

THE TOURIST BOARD ACT
ARRANGEMENT OF SECTIONS

Preliminary

1. Short title.
2. Interpretation.

Establishment ana Constitution of Board

3. Establishment and composition of Board.
4. Acting appointments.
5. Tenure of office of member.
6. Resignation.
7. Revocation of appointment.
8. Publication of membership of Board.
9. Incorporation.
10. Procedure and meetings.

Functions, Duties and Powers of Board

11. Duty and functions of Board.
12. General powers of Board.
- 12A. Borrowing powers.
- 12B. Guarantee by Minister of borrowings by Board and repayment of sums issued to meet guarantee.
13. Remuneration of members.
14. Officers, agents and servants.
15. Emblems.
16. Regulations.
17. Protection of members.
18. Powers of Minister.

TOURIST BOARD***Financial Provisions***

19. Funds and resources of Board.
20. Accounts and audit.
21. Annual report and estimates.

Miscellaneous

22. Tourist accommodation to be licensed.
23. Licences for tourist accommodation.
- 23A. Power to require licensing of tourism enterprises.
- 23B. Grant of licences for tourism enterprises.
- 23C. Refusal to grant or renew licence under section 23B.
- 23D. Revocation of suspension of licence.
- 23E. Appeal.
- 23F. Enforcement of orders.
24. Offences.

SCHEDULE

THE TOURIST BOARD ACT

[1st April, 1955.]

Preliminary

Laws
61 of 1954,
68 of 1960.
Acts
18 of 1963,
43 of 1965,
12 of 1968,
42 of 1969
2nd and 3rd
Schs.,
13 of 1970,
33 of 1971,
19 of 1972,
31 of 1975,
47 of 1975,
7 of 1985,
12 of 1985
Sch.
34 of 1999.

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

Short title.

2. In this Act, unless the context otherwise requires—

Interpreta-
 tion.

“the appointed day” means such day, not being earlier than six months after the 11th December, 1965, as the Minister shall specify in a notice published in the *Gazette* and in at least one issue of a daily newspaper printed and circulating in Jamaica;

43/1965
 S. 2 (a).

“the Board” means the Tourist Board established in accordance with this Act;

“chairman” means the chairman of the Board;

68/1960
 S. 2 (1).

“hotel” means an establishment falling within any of the categories of buildings prescribed by regulations made under this Act as constituting hotels for the purpose of this Act;

43/1965
 S. 2 (b).

“resort cottage” means subject to section 16 (1) (b) any building containing not less than two furnished bedrooms, a furnished living room, bathroom facilities and facilities for the preparation and consumption of meals, and used for the accommodation of transient guests, including tourists, for reward;

33/1971
 S. 2.
 7/1985
 S. 2 (a).

7/1985
S. 2 (b).

“tourism enterprise” means, subject to section 23A, the provision in Jamaica of—

- (a) any car rental or U-drive services or any service of rental of motor vehicles as defined in section 11 of the Road Traffic Act;
- (b) sites and other facilities for camping;
- (c) water sports services;
- (d) any other service,

utilized by or offered to tourists and declared by the Minister, by order, to be a tourism enterprise;

“tourist” means a person, not being the holder of a Jamaican passport, who is in Jamaica—

- (a) on a visit; or
- (b) intransit, from a place outside Jamaica to some other place outside Jamaica;

“tourist accommodation” means, subject to section 16 (1) (b), a hotel, resort cottage or any other premises or any vehicles, boats, ships or places where accommodation is offered to tourists for reward;

“water sports” includes scuba diving, water skiing, jet skiing, parasailing, sunfish sailing, boat excursions, snorkelling and such other sports activities as the Minister may by order declare to be water sports for the purposes of this Act.

Establishment and Constitution of Board

Establishment and composition of Board.
18/1963
S. 3 (a).

3.—(1) There shall be established for the purposes of this Act a body to be called the Tourist Board:

Provided that it shall be lawful for the word “Jamaica” to be used in such manner as the Board may approve, as part of their name, in any communication or document or in any proceedings.

13/1970
S. 2.

- (2) The Board shall consist of—
 - (a) a Director of Tourism; and

(b) not less than five nor more than eleven other members,
appointed by the Minister by instrument in writing.

7/1985
S. 3.

(3) The Minister shall appoint one of the members of the Board to be chairman thereof.

