

CHAPTER 321

TOURIST BOARD ACT

• Act • Subsidiary Legislation •

ACT

Act No. 29 of 1988

Amended by

Act No. 20 of 1990

Act No. 12 of 1992

Act No. 20 of 1992

Act No. 39 of 1993

Act No. 10 of 2008

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CHAPTER 321

TOURIST BOARD ACT

An Act to establish a board of tourism for the purpose of developing the tourist industry and promoting its efficiency, and to provide for connected matters.

[16th September, 1988.]

1. Short title

This Act may be cited as the Tourist Board Act.

2. Interpretation

In this Act—

“Board” means the Grenada Board of Tourism established by section 3;

“business plan”, for a financial year, means—

(a) the business plan approved under section 22; and

(b) all amendments to the business plan approved under that section,

for the financial year;

“financial year” means the financial year referred to in section 21;

“hotel” means a building or group of buildings within the same precinct, containing an aggregate number of not less than ten bedrooms for the accommodation of guests for reward.

3. Establishment and composition of Grenada Board of Tourism

(1) There is hereby established a body to be called the Grenada Board of Tourism.

(2) The Board shall consist of no fewer than ten nor more than fifteen members, appointed by the Minister, of whom five shall be appointed from amongst persons who have special qualifications in, and have experience of matters relating to, hotel management, air travel, public relations, cruise ship activities, travel agency or taxi services.

4. Appointment, etc., of chairperson and deputy chairperson

(1) The Minister shall appoint one of the members of the Board to be chairperson of the Board.

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

(3) The Minister shall appoint a member of the Board to be deputy chairperson who shall exercise the powers and perform the duties of the chairperson whenever the chairperson is absent or unable to act, or if the office of chairperson is vacant.

(4) The chairperson and deputy chairperson shall hold office for such period, not exceeding three years, as the Minister shall fix, and each shall be eligible for re-appointment.

5. Tenure of office of members

(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 Minister, but the member shall be eligible for re-appointment.

(2) If any member of the Board shall fail to attend three consecutive meetings of the Board without the prior approval of the chairperson, such member shall cease to be a member of the Board from the date of the third such meeting.

(3) Whenever a vacancy on the Board occurs, the Minister may appoint a person as a member of the Board to fill the vacancy for the remainder of the period of office of the member that such person is being appointed to replace.

6. Resignation of member or chairperson

(1) A member of the Board, other than the chairperson, may at any time resign his or her office by instrument in writing addressed to the Minister and transmitted through the chairperson, and the resignation shall take effect one month after the date of receipt of the instrument by the Minister, if no response is given earlier by the Minister.

(2) The chairperson may at any time resign as a member of the Board by instrument in writing addressed to the Minister and the resignation shall take effect one month after the date of receipt of the instrument by the Minister, if no response is given earlier by the Minister.

7. Publication of membership of the Board

Notification of every change in the membership of the Board shall be published in the *Gazette*.

8. Incorporation of the Board

(1) The Board shall be a body corporate called the Grenada Board of Tourism with power to purchase, lease or otherwise acquire and hold and dispose of land and other property of whatever kind and shall have a Common Seal, and may sue and be sued in its corporate name.

(2) The Common Seal shall be authenticated by the signatures of the chairperson and one member of the Board authorised by the Board to act in that behalf, or, in the absence of the chairperson, by two Board members authorised by the Board to act in that behalf, and when so authenticated the Seal shall be officially and judicially noticed.

(3) All documents other than those required by law to be under seal made by, and all decisions of, the Board may be signified under the hand of the chairperson, or any member authorised by the Board to act in that behalf, or the Director of Tourism.

9. Vesting of Government property in the Board

(1) The Governor-General may, by Order, at any time vest Government land or movable property of the Government in the Board if it appears desirable to do so to enable the Board to carry out its duties and functions.

(2) Property vested in the Board under this section may be so vested absolutely or subject to such terms and conditions as the Governor-General may think fit to impose.

