

**BILL No. 2 of 2002**

***Monday 11<sup>th</sup> March, 2002***

**PARLIAMENT OFFICE  
Public Buildings,  
Georgetown,  
Guyana.**

**11<sup>th</sup> March, 2002**

The following Bill which will be introduced in the National Assembly is published for general information.

*F.A. Narain,*  
Clerk of the National Assembly.



**GUYANA**

**BILL No. 2 of 2002**

**GUYANA TOURISM AUTHORITY BILL 2002**

**ARRANGEMENT OF SECTIONS**

**SECTION**

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**A Bill  
Intituled**

**AN ACT to provide for the incorporation of the Authority to define its functions and for matters connected therewith or incidental thereto.**

**A.D. 2002**

**Enacted by the Parliament of Guyana:-**

**Short title and  
commence-  
ment.**

1. This Act may be cited as the Guyana Tourism Authority Act 2002, and shall come into operation on such date as the Minister may by order appoint.

**Interpretation.**

2. In this Act -
- (a) "apartment" means any furnished premises in which sleeping accommodation and self-catering facilities are provided in three or more self-contained units for reward;
  - (b) "Authority" means the Guyana Tourism Authority established by section 3(1);
  - (c) "Director" means the Director of the Authority appointed under section 17;
  - (d) "guest house" means any building or series of buildings containing not less than two bedrooms for the accommodation of guests and either with or without the provision of food and beverage for reward, and includes the curtilage thereof and all structures within such curtilage;
  - (e) "licence" means a licence granted by the Authority under section 32;
  - (f) "member" means a member of the Authority, including the Chairperson and Vice-Chairperson;
  - (g) "restaurant" means premises used for the purpose of habitually providing meals for reward;
  - (h) "tourism" means the range of activities that serve the needs and preferences of tourists;
  - (i) "tourist" means a person who leaves his normal place of residence and work and travels to another location for purposes other than to live or work and contributes economic benefit to the location;
  - (j) "tourist accommodation" means an apartment, a hotel, a resort, a guest house, an eco-lodge, an inn or any other premises or place where accommodation is provided to tourists for reward;
  - (k) "tourism business" means the business of providing tourist accommodation, guest house or restaurant facilities, ground tour, water sports and other activities, attractions, service facilities, including transportation services to tourist resort.

3. (1) There is hereby established a body corporate to be called the Guyana Tourism Authority.

Establishment  
and  
incorporation  
of Authority.

(2) The Authority shall consist of the following members -

- (a) a Chairperson;
- (b) a Vice-Chairperson
- (c) not less than four nor more than eight, other persons; and
- (d) its Director.

(3) Every member of the Authority including the Chairperson and the Vice-Chairperson shall be appointed by the Minister, except that the Director shall not be appointed the Chairperson.

(4) The Director shall be a non voting member of the Authority.

4. (1) The functions of the Authority shall be to promote the development of the tourism industry.

Functions of  
the Authority.

(2) Without prejudice to the generality of the foregoing the functions of the Authority are to -

- (a) design and implement suitable marketing strategies for the promotion of the tourism industry;
- (b) promote throughout Guyana awareness on the implications, importance and benefits of tourism;
- (c) promote increased, efficient and sustainable air, sea and land transport services to, from and within, Guyana;
- (d) encourage and facilitate the development of amenities and facilities designed to attract tourists to Guyana;
- (e) develop, recommend and implement training programmes for persons employed or seeking employment in the tourism industry;
- (f) promote or assist in the provision of training facilities for persons providing services in tourism related industries;
- (g) regulate in collaboration with other relevant agencies, with the approval of the Minister, standards to be maintained by all sectors of the tourism industry and institutions that provide training programmes for persons employed or seeking employment in the tourism industry.
- (h) facilitate, conduct and evaluate research in tourism and related subjects;
- (i) obtain, collate and evaluate all information the Authority considers necessary for the purpose of carrying out its functions under this Act;
- (j) compile and publish information relevant to tourism;
- (k) formulate and institute measures designed to enhance the role and image of Guyana as a tourist destination;

- (l) advise and recommend integrated, complementary, sustainable land use practices and environmental strategies for the development of tourism facilities in Guyana;
- (m) advise the Government on all aspects of tourism and matters affecting tourism;
- (n) do all such other acts and things that in the opinion of the Authority, would facilitate the proper discharge of its functions.