4.—(1) If the chairman is absent or unable to act, the Minister may appoint any person, whether a member of the Board or not, to act temporarily as chairman.

Acting
appoint-
ments.
18/1963
S. 4.

(2) If any member of the Board other than the chairman is absent or unable to act, or has been appointed under subsection (1) to act temporarily as chairman, the Minister may appoint any person to act temporarily in the place of that member.

5. A member of the Board shall, subject to the provisions of this Act, hold office for a period not exceeding three years, but such member shall be eligible for re-appointment.

Tenure of
office of
member.

6.—(1) Any member of the Board, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of the receipt by the Minister of such instrument, such member shall cease to be a member of the Board.

Resignation

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt of such instrument by the Minister.

7. The Minister may at any time revoke the appointment of any member of the Board.

Revocation
of appoint-
ment.
18/1963
S. 6.

Publication
of member-
ship of
Board.

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

Incorpora-
tion.

9.—(1) The Board shall be a body corporate having perpetual succession and a common seal with power to purchase, lease or otherwise acquire and hold and dispose of land and other property of whatever kind.

(2) The seal of the Board shall be authenticated by the signatures of the chairman or one member of the Board authorized to act in that behalf and the secretary of the Board and such 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 chairman, any member authorized to act in that behalf, or the secretary of the Board.

18/1963
S. 7.

(4) The Board may sue or be sued in their corporate name and may for all purposes be described by such name.

Procedure
and
meetings.

10.—(1) The Board shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Board may determine.

(2) The chairman may at any time call a special meeting of the Board and shall call a special meeting to be held within seven days of a written requisition for that purpose addressed to him by any three members of the Board.

18/1963
S. 8.

(3) The chairman shall preside at all meetings of the Board at which he is present, and in the case of his absence from any meeting the members present shall elect one of their number to act as chairman at that meeting.

(4) The quorum of the Board shall be three including the chairman or other member presiding at the meeting. 18/1963
S. 8.

(5) The decisions of the Board shall be by a majority of votes and, in addition to an original vote, in any case in which the voting is equal, the chairman or other member presiding at the meeting shall have a casting vote. 18/1963
S. 8.

(6) Subject to the foregoing provisions of this section the Board shall have the power to regulate their own proceedings.

(7) The validity of any proceeding of the Board shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

Functions, Duties and Powers of Board

11.—(1) It shall be the duty of the Board, within the limits of their resources—

Duty and
functions of
Board.
12/1968
S. 2 (a).

- (a) to develop all aspects of the tourist industry of Jamaica and to promote its efficiency;
- (b) to adopt all such measures as they may deem fit to advertise and publicize Jamaica as a tourist resort throughout the year;
- (c) to promote and secure such increased shipping and airline facilities as will tend to increase tourist traffic to Jamaica;
- (d) to secure the most favourable arrangements for the entry of tourists into Jamaica;
- (e) to encourage by such measures as they may deem fit the development of such amenities in Jamaica as may be calculated to enhance the attractiveness of Jamaica to tourists;
- (f) to undertake such research, experiments and operations as may appear to them to be necessary

to improve the basis of the industry and to control and eliminate any undesirable factors that may affect it;

7/1985
S. 4.

(g) to encourage—

- (i) by such measures as they may think fit; and
- (ii) by such other measures as may be required by or under this Act,

the attainment and maintenance of integrity and the highest standards of service by persons who offer or provide by way of trade or business any goods, entertainment, transportation, accommodation, food or drink to or for tourists;

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

12/1968
S. 2 (b).

(2) Without prejudice to the generality of paragraph (g) of subsection (1), where the Board receive a complaint against any concessionaire as to any trade or business transaction between that person and a tourist, or as to any goods the subject of any such transaction, the Board shall make representations to the concessionaire with a view to settling the complaint, and if the complaint is not settled within twenty-eight days of the making of such representation, so advise the tourist concerned and report the matter to the Commissioner of Customs.

12/1985
Sch.

(3) In this section “concessionaire” means a person in relation to whom an in-bond concession has been granted under section 132 of the Customs Act.

12. Subject to the provisions of this Act, the Board shall have power, for the purpose of the execution of their duty and the discharge of their functions under section 11—

General powers of Board.

