

## OBJECTS AND REASONS

This Bill would provide for

- (a) the promotion and facilitation of the efficient development of tourism in Barbados;
- (b) the repeal of the *Barbados Tourism Authority Act*, Cap. 342; and
- (c) related matters.

*Arrangement of Sections*

1. Short title
2. Interpretation
3. Establishment of the Authority
4. Functions of the Authority
5. Establishment of the Board of Directors
6. Functions of the Board
7. Remuneration of directors
8. Disqualification of directors
9. Disclosure of director's interest
10. Appointment to offices
11. Appointment of staff
12. Pension rights and service with the Authority
13. Savings of pension
14. Transfer of contracts, rights and services
15. Directions of Minister

16. Fees
17. Funds and resources of the Authority
18. Application of funds of the Authority
19. Borrowing powers and additional working capital
20. Guarantee
21. Disposal of capital assets
22. Accounts and audit
23. Access by Auditor-General or auditor
24. Annual report
25. Estimates
26. Licensing of tourism accommodation, tourism enterprise, tourism product or tourism service provider
27. Suspension and cancellation of licence
28. Appeals
29. Register
30. Tourism Advisory Council
31. Tourism development work plan
32. Exemption from stamp duty and income tax

- 33. Offences
- 34. Regulations
- 35. Transitional
- 36. Repeal of Cap. 342
- 37. Commencement

FIRST SCHEDULE

*Constitution, Procedure and Functions of the Board of Directors*

SECOND SCHEDULE

*Constitution and Procedure of the Tourism Advisory Council*

**BARBADOS**

**A Bill entitled**

**An Act to promote and facilitate the efficient development of tourism in Barbados.**

**ENACTED** by the Parliament of Barbados as follows:

**Short title**

1. This Act may be cited as the *Barbados Tourism Product Authority Act, 2014*.

**Interpretation**

2. For the purposes of this Act,

“apartment” means any furnished premises in which

- (a) sleeping accommodation and self-catering facilities are provided in 3 or more self-contained units; and
- (b) a charge is made for the accommodation provided;

“Authority” means the Barbados Tourism Product Authority established by section 3;

“Board” means the Board of Directors of the Authority established by section 5;

“condominium” means a building or complex

- (a) in which units of property or apartments are owned by individuals and common property such as the grounds and buildings are jointly owned by the unit owners;
- (b) which is administered by a management company;
- (c) which is registered with the Barbados Tourism Product Authority; and
- (d) where the units sold to individuals as condominium units are available for the accommodation of guests for reward for at least 9 months in every year;

“condominium hotel” means a hotel

- (a) in which some or all of the hotel’s rooms are sold to individual’s as condominium units;
- (b) which is administered by a management company;

- (c) which is registered with the Barbados Tourism Product Authority; and
- (d) where the rooms are sold to individuals as condominium units and are available for the accommodation of guests for reward for at least 9 months in every year;

“Council” means the Tourism Advisory Council established by section 30;

“former Act” means the *Barbados Tourism Authority Act, Cap. 342* now repealed and replaced by this Act;

“guest house” means any premises in which

- (a) sleeping accommodation is provided in 3 or more bedrooms;
- (b) a charge is made for the accommodation provided; and
- (c) meals are served to residents;

“home accommodation” means a dwelling house or residence which is registered with the Barbados Tourism Product Authority and where temporary lodging or sleeping accommodation is provided to guests for reward;

“hotel” means any building or group of buildings whether contiguous to each other or not and the grounds appurtenant thereto that operate as one business venture in which

- (a) sleeping accommodation is provided in 10 or more bedrooms;
- (b) a charge is made for the accommodation provided; and
- (c) meals are served to residents and non-residents;

“licence” means the licence issued by the Barbados Tourism Product Authority under section 26 for a tourism product, tourism accommodation or to a tourism service provider to commence or to continue operation as a business;

“restaurant” means an establishment registered with the Barbados Tourism Product Authority that offers for sale

