration - Private and non-profit	Comply with company registration requirements in terms of the Companies Act Act- https://www.gov.za/documents/companies-act Regulations- https://www.gov.za/documents/companies-act-regulations	National	Companies and Intellectual Property Commission (CIPC) Website - https://eservices.cipc.co.za/ or http://www.cipc.co.za	You can only register private and non-profit companies with a standard memorandum of incorporation on-line. All other company types must be filed manually. Visit the CIPC website for the forms and all additional information.
Compensation for Occupational Injuries and Diseases Act registration	Register in terms of the Compensation for Occupational Injuries and Diseases Act. https://www.gov.za/documents/compensation-occupational-injuries-and-diseases-act-forms-report-claims-accidents	National Act -	Department of Labour To register. Website - https://compeasy.labour.gov.za:44328/fiori	All employers with one or more employees are required to register, submit & pay annually. The Act provides for compensation for death/disablement caused by occupational injuries or diseases sustained or contracted by employees in the course of their employment.
Employment Equity	Submit annual reports in terms of the Employment Equity Act, Regulations and Codes of Good Practice. Act and Regulations https://ee.labour.gov.za/dmiso/ - under "additional information"	National	Department of Labour http://www.labour.gov.za Reporting on line - https://ee.labour.gov.za/dmiso/	Employers who employ more than 50 employees or have an annual total turnover of R15mil are required to develop and submit employment equity plans and amongst others conduct an analysis of employment policies and practices.
Employment Tax Incentive Scheme registration	Register in terms of the Employment Tax Incentive Act 26 of 2013 (voluntary) Act - https://www.sars.gov.za/types-of-tax/pay-as-you-earn/employment-tax-incentive-eti/	National	South African Revenue Services (SARS) For registration and all relevant information - https://www.sars.gov.za/types-of-tax/pay-as-you-earn/employment-tax-incentive-eti/	The tax incentive sets out to apportion the cost of employment by decreasing the amount of PAYE that is payable to SARS for every qualifying employee who is hired by the employer. The incentive is available to all private-sector employers who are registered with SARS for PAYE. The ETI came into effect on 1 January 2014 and it will end on 28 February 2029.
Food service. Certificate of Acceptability For Food Premises application	Apply in terms of the Foodstuffs, Cosmetics and Disinfectants Regulations governing hygiene requirements for food premises and or the transport of food https://www.gov.za/sites/default/files/gcis_document/201806/41730gon638.pdf	National Act but Local Authority application and administration	Local Departments of Health. For a full explanation go to the FEDHASA website - National Legislation: Department of Health: Food: Comment on the Regulations governing general hygiene July 2018	A person may only handle food or permit food to be handled on a food premises in respect of which a valid certificate of acceptability has been issued. (Not to be confused with a business licenses) A person in charge of food premises must apply in writing to the local authority in whose area of jurisdiction the food premises is located. The appropriate form can be obtained from the local authority