(a) to carry on all activities the carrying on whereof appear to them to be requisite, advantageous or convenient for or in connection with the discharge of their said duty;

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

18/1963
S. 10.
47/1975
S. 2.

12A.—(1) Subject to the provisions of this section, the Board may borrow sums required by them for the purpose of financing approved projects:

Borrowing powers.
47/1975
S. 3.

Provided that the aggregate amount outstanding on loan to the Board, at any one time shall not exceed \$500,000 or such higher amount as the Minister may from time to time approve.

(2) The power of the Board to borrow shall be exercisable only with the approval of the Minister responsible for finance, as to the amount, as to the source of the borrowing and as to the terms on which the borrowing may be effected. An approval given for the purposes of this subsection may be either general or limited to a particular borrowing or otherwise, and may be either unconditional or subject to conditions.

(3) In this section “approved project” means a project approved by the Minister as being likely to be financially viable without subvention from the Board or from Government.

Guarantee
by Minister
of borrow-
ings by
Board and
repayment
of sums
issued to
meet
guarantee.
47/1975
S. 3.

12B.—(1) With the approval of the House of Representatives, the Minister responsible for finance may guarantee, in such manner and on such conditions as he may think fit, the payment of the principal and of interest on any authorized borrowings of the Board.

(2) Where the Minister responsible for finance is satisfied that there has been default in the repayment of any principal monies or interest guaranteed under the provisions of this section, he shall direct the repayment out of the general assets and revenue of this Island of the amount of which there has been default.

(3) The Board shall make to the Accountant-General, at such times and in such manner as the Minister responsible for finance may direct, payments of such amounts as may be so directed in or towards payment of any sums issued in fulfilment of any guarantee given under this section, and payments of interest on what is outstanding for the time being in respect of any sums so issued at such rate as the Minister responsible for finance may direct, and different rates of interest may be directed as respects different sums and as respects interest for different periods.

Remunera-
tion of
members.
18/1963
S. 12.

13. There shall be paid from the funds of the Board to the members of the Board such remuneration, if any, whether by way of honorarium, salary or fees, and such allowances as the Minister may determine.

Officers,
agents and
servants.
18/1963
S. 12.

14.—(1) The Board may appoint and employ at such remuneration and on such terms and conditions as they think fit a secretary and such officers, agents and servants as they think necessary for the proper carrying out of the provisions of this Act:

Provided that—

- (a) no salary in excess of the prescribed rate shall be assigned to any post without the prior approval of the Minister; and

34/1999
S. 2(a)(i).

(b) no appointment shall be made to any post to which a salary in excess of the prescribed rate is assigned, without the prior approval of the Minister. 34/1999
S. 2(a)(ii).

(1A) In subsection (1) prescribed rate means a rate of seven hundred and fifty thousand dollars per annum or such higher rate as the Minister may, by order, prescribe. 34/1999
S. 2 (b).

(2) The Director of Tourism shall be responsible to the Board for the day to day administration of the business of the Board.

(3) Where the Director of Tourism is absent or unable to act and no acting appointment has been made by the Minister under section 4, the Board may authorize an officer in their service to perform temporarily the functions specified in subsection (2).

15.—(1) The Board may provide, for the purposes of this section, supplies of such emblems as the Board may think fit. Emblems.
43/1965
S. 4.

(2) Where the Board are of opinion that any person offering or providing by way of trade or business any goods, entertainment, transportation, accommodation, food or drink to or for tourists maintains integrity and a high standard of service in the conduct of such trade or business, the Board may—

- (a) supply to that person any of the emblems of the Board; and
- (b) permit him to display such emblem, subject to such restrictions and on such conditions as the Board may impose.

16.—(1) The Minister may make regulations generally for the better 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— Regulations.
7/1985
S. 6 (a) (i).