- (a) an a la carte or table d’hôte food menu;

(b) a wine and bar menu that includes a selection of at least 6 wines of both red and white; or

(c) take away or table service provided by uniformed staff;

“timeshare property” means a complex of at least 10 rooms that offers advanced purchase of vacation time for a particular period or interval thereby affording the purchaser the right to enjoy a variety of services or facilities subject only to a further payment of an annual contribution towards the maintenance of the property where the property is registered with the Barbados Tourism Product Authority;

“tourist accommodation” means an apartment, condominium, condominium hotel, home accommodation, timeshare property, hotel, guest house, villa, or any other premises or place where accommodation is provided for tourists for reward that

(a) is registered with the Authority; and

(b) is available for the accommodation of guests for reward for not less than 9 months in every year;

“tourism enterprise” means any business that operates within the tourism industry;

“tourism product” means any business that provides goods or services primarily for consumption or use by tourists for reward;

“tourism service provider” means a person who provides goods or services primarily to tourists for reward;

“villa” means a house that

(a) has at least 3 bedrooms and is valued at not less than \$525 000;

(b) is managed by a company or real estate agent, and employs no less than 3 people;

(c) is registered with the Barbados Tourism Product Authority; and



- (d) is available for the accommodation of guests for reward for at least 9 months in every year.

**Establishment of the Authority**

3.(1) There is established an Authority to be known as the Barbados Tourism Product Authority.

(2) The Authority is a body corporate to which section 21 of the *Interpretation Act*, Cap. 1 applies.

**Functions of the Authority**

4. The functions of the Authority are

- (a) to promote and facilitate the efficient development of the tourism product;
- (b) to encourage the establishment of amenities and facilities necessary for the proper enjoyment of Barbados as a tourist destination;
- (c) to register, licence and classify tourist accommodation according to the standard of amenities provided;
- (d) to register and classify restaurants catering primarily to tourists according to the standards of cuisine and amenities provided;
- (e) to licence, register and regulate such forms of service for tourists as the Minister determines; and
- (f) to do such other things that in the opinion of the Authority would facilitate the proper discharge of its functions or would be incidental or conducive thereto.

**Establishment of the Board of Directors**

5.(1) There is established a Board of Directors which shall be responsible for the execution of the policy of the Authority and for the general administration of the Authority.

(2) The *First Schedule* has effect with respect to the constitution of the Board and otherwise in relation thereto.

**Functions of the Board**

6. The Board of Directors shall perform the following functions:
- (a) select and appoint officers to the Authority, including the Chief Executive Officer;
  - (b) maintain oversight of the Authority;
  - (c) ensure good governance by the Authority;
  - (d) review and approve programmes, projects and activities proposed for implementation;
  - (e) review and evaluate the results of projects implemented;
  - (f) ensure that the annual report referred to in section 21 has been reviewed, approved and is submitted to the Minister in accordance with that section; and
  - (g) provide advice to the management of the Authority.

**Remuneration of directors**

7. The Authority shall pay
- (a) to each director of the Authority, in respect of that office; and
  - (b) to the Chairman in respect of the office of Chairman,
- such remuneration and allowances, if any, as the Minister determines.

**Disqualification of directors**

8. A person is not qualified for appointment as a director if he is employed by the Authority.

**Disclosure of director's interest**

9.(1) A director who has any interest in a company or concern with which the Authority purposes to make a contract or otherwise transact business shall disclose to the Authority the particulars of that interest and the details of that disclosure shall be recorded in the minutes taken at the meeting at which the disclosure is made.

(2) A director referred to in subsection (1) shall not take part in any deliberation or discussion by the Board relating to that contract or business.

**Appointment to offices**

10.(1) The Authority shall, with the approval of the Minister, appoint persons to such offices as may be designated by the Minister.

(2) The Chief Executive Officer of the Authority, by whatever name called, is subject to the directions of the Board and is responsible to the Board for the execution of its policy and the management of its affairs.

