ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER A80

ANGUILLA TOURIST BOARD ACT

Showing the Law as at 15 December 2010

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates—

Act 8/2003, in force 14 November 2003
Act 10/2006, in force 1 April 2006
Act 12/2010, in force 1 November 2010

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ANGUILLA TOURIST BOARD ACT

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ANGUILLA TOURIST BOARD ACT

PRELIMINARY

Interpretation

1. In this Act—

"Board" means the Anguilla Tourist Board established by this Act;

"Chairman" means the Chairman referred to in section 5(2);

"Chief Auditor" has the same meaning as in the Financial Administration and Audit Act;
(Act 8/2003, s. 75)

"Fund" means the Fund referred to in section 14;

"Minister" means the Minister to whom the subject or function of tourism has been assigned by the Governor;

"tourist scheme" means a tourist scheme prepared by the Board under this Act;

"tourist service" means a service of any class or description declared to be a tourist service by an order made by the Minister under section 33.

PART 1

CONSTITUTION, OBJECTS, DUTIES,
PROCEEDINGS AND STAFF OF THE BOARD

Establishment of Anguilla Tourist Board

2. (1) There shall be established a Board which shall be called and known as the Anguilla Tourist Board (hereinafter referred to as the "Board").

(2) The Board is a body corporate and has perpetual succession and a common seal and may sue and be sued in the name of the Anguilla Tourist Board.

Objects of the Board

3. The objects of the Board shall be—

(a) the encouragement, promotion and development of tourist travel;

(b) the encouragement, promotion and development of adequate and efficient tourist services;

(c) the establishment, maintenance and improvement of high standards of product and service quality in the tourism sector; and

(d) the doing of all such acts or things as may be necessary for, or conducive to, the attainment of the objects specified in paragraphs (a) and (b).

Duties of the Board

4. It shall be the duty of the Board—

(a) of its own motion or at the request of the Minister, to advise the Minister on all matters relating to the development of tourism;

(b) to advise tourist, travel and other agencies with regard to the development of tourism;

(c) to prepare and submit to the Minister for his approval, with or without modification, such tourist schemes as may be necessary for, or conducive to, the attainment of the objects of the Board, and in particular in respect of all or any of the following matters—

(i) the establishment, regulation, supervision, development and control of tourist resorts,

(ii) the regulation, supervision, development and control of tourist services, and

(iii) the regulation, supervision and control of the employment of persons in or about the business of tourist services;

(d) to promote the training of people for employment in tourism;

(e) to obtain, collate and evaluate information concerning all aspects of tourism;

(f) to adopt measures to advertise and promote Anguilla as a fit tourist destination for travel throughout the year;

(g) to encourage the most favourable arrangements for the entry of tourists into Anguilla;

(h) to encourage the development of such amenities as may be designed to enhance the attractiveness of Anguilla to tourists having special regard to entertainment, conservation of flora and fauna, nature trails and handicraft; and

(i) to foster an understanding within Anguilla of the importance of the tourist industry to the economy of Anguilla.

Constitution of the Board

5. (1) The Board shall consist of—

(a) one member appointed by the Minister, after consultation with the chairman of the Anguilla Hotel and Tourism Association and the president of the Chamber of Commerce, from among persons who have special qualifications in, and who have had experience of, matters relating to hotel management, air travel, shipping and transport, public relations, the tourist industry, accountancy or banking;

(b) two members appointed by the Minister, after consultation with the Anguilla Hotel and Tourism Association;

(c) one member appointed by the Minister after consultation with the Chamber of Commerce;

(d) one member appointed by the Minister from among persons engaged in transport services;

(e) one member appointed by the Minister from among persons, other than owners or managers employed in the tourist industry, after consultation with the president or other chief executive officer of the representative body or organization representing such persons, and, where no such body or organization exists, then such persons as the Minister believes best represent the interests of persons employed in the tourist industry; and

(Act 8/2003, s. 75)

(f) one other member appointed by the Minister.

(2) The member appointed under paragraph (1)(a) shall be the Chairman of the Board.

(3) No person shall be qualified for appointment or to continue as a member of the Board after such appointment—

(a) if he is or becomes a member of the House of Assembly; or

(b) if he is or becomes a public officer.

(4) A member of the Board who is in any way directly or indirectly interested in any contract made or proposed to be made by the Board shall disclose the nature of his interest at a meeting of the Board, and such disclosure shall be recorded in the minutes of the Board, and the member shall not take part in any deliberation or decision of the Board with regard to that contract.

(5) The Minister may, if he thinks it expedient to do so, in consultation with the Executive Council, remove, by order published in the *Gazette*, any member of the Board from office without reason stated.