Directions by Minister.

5. (1) The Minister may, after consultation with the Authority or otherwise, give to the Authority such directions of a general character not inconsistent with the provisions of this Act or with the contractual or other legal obligations of the Authority, as he may think fit, as to the discharge by the Authority of its functions under this Act, and the Authority shall give effect to all such directions.

(2) The Authority shall furnish the Minister with such information with respect to its property and activities as he may from time to time require,

(3) The Authority shall afford to the Minister with such returns or statements and other information in such manner and at as such times as the Minister may require.

Appointment of Vice-chairperson.

6. The Vice-Chairperson so appointed may preside at meetings of the Authority in the absence of the Chairperson and, subject to section 3(4), discharge such functions as the Authority may delegate to him from time to time.

Tenure of office of the members of the Authority.

7. The members of the Authority shall hold office on such conditions and for such terms, not exceeding two years, as the Minister may specify in the instrument of appointment and shall be eligible for re-appointment.

Notification of appointment and removal.

8. The appointment, termination of appointment and removal of the members shall be published in the Gazette.

Remuneration of members.

9. The members shall be paid such remuneration and allowances as may be determined by the Minister.

Disclosure of member's interest.

10. (1) A member who has any interest in a contract made or proposed to be made by the Authority or in any other matter that fails to be considered by the Authority shall disclose such interest to the Authority with details thereof.

(2) A member who has made a disclosure of his interest under subsection (1) shall not take part in any deliberation or discussion of the Authority relating to that contract or matter.

11. The Minister may terminate the appointment of a member for any good and sufficient cause, and in particular, if the member -

Termination of appointment of a member.

- (a) becomes of unsound mind or is otherwise incapable of carrying out his duties;
- (b) becomes bankrupt or compounds with his creditors;
- (c) is convicted on a charge in respect of any serious criminal offence;
- (d) is absent, except on leave from all meetings of the Authority held during two consecutive months, or during any three months in any period of twelve months; or
- (e) fails to discharge the functions conferred or imposed on him by or under this Act:

Provided that the appointment of a member shall not be terminated under this section unless he has been given a reasonable opportunity of being heard.

12. A member, other than the Director, may at any time resign his office by giving notice in writing to the Minister.

Resignation of a member.

13. The seal of the Authority shall be kept in the custody of the Chairperson or Vice-Chairperson, and may be affixed to documents or instruments pursuant to a resolution of the Authority in the presence of the Chairperson or Vice-Chairperson and the secretary and shall be authenticated by the signature of the Chairperson or Vice-Chairperson.

Seal of the Authority.

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

Meetings.

15. One-half of the members of the Authority (of whom one shall be the Chairperson or the Vice-chairperson of the Authority) present at any meeting shall constitute a quorum for the transaction of business.

Quorum at meetings.

16. The Minister may grant to a member such leave of absence where the member applies for such leave, provided the work of the authority is not adversely affected.

Leave of absence.

Appointment  
of Director,  
officer and  
employees  
of Authority.

17. (1) The Authority may, with the approval of the Minister, appoint on such terms and conditions as it thinks fit, a Director, a secretary, a legal counsel and such other officers and employees as may be necessary for the discharge of its functions.

(2) If the Director is temporarily absent from Guyana or temporarily incapacitated through illness or for any other sufficient reason from the performance of his duties, another person may be appointed in the manner provided by subsection (1) to be the Director during such temporary absence or other incapacity.

(3) The Director shall not be removed from office without the approval of the Minister.

Powers and  
duties of  
Director.

18. (1) The Director shall be responsible to the Authority for the proper administration and discharge of the functions of the Authority in accordance with the Act and the policy of the Authority.

(2) The Director shall have general control of the officers and employees of the Authority and shall be responsible to the Authority for their discipline.

Arrangement  
for supply of  
services.

19. (1) The Authority may, with the approval of the Minister, enter into arrangements with persons, upon such terms and conditions as the Minister may approve for the supply of such services or facilities to the Authority as it considers necessary for the proper discharge of its functions under this Act.