(3) Where land is vested in the Board under this section a delivery of the Order concerned to the Registrar of the Supreme Court shall without proof thereof be sufficient authority for him or her to register the Order in accordance with the provisions of the Deeds and Land Registry Act, Chapter 79.

10. Meetings of the Board

(1) (a) The Board shall meet at least once in every period of three months.

(b) Meetings shall be held at such places and times and on such days as the Board shall itself determine.

(2) The chairperson may at any time call a special meeting of the Board and shall, on receipt by him or her of a written request for the purpose addressed to him or her 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 or her of the request.

(3) A quorum of the Board shall be six members.

(4) The Director of Tourism or his or her nominee shall attend every meeting of the Board unless leave of absence has been obtained from the chairperson, but neither the Director nor his or her nominee shall have the right to vote at any meeting.

(5) The Board may co-opt any one or more persons to attend a 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 at any meeting.

(6) Where a person is co-opted by the Board under subsection (5) the Board may, by resolution, declare such sums by way of remuneration and allowances of such person as it thinks fit, and such sums shall properly be payable out of the funds and resources of the Board.

11. Duties and functions of the Board

The duties and functions of the Board shall, within the limits of its funds and resources, be—

- (a) to develop all aspects of the tourist industry of Grenada, Carriacou and Petit Martinique and to promote the efficiency of the industry;
- (b) to adopt such measures as it thinks fit to advertise, promote and market Grenada, Carriacou and Petit Martinique as tourist destinations throughout the year;
- (c) to promote and encourage such shipping and air travel facilities as will tend to increase tourist traffic to Grenada, Carriacou and Petit Martinique;
- (d) to secure the most favourable arrangements available for the entry of tourists into Grenada, Carriacou and Petit Martinique;
- (e) to encourage, by such measures as it thinks fit, the development of amenities calculated to enhance the attractiveness of Grenada, Carriacou and Petit Martinique to tourists, with the emphasis on entertainment, conservation of local flora and fauna, deep sea fishing and handicrafts;
- (f) to undertake such research, experiments and operations as appear to it to be necessary for improving the tourist industry and controlling or eliminating any undesirable factors that may affect it;
- (g) to foster within Grenada, Carriacou and Petit Martinique an understanding of the importance and economic benefit of the tourist industry;
- (h) to make all such enquiries and to collect all such information as the Board thinks necessary for the purpose of carrying out its duties and functions under this section;
- (i) generally to take all such other lawful measures as the Board considers likely to assist it in carrying out most effectually the purposes of this Act.

12. General powers of the Board

Subject to this Act, the Board shall have power, for the purpose of carrying out its duties and discharging its functions—

- (a) to engage in activities which appear to it to be requisite, advantageous or convenient for, or in connection with, the carrying out of its duties and functions;

- (b) to do anything and to enter into any transaction (whether or not involving expenditure, borrowing, granting of loans, investment of money or the acquisition of any property or rights) which in its opinion is calculated to facilitate the proper carrying out of its duties or the discharge of its functions or is incidental or conducive thereto.

13. Borrowing powers

Subject to the approval of the Minister, the Board may borrow sums required for meeting any of its obligations or carrying out any of its duties or for discharging any of its functions under this Act.

14. Remuneration of members and the chairperson

The Board shall pay to each member of the Board, in respect of his or her office as such, such remuneration and allowances, if any, as the Minister may determine, and to the chairperson, in respect of his or her office as chairperson, such remuneration and allowances, if any, (in addition to any remuneration or allowances to which he or she may be entitled in respect of his or her office as a member) as may be so determined.

15. Appointment of Directors, deputy Director and other officers

The Board may appoint and employ, at such remuneration and on such terms and conditions as they think fit—

- (a) a Director of Tourism who shall be the chief executive officer and responsible for carrying out the decisions of the Board;
- (b) a deputy Director of Tourism;
- (c) a Secretary; and
- (d) such other officers, agents and servants as they consider necessary for the proper implementation of the provisions of the Act:

Provided that prior written approval of the Minister shall be required for the appointment of the Director of Tourism and the deputy Director of Tourism.