**Appointment of staff**

11.(1) Subject to subsections (3) and (4), the Authority may appoint and employ such officers, agents and servants as it considers necessary for the proper carrying into effect of the provisions of the Act, at such remuneration and on such terms and conditions as the Minister approves in writing.

(2) Notwithstanding subsection (1), no post shall be established and no salary in excess of such amount as the Minister may determine and may notify in writing to the Authority shall be assigned to any post without the prior approval of the Minister.

(3) A person appointed by the Authority under subsection (1) shall not be assigned by the Authority to a post outside of Barbados without the prior approval of the Minister.

(4) Subject to this Act, the officers and other employees who, immediately before the date of commencement of this Act, were members of the staff of the Barbados Tourism Authority established by the former Act shall upon that date comprise the staff of the Authority.

(5) Subject to this Act and to the *Statutory Boards (Pensions) Act*, Cap. 384 no provision shall be made for the payment of any pension, gratuity or other like benefit to any person employed by the Authority without the prior approval in writing of the Minister.

#### **Pension rights and service with the Authority**

12.(1) The officers and employees referred to in section 11(4) shall retain all rights in respect of pension, gratuity or other like benefit accruing to them immediately before the date of commencement of this Act.

(2) Where a public officer is seconded or temporarily transferred from a pensionable office within the meaning of section 2(1) of the *Pensions Act*, Cap. 25 to perform any service with the Authority, his service with the Authority shall, unless the Governor-General otherwise decides, count for pension under that Act as if the officer had not been so seconded or transferred.

(3) Where the services of a person employed by the Authority are on loan to the Government, that person is entitled to such benefits and terms of employment as are applicable to the post which he occupies, and his service with the Authority shall be taken into account as continuous service with the Government and the *Pensions Act*, Cap. 25 and the *Pensions Regulations, 1947* (1947/20) shall apply to him as if his service with the Authority were service within the meaning of that Act.

(4) Where a public officer is transferred to the service of the Authority in accordance with subsection (2), the Authority shall refund to the Consolidated Fund all moneys payable as pension in respect of the service of that officer with the Authority.

**Savings of pension**

13. Where a public officer who has pensionable service is transferred to or becomes employed in the service of the Authority, his service with the Authority shall, whether or not there was a break in service, be aggregated with his service in the public service and his pension shall be calculated in accordance with the *Pension Act*, Cap. 25 and the *Pensions Regulations, 1947 (1947/20)* as if all of his service was service in the public service.

**Transfer of contracts, rights and services**

14. With effect from the commencement of this Act,

- (a) any contract entered into by or on behalf of the Barbados Tourism Authority established by section 3 of the former Act, shall be deemed to have been entered into by or on behalf of the Barbados Tourism Product Authority established by section 3 of this Act;
- (b) any right, privilege, duty or obligation conferred or imposed on the Barbados Tourism Authority established by section 3 of the former Act, and existing immediately before the commencement of this Act, shall be deemed to be conferred or imposed on the Barbados Tourism Product Authority established by section 3 of this Act; and
- (c) the services of a person who, immediately before the commencement of this Act, was employed by the Barbados Tourism Authority established by section 3 of the former Act, and who is employed by the Authority established under this Act, shall be treated as continuous for the purposes of calculating pensionable service.

**Directions of Minister**

15. The Minister may give the Authority directions of a general nature in respect of the policy to be followed by the Authority in the performance of its functions under this Act, and the Authority shall comply with those directions.

**Fees**

16. The Authority may charge such fees as are prescribed by order made by the Minister responsible for Finance for

- (a) the issue or renewal of licences; and
- (b) any service performed by it.

**Funds and resources of the Authority**

17. The funds and resources of the Authority shall comprise

- (a) such amounts as may be voted for the purpose by Parliament;
- (b) all amounts payable to the Authority in respect of advertisement or any other service performed by the Authority;
- (c) amounts borrowed by the Authority for the purpose of meeting or discharging any of its obligations;
- (d) other amounts or property which may in any manner become payable to or vested in the Authority in respect of any matter incidental to its powers and functions; and
- (e) all amounts collected under the authority of regulations made under this Act.