[The inclusion of this page is authorized by L.N. 3/2001]

- (a) the measures and methods to be adopted in improving the basis of the tourist industry in Jamaica and in controlling and eliminating undesirable factors that may affect it;
- 7/1985
S. 6 (a) (ii). (b) the categories—
- (i) of lands and buildings which constitute hotels and resort cottages;
 - (ii) of premises, vehicles, boats, ships or places which constitute or may be treated as other tourist accommodation, and the circumstances in which and the terms on which any such lands, buildings, premises, vehicles, boats, ships or places may be exempted from any requirement of this Act;
- (c) the keeping of records of the number of tourists in Jamaica 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, their servants or agents, in carrying out the provisions of this Act;
- 7/1985
S. 6 (a) (iv). (e) the licensing of such categories of persons employed in tourist accommodation or tourism enterprises as may be prescribed;
- 7/1985
S. 6 (a) (iv). (f) the designation of prescribed areas and for regulating the activities and conduct of persons—
- (i) soliciting for any prescribed purpose in those areas; or
 - (ii) who, having no fixed place of business in those areas or whose business activities are not carried out pursuant to any licence granted for that purpose under the provisions of any other enactment, offer goods or services to members of the public in those areas;

- (g) the licensing of persons referred to in paragraph (f); 7/1985
S. 6 (a) (iv).
- (h) the fees to be paid in respect of any licence or 7/1985
other approval granted under this Act; S. 6 (a) (iv).
- (i) the form and manner in which applications for 7/1985
licences under this Act shall be made. S. 6 (a) (iv).

(2) Regulations made under this section may empower any person, whether such person be a member or officer or servant of the Board or not, to issue such directions to owners or managers of tourist accommodation 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. 7/1985
S. 6 (b).

(3) All regulations made under this section shall be subject to negative resolution. 42/1969
3rd Sch.

(4) Regulations made under this section may provide for the imposition, on conviction in a Resident Magistrate's Court, of the following penalties for offences under those regulations— 34/1999
S. 3.

- (a) a fine not exceeding one hundred thousand dollars or imprisonment for a term not exceeding twelve months, or both; and
- (b) a fine not exceeding fifty thousand dollars for every day on which an offence is continued after conviction; and
- (c) a fine not exceeding one hundred and fifty thousand dollars, or imprisonment for a term not exceeding twelve months, or both, in the case of a second or subsequent conviction.

17.—(1) No member of the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operations of the Board. Protection
of members.
18/1963
S. 14.

(2) Where any member of the Board is exempted from liability by reason only of the provisions of this

section, the Board shall be liable to the extent that they would be if the member was a servant or agent of the Board.

Powers of
Minister.

18. The Minister may give to the Board directions of a general character as to the policy to be followed in the exercise and performance of their functions 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.

Financial Provisions

Funds and
resources
of Board.

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

- (a) such sums as may be provided annually for the purpose in the Estimates of Revenue and Expenditure of the Island;
- (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 their powers and duties.

Accounts
and audit.
18/1963
S. 15.

20.—(1) The Board shall keep accounts of their transactions to the satisfaction of the Minister and such accounts shall be audited annually by an auditor appointed by the Board with the approval of the Minister.

(2) The members, officers, agents and servants of the Board shall grant to the auditor appointed to audit the accounts of the Board under the provisions of subsection (1) access to all books, documents, cash and securities of the Board and shall give to him on request all such information as may be within their knowledge in relation to the operation of the Board.

(3) So soon as the accounts of the Board have been audited, the Board shall furnish to the Minister a copy of the audited financial statement together with a copy of any report made by the auditor thereon or on the accounts of the Board.

21.—(1) The Board shall in each year prepare and present on or before the 1st day of October to the Minister a report of their proceedings during the twelve months ending on the 31st day of March in such year.

Annual
report and
estimates.

(2) A copy of such report together with a copy of the audited financial statement and any report made by the auditor thereon or on the accounts of the Board shall be laid on the Table of the House of Representatives and of the Senate and shall be published in the *Gazette*.

18/1963
S. 16 (a).

(3) The Board shall in each year, within such time as the Minister may from time to time direct, submit to him for approval their estimates of revenue and expenditure in respect of the period of twelve months commencing on the 1st day of April next following, and a copy of such estimates, as approved, shall be published in the *Gazette* and in a daily newspaper circulating in the Island.

18/1963
S. 16 (b).

Miscellaneous

22.—(1) From and after the appointed day no person shall operate a hotel unless there is in force in respect of such hotel a licence granted under this Act.

Tourist
accommo-
dation
to be
licensed.
33/1971
S. 3.
7/1985
S. 7 (a).

(2) From and after such day, not being earlier than six months after the 4th November, 1971, as the Minister shall specify in a notice published in the *Gazette* and in at least one issue of a daily newspaper printed and circulating in Jamaica, no person shall operate a resort cottage unless there is in force in respect of such resort cottage a licence granted under this Act.