Gambling licenses registrations and or applications	Apply for various gambling activities in terms of the National Gambling Act 2004 and Provincial Gambling Acts, Regulations and Rules.	National and Provincial	Provincial Gambling Authorities For Provincial contacts and websites go to https://www.ngb.org.za/ngb-stakeholders.aspx	Provincial Gambling Boards/Authorities control gambling activities which include – the licensing of individuals and entities to conduct gambling; registering of persons engaged in such activities; approval and registering of gaming devices and collecting prescribed taxes and levies
Liquor licenses (North West Province only)	Apply for a liquor license in terms of the (National) Liquor Act	National and Provincial	For information on license applications contact the North West Liquor Board Offices: 018 387 7921 / 738	Liquor license applications for establishments located in The North West Province only.
Liquor licenses (excluding the North West Province)	Apply for liquor license in terms of the Provincial Liquor Acts and Regulations.	Provincial	Provincial Departments of Economic Affairs or similar. Websites - Liquor Boards/Authorities for a particular province or try http://www.thedtic.gov.za/regulatory-bodies/ for contact details	Applications should be made directly to the applicable Provincial Liquor Board/Authority in terms of their Liquor Act and Regulations. Each Provincial website will provide information on liquor licensing applications, forms and documentation requirements.
Professional Driving Permits (PrDP)	Apply for a permit in terms of the National Land Transition Transportation Act and Regulations	Local	Local driving license testing centre. For additional information go to - http://www.gov.za/services/driving-licence/professional-driving-permit	Professional Driving Permits are required by any person who drives a vehicle used to transport people for payment; drives motor vehicles transporting 12 or more people (including the driver) or drives any vehicle for which an operating license is issued. The permits are obtained from the local traffic authorities and are renewable every two years. Go to your nearest driving license testing centre (DLTC) and complete the application for professional driving permit form (PD1).
Public Operating License (POL) (Vehicles) application	Apply for a license in terms of the National Land Transition Transportation Act and Regulations	National/Provincial	Provincial Departments of Transport - Transport Regulator. All the relevant information can be found at https://www.transport.gov.za/national-public-transport-regulator-nptr- see right hand column	Businesses rendering a transport service to guests for a fee must apply for the necessary operating license. Provinces appear to handle the applications in differing ways. Would be best to contact the appropriate Provincial Department of Transport to verify who requires a license and how to make application
Registrations and or permit application - general	Accommodation Establishment By-Laws Register or make application for a permit.	Local	Local Municipalities. Most large municipalities have websites. Many of the smaller municipalities either do not have a website or if they do they are seldom of much use when researching By-Laws	A significant number but not all local municipalities require accommodation establishments/owners to register or make application for a permit to operate. Not to be confused with application for a business license or a certificate of acceptability for food premises. Contact or visit your local authority. An example being the eThekweni Municipality (Durban) Accommodation Establishment By-law 2007

Skills Development registration	Register in terms of the Skills Development Levies Act and Regulations	National	Department of Higher Education & Training / South African Revenue Services. For all details and registration go to - https://www.sars.gov.za/types-of-tax/skills-development-levy/	An employer is required to register and is liable to pay a 1% monthly levy where the employer's annual payroll exceeds R500 000. Employers can register with SARS on-line at the same time as they register as an employer for PAYE and UIF
South African Music Rights Organisation SAMRO registration	Comply with registration requirements under the Copyright Act	National	Companies and Intellectual Property Commission To register go to www.samro.org.za	Establishments who play music by means of a radio, television, tape recorder or sound system are required to apply for a license from SAMRO. Royalties go to the composers and publishers of music. An outline of the requirements can be found on the FEDHASA website - National Legislation: Companies and Intellectual Property Commission: Comment on SAMRO & SAMPRA
South African Music Performance Rights Association SAMPRA registration	Comply with registration requirements under the Copyright Act	National	Companies and Intellectual Property Commission To register go to www.sampira.org.za	Establishments who play music by means of a radio, television, tape recorder or sound system are required to apply for a license from SAMPRA. Royalties go to the artist who performs the song and the record company that has invested in the recording. An outline of the requirements can be found on the FEDHASA website - National Legislation: Companies and Intellectual Property Commission: Comment on SAMRO & SAMPRA
Tax Employer and PAYE registration	Comply with the Income Tax Act.	National	South African Revenue Services (SARS) Website - https://www.sars.gov.za/types-of-tax/pay-as-you-earn/	An employer must register with the South African Revenue Service (on-line) within 21 business days after becoming an employer, unless none of the employees are liable for normal tax.
Television License	Apply for licenses in terms of the Regulations regarding Television License Fees	National	SABC Television Licensing Department. Website - https://www.sabc.co.za/sabc/	A commercial business is required to pay a television license fee for each of the televisions sets located within the establishment. For more information talk to FEDHASA and or visit the SABC The Federated Hospitality Association of Southern Africa (FEDHASA) has in the past negotiated discounts for their members.
Tourism registration	Provincial Tourism Acts and Regulations or Local By-Laws	Provincial and Local	Departments of Tourism and or the local Tourism Authorities. For Provincial website contact details - https://www.tourism.gov.za/Pages/Tourism-Authority-Links.aspx	To establish if registration is required, check with both your Provincial Department of Tourism and or your local tourism authority. Registration may be required by the Province or by your local municipality. An example would be the Kwazulu-Natal Tourism Regulations 2004 requiring the registration of all tourism establishments and tourism operators.