**Application of funds of the Authority**

18. The funds of the Authority shall be applied towards

- (a) the payment of salaries, wages, fees, allowances, pensions, gratuities or similar benefits of persons employed or formerly employed by the Barbados Tourism Authority; and
- (b) the meeting of obligations and the performance of any of the functions of the Authority and matters incidental thereto.

**Borrowing powers and additional working capital**

19.(1) The Authority may, with the approval in writing of the Minister responsible for Finance, borrow money from the Government of Barbados or any person by way of loan, overdraft or otherwise upon such terms with respect to the borrowing, issue, transfer and interest as the Minister responsible for Finance approves for

- (a) the provision of working capital; or
- (b) the performance of the functions of the Authority under this Act.

(2) The Authority may, with the approval of the Minister, raise additional working capital.

**Guarantee**

20.(1) The Government of Barbados may guarantee in such manner and on such conditions as Parliament thinks fit, the satisfaction of

- (a) any loan to the Authority; and
- (b) interest charges or any other charges in respect of a loan to the Authority.

(2) Subsection (1) does not apply to a loan from the Government of Barbados.

**Disposal of capital assets**

21. The Authority shall not, without the prior approval in writing of the Minister responsible for Finance,

- (a) dispose of its capital assets; or
- (b) apply the proceeds of a disposal to which paragraph (a) refers, to any undertaking.

**Accounts and audit**

22.(1) The Authority shall keep accounts of its transactions in accordance with generally accepted accounting principles and such accounts shall be audited annually by an auditor appointed by the Authority with the approval of the Minister.

(2) The Auditor-General may at any time and shall, on the direction of the Minister responsible for Finance, carry out an investigation or audit of the accounts of the Authority.

**Access by Auditor-General or auditor**

23. A director, officer or employee of the Authority shall afford the Auditor-General or other auditor appointed under section 22(1) access to all books, documents, cash and securities of the Authority and, on request, give to the Auditor-General or auditor any information within the knowledge of that director or employee that relates to the operation of the Authority.

**Annual report**

24.(1) The Authority shall as soon as possible after the end of each year and not later than 5 months from the end of any year, submit to the Minister a report containing

- (a) a statement of the projects and targets planned and achieved;
- (b) a review of the collaboration with the Barbados Tourism Marketing Company and other public and private sector entities that are pertinent to the work and functions of the Authority;
- (c) a statement of the impact of the Authority's work on the development of the tourism product in Barbados;
- (d) an account of the performance of the activities and operations of the Authority and an analysis of the performance of the tourism industry during the preceding year; and



- (e) a statement of the audited accounts of the Authority.
- (2) The Minister shall lay before Parliament a copy of the report referred to in subsection (1) as soon as practicable after receiving the report.
- (3) A copy of the audited statement of accounts shall be published in the *Official Gazette*.

**Estimates**

25. The Authority shall, not later than 31<sup>st</sup> day of October of each year, in such form as the Minister directs, submit to the Minister for approval estimates of the income receivable by the Authority, its capital expenditure and the total of its recurrent expenditure for the following year.

**Licensing of tourism accommodation, tourism enterprise, tourism product or tourism service provider**

26.(1) No person shall manage any tourist accommodation, tourism enterprises, tourism product or operate as a tourism service provider unless that person first applies to the Authority for and obtains a licence issued under this Act.

(2) The Authority shall issue a licence to the person referred to in subsection (1) where the application has been examined and has been approved by the Authority and the applicant is current in respect of the payment of income tax, value added tax, land tax and national insurance contributions.

(3) A licence issued to an applicant under subsection (1)

(a) shall be in such form and contain such particulars as may be prescribed; and

(b) is subject to such conditions as may be prescribed by the Authority with the approval of the Minister.