15A. Appointment of Beach Patrol Guards

(1) The Board may, with the approval of the Minister, appoint and employ fit and proper persons, at such remuneration and on such terms and conditions as they think fit, to be Beach Patrol Guards whose duties shall include patrolling any beach and seashore in Grenada for the purpose of preserving good order thereon.

(2) Any such Beach Patrol Guard may arrest without warrant any person who on a beach or seashore has committed or attempted to commit or is reasonably suspected by the Beach Patrol Guard of having committed or attempting to commit an offence punishable by law.

(3) A Beach Patrol Guard making an arrest under this section shall, as soon as may be reasonable, take or send the person so arrested to the nearest police station and without undue delay make a report at the station so that the person arrested shall at the earliest opportunity be taken before a Magistrate.

(4) The Board shall provide or cause to be provided to every Beach Patrol Guard a badge and a baton. The badge shall in all cases be displayed by a Beach Patrol Guard when exercising the duties of his office and shall be *prima facie* evidence that he is a Beach Patrol Guard.

(5) A Beach Patrol Guard when exercising the duties of his or her office shall have the same powers, authorities, advantages and immunities as a member of the Royal Grenada Police Force.

16. Power of Board to delegate

The Board may delegate to any of its members or employees authority to perform such of its functions on its behalf as the Board may determine.

17. Regulations

(1) The Board may, with the approval of the Minister, make regulations generally for carrying out 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 for protecting, promoting and improving the tourist industry in Grenada, Carriacou and Petit Martinique and for controlling or eliminating undesirable factors that may affect it;
- (b) the registration and grading of hotels catering for tourists, and of houses, villas and apartments (other than hotels) used by visiting tourists for residential purposes;
- (c) the keeping of records of the number of tourists in Grenada, Carriacou and Petit Martinique 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 employees or agents, in carrying out the provisions of this Act.

(2) Regulations made under this section may empower any member, officer, servant or agent of the Board 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 regulations made thereunder.

(3) Regulations made under this section may prescribe in respect of any contravention thereof or failure to comply therewith or failure to comply with directions issued under subsection (2) a penalty in summary conviction of a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment for a term not exceeding one year or both such fine and imprisonment.

(4) Regulations made under this section shall be subject to affirmative resolution of the House of Representatives.

18. Indemnity

No member of the Board shall be personally liable for any act done or omitted, or any default of the Board made, in good faith in the course of the operations of the Board.

19. Power of Minister to give directions

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 or her to concern the public interest, and the Board shall give effect to any such directions.

20. Funds and resources of the Board

The funds and resources of the Board shall consist of—

- (a) such sums as may be provided annually or otherwise by Parliament for the purposes of the Board;

- (b) sums received by the Board in payment for advertisements;
- (c) sums collected in pursuance of regulations made under section 17 (1) (d);
- (d) all other sums or property which may in any manner become payable to or vest in the Board, in respect of the performance of its duties and functions.

21. Financial year

The financial year of the Board is the twelve months period beginning on the first day of January and ending on the thirty-first day of December.

22. Annual business plan

(1) The Board shall, not later than four months before the commencement of each financial year and in such form as the Minister requires, prepare in respect of the financial year, and submit to the Minister, a proposal for a business plan for the financial year that must contain—

- (a) statement of the Board's objectives and priorities in carrying out its responsibilities for the financial year and the following two financial years;
- (b) a comprehensive business plan that—
 - (i) shows how resources, including but not limited to financial resources, will be allocated to meeting the objectives and priorities of the board for the financial year, and
 - (ii) includes *pro forma* financial statements required by the Minister;
- (c) a comparison of the *pro forma* financial statements with the actual financial statements for the previous financial year;
- (d) a statement as to how the Board proposes to measure its performance in carrying out its responsibilities in the financial year; and
- (e) any other information required by the Minister by written notice to the Board.