Unemployment Insurance (UIF) registration	Comply with the Unemployment Insurance Act & Regulations together with the Unemployment Insurance Contributions Act & Regulations	National	Department of Labour and the SA Revenue Services. Website - https://www.sars.gov.za/types-of-tax/unemployment-insurance-fund/	Requires the registration of all employers who employ one or more employees for more than 24 hours in a month. Registration can be made through SARS (online) when registering as an employer for PAYE/SDL
Value Added Tax registration	Comply with the VAT Act and Regulations	National	South African Revenue Services (SARS) For all details Website - https://www.sars.gov.za/types-of-tax/value-added-tax/	It is mandatory for a business to register for VAT if the total value of taxable supplies made in any consecutive twelve month period exceeded or is likely to exceed R1 million. A business may also choose to register voluntarily for VAT if the value of taxable supplies made or to be made is less than R1 million, but has exceeded R50 000 in the past period of 12 months.

SECTION 2

A guide to statutes that require adherence either in part or in full; and or require compliance either in part or in full under certain circumstances; and or are entirely voluntary

Category/Type	Legislation	Sphere of Government	Departments and websites	Description & Requirements
By-Laws General	Local Council or Municipality By-Laws	Local Authorities	Various local Council or Municipal departments	Make contact with your local authority with regards to matters such as building; boundaries; parking; health; fire safety; events; accommodation; water; waste; zoning; liquor trading days & hours; electricity; rates & taxes; signage; noise pollution; road access;
Conditions of Employment	Comply with the conditions of employment set out in Sectoral Determination 14: Hospitality Sector 2007	National	Determination 14 - https://www.gov.za/sites/default/files/gcis_document/201409/29885.pdf	To be applied by all accommodation establishments. Provides for minimum conditions of employment and covers matters such as hours of work, overtime, Sunday, night & public holiday work, all forms of leave etc. Ignore the minimum wage level table 1 and 2 - outdated.
Conditions of Employment. Minimum Wage	Comply with the National Minimum Wage Act - https://www.gov.za/sites/default/files/gcis_document/202102/44136gon76.pdf	National	National Minimum Wage March 2021 to Feb 2022. https://www.gov.za/sites/default/files/gcis_document/202102/44136gon76.pdf	To be applied by all accommodation establishments. Provides for a national minimum wage and super-cedes the wage schedules published under the Sectoral Determination 14: Hospitality Sector. Note that the NMW is adjusted annually.

Conditions of Employment Exemption from minimum wage	Application for exemption from the minimum wage in terms of the National Minimum Wage Regulations https://www.gov.za/sites/default/files/gcis_document/201812/42124gon1401.pdf	National	Department of Labour Application form and on-line process. https://nmw.labour.gov.za/	Provides for the manner in which a business may apply on-line for an exemption/reduction in the minimum wage
Conditions of Employment Basic Conditions of Act	View the Basic Conditions of Employment Act & Regulations	National	Department of Labour Website - http://www.labour.gov.za	Will only apply when Sectoral Determination 14: Hospitality Sector is silent on a particular condition of employment
Conditions of Employment BCEA Earnings Threshold	Basic Conditions of Employment Earnings Threshold Determination https://www.gov.za/sites/default/files/gcis_document/202102/44137gon77.pdf	National	Department of Labour Website - http://www.labour.gov.za	Provides for the level of earnings beyond which sections 9, 10, 11, 12, 14, 15, 16, 17(2), 18(3) of the BCEA will not apply to an employee
Conditions of Employment. Employment Equity Act	Over and above the reporting requirements, comply with the provisions of the Employment Equity Act; Regulations and Codes of Good Practice	National	Department of Labour http://www.labour.gov.za The following summary will be of help - https://www.westerncape.gov.za/general-publication/employment-equity-act-summary	The Act and Regulations require qualifying employers to carry out certain duties, consult with employers, conduct analysis, forward report and others. Various Codes of Good Practice provide for matters such as the Monitoring of Equity Plans; Persons with Disabilities; Equal Pay for Equal Value; HIV and AIDS and others.
Conditions of Employment. Occupational Health & Safety Act and Regulations	Comply with the provisions of the Occupational Health & Safety Act and Regulations https://www.westerncape.gov.za/Text/2005/4/a85-93.pdf COVID 19 - Consolidated Direction on OHS measures in Certain Workplaces https://www.gov.za/sites/default/files/gcis_document/202006/43400rg11128gon639.pdf	National	Department of Labour Website - http://www.labour.gov.za The following summary provided by Absolute Health Services will be of benefit - https://absolutehealth.co.za/blog/occupational-health-and-safety-act-summary/	The Act sets out the various duties of employers towards employees in the work place. Various regulations, amongst others, involve General Administration (eg: First Aid requirements); Facilities; Environment and General Safety and need to be read and implemented. The direction document sets out the various requirements under the State of Disaster.