(3) From and after such date as may be prescribed by the Minister by notice published in the *Gazette*, no per-

7/1985
S. 7 (b).

son shall operate any tourist accommodation (not being a hotel or resort cottage) unless there is in force in respect of such accommodation a licence granted under this Act—

7/1985
S. 7(b).

(4) Where—

- (a) any tourist accommodation referred to in subsection (3) is in operation on the date prescribed by the Minister pursuant to that subsection; and
- (b) the person who operates that tourist accommodation has applied for a licence in accordance with section 23,

the operation of that tourist accommodation may, subject to such terms and conditions (if any) as the Board may stipulate, be continued pending the grant of a licence or, as the case may be, the determination of an appeal under section 23E.

Licences
for tourist
accommodation.
7/1985
S. 8.

23.—(1) Every application for a licence under this Act in respect of tourist accommodation, shall be made to the Board in such form and manner as may be prescribed or approved by the Board.

(2) A licence granted in respect of any tourist accommodation—

- (a) shall, subject to any power of the Board to revoke or suspend such licence, be granted for an indefinite period; and
- (b) may be granted either unconditionally or subject to such restrictions and on such conditions as may be specified in the licence.

(3) Where the Board decides not to grant a licence in respect of any tourist accommodation, the Board shall, in writing, notify the person who made the application of its decision and of the right of appeal conferred by section 23E.

(4) The Board shall cause to be kept a list of all tourist accommodation in respect of which licences granted under this Act are in force.

23A.—(1) From and after such date as may be prescribed by the Minister by notice published in the *Gazette* (hereinafter referred to as “the specified date”) no person shall operate or maintain any tourism enterprise unless such person is the holder of a licence granted under section 23B.

Power to require licensing of tourism enterprises.
7/1985
S. 9.

(2) Where—

- (a) any tourism enterprise is in operation on the specified date; and
- (b) the person who operates or maintains that tourism enterprise has applied for a licence in accordance with section 23B,

the operation of that tourism enterprise may, subject to such terms and conditions (if any) as the Board may stipulate, be continued pending the grant of a licence or, as the case may be, the determination of an appeal under section 23E.

(3) The Minister may, by order, exempt any category of tourism enterprise from the provisions of this Act if he is satisfied that the service provided by that category of enterprise is not provided primarily for tourists.

23B.—(1) Every application for a licence under section 23A shall be made to the Board in such form and in such manner as may be prescribed in regulations or approved by the Board.

Grant of licences for tourism enterprise.
7/1985
S. 9.

(2) Any licence granted under this section may be granted on such terms and subject to such conditions as the Board may specify in the licence and shall be for such period as may be specified in the licence.

(3) The Board shall cause to be kept a list of all persons to whom a licence is issued under this section.

Refusal
to grant
or renew
licence
under
section
23B.
7/1985
S. 9.

23C.—(1) Subject to the right of appeal conferred by section 23E, the Board may, in its discretion, refuse to grant or renew a licence under section 23B.

(2) Where the Board decides not to grant or renew a licence in respect of a tourism enterprise, the Board shall, in writing, notify the person who made the application or his agent of its decision and of the right of appeal conferred by section 23E.

Revoca-
tion or
suspension
of
licence.
7/1985
S. 9.

23D.—(1) Where—

(a) it appears to the Board that the holder of a licence under this Act (hereinafter referred to as the licensee) has contravened any provisions of this Act or of any licence granted thereunder; or

(b) a licensee has been convicted of an offence under the Exchange Control Act,

the Board may, by notice in accordance with this section, require the licensee to show cause within such time as may be specified in the notice, why the licence should not be revoked or suspended.

(2) Where—

(a) the licensee fails to comply with a requirement pursuant to subsection (1) to show cause within the time specified in the notice or if the cause shown is inadequate in the opinion of the Board; or

(b) after due enquiry by the Board in respect of any allegation made against the licensee and after giving the licensee an opportunity to be heard, the Board is satisfied that the nature of the facts established consequent on the enquiry is seriously detrimental to the tourist industry,

the Board may, by order published in the *Gazette* (a copy of which shall be served on the licensee), suspend the

licence for such period as the Board may consider necessary or desirable, or, as the case may be, revoke the licence from such date as may be specified in the order.