(6) A member of the Board may at any time resign his office by letter addressed to the Minister.

(7) If the Chairman or any other member of the Board is temporarily unable to discharge the duties of his office on account of ill health or absence from Anguilla or for any other cause, the Minister may, having regard to the provisions of subsection (1), appoint some other person to act in his place as the Chairman or as a member, as the case may be, until he assumes his duties.

(8) Every member of the Board shall, unless he earlier dies or vacates office by resignation or removal, hold office for a period of 2 years. Any member of the Board who vacates office shall be eligible for reappointment.

(9) No act or proceeding of the Board shall be deemed invalid by reason only of the existence of any vacancy among its members or any defect in the appointment of a member thereof.

Seal of the Board

6. (1) The seal of the Board shall be in the custody of the Board.

(2) The seal of the Board may be altered in such manner as may be determined by the Board.

(3) The application of the seal of the Board shall be authenticated by the signature of the Chairman or some other member of the Board authorized by the Board to authenticate the application of such seal, and of the officer of the Board who is designated Secretary of the Board.

Remuneration of members of the Board

7. The members of the Board may be remunerated in such manner and at such rates as the Executive Council may determine.

Delegation of powers

8. (1) The Board may delegate to the Chairman any of its powers, functions or duties under this Act.

(2) In the exercise, discharge or performance of the powers, functions or duties conferred or imposed on him, or delegated to him under this Act, the Chairman shall be subject to general or special directions of the Board.

(3) The Chairman may, with the approval of the Board, delegate to any member of the staff of the Board any of his powers, functions or duties under this Act, whether conferred or imposed on him expressly or by way of delegation, but the Chairman shall not re-delegate any of the powers, functions or duties delegated to him by another person or authority except with the prior approval of such other person or authority.

Who presides at meetings

9. The Chairman shall preside at all meetings of the Board. In the absence of the Chairman from any meeting of the Board, the members present shall elect one of their number to preside at the meeting.

Rules of the Board

10. The Board may make rules in respect of the meetings of the Board or committees of the Board, and the quorum for, and the procedures to be followed at, such meetings.

Board may regulate procedure

11. Subject to this Act and any other law, the Board may regulate its own proceedings and make such provisions for the transaction of its business as it considers appropriate.

Minister's direction to the Board

12. (1) In the exercise, discharge and performance of its powers, functions and duties, the Board shall be subject to, and shall act in accordance with, such general or special directions in writing as the Minister may from time to time issue.

(2) The Minister may in writing require the Board to provide to him advice, recommendations, information and assistance, in such form as he may consider appropriate, concerning matters which fall within the powers, functions and duties of the Board.

(3) On receipt of a direction given under subsection (1) or of a request made under subsection (2), the Board shall give effect to it diligently and expeditiously.

Staff of the Board

13. (1) The staff of the Board may consist of the following—

(a) a Director of Tourism appointed by the Minister; and

(b) such other officers and servants as the Board may deem necessary for the proper and efficient conduct of the business of the Board.

(2) The Director of Tourism shall—

(a) be the Secretary to the Board; and

(b) be responsible to the Board for the implementation and execution of the decisions and policies of the Board.

(3) The Minister, in consultation with the Executive Council, may remove the Director of Tourism from office.

(4) The Board may—

(a) appoint, and remove from office, staff of the Board referred to in paragraph (1)(b);

(b) exercise disciplinary control over the staff of the Board;

(c) fix the wages or salaries or other remuneration of such staff; and

(d) determine the terms and conditions of the services of such staff.

(5) The Board may make rules in respect of all or any of the matters referred to in subsection (4).

PART 2

FINANCE AND ACCOUNTS

Fund of the Board

14. (1) The Board shall have its own Fund.

(2) There shall be paid into the Fund—

(a) all such sums of money as may be voted by the Legislature for the use of the Board; and

(b) all sums of money received by the Board in the carrying on of its business or in the exercise, discharge and performance of its powers, functions and duties under this Act or any other written law.

(3) There shall be paid out of the Fund all sums of money required to defray any expenses incurred by the Board in the carrying on of its business or in the exercise, discharge and performance of its powers, functions and duties under this Act or any other written law.

Accounts of the Board and financial year

15. (1) The Board shall cause its accounts to be kept in such form and manner as may be prescribed by the Board.

(2) The books and accounts of the Board shall be kept at its Head Office in Anguilla.

(3) The financial year of the Board shall be as determined by the Board.

(4) The Board may make rules in respect of all or any of the matters referred to in this section.

Audit

16. (1) The Board shall, with the approval of the Chief Auditor, appoint a qualified accountant to act as Auditor of the Board.