(2) The Authority shall not seek the approval of the Minister in respect of any arrangement contemplated by subsection (1) unless it is satisfied that -

(a) the full financial implications of such an arrangement have been accurately communicated to all the members of the Authority;

and

(b) the costs to the Authority resulting from such an arrangement can be met from the funds available to the Authority for that purpose.

Immunity  
from suit,  
other legal  
proceeding.

20. No action, suit, prosecution or other legal proceedings shall be brought or instituted personally against any member, officer or employee of the Authority in respect of any act done *bona fide* in execution or intended execution of his lawful duties:

Provided that where any such person is exempt from such liability by reason only of the provisions of this section, the Authority shall be liable to the extent that it would be if the member were a servant or agent of the Authority or the officer or employee were an agent of the Authority.

21. The funds and resources of the Authority shall compromise –
- (a) all moneys appropriated from time to time by the National Assembly for the purpose of the Authority;
  - (b) all moneys paid to the Authority by way of grants or donations;
  - (c) all sums payable to the Authority in respect of advertisement or any other service performed by the Authority;
  - (d) all amounts collected under the Authority of this Act;
  - (e) all moneys borrowed by the Authority under this Act or made available to the Authority under and for the purposes of the Authority; and
  - (f) all other sums 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 duties.
22. (1) The Authority may, with the approval in writing of the Minister responsible for finance, borrow money from time to time from any source approved by the Minister responsible for finance for the purpose of meeting or discharging any of its obligations under this Act.
- (2) The Authority may, with the approval of the Minister responsible for finance, give security over the whole or any part of its assets for the repayment of amounts borrowed under this section and the payment of interest charges on amounts so borrowed.
23. The Government may guarantee the repayment by the Authority of amounts borrowed under section 22 and the payment of interest charges or any other charges in respect of a loan to the Authority.
24. The Authority shall cause to be kept proper accounts and records of the transactions and affairs of the Authority and shall do all things necessary to ensure that all moneys received are properly brought to account, all payments out of its moneys are correctly made and properly authorised and that adequate control is maintained over its property and over the incurring of liabilities by the Authority.
25. 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.

Funds and resources of Authority.

Borrowing powers.

Guarantee.

Accounts and records of Authority.

Disposal of Assets.



Financial  
Year.

26. The financial year of the Authority shall commence on 1<sup>st</sup> January in each year and expire on 31<sup>st</sup> December in the same year.

Estimates

27. (1) The Authority shall, not later than 1<sup>st</sup> August in each year, in such form as the Minister directs, submit to the Minister for approval estimates of the revenue and expenditure of the Authority for the following financial year.

(2) The Minister may approve the estimates, approve them in an amended form or return them to the Authority for resubmission in an amended form with a reasoned statement of his objections.

(3) In respect of any item of expenditure of the Authority which is not authorised by the estimates or by the Minister, each member shall be personally, jointly and severally liable for it, provided that a member shall not be liable for such expenditure incurred by reason of a decision.

Accounts

28. (1) Not later than 1<sup>st</sup> July in each year, the Authority shall prepare an account in respect of the immediate preceding financial year and shall submit it to the Minister as soon as possible thereafter.

(2) The account referred to in subsection (1) shall be in the same form and detail as the estimates submitted under section 27 and shall contain such information as the Minister may require by notice in writing to the Authority.

Audit.

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29. The Auditor General shall examine and audit the annual accounts of the Authority in accordance with the provisions of the Financial Administration and Audit Act.

Annual  
Report.

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

- (a) an account of the performance of the activities of the Authority and an analysis of the performance of the tourism industry during the preceding year;
- (b) an assessment of any marketing and advertising programme undertaken; and
- (c) a statement of the audited accounts of the Authority.

(2) The Minister shall lay before the National Assembly a copy of the report referred to in subsection (1) as soon as practicable after receiving that report from the Authority.

31. Any person who desires to operate a tourism business shall make an application to the Authority in such manner accompanied with such particulars and with such fee as may be prescribed by regulations; a person shall furnish such additional particulars as the Authority may request in any particular case.

Application  
for licence.

32. (1) No person shall operate any tourism business, except under, and in accordance with a licence issued by the Authority.

Licensing of  
tourism  
business.

(2) A licence issued under subsection (1) shall be subject to such conditions as may be prescribed by regulations.

