



**MONTERRAT**

## **CHAPTER 18.06**

### **Revised Edition**

showing the law as at 1 January 2013

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

#### **TOURIST BOARD ACT**

Act 13 of 1993 .. in force 11 November 1993

Amended by Act 9 of 2011 .. in force 27 September 2011 (S.R.O. 40/2011)

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**TOURIST BOARD ACT**

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## CHAPTER 18.06

### TOURIST BOARD ACT

*(Acts 13 of 1993 and 9 of 2011)*

AN ACT TO ESTABLISH A TOURIST BOARD FOR MONTSERRAT TO DEVELOP THE TOURIST INDUSTRY AND PROMOTE ITS EFFICIENCY AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

#### Commencement

*[11 November 1993]*

#### Short title

1. This Act may be cited as the Tourist Board Act.

#### Interpretation

2. In this Act—

“**Chairman**” means any person appointed or elected under this Act to act as chairman;

“**Director of Tourism**” means the person appointed to direct the day to day operations of tourism;

“**hotel**” means any building or group of buildings within the same precinct, containing an aggregate number of not less than ten bed-rooms for the accommodation of guests for reward together with the precinct thereof and all other building and structures within the precinct and includes any other building designated as such by the Governor acting on the advice of Cabinet by Order; *(Amended by Act 9 of 2011)*

“**Minister**” means the Minister of Government charged for the time being with the responsibility for the subject of Tourism;

“**other tourist accommodation**” means house, villa or apartment other than a hotel which is used by tourists for residential purposes during their visit;

“**the Board**” means the Montserrat Board of Tourism established under section 3.

#### Establishment of Montserrat Tourist Board

3. (1) There is hereby established for the purposes of this Act a body corporate to be called the Montserrat Tourist Board (hereinafter referred to as “**the Board**”).

- (2) The Board shall have perpetual succession with power to purchase, lease, sell or otherwise acquire and hold and dispose of land and other property of whatever kind, and may sue and be sued in its corporate name.

(3) The Board shall have a common seal and such seal shall be authenticated by the signature of the Chairman and one member of the Board authorised by the Board to act in that behalf.

(4) Until a seal is provided in accordance with the provisions of subsection (3) of this section, a stamp bearing the words “**Montserrat Tourist Board**” and authenticated as provided in the said subsection (3) may be used in place of such seal.

### Composition of the Board

4. (1) The Board shall consist of not more than nine members appointed by the Governor acting on the advice of Cabinet. (*Amended by Act 9 of 2011*)

(2) Of the members so appointed, four shall be appointed from amongst persons nominated by the Montserrat Chamber of Commerce and Industry who have had experience of matters relating to hotel management, villa rental, air travel, public relations, cruise ship activities, travel agencies or who are engaged in the business of travel.

### Appointment of Chairman

5. (1) The Governor acting on the advice of Cabinet shall appoint one of the members of the Board to be Chairman thereof. (*Amended by Act 9 of 2011*)

(2) The Chairman of the Board shall hold office as such until the appointment of his successor; but he shall cease to be Chairman if he ceases to be a member of the Board.

(3) The Board may elect one of its members to be Deputy Chairman and he shall exercise and perform the duties of the Chairman whenever the Chairman is absent or unable to act or whenever there is a vacancy in the office of Chairman.

(4) The Chairman and Deputy Chairman shall be appointed for such terms, not exceeding three years as are fixed by the Governor acting on the advice of Cabinet. (*Amended by Act 9 of 2011*)

(5) A retiring Chairman and Deputy Chairman shall be eligible for reappointment.

### Resignation of members of the Board

6. (1) A member of the Board shall, subject to this Act, hold office for such period not exceeding three years as may be fixed by the Governor acting on the advice of Cabinet but the member shall be eligible for reappointment. (*Amended by Act 9 of 2011*)

(2) Where a member of the Board resigns his office, or is unable to carry out the duties and functions of his office the Governor acting on the advice of Cabinet may appoint any qualified person to act as member for the remainder of the term of the member who has resigned, or to act temporarily during the period of inability of such member as the case may be. (*Amended by Act 9 of 2011*)



(3) Any member of the Board, other than the Chairman, may at any time resign his office by letter addressed to the Minister and transmitted through the Chairman, and the resignation shall take effect after a period of one month from the date of the receipt of the letter by the Minister, if no response is earlier given by the Minister.