Conditions of Employment. Compensation for Occupational Injuries and Diseases Act and Regulations	Over and above the registration requirement, comply with the provisions of the Compensation for Occupational Injuries and Diseases Act and Regulations https://www.gov.za/documents/compensation-occupational-injuries-and-diseases-act-forms-report-claims-accidents	National	Department of Labour Website - http://www.labour.gov.za https://www.labour.gov.za/compensations_for_occupational_injuries_and_diseases Page does not always open.	Amongst others, records must be kept of employee wages paid and time worked and a specified statement must be submitted to the Compensation Commissioner before the end of March each year. Employers have an obligation to report accidents and occupational diseases in the workplace.
Conditions of Employment. Labour Relations Act	Consult or refer to the Labour Relations Act and Regulations under certain circumstances http://www.lawsofsouthafrica.up.ac.za/index.php/browse/labour-law/labour-relations-act-66-of-1995/act/66-of-1995-labour-relations-act-2019-01-01-to-date-pdf/download	National Updated Act provided by the University of Pretoria Law Library	Department of Labour Website - http://www.labour.gov.za	The Act and Regulations cover general labour matters such as; collective bargaining; strikes and lock-outs; workplace forums; trade unions and employers' organisations; dispute resolution; unfair dismissal; unfair labour practices; non-standard employment; general provisions; disciplinary procedures and codes of good practice.
Conditions of Employment. Labour Laws Amendment Act	Comply with various provisions of the Labour Laws Amendment Act published in November 2018 https://www.gov.za/sites/default/files/gcis_document/201811/42062gon1305act10of2018.pdf	National	Department of Labour Website - http://www.labour.gov.za	The Act modifies both the Basic Conditions of Employment Act and the Unemployment Insurance Act. The Act provides for, amongst others - types of leave; the period of leave (at least 10 days); payment of benefits through the UIF; parental leave and collective agreements concluded in a Bargaining Council
Consumer Protection legislation	Comply with appropriate sections of the Consumer Protection Act - https://www.gov.za/sites/default/files/32186_467.pdf and Regulations - https://www.gov.za/documents/consumer-protection-act-regulations	National	Department of Trade & Industries	To assist, refer to the combined document covering both the Act and the Regulations and in addition the guide for hospitality establishments to the Consumer Protection Act 2008 & Regulations – both can be found on the FEDHASA website
Fire Safety	Your business premises must adhere to a number of safety regulations.	National & Local	Department of Trade and Industries and local municipalities	Ensure that your business is compliant with all of the fire safety regulations, both local and in terms of the Building Regulations
Immigration Act and Guest Registration	Immigration Act as updated http://www.dha.gov.za/IMMIGRATION_ACT_2002_MAY2014.pdf and the Regulations - http://www.dha.gov.za/images/final_Immigration_Regulations_2014_1.pdf	National	Department of Home Affairs	Refer to section 36 - Keeping of registers of lodgers by certain persons in the Regulations and section 40 - Keeping of registers of lodgers by certain persons in the updated Act.
	Over and above any registration or permit process, comply with the	Local	Councils / Municipalities	Contact the local municipality or local health department to establish what if any health By-