(3) Where an order under subsection (2) is in respect of tourist accommodation, then unless the order relates to—

- (a) action taken under the Public Health Act; or
 - (b) the safety of occupants of the accommodation,
- the date specified pursuant to subsection (2) shall be not earlier than ninety days after the date of the order.

(4) All rights and privileges enjoyed under any licence that is revoked or suspended pursuant to subsection (2) shall cease to have effect upon such revocation or for the period of suspension, as the case may be, but such revocation or suspension shall not, in any way affect the liability of any person in respect of any contravention of this Act or of the licence that may have occurred prior to the revocation or suspension.

(5) The Minister may if he thinks fit, upon application by a person aggrieved by an order of the Board under this section and for the purpose of facilitating any appeal therefrom, stay execution of that order by amending the date stated in the order as the date from which the revocation or suspension has effect.

23E.—(1) Any person aggrieved—

- (a) by a decision of the Board granting, refusing to grant, renewing or refusing to renew a licence; or
- (b) by an order of the Board revoking or suspending a licence,

may, within fifteen days of the date of service of the notification required under section 23 (3) or 23C (2) or within fifteen days of the date of the order under section 23D as the case may be, appeal in writing against such decision or

Appeal.
7/1985
S. 9.

order to the Tribunal appointed by the Minister under subsection (3):

Provided that the Tribunal, upon being satisfied that owing to absence from the Island, sickness or other reasonable cause, the person aggrieved was prevented from appealing within such period, may extend the period as may be reasonable in the circumstances.

(2) On the determination of an appeal under this section the Tribunal may make such order as it thinks fit and if any such order relates to an order of the Board under section 23D it shall be published in the *Gazette*.

Schedule.

(3) The provisions of the Schedule shall have effect as to the constitution of the Tribunal and otherwise in relation thereto.

(4) Any person aggrieved by the Tribunal's decision on any matter may appeal to a Judge in Chambers in such form and manner as may be provided by rules of court and the Judge in Chambers may make such order in relation to the appeal as he thinks fit.

(5) The decision of a Judge in Chambers on an appeal pursuant to subsection (4) shall be final.

Enforce-
ment of
orders.
7/1985
S. 9.

23F.—(1) Without prejudice to the provisions of subsections (2) (a), (3) and (4) of section 24, if the licensee fails to comply with an order of the Board under section 23D or any order made by the Tribunal under section 23E confirming or modifying the order of the Board the Minister may take such steps as he considers appropriate to ensure—

- (a) where the order revokes the licence, that the licensee ceases the operation of the tourist accommodation or tourism enterprise to which the licence relates; or
- (b) where the order suspends the licence, that the licensee suspends the operation of the tourist

accommodation or tourism enterprise to which the licence relates for the period specified in the order.

(2) Where authorized thereto by the Minister acting pursuant to subsection (1), a member of the Jamaica Constabulary Force may use such force as may be necessary for the purpose of ensuring compliance with an order referred to in that subsection; and any person who hinders or obstructs any such member acting as aforesaid shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding twenty thousand dollars or to imprisonment for a term not exceeding two years.

24.—(1) Every person who, with intent to deceive, makes or has in his possession—

Offences
43/1965
S. 6.

(a) any emblem or other device so closely resembling an emblem of the Board as to be calculated to deceive; or

(b) any document so closely resembling a licence under this Act as to be calculated to deceive, shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding ten thousand dollars or to imprisonment with or without hard labour for a term not exceeding two years, or to both such fine and such imprisonment.

7/1985
S. 10 (a).

(2) Every person who—

(a) operates any tourist accommodation in contravention of section 22; or

33/1971
S. 4 (a).

(b) displays an emblem of the Board without the permission of the Board; or

19/1972
S. 2 (a).
7/1985
S. 10 (b) (i).

(c) in displaying or keeping in his possession any emblem of the Board fails to comply with any restriction subject to which, or to satisfy any con-

dition on which, he was supplied with or permitted to display such emblem; or

(d) fails to comply with any restriction subject to which, or to satisfy any condition on which, any licence was granted to him under this Act,

7/1985
S. 10 (b) (i).

shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding ten thousand dollars and in default of payment thereof to imprisonment with or without hard labour for a term not exceeding two years, and where such offence is continued after conviction such person shall be guilty of a continuing offence and in respect of each day during which such offence continues shall be liable to a fine not exceeding five hundred dollars.