(4) The Chairman may at any time resign as a member of the Board by letter addressed to the Governor and the resignation shall take effect after a period of one month from the date of the receipt of the letter by the Governor, if no response is earlier given by the Governor.

(5) The Governor acting on the advice of Cabinet, may at any time revoke the appointment of any member of the Board. (*Amended by Act 9 of 2011*)

### **Publication of membership of the Board**

7. The names of all members of the Board as first constituted and every change in the membership thereof shall be published in the *Gazette*.

### **Meetings of the Board**

8. (1) The Board shall meet at least once in every three month period and at such other times as may be necessary or expedient for the transaction of business, and the meetings shall be held at such place and time as the Board may determine.

(2) The Chairman may at any time call a special meeting of the Board and shall, on receipt by him of a written request for the purpose addressed to him by at least one third of the members of the Board, call a special meeting of the Board to be held not later than seven days after the receipt by him of the request.

(3) The Chairman shall call a special meeting of the Board if directed by the Minister so to do.

(4) A quorum of the Board shall consist of not less than five of the members.

(5) The decisions of the Board shall be by a majority of votes, provided that in any case in which the voting is equal, the Chairman or the Deputy Chairman presiding at the meeting shall have a casting vote in addition to his original vote.

(6) The Director of Tourism shall attend all meetings of the Board but shall not have the right to vote.

(7) Where the Director through sickness or other reason is unable to attend any meeting of the Board, or where he has obtained leave of absence from the Chairman, he shall nominate an employee of the Board to attend the meeting on his behalf, but such nominee shall not have the right to vote.

(8) The Board may co-opt any one or more persons to attend any particular meeting of the Board, for the purpose of assisting or advising the Board, but no such co-opted person shall have the right to vote.

(9) Where any person is co-opted by the Board under subsection (8) of this section the Board may by Resolution declare the remuneration and allowances of such persons and such sums shall properly be payable out of the funds and resources of the Board.

### Power to appoint committees

9. (1) The Board may appoint a Committee of the Board to examine and report on any matter whatsoever arising out of or connected with any of its powers and duties under this Act.

(2) Any such Committee shall consist of at least two members of the Board together with such other persons, whether members of the Board or not, whose assistance or advice the Board may desire.

### Protection of members of the Board

10. No personal liability shall attach to any member of the Board in respect of anything done in good faith under the provisions of this Act, and any sum of money, damages or cost which may be recoverable against any such member in respect of any act or thing done *bona fide* for the purpose of carrying this Act into effect, shall be paid out of the funds and resources of the Board.

### Duties and functions of the Board

11. The duties and functions of the Board shall be—

- (a) to develop all aspects of the tourist industry of Montserrat and to promote its efficiency;
- (b) to adopt all such measures as the Board may think fit to advertise, promote and market Montserrat as a tourist destination throughout the year;
- (c) to promote and encourage increased shipping and airline facilities as will increase tourist traffic to Montserrat;
- (d) to secure the most favourable arrangements for the entry of tourists into Montserrat;
- (e) to encourage by such measures as they may think fit the development of such amenities as may be calculated to enhance the attractiveness of Montserrat to tourists with special reference to entertainment, conservation of local flora and fauna, nature trails and handicrafts;
- (f) to undertake such research, experiments and operations as may appear to be necessary for the improvement of the tourist industry and to control or eliminate any undesirable factors that may affect it;
- (g) to foster an understanding within Montserrat of the importance and economic benefit of the tourist industry;

- (h) to make all such enquiries of, and to collect all such information as it may think necessary for the purpose of carrying out its duties and functions under this section; and
- (i) generally to take all such other lawful measures as it may consider likely to assist it in carrying out most effectually the purposes of this Act.

### **General powers of the Board**

**12.** Subject to the provisions of this Act the Board shall have power for the purpose of the execution of its duties and the discharge of its functions under section 11—

- (a) to carry on all activities the carrying on whereof, appears to it to be requisite, advantageous or convenient for or in connection with the carrying out of its said duties and functions;
- (b) to do anything and to enter into any transaction (whether or not involving expenditure, borrowing, granting of loans or investment of money or the acquisition of any rights in property) which in its opinion is essential to facilitate the proper carrying out of its duties and functions or is incidental or conducive thereto.

