



CHAPTER 15.32

TOURIST INDUSTRY DEVELOPMENT ACT

Revised Edition
Showing the law as at 31 December 2005

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 INDUSTRY DEVELOPMENT ACT

Act 4 of 1981 in force 24 February 1982

Amended by Act 6 of 1993 in force 17 April 1993

Amended by Act 6 of 1996 in force 11 May 1996

Amended by Act 24 of 2002 in force 24 February 1982

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CHAPTER 15.32

TOURIST INDUSTRY DEVELOPMENT ACT

(Acts 4 of 1981, 6 of 1993, 6 of 1996 and 24 of 2002)

AN ACT to provide for the establishment of a Board for the purposes of administering and developing the tourist industry of Saint Lucia and for connected purposes.

Commencement [24 February 1982]

1. SHORT TITLE

This Act may be cited as the Tourist Industry Development Act.

2. INTERPRETATION

In this Act, unless the context otherwise requires—

“**advertising**” means advertising in newspapers, magazines or by pamphlets or by any other method of advertising approved by the Board;

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

“**Director**” means the Director of Tourism appointed under section 12;

“**hotel company**” means any company, corporation or person engaged in the business of carrying on an hotel;

“**Minister**” means the Minister responsible for tourism;

“**steamship company**” means any company, corporation or person engaged in the business of shipping.

3. ESTABLISHMENT AND COMPOSITION OF BOARD

- (1) For the purposes of this Act, there is hereby established a board known as the Saint Lucia Tourist Board. (*Amended by Act 24 of 2002*)
- (2) The Board shall consist of not more than 12 persons appointed by the Minister from among persons appearing to him or her to

be qualified as having experience of, and shown capacity in, such matters which he or she considers will be beneficial to the functioning of the Board and, without prejudice to the generality of the foregoing, in particular in matters relating to administration, commerce, finance, industry or trade. (*Amended by Act 6 of 1993*)

- (3) The Director shall be a member of the Board by virtue of his or her office.
- (4) The Minister shall appoint a chairperson and a deputy chairperson from amongst the members of the Board.
- (5) A member of the Board other than the Director shall hold office for such period not exceeding 2 years but such member shall be eligible for re-appointment.
- (6) During the temporary absence of the chairperson owing to illness, absence from Saint Lucia, inability to attend meetings of the Board or any other cause, the deputy chairperson of the Board shall perform the functions of the chairperson of the Board unless the Minister appoints some other member of the Board (other than the Director) to act as the chairperson of the Board.
- (7)
 - (a) Any member of the Board other than the chairperson or the Director may at any time resign his or her office by instrument in writing addressed to the Minister and transmitted through the chairperson, and, upon the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Board.
 - (b) The chairperson may at any time resign his or her office by instrument in writing addressed to the Minister and such resignation shall take effect from the date of the receipt of such instrument by the Minister.
- (8) The Minister may at, any time, revoke the appointment of any member of the Board appointed by him or her under section 3 (2).
- (9) The names of the members of the Board when it is first constituted and any change in the membership shall be notified in the Gazette.

4. INCORPORATION

The Board shall be a body corporate with perpetual succession and with power to sue and be used in its corporate name and may for all purposes be described by such name.

5. SEAL OF THE BOARD AND AUTHENTICATION OF THE SEAL AND DOCUMENTS

- (1) The Board shall have a common seal and may alter or change that seal.
- (2) The seal of the Board or any document shall be authenticated by the signature of the chairperson or deputy chairperson and the Director or the Secretary of the Board and every document purporting to be a document duly executed under the seal of the Board shall be received in evidence and deemed, without further proof, to be so executed unless the contrary is proved.
- (3) All documents, other than those required by law to be under seal, and all decisions of the Board may be signified under the hand of the chairperson, or deputy chairperson, or the Director, or the Secretary of the Board.
- (4) Service upon the Board of any notice, order or other document shall be executed by delivering the same to, or by sending it by registered post addressed to the Secretary at the office of the Board.