7/1985
S. 10 (b) (ii).

7/1985
S. 10 (b) (iv).

19/1972
S. 2 (b).

(3) Every person who operates a hotel in contravention of section 22 shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding ten thousand dollars and in default of payment thereof to imprisonment for a term not exceeding two years, and where such offence is continued after conviction such person shall be guilty of a continuing offence and in respect of each day during which such offence continues shall be liable to a fine not exceeding five hundred dollars.

7/1985
S. 10 (c) (i).

7/1985
S. 10 (c) (ii).

7/1985
S. 10 (c) (i).

7/1985
S. 10 (d).

(4) Every person who operates or maintains a tourism enterprise in contravention of section 23A shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding twenty thousand dollars and in default of payment thereof to imprisonment for a term not exceeding two years, and where such offence is continued after conviction such person shall be guilty of a continuing offence and in respect of each day during which such offence continues shall be liable to a fine not exceeding five hundred dollars.

(5) Every person who fails to comply with an order revoking or suspending a licence to operate any tourist accommodation or a tourism enterprise shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate—

7/1985
S. 10 (d).

- (a) where the licence is granted in respect of a hotel, to a fine not exceeding one thousand dollars for each room of that hotel for every day from the date on which the revocation or suspension came into effect and in default of payment thereof to imprisonment for a term not exceeding two years, and where such offence is continued after conviction such person shall be guilty of a continuing offence and in respect of each day during which such offence continues shall be liable to a fine not exceeding two thousand dollars for each room of the hotel;
- (b) where the licence was granted in respect of a resort cottage, to a fine not exceeding ten thousand dollars and in default of payment thereof to imprisonment for a term not exceeding two years, and where such offence is continued after conviction such person shall be guilty of a continuing offence and in respect of each day during which the offence continues shall be liable to a fine not exceeding two thousand dollars; or
- (c) where the licence was granted in respect of any other tourist accommodation or tourism enterprise, to a fine not exceeding ten thousand dollars and in default of payment thereof to imprisonment for a term not exceeding two years, and where such offence is continued after conviction such person shall be guilty of a continuing offence and in respect of any day during which the offence continues shall be liable to a fine not exceeding two thousand dollars.

TOURIST BOARD

7/1985
S. 11.

SCHEDULE

(Section 23E)

*The Tribunal*Constitu-
tion of
Tribunal.

1. The Tribunal shall, subject to paragraph 2, consist of three members appointed by the Minister.

Power of
one mem-
ber to sit
alone.

2. For the hearing of any appeal under this Act the Tribunal may consist of one member sitting alone if the parties to the appeal agree.

Tenure of
office.

3. The members of the Tribunal shall, subject to the provisions of this Schedule, hold office for such period not exceeding two years as the Minister may determine and shall be eligible for reappointment.

Acting
appoint-
ments.

4. The Minister may appoint any person to act in the place of the chairman or any other member of the Tribunal in the case of the absence or inability to act of the chairman or other member.

Resigna-
tions.

5. (1) Any member of the Tribunal other than the chairman may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of the receipt by the Minister of such instrument that member shall cease to be a member of the Tribunal.

(2) The Chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt by the Minister of that instrument.

Revoca-
tion of
appoint-
ments.

6. The Minister may at any time revoke the appointment of any member of the Tribunal if he thinks it expedient so to do.

Filling
of vacan-
cies.

7. If any vacancy occurs in the membership of the Tribunal such vacancy shall be filled by the appointment of another member.

Publica-
tion of
member-
ship.

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

Remunera-
tion of
members.

9. There shall be paid to the chairman and other members of the Tribunal, in respect of each appeal, such remuneration, whether by way of honorarium, salary or fees, and such allowances as the Minister may determine.

Voting.

10. Subject to paragraph 2, the decision of the Tribunal shall be by a majority of votes of the members, and in addition to an original vote, the chairman shall have a casting vote in any case in which the voting is equal.

11. Subject to the provisions of this Act, the Tribunal shall regulate its own proceedings.

Power to regulate proceedings.

12. The office of chairman or member of the Tribunal shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.

Office of chairman or member of Tribunal not public office.