### **Borrowing powers**

**13. (1)** Subject to the approval of the Minister, the Board may borrow sums required for meeting any of its obligations or discharging any of its duties or functions.

**(2)** The Minister shall not approve any borrowing unless such borrowing shall have been approved by a Resolution of the Legislative Assembly. *(Amended by Act 9 of 2011)*

### **Vesting of property in the Board**

**14.** The Governor may at any time by order vest any land or other immovable property of the Government in the Board where it appears desirable to do so to enable the Board to carry out its duties and responsibilities.

### **Remuneration of members**

**15.** The Minister shall, with the approval of the Governor acting on the advice of Cabinet determine the remuneration or allowances payable by the Board to the Chairman and other members of the Board. *(Amended by Act 9 of 2011)*

### **Appointment of officers, agents and servants**

**16.** The Governor acting on the advice of Cabinet after consultation with the Board may appoint and employ, at such remuneration and on such terms

and conditions, a Director of Tourism (who shall be the Chief Executive Officer and responsible for carrying out the decisions of the Board), and other officers, agents and servants as it considers necessary for the proper carrying out of the provisions of this Act. (*Amended by Act 9 of 2011*)

### Power to delegate

17. The Board may delegate to any of its members or employees the power and authority to carry out on its behalf such function as the Board may determine:

Provided that, the delegation of such power or authority shall not prevent the Board from exercising such powers and authority.

### Regulations

18. (1) The Minister may, with the approval of the Governor acting on the advice of Cabinet, make regulations generally for the carrying out of the purposes of this Act and in particular but without prejudice to the generality of the foregoing may make regulations providing for—

- (a) the measures and methods to be adopted for the improvement of the tourist industry and for controlling or eliminating undesirable factors that may affect it;
- (b) the registration and grading of hotel and other tourist accommodation and facilities catering for tourists;
- (c) the keeping of records of the number of tourists in Montserrat, during any period and of the countries to which they belong;
- (d) the imposition of fees or charges in such cases as may be determined by the Board for services rendered by the Board, its servants or agents, in carrying out the provisions of this Act.

*(Amended by Act 9 of 2011)*

(2) Regulations made under this section may—

- (a) empower any person, whether the person is a member or officer or servant of the Board or not, to issue such directions to owners or managers of hotels and other persons engaged in the tourist industry as may be necessary for securing compliance with or carrying out the purposes of this Act or of any regulation made thereunder.

### Powers of Ministers

19. The Minister may give to the Board directions of a general character as to the policy to be followed under this Act in relation to matters appearing to him to concern the public interest and the Board shall give effect to any such directions.

## Funds and resources of the Board

20. The funds and resources of the Board shall consist of—

- (a) such sums as may be provided annually for the purpose by the Legislative Assembly; (*Amended by Act 9 of 2011*)
- (b) all sums received by the Board as payment for advertisements;
- (c) all sums collected under the authority of regulations made under this Act;
- (d) all other sums or property which may in any manner become payable to or vested in the Board in respect of any matter incidental to its powers and duties;
- (e) grants and aid.

## Accounts and audit

21. The Board shall keep proper accounts, in a form which shall conform with normal commercial standards, of its receipts, payments, credits, asset and liabilities and shall submit the same from time to time with vouchers to a duly qualified auditor to be audited.

## Annual report and estimates

22. (1) The Board shall in each year prepare and on or before the last day of April in each year present to the Minister a report of the proceedings, including the audited accounts, during the twelve months ending on 31 December of the preceding year.

(2) The provisions of the Public Finance (Management and Accountability) Act shall apply to the examination and audit of the accounts of the Board.

(3) The Board shall, as soon as practicable after 1 October in each year, submit through the Minister for approval, its estimates of revenue and expenditure in respect of the next succeeding financial year, and a copy of the estimates, as approved, shall be published in the *Gazette*.

(4) In this section “**financial year**” means the year commencing on the 1 January and ending on the 31 December.