(2) The Auditor appointed under subsection (1) shall audit the accounts of the Board in accordance with the directions of the Chief Auditor and provide audited financial statements to the Board not later than 3 months after the end of the financial year of the Board.

(Act 8/2003, s. 75)

Powers of the Auditor appointed by the Board

17. The Auditor appointed by the Board shall have access to all such books, deeds, contracts, accounts, vouchers and other documents of the Board as the Auditor may consider necessary for the purpose of the audit and shall be furnished by the members or officers of the Board with such information within their knowledge as may be required for such purpose.

(Act 8/2003, s.75)

Audit of annual accounts by Chief Auditor; tabling of audit report

18. (1) Without delay after receipt of the audited financial statements from the Auditor appointed by the Board, the Board shall forward them to the Chief Auditor.

(2) Section 59 of the Financial Administration and Audit Act applies in relation to the audited financial statements of the Board.

(Am. in L.R. 15/12/2006 and L.R. 15/12/2010)

(3) Upon receipt of the certificate and report of the Chief Auditor, the Board shall forward them together with the audited financial statements of the Auditor appointed by the Board and a report by the Board of its activities to the Minister who shall lay them before the House of Assembly before the end of the year next following the year to which the financial statements and report relate.

(Act 8/2003, s. 75)

PART 3

GENERAL AND SPECIAL POWERS OF THE BOARD

Power of the Board to do things to achieve its objectives

19. The Board shall have power to do all such acts or things as may be necessary for, or conducive to, the attainment of its objects.

Special powers of the Board

20. The Board shall have all or any of the following powers—

(a) to establish, maintain and operate adequate and efficient tourist services, and to make such services available to other persons engaged in the promotion or development of tourist travel;

(b) to engage, and to co-operate with tourist, travel and other agencies, in the display and distribution of exhibits and graphic materials designed to call attention to the attractions and places of interest in Anguilla, and in the collection, publication and dissemination of information with respect to the places of interest, routes, transportation facilities, tourist services and such other matters as the Board may consider necessary for the attainment of its objects;

(c) to train, or assist financially the training of, persons to do work which is wholly or mainly connected with tourist travel and tourist services;

(d) to levy fees or other charges for services, facilities or equipment provided by the Board.

Powers of the Board to make orders

21. (1) The Board may make orders in respect of all or any of the following matters—

(a) all matters necessary for, or incidental to, or connected with, the introduction, operation and enforcement of tourist schemes for the regulation and control of the rates of fees or charges that may be levied and recovered in respect of tourist services;

(b) all matters necessary for, or incidental to, or connected with, the introduction, operation and enforcement of schemes for the registration of tourist services so long as such services are established, maintained and operated in conformity or in compliance with minimum standards or provisions specified or contained in the order for the purpose of ensuring that any such services are adequate and efficient, and the circumstances in which such registration may be granted, refused, suspended or cancelled;

(c) all matters necessary for, or incidental to, or connected with, the introduction, operation and enforcement of schemes for the registration by the Board of persons who are fit and suitable for employment in tourist services generally, or tourist services of any class or description, by reason of the fact that they have had such training, or possess such qualifications, or are not subject to such disabilities or

disqualifications as may be specified in the order, and the circumstances in which such registration may be granted or refused, or suspended or cancelled.

(2) An order made under subsection (1) may provide for the prohibition of the establishment, maintenance or operation of any tourist service unless such service is registered by the Board and any person aggrieved by such order may make an appeal to the Minister.

(3) No order under subsection (1) shall come into operation until it has been approved by the Minister and published in the *Gazette*.

(4) An order under subsection (1) that has legislative effect is a regulation.

Power to acquire property

22. The Board shall have power to acquire, hold, lease, hire, mortgage, pledge, sell or otherwise dispose of, any immovable or movable property.

Power of the Board in relation to the administration of its business

23. The Board shall have all or any of the following powers—

(a) to do anything for the purpose of advancing the skill of the staff of the Board or the efficiency of the equipment of the Board or the manner in which that equipment is operated;

(b) to construct, manufacture, purchase, maintain and repair anything required for the purpose of the business of the Board;

(c) to delegate to any member of the staff of the Board, or to any member of the Board, any such power, function or duty of the Board as the Board may consider necessary for the efficient transaction of business;

(d) to make rules in respect of the administration of the affairs of the Board;

(e) to do all such other acts or things which, in the opinion of the Board, are necessary to facilitate the proper carrying on of its business.

Power of the Board to enter into contracts

24. (1) The Board may, for the purpose of the exercise, discharge or performance of its powers, functions or duties, enter into and perform all such contracts as may be necessary for that purpose.