(3) Any person who operates a tourism business without a licence is guilty of an offence and is liable on summary conviction to a fine of one million six hundred thousand dollars and, a further fine of eighty thousand dollars for each day on which the offence continues after conviction.

33. Subject to this Act, a licence shall be 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 shall be renewable annually not later than the 31<sup>st</sup> day of January of each year.

Terms of  
licence.

34. Every licensee shall exhibit the licence or a certified copy thereof in a conspicuous place at his principal place of tourism business and at every branch where the licensee carries on such business.

Display of  
licence.

35. (1) Before granting or renewing a licence, the Authority shall require, and have regard to, reports about the premises, from which it is proposed to operate the tourism business or from which such business is being operated, and its plant and equipment from or on behalf of -

Report.

- (a) the Executive Director of the Environmental Protection Agency;
- (b) the Chief Environmental Health Officer;
- (c) the Chief Fire Officer;
- (d) the Director of the Authority;
- (e) such other public officer as the Authority considers desirable.

(2) Any person referred to in paragraphs (a) to (e) of subsection (1) may inspect -

- (a) the premises from which it is proposed to operate a tourism business in respect of which an application for a licence or a renewal thereof is pending; and
- (b) plant and equipment proposed to be used for the purpose of a tourism business in respect of which an application for a licence or a renewal thereof is pending, and

at any reasonable time for the purpose of making the report required by subsection (1), and shall forthwith after such inspection make his report.

Variation of terms and conditions of licence.

36. (1) The Authority may upon application in that behalf made at any time by the licensee, or of its own motion at the time of renewal of a licence, vary any term or condition of a licence:

Provided that in varying any such term or condition the Authority shall take into account any representation made to it by the licensee and shall not vary such term or condition of its own motion without first giving to the licensee a reasonable opportunity to make such representation.

(2) Any variation of a term or condition of a licence made by the Authority under subsection (1) shall be endorsed on the licence, together with the date when it was made and the date when it is to take effect.

Failure to comply with conditions of licence.

37. (1) Where it appears to the Authority, after such enquiry as it may deem fit to make, that a licensee has -

- (a) failed to comply with any term or condition of the licence;
- (b) operated the tourism business in contravention of this Act or any other law;
- (c) failed to pay any fee payable in respect of the licence, the Authority may, by notice in writing require the licensee to remedy the default within such period not being less than forty days.

(2) If the licensee is in default, and fails within the time specified in the notice to remedy the default complained of by the Authority, the Authority may, by notice in writing, cancel the licence.

(3) A licensee who fails to comply with, within the time specified for so doing, the requirements of a notice issued under subsection (1) and who continues to operate the tourism business concerned, is guilty of an offence and is liable on summary conviction to a fine of one hundred and fifty thousand dollars and a further fine of thirty thousand dollars for each day on which the offence continues after conviction.

Inspection of premises.

38. (1) For the purposes of section 37(1) any officer of the Authority authorised on its behalf, may at any reasonable time inspect any premises from which a tourism business is being carried on or any plant or equipment used in such business, in order to ascertain whether a licensee is in default.

(2) An authorised officer shall, if requested to do so, produce evidence of his Authority to inspect the premises, plant or equipment.

(3) On completion of an inspection, an authorised officer shall report the findings to the Authority.

39. Any person, who wilfully obstructs an officer of the Authority in the performance of his duties under this Act is guilty of an offence and is liable on summary conviction to a fine of one hundred and fifty thousand dollars.

Obstruction  
of  
officers.

40. The Authority may cancel a licence if -

- (a) the licensee has ceased to operate a tourism business; or
- (b) the licensee continues to be in contravention of section 37 in spite of notice to him by the Authority under the said section to cease or remedy the contravention.

Cancellation  
of licence.

41. (1) A person aggrieved by the decision of the Authority -

- (a) refusing to grant or transfer a licence;
- (b) refusing to renew or vary a term or condition of a licence;
- (c) imposing or varying a term or condition of a licence; or
- (d) cancelling a licence,

Appeal of  
decision of  
Authority

may, within twenty-one days from the date on which such decision is communicated to him, appeal to the Minister.

(2) Subject to subsection (3), an appeal to the Minister under subsection (1) shall have the effect of suspending the execution of the decision of the Authority until the Minister gives his decision on the appeal.