(4) A licence, unless suspended or cancelled in the manner specified in section 27, is valid from the date of issue to the 31<sup>st</sup> day of December of the year during

which the licence was issued, and is renewable annually not later than the 1<sup>st</sup> day of January of each year.

**Suspension and cancellation of licence**

27.(1) The Authority may suspend a licence where the person to whom the licence is issued

- (a) fails to keep the premises in a sanitary, safe and otherwise satisfactory condition;
- (b) engages in, permits or fails to take measurable steps to prevent conduct that is likely to endanger the health, safety or well being of occupants, or
- (c) has been notified that the cancellation of his licence is being considered for alleged contraventions of this Act or the regulations.

(2) The Authority may cancel a licence where

- (a) the person to whom that licence is issued has ceased to operate the premises to which it relates as tourism accommodation, a tourism enterprise or a tourism product;
- (b) a person whose licence is suspended and who has been required to comply with any direction, fails within the period specified in the notice of suspension, to comply with that direction;
- (c) any circumstances exist which would have prevented the grant of a licence;
- (d) the person to whom a licence is issued has been convicted of an offence.

(3) Where the Authority proposes to suspend a licence it shall give to the person to whom the licence is issued notice in writing of the proposed suspension.

(4) A notice referred to in subsection (3) shall

- (a) specify the reason for the suspension; and

- (b) contain a statement that the person in respect of whom the notice has been given may, no later than 30 days from the date on which the notice is given, submit to the Authority in writing reasons why the licence should not be suspended.
- (5) The Authority shall after the expiry of the 30 days mentioned in subsection (4) make a decision as to whether or not the licence should be suspended, taking into account the reasons submitted to it by the person to whom the licence is issued.
- (6) Where a licence has been suspended in accordance with subsection (1) (a) or (b), the Authority shall in writing
  - (a) notify the person whose licence is suspended of the suspension and the period of the suspension;
  - (b) require that person to comply within the period of suspension, with any direction given by the Authority; and
  - (c) notify that person that he may apply to the Minister for a review of the decision.
- (7) Where the Authority decides to cancel a licence it shall give to the person to whom the licence is issued notice of the cancellation.
- (8) A notice of cancellation shall
  - (a) specify the reason for the cancellation;
  - (b) specify the date from which the cancellation takes effect; and
  - (c) contain a statement that the person to whom the notice is given may apply to the Minister for a review of the decision not later than 30 days from the date on which the notice is given.
- (9) Where a licence is cancelled, the Authority shall publish a notice to that effect in the *Official Gazette*.

### **Appeals**

28. A person who applies to the Minister for a review of the decision of the Authority to refuse a licence to that person or to suspend or to cancel that person's licence and who is aggrieved by the decision of the Minister in respect of the refusal, suspension or cancellation may appeal against the Minister's decision to a judge in Chambers whose decision shall be final.

### **Register**

29. The Authority shall keep a register of all tourist accommodation, tourism enterprises, tourism products and tourism service providers in respect of which licences have been granted under this Act.

### **Tourism Advisory Council**

30.(1) There is established a body to be known as the Tourism Advisory Council.

(2) The *Second Schedule* has effect with respect to the constitution of the Council and otherwise in relation thereto.

(3) The Council shall advise the Minister on any matter connected to tourism as the Council thinks fit or that is referred to it by the Minister.

### **Tourism development work plan**

31.(1) The Authority shall prepare and submit to the Minister an annual tourism development work plan for the continued improvement of the tourism product in Barbados and abroad.

(2) The plan referred to in subsection (1) shall

- (a) serve as a guide to identify projects to be implemented and targets to be achieved;
- (b) specify the aims of the projects and outline the methods to be employed to accomplish those aims.

**Exemption from stamp duty and income tax**

32.(1) No stamp duty shall be chargeable in respect of any instrument by or on behalf of or in favour of the Authority in cases where, but for this exemption, the Authority would be liable to pay the duty chargeable in respect of such instrument.