6. POWERS AND DUTIES OF BOARD

The Board shall have the following duties and powers—

- (a) to make all such inquiries and to collect all such information and adopt all such measures as the Board thinks necessary for the purpose of promoting the advertisement of Saint Lucia as a tourist resort and for such other purposes as in the judgement of the Board will materially facilitate and increase the tourist traffic to and from Saint Lucia and to make such reports and recommendations to the Minister in connection with the above-mentioned matters as the Board may deem necessary;
- (b) for all or any of such purposes appoint such agent or agents as the Board may deem necessary whether within

or outside Saint Lucia and, subject to the approval of the Minister, to arrange for the remuneration of any such agent or agents by salary, commission or otherwise as the Board may think proper out of the funds and resources of the Board;

- (c) to develop all aspects of the tourist industry of the island and to promote the efficiency of the industry;
- (d) to promote and secure such shipping and airline facilities as will tend to increase tourist traffic to the island;
- (e) to accept from any hotel company or steamship company or from any mercantile company or trading company or any other persons any contribution for all or any of the purposes for which the Board is established under this Act and to administer the same either solely or by joint arrangement with any such company or person as aforesaid for the benefit of Saint Lucia generally but not in such a manner as to favour any particular person or company;
- (f) to secure the most favourable arrangements for the entry of tourists into Saint Lucia;
- (g) to encourage by such measures as it may consider fit the development of such amenities in the island as may be calculated to enhance the attractiveness of the island to tourists;
- (h) to foster an understanding within the island of the importance and economic benefit of the tourist industry;
- (i) to provide training facilities for hotel staff;
- (j) to undertake such research, experiments and operations as may appear to it to be necessary to improve the basis of the tourist industry and to control and eliminate any undesirable factors that may affect the industry;
- (k) subject to the approval of the Minister, to enter into and make such contract or contracts as the Board may consider necessary for all or any of the purposes of this Act;
- (l) subject to the approval of the Minister and to confirmation by Parliament for the purposes of this Act to make any contract for the provision of steamship communication between any port in Saint Lucia and any

other port, and to pay for the same either by way of annual subsidy, guarantee of debenture interest or commission or the number of passengers brought to Saint Lucia.

However, under any such contract the Board may introduce such special conditions or stipulations as the Board may consider necessary for the purposes of this Act;

- (m) subject to the approval of the Minister and for the purposes of this Act, to acquire, hold, lease, mortgage or dispose of any property whether moveable or immovable, real or personal.
- (n) to manage any hotel or other tourist facility on behalf of the Government;
- (o) subject to the approval of Cabinet as to the amount, sources, terms and conditions, to borrow any sums of money generally or for a particular purpose, for the purpose of meeting its obligations or discharging its functions. (*Inserted by Act 6 of 1996*)
- (p) generally to take all such other measures as the Board may consider likely to carry out most effectively the purposes of this Act either alone or in conjunction with any other body in Saint Lucia.

7. PROCEDURE AND MEETINGS OF BOARD

- (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 chairperson or in the event of his or her inability to act, the deputy chairperson may at any time summon a special meeting of the Board and shall summon a special meeting within 7 days of a written requisition for that purpose addressed to him or her by any 3 members of the Board.
- (3) The chairperson or in his or her absence the deputy chairperson shall preside at all meetings of the Board and, in the absence of the chairperson and the deputy chairperson from any meeting of the Board, the members present shall elect one of their members to act as chairperson at that meeting.

- (4) The quorum of the Board shall be 5 members including the chairperson or other person presiding at the meeting.
- (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 chairperson, deputy chairperson or other member presiding at the meeting shall have a casting vote.
- (6) Minutes in proper form of each meeting shall be kept by the Secretary and shall be confirmed by the chairperson, deputy chairperson or other member presiding at the meeting, as the case may be, as soon as practicable thereafter at a subsequent meeting.
- (7) The validity of the proceedings 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.
- (8) Subject to the foregoing provisions of this section, the Board shall have power to regulate its own proceedings.

8. POWER TO APPOINT COMMITTEES

The Board may appoint a committee of the Board to examine and report to it on any matter arising out of or connected with any of its powers and duties under this Act and any such committee may include persons who are not members of the Board.