(3) If the Minister considers that it would be in the public interest to do so, he may order the execution of the decision appealed against pending the determination of the appeal, and shall give the appellant notice in writing of his decision.

(4) The Minister may confirm the decision appealed against or may -

- (a) direct the Authority to grant or transfer a licence subject to such terms and conditions as he may determine;
- (b) direct the Authority to cancel a term or condition it has imposed on a licence, and substitute such other term or condition as he may determine;
- (c) direct the Authority to restore a licence it has cancelled, or restore it on such terms and conditions as he may determine, and the Authority shall comply with such direction.

Appeal of  
decision of  
Minister.

42. A person who is aggrieved by the decision of the Minister in any appeal under section 41 may appeal against the Minister's decision to a Judge in chambers whose decision shall be final.

Register of  
tourism  
business.

43. The Authority shall keep a register of all tourism business in respect of which licences have been granted under this Act.

Regulations.

44. (1) The Authority may, with the approval of the Minister, make regulations with respect to -

- (a) the terms and conditions subject to which a licence may be issued;
- (b) the protection of persons residing in or resorting to any premises operated as tourism business;
- (c) minimum requirement for the premises from which tourism business is or to be operated;
- (d) registration and control of facilities offered or made available to tourists;
- (e) the keeping of records and registers by licensee;
- (f) providing of monthly data on occupancy and rates to assist in sector planning;
- (g) fees or charges for licences or for services provided by the Authority;
- (h) fee for application to be made for the grant of a licence or renewal thereof;
- (i) form and manner in which applications for licences under this Act shall be made and particulars to be filed;
- (j) generally for giving effect to the provisions of this Act.

(2) Any person who commits an offence under these Regulations shall be liable on summary conviction to a fine of fifty thousand dollars.

**EXPLANATORY MEMORANDUM**

This Bill seeks to provide for the incorporation of the Guyana Tourism Authority which is charged with the responsibility of developing the tourism industry by promoting tourism facilities and assisting in the development and improvement of the tourism industry. The Authority shall comprise a chairperson, a vice-chairperson, a director and not less than four nor more than eight other members, who shall hold office for terms not exceeding two years. (Clause 3).

The functions of the Authority include advising the Government on tourism, promoting tourism awareness, developing training programmes for persons employed in the tourism industry, conducting research in the tourism industry, instituting measures to enhance the image of Guyana as a tourist destination. (Clause 4).

The Minister may terminate the appointment of a member for any good and sufficient cause or on specified grounds such as unsoundness of mind, bankruptcy, absence without leave for two consecutive months and failure to carry out duties under this Act. (Clause 11).

The Director shall be responsible to the Authority for its administration. (Clause 8).

The funds and the resources of the Authority shall comprise monies appropriated by the National Assembly, amounts collected under the authority of this Act and sums payable to the Authority in respect of advertisement. (Clause 21).

The Authority shall keep proper accounts and records of its transaction. (Clause 24).

With effect from the commencement of this Act, no person shall operate any tourism business except in accordance with a licence issued under this Act. (Clause 32).

A licence will be valid from the date of issue to the 31<sup>st</sup> December of the same year that the licence was issued. A licence shall display the licence in a prominent place in which tourism business is conducted. (Clause 33).

The Authority may, upon application made by the licensee or on its own motion, vary the terms and conditions of a licensee at the time of its renewal which shall be endorsed on the licence together with the date when it was made and the date when it is to take effect. (Clause 36).

Where the licensee has failed to comply with the terms or conditions of the licence, is an contravention of this Act or is not licensed for the current year, the Authority may in writing require the licensee to remedy the default within the time specified by the Authority; the Authority may by notice cancel the licence. Further a licensee shall be guilty of an offence and shall be liable on a summary conviction to a fine of one hundred and fifty thousand dollars, for carrying on a tourism business in contravention of this Act. (Clause 37).

The Authority shall keep a register of every tourism business in respect of which a licencee has been granted under this Act. (Clause 43).

The Authority may with the approval of the Minister make regulations and any person who commits an offence under these Regulations shall be liable to a fine of fifty thousand dollars. (Clause 44).

Mansoor Nadir,  
Minister of Tourism, Industry and Commerce.