(2) The Authority shall not be liable for the payment of any income tax or other tax on or in respect of its income, revenue or receipts or any part thereof imposed under any law in force in Barbados.

**Offences**

33.(1) A person who operates any tourism accommodation, tourism enterprise or tourism product in contravention of section 26 is guilty of an offence and is liable on summary conviction to a fine of \$10 000 or to imprisonment for one year and where the offence is continued after conviction, that person is guilty of a continuing offence and is liable to a fine of \$500 for each day during which the offence is continued.

(2) A person who prevents or obstructs the entry into a tourist accommodation, a tourism enterprise or a tourism product or any place within the curtilage thereof of any person in the execution of his duty under this Act or the regulations is guilty of an offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for 6 months or to both.

(3) A person who fails to comply with section 23 is guilty of an offence and is liable on summary conviction to a fine of \$1 000 or to imprisonment for 6 months or to both.

**Regulations**

**34.** The Authority may, with the approval of the Minister, make regulations

- (a)* in respect of the registration, licensing and classification of tourism accommodation;
- (b)* in respect of the registration and licensing of a tourism enterprise, a tourism product or a tourism service provider;
- (c)* in respect of the registration of restaurants catering primarily to tourists and the classification of such restaurants according to the standards of cuisine and amenities provided;
- (d)* in respect of the keeping of records by persons operating tourism accommodation of the number of tourists capable of being accommodated and the actual number of persons accommodated annually;
- (e)* in respect of the keeping of records by persons operating a tourism enterprise, a tourism product, or as a tourism service provider in relation to the monitoring of services provided to tourists;
- (f)* in respect of the imposition of fees or charges for services rendered by the Authority;
- (g)* in respect of the fees to be paid in respect of any licence granted under this Act;
- (h)* in respect of the form and manner in which applications for licences under this Act shall be made; or
- (i)* generally for giving effect to the provisions of this Act.

**Transitional**

**35.** Where immediately before the date of commencement of this Act any tourist accommodation was in operation, the owner or operator of that tourist

accommodation shall, within 180 days after the date of commencement or such further period as the Minister in any special case allows, apply for a licence in accordance with section 26.

**Repeal of Cap. 342**

**36.** The *Barbados Tourism Authority Act*, Cap. 342 is repealed.

**Commencement**

**37.** This Act comes into force on a date to be fixed by proclamation.

**FIRST SCHEDULE**

*(Section 5(2))*

*Constitution, Procedure and Functions of the Board of Directors*

**Constitution of Board**

1. The Board shall comprise
  - (a) a Chairman and Deputy Chairman; and
  - (b) such other members as the Minister may appoint by instrument in writing.

**Temporary appointment of Board**

2. The Minister may, in accordance with paragraph 1(b), appoint any person to act temporarily in the place of any director who is absent from Barbados or is unable to act.

**Tenure**

- 3.(1) A director holds office for such period as the Minister determines unless he resigns or his appointment is revoked before the end of that period.
- (2) Every director is, on the expiration of the period of his appointment, eligible for re-appointment for a further period.
- (3) Where a vacancy is created by the death, resignation or removal from office of a director, a person may be appointed in accordance with paragraph 1(b) to fill that vacancy.

**Resignation of Chairman and Deputy Chairman**

4. The Chairman or Deputy Chairman may at any time resign his office by instrument in writing addressed to the Minister and, upon the receipt by the Minister of the instrument, the Chairman or Deputy Chairman ceases to be



Chairman or Deputy Chairman and, if the instrument so specifies, also ceases to be a director.

**Resignation of director**

5. A director, other than the Chairman or Deputy Chairman may at any time resign his office by instrument in writing addressed to the Minister and transmit the instrument through the Chairman and, from the date of the receipt by the Minister of the instrument, the director ceases to be a director.