(2) The Board may appoint agents to represent the Board outside of Anguilla and to carry out such other functions as may be assigned to them by the Board in writing.

Committees of the Board

25. (1) Where the Board is of the opinion that it is necessary to have advice on marketing, promotion, personnel, training, budgeting or any other matters, the Board may establish committees to advise thereon.

(2) Every committee shall consist of at least 2 members of the Board and 2 other persons co-opted by the Board from among interest groups and individuals who are involved in the tourist industry and not already represented on the Board.

(3) The Chairman shall, at his discretion, be a member of every committee established to advise the Board on matters pertaining to personnel, training or budgeting.

Power to borrow

26. (1) The Board may, subject to the approval of the Executive Council, borrow such sums of money as may be necessary for any of the purposes of the Board.

(2) The Board may, for the purpose of securing the repayment of any sum borrowed by the Board and interest accruing thereon, mortgage or assign, to the lender or lenders by or on whose behalf such sum may be lent, any property belonging to the Board or any other sum of money accruing to the Board.

PART 4

GENERAL

Immunity of the Board

27. The Board shall not, nor shall any of its members or members of staff be liable to any action or proceeding for or in respect of any act or matter done or omitted to be done in good faith in the exercise of the powers of this Act or any orders or regulations made thereunder.

Effect of certain documents

28. Every document purporting to be an instrument issued by the Board and to be sealed as required by this Act or to be signed by or on behalf of the Board shall be received in evidence without further proof until the contrary is shown.

Power of entry, etc.

29. The Board or any person authorized in that behalf by the Board may—

(a) for the purpose of the operation of any tourist scheme; or

(b) for the purpose of the performance of the powers or duties conferred on or imposed on the Board by this Act;

at any reasonable time and upon reasonable notice enter upon or into any land or structure and may make such inspections, surveys, examinations or enquiries as may be necessary for any such purpose.

(Act 10/2006, s. 3 and Act 12/2010, s. 30(4))

Returns and information

30. The Board or any person authorized in that behalf by the Board may by notice require any person to furnish to the Board or the person so authorized, within such period not less than 30 days as shall be specified in the notice, all such returns or information relating to all such matters as may be

necessary to enable the Board to prepare tourist or other schemes under this Act and as are within the knowledge of that person.

(Act 10/2006, s. 4 and Act 12/2010, s. 30(5))

Prohibition of certain acts and the use of certain words

31. (1) A person who is not registered by the Board under this Act as fit and suitable for employment in any tourist service shall not—

(a) use any name, title, addition or description; or

(b) do any act or thing;

implying or calculated to imply, or giving or calculated to give, the impression that he is so registered.

(2) No person shall in, or in connection with, the operation of any tourist service—

(a) use any name, title, addition or description; or

(b) do any act or thing;

implying or calculated to imply, or giving or calculated to give, the impression that such service is registered or approved by the Board unless such service is so registered or approved, as the case may be.

Power to make rules

32. (1) The Board may make rules in respect of all or any matters for which rules are authorized or required by this Act to be made.

(2) No rules made by the Board under subsection (1) shall have effect until they have been approved by the Minister.

Power of Minister to make orders

33. (1) The Minister may by order declare that any service of any class or description specified in the order is a tourist service.

(2) An order under subsection (1) is a regulation.

(3) In this section, "service" means a service providing, or intended to provide, or capable of providing, tourist travel, accommodation, refreshment, amusement or sports, or other facilities or attractions of any kind whatsoever to tourists.

Offences

34. (1) Any person who—

(a) knowingly makes any false statement in any application, return or other document made or furnished under or for the purpose of this Act or of any order made thereunder;

(b) fails or refuses to furnish any information or return required by this Act or any order made thereunder to be furnished by him; or

(c) resists or obstructs any person in the exercise, discharge or performance of any power, function or duty conferred or imposed upon that person by or under this Act or any order made thereunder;

commits an offence.

(2) Any person who contravenes any provision of any order made under this Act, other than any such provision relating to any matter or thing referred to in subsection (1), commits an offence.

(Act 10/2006, s. 5)

Penalty

35. Any person who commits an offence under this Act is liable on summary conviction to a fine of $4,000.

(Act 10/2006, s. 6 and Act 12/2010, s. 30(6))

Regulations

36. The Governor in Council may make regulations for the purpose of carrying out and giving effect to the principles and provisions of this Act.

(Act 10/2006, s. 7 and Act 12/2010, s. 30(7))

Citation

37. This Act may be cited as the Anguilla Tourist Board Act, Revised Statutes of Anguilla, Chapter A80.