Health	local municipality health By-Laws specifically applicable to accommodation establishments (if promulgated)			Laws might apply to accommodation establishments in the area
Liquor Sale of Liquor	If your establishment is licensed to sell liquor, read through and comply with the various provisions of the appropriate Provincial Liquor Act and Regulations that apply.	Provincial	Provincial Departments of Economic Affairs or similar Websites - Liquor Boards/Authorities for a particular province or try http://www.thedtic.gov.za/regulatory-bodies/ for contact details	In general, Liquor Acts and Regulations provide for matters such as the procedures to be adopted for all types of liquor license applications, the transfer of a license, the removal of a license from one premises to another, the registration of a manager, various forms, trading days and hours and a number of general provisions applicable to licensed establishments.
Liquor Sale of Liquor Trading Days and hours	Comply with the Municipal Liquor trading days and hours By-Law if promulgated	Local	Local Municipality/ Council offices or website	Many but not all local authorities have published a liquor trading days and hour's By-Law. Such a By-Law supersedes any similar provision contained in either the national and or provincial liquor legislation. Check with your local authority.
Liquor Sale of Liquor. Norms and standards	Comply with the provisions of the National Liquor Norms and Standards. It should be noted that where provincial liquor regulations are not aligned to the Norms and Standards such that the two are contradictory, the National Liquor Norms and Standards should prevail.	National	Department of Trade and Industries http://www.thedtic.gov.za/wp-content/uploads/nla_Norms_Standards.p df	The proposals contained in the document cover, but are not limited to – age verification, secondary supply of liquor to a minor, sale or supply of liquor to intoxicated persons, payment of income tax, police clearance certificate, provision of free drinking water, provision of ablution facilities, free issue condoms, safety and evacuation measures, noise, nuisance and pollution, weapons, uniform trading hours and general provisions.
Promotion of Access to Information	Comply with the Promotion of Access to Information Act. Currently applies to any company that is not a private company as defined in the Companies Act or is a private company which operates within the Catering, Accommodation and other Trade and has 50 or more employees in their employment or an annual turnover that is equal to or greater than R 15 million	National	Department of Justice & Constitutional Development Website - http://www.justice.gov.za/	Other than those companies set out in the second column, all other private bodies are exempt from compiling the manual for a period of five years from 1 January 2016 to 31 December 2020. For guidance have a look at the sample manual available on the FEDHASA website under the Department of Justice & Constitutional Development. This document provides all of the information relating to the format required and content of a completed PAI manual.
	Protection of Personal Information Act https://www.gov.za/sites/default/	National	Department of Justice & Constitutional Development	Implement the requirements of the Act & Regulations.

Protection of Personal Information	files/gcis_document/201409/3706726-11act4of2013popi.pdf & Regulations - https://www.gov.za/sites/default/files/gcis_document/201812/42110rg10897gon1383.pdf			
Skills Development levies and grants	Over and above the registration and levy requirement, employers may comply with various provisions as contained in the Skills Levies Act	National	Department of Higher Education and the Culture, Arts, Tourism, Hospitality and Sport Sector Education and Training Authority (CATHSSETA) Website - https://cathsseta.org.za	Employers who are registered and paying the required levy may claim grants from the CATHSSETA for certain employee training. For specific details visit the CATHSSETA website or visit their offices
Tobacco Products Control	Comply with the Tobacco Control Act 1993 and Regulations.	National	Department of Health http://www.health.gov.za/	Hospitality establishments are required to comply with the Tobacco Control Act 1993 more specifically as it applies to smoking in public places. Key documents are the Tobacco Control Act 1993 as updated to 2009 and the Regulations published in September 2000
Tourism B-BBEE Charter and Scorecard	Comply with the provisions of the Tourism B-BBEE Charter and Scorecard The BBBEE Act and Codes do not impose a legal obligation on businesses to comply with specific BBBEE targets.	National	Department of Trade & Industries & Department of Tourism Tourism B-BBEE website - https://www.tourism.gov.za/bbbee/Pages/B-BBEE.aspx	For all of the applicable legislation you can either visit the Tourism B-BBEE or FEDHASA website. A guide to the Amended Tourism B-BBEE Sector Code can be found on the FEDHASA website under the Department of Tourism.

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