**Automatic termination of membership**

6. A director who fails, without reasonable excuse, to attend 3 consecutive meetings of the Board, ceases to be a director and is not eligible for appointment to the Board until the expiry of 3 years from the date when he ceases to be a director.

**Revocation of membership**

7. The Minister may at any time by instrument in writing revoke the appointment of any director.

**Notice in *Official Gazette***

8. A notice of appointment and the cessation of appointment of a director shall be published in the *Official Gazette*.

**Seal**

9.(1) The seal of the Authority shall be kept in the custody of the Chairman, Deputy Chairman or such officer of the Authority as the Authority approves, and may be affixed to documents or instruments pursuant to a resolution of the Authority in the presence of the Chairman or Deputy Chairman and the Secretary.

(2) The seal of the Authority shall be authenticated by the signature of the Chairman and the Secretary.

(3) All documents or instruments, other than those required by law to be under seal, and all decisions of the Authority may be signified under the hand of the Chairman or Deputy Chairman.

**Meetings**

10. The Board shall meet at least once a month and at such other times as may be necessary or expedient for the transaction of its business.

**Special meetings**

11. The Chairman or, in the event of his absence from Barbados or inability to act as such, the Deputy Chairman may at any time call a meeting of the Board and shall call a meeting within 7 days

- (a) of the receipt by him of a request for that purpose addressed to him in writing and signed by 3 other directors; or
- (b) of receiving a direction to that effect addressed to him in writing and signed by the Minister.

**Presiding at meetings**

12. The Chairman or, in his absence, the Deputy Chairman shall preside at all meetings of the Board and, in the case of the absence of both, the directors present and constituting a quorum shall elect a temporary Chairman from among their number who shall preside at the meeting.

**Quorum**

13. A majority of the directors shall constitute a quorum.

**Decisions**

14. The decisions of the Board shall be by a majority of votes and, in any case in which the voting is equal, the Chairman, the Deputy Chairman or the temporary Chairman presiding at the meeting has, in addition to an original vote, a second or casting vote.

**Minutes**

15.(1) Minutes in proper form of each meeting shall be kept by the Secretary or such officer as the Authority appoints for the purpose and shall be confirmed in writing at the next meeting by the Chairman or Deputy Chairman.

(2) Confirmed minutes of meetings shall be submitted to the Minister within one month of the date of the meeting at which they were confirmed.

**Attendance of non-members at meetings**

16.(1) The Chairman may invite any person to attend a meeting of the Board where the Board considers it necessary to do so.

(2) A person referred to in sub-paragraph (1) may take part in the deliberations of the Board but shall not vote on any matter.

**Appointment of committees**

17.(1) The Board may appoint committees to assist with the proper discharge of its functions subject to such conditions or restrictions as the Board imposes.

(2) The number of members of a committee appointed by the Board and the terms of office of the members of the committee shall be fixed by the Board.

(3) A committee appointed by the Board under this paragraph may include persons who are not directors and those persons shall not comprise more than one-third of the membership of the committee.

**Remuneration**

18. Where a person other than a director is appointed to a committee under paragraph 17, the Board may, with the approval of the Minister, determine the remuneration and allowances to be paid to that person.

**Validity of decisions of the Board**

**19.** Any act done or proceedings taken by the Board under this Act or the regulations may not be questioned on the ground of

- (a)* the existence of any vacancy in the membership of or any defect in the constitution of the Board;
- (b)* any omission, defect or irregularity that does not affect the merits of the case.

**SECOND SCHEDULE***(Section 30(2))**Constitution and Procedure of the Tourism Advisory Council***Constitution and appointment****1.(1)** The Council comprises

- (a) the Chief Immigration Officer, the Commissioner of Police, the Comptroller of Customs who shall be members *ex officio*, and an Environmental Officer of the Ministry of the Environment; and
- (b) a Chairman, a Deputy Chairman and such other persons as the Minister may appoint by instrument in writing and includes the following persons:
  - (i) a representative of the Barbados Hotel and Tourism Association;
  - (ii) a representative of a registered trade union representing the majority of employees in the tourism industry;
  - (iii) a representative of the Airlines Association of Barbados Inc.;
  - (iv) a representative of the National Cultural Foundation;
  - (v) a representative of the Barbados Chamber of Commerce; and
  - (vi) such other persons as the Minister considers suitable, taking into account their qualifications and skills related to travel, the tourism industry, national conservation and environmental protection, education and cultural development.