9. POWER TO DELEGATE

Subject to this Act, the Board may delegate to any member, or committee of the Board the power and authority to exercise and perform on its behalf such powers and duties as the Board may determine.

10. PROTECTION OF MEMBERS OF BOARD

- (1) A member of the Board is not 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.
- (2) Where any member of the Board is exempted from liability by reason only of the provisions of this section, the Board is liable

to the extent that the Board would be if the member were an officer or other employee or other agent of the Board.

11. REMUNERATION OF MEMBERS OF BOARD

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

12. APPOINTMENT OF DIRECTOR, SECRETARY AND STAFF OF BOARD

- (1) The staff of the Board shall consist of the Director of Tourism, a Secretary and such other officers and other employees as may be requisite for the proper exercise and carrying out of the powers and duties of the Board.
- (2) The Director of Tourism shall be appointed by the Board with the approval of the Minister and on such terms and conditions (including the payment of pension or gratuity or other like benefit by reference to his or her service) as the Board, with the approval of the Minister, thinks fit.
- (3) The Director shall be the chief executive officer of the Board and subject to the general policy decisions of the Board, shall be responsible for the administration of the business of the Board, and answerable to the Board.
- (4) The Secretary of the Board and such other officers and other employees as the Board may deem necessary for the carrying out of the purposes of this Act shall be appointed by the Board on such terms and conditions (including the payment of pension, gratuity or other like benefit by reference to their service) as the Board thinks fit.

13. POWERS OF THE MINISTER TO GIVE POLICY DIRECTIVES TO BOARD

The Minister shall have power to give to the Board directions of a general character as to the policy to be followed by the Board in the exercise and carrying out of its powers and duties 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.

14. PRESERVATION OF SECRECY

- (1) Except for the purpose of the exercise of his or her functions or when lawfully required to do so by any court or under the provision of any law, a member or officer or other employee of the Board shall not disclose to any person any secret information which he or she has acquired in the exercise of his or her functions.
- (2) Any member, officer or other employee of the Board who contravenes the provisions of subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.

15. TRAINING OF OFFICERS AND OTHER EMPLOYEES

The Board may provide out of its funds and make such arrangements for the training of any of its officers and other employees as it may consider necessary for the efficient conduct of its business.

16 FUNDS AND RESOURCES OF BOARD

- (1) The funds and resources of the Board shall consist of—
 - (a) such sums as may be provided annually by or under an appropriate law or made available at any time to the Board by the Government by way of a loan;
 - (b) all sums received by the Board as payment for advertisements;
 - (c) all sums earned or arising from property or investments of the Board or from services rendered by the Board;
 - (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 of its powers and duties.
- (2) Sums paid to the Board under this section may be administered solely by the Board or by joint arrangement between the Board and any hotel or steamship company, or any other company or person.

17. INVESTMENTS

Monies standing at the credit of the Board may be invested in such manner as may be determined by the Board with the approval of the Minister.

18. ACCOUNTS AND AUDIT

- (1) The Board shall keep accounts of its 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, and other employees and agents of the Board shall grant to the auditor appointed under subsection (1) access to all books, documents, cash and securities of the Board and shall give to the auditor on request all such information as may be within their knowledge in relation to the operations of the Board.

19. SUBMISSION OF REPORTS TO THE MINISTER AND LAYING OF REPORTS IN HOUSE OF ASSEMBLY AND SENATE

- (1) The Board shall submit to the Minister in January in every year the following reports—
 - (a) a report dealing with the operations of and measures taken by the Board during the previous year;
 - (b) a report showing the audited financial statement of the Board and any report made by the auditor thereon or on the accounts of the Board.
- (2) A copy of all such reports shall be laid before the House of Assembly and the Senate within 2 months of its receipt by the Minister.
- (3) The Board shall in each year, within such time as the Minister may direct, submit to him or her for approval the estimates of revenue and expenditure of the Board in respect of the next financial year of the Board commencing on 1 April and ending on 31 March.

20. POWERS TO MAKE RULES

The Board may, with the approval of the Minister, make rules for carrying into effect the purposes of this Act.