(2) The Minister may, on the request of the Board, extend the time for submitting a proposal for a business plan.

(3) The Minister shall, as soon as practicable, consider the proposal for a business plan and may, after consulting with the Minister—

- (a) approve the proposal as submitted;
- (b) with the approval of the Board, amend the proposal and approve it as amended; or
- (c) refer the proposal back to the Board with the directions that the Board may take any further action with respect to it that the Minister considers appropriate.

(4) Where the Minister refers the proposal for a business plan back to the Board under subsection (3)(c), he or she shall provide the Board with his or her reasons for not approving it.

(5) A proposal for a business plan that is referred back to the Board under subsection (3)(c) must be re-submitted to the Minister as directed by the Minister and, when it is re-submitted, subsections (3) and (4) apply.

(6) When a proposal in relation to a financial year is approved by the Minister, it becomes the business plan for that financial year.

(7) The Board—

- (a) may, of its own motion, submit to the Minister a proposal to amend an approved business plan; and
- (b) shall, on request of the Minister, and within the time required by the Minister, submit to the Minister a proposal to amend an approved business plan.

(8) Subsections (3), (4), (5) and (6) apply to a proposal submitted to the Minister under subsection (7).

22A. Board obligated to implement business plan

The Board—

- (a) shall in each financial year implement the business plan for the financial year; and
- (b) establish a mechanism for monitoring the implementation of the business plan.

22B. Accounts

(1) The Board shall—

- (a) keep proper books of account of its income and other receipts and expenditures; and
- (b) ensure that—
 - (i) all monies received are promptly brought to account,
 - (ii) all payments out of its money are correctly made and properly authorised, and
 - (iii) adequate control is maintained over its property and over the incurring of liabilities by the Board.

(2) The books of account kept under subsection (1) shall—

- (a) be sufficient to record and explain the Board's transactions;
- (b) enable the Board's financial statements position to be determined with reasonable accuracy at any time; and
- (c) be sufficient to enable financial statements to be prepared and audited in accordance with this section.

(3) Within three months after the end of each financial year, the Board shall cause to be prepared—

- (a) the following financial statements together with proper and adequate explanatory notes—
 - (i) a statement of the assets and liabilities of the Board at the end of the financial year,
 - (ii) a statement of the revenue and expenditure of the Board during the financial year,
 - (iii) such other financial statements for the financial year as may be specified in writing by the Minister; and
- (b) an annual report of the Authority on the implementation of the business plan and such other matters as the Board considers advisable or the Minister directs.

(4) Without delay after the completion of the financial statements and the annual report, the Board shall furnish a copy of each to the Director of Audit.

22C. Audit by Director of Audit and report to the House of Representatives

(1) Not later than three months after receipt of the financial statements and annual report from the Board, the Director of Audit shall audit the financial statements in accordance with the Audit Act, Chapter 22A.

(2) Without delay after the completion of his or her audit of the Board, the Director of Audit shall submit a copy of his or her report together with the financial statements and annual report to the Minister, the Minister of Finance and the Board.

(3) The Minister shall, not later than seven days after the House of Representatives first meets after he or she has received the report together with the financial statements and the annual report of the Board, lay it before the House of Representatives.

(4) If the Minister fails to lay the report together with the financial statements and the annual report of the Board before the House of Representatives in accordance with subsection (3), the Director of Audit shall transmit the report, the financial statements and the annual report to the Speaker who shall, as soon as practicable, present them to the House of Representatives.

(5) As soon as reasonably practicable after the report together with the financial statements and the annual report of the Board have been laid before the House of Representatives, the Board shall cause the report, the financial statements and the annual report of the Board to be published in the *Gazette*.

CHAPTER 321 TOURIST BOARD ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