(2) A reference to any person specified in sub-paragraph (1) includes the nominee of that person where the person specified is unable to attend.

**Tenure**

2.(1) A member of the Council holds office for such period as the Minister determines unless he resigns or his appointment is revoked before the end of that period.

(2) A member is on the expiration of the period of his appointment eligible for re-appointment for a further period.

**Revocation of appointment**

3. The Minister may at any time revoke by instrument in writing the appointment of the Chairman, the Deputy Chairman or any other members of the Council.

**Temporary appointment**

4.(1) In the absence of a member, or in case of his inability to act, the Minister may appoint another person to act temporarily in the place of that member.

(2) A person appointed to fill a vacancy in the membership of the Council shall

(a) be from the same category of persons as the former member or be similarly qualified; and

(b) hold office only for the unexpired portion of the former member's term.

**Resignation**

5.(1) A member of the Council, other than the Chairman or Deputy Chairman, may at any time resign his office by instrument in writing addressed to the Chairman, who shall forthwith forward the instrument to the Minister; and that member ceases to be a member of the Council upon the receipt by the Chairman of the instrument.

(2) The Chairman or Deputy Chairman may at any time resign his office by instrument in writing addressed to the Minister and, upon the receipt by the Minister of the instrument, ceases to be Chairman or Deputy Chairman and, if the instrument so specifies, ceases to be a member.

**Automatic termination of membership**

6. A member of the Council who fails, without reasonable excuse, to attend 3 consecutive meetings of the Council ceases to be a member.

**Publication of membership**

7. The names of all members of the Council as first constituted and any change in the membership of the Council shall be published in the *Official Gazette*.

**Meetings**

8. The Council shall meet at such times and at such places as the Council considers necessary or expedient for the transaction of its business.

**Special Meetings**

9. The Chairman may at any time call a special meeting of the Council and shall call a special meeting within 14 days of the receipt of a request for that purpose addressed to him in writing and signed by any 3 members of the Council.

**Quorum**

10. The quorum of the Council at any meeting is the majority of the total membership of the Council.

**Presiding at meetings**

11. The Chairman or, in his absence, the Deputy Chairman shall preside at meetings of the Council and, in the absence of both the Chairman and the

Deputy Chairman, the members present and constituting a quorum shall elect a temporary Chairman from among their number to preside at that meeting.

**Decisions**

12. The decisions of the Council shall be by a majority of votes and, in any case in which the voting is equal, the Chairman, Deputy Chairman or other member presiding at the meeting has, in addition to an original vote, a second or casting vote.

**Minutes**

13.(1) Minutes of each meeting are to be recorded and kept by the Secretary.

(2) The Secretary shall be a public officer designated by the Minister.

(3) A certified copy of the minutes of each meeting confirmed by the Chairman or Deputy Chairman shall be forwarded to the Minister within 14 days after the date of the meeting at which they were confirmed.

**Attendance of public officers and others at meetings**

14.(1) The Chairman of the Council may invite a public officer or any other person to attend the meeting of the Council where the Council considers it necessary to do so.

(2) A person referred to in sub-paragraph (1) may take part in the deliberations of the Council but may not vote on the matter.

**Procedure**

15. Subject to this *Schedule*, the Council may regulate its own procedure and may delegate to any of its members or to a committee of its members the power and authority to carry out, on behalf of the Council, such duties as the Council determines.



**Remuneration and allowances**

**16.** The Chairman, Deputy Chairman and other members of the Council are entitled to such remuneration and allowances as the Minister determines.

