



BELIZE

**BELIZE TOURISM BOARD ACT
CHAPTER 275**

REVISED EDITION 2000
SHOWING THE LAW AS AT 31ST DECEMBER, 2000

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

This edition contains a consolidation of the following laws-	Page
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CHAPTER 275

BELIZE TOURISM BOARD

ARRANGEMENT OF SECTIONS

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CHAPTER 275

BELIZE TOURISM BOARD

CAP. 232A,
R.E. 1980-1990,
17 of 1992,
4 of 1990.

[17th April, 1990]

1. This Act may be cited as the Belize Tourism Board Act.

Short title.

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

Interpretation.

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

“Chairman” means the Chairman of the Board;

“Deputy Chairman” means the Deputy Chairman of the Board;

“hotel” has the meaning assigned to it by the Hotels and Tourist Accommodation Act;

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“member” includes the Chairman and the Deputy Chairman;

“Minister” means the Minister responsible for Tourism.

3.-(1) There is hereby established for the purposes of this Act a body to be called the Belize Tourism Board.

Establishment
and composition
of Board.

(2) The Board shall consist of no fewer than five nor more than eight members appointed by the Minister. Of the members, one shall be the Permanent Secretary to the Ministry for the time being responsible for Tourism, and three shall be appointed from amongst persons who have special qualifications in, and have had experience of, matters relating to hotel management, air travel,

public relations, accountancy or banking, or who are engaged in the business of travel agencies.

(3) The Minister may appoint some suitable person as a member of the Board to act temporarily in the place of any member of the Board in the case of the absence or inability to act of such member.

Chairman and
Deputy Chairman.

4.-(1) On the commencement of this Act and thereafter during the month of January in every year, the Minister shall appoint one of the members of the Board to be Chairman of the Board, and the members shall elect one of their number to be Deputy Chairman of the Board.

(2) The Chairman or Deputy Chairman of the Board shall hold office as such until the appointment or election of his successor but he shall cease to be Chairman or Deputy Chairman, as the case may be, if he ceases to be a member of the Board.

(3) A retiring Chairman or Deputy Chairman shall be eligible for reappointment or re-election, as the case may be.

Tenure of office of
members.

5.-(1) A member of the Board other than an *ex officio* member shall, subject to subsections (2) and (3), hold office for such period, not exceeding three years, as the Minister may direct in the instrument appointing such member, but such member shall be eligible for reappointment.

(2) Any member of the Board other than an *ex officio* member may at any time resign his office by instrument in writing addressed to the Chairman, who shall forthwith cause it to be forwarded to the Minister, and upon the date of the receipt by the Chairman of such instrument such member shall cease to be a member of the Board.

(3) The Minister may at any time for good and sufficient cause revoke the appointment of a member of the Board other than an *ex officio* member if he thinks it expedient so to do.

6. The appointment, removal, death or resignation of any member of the Board, other than an *ex officio* member, shall be published in the *Gazette*. Publication of appointments, removals, etc.

7.-(1) The Board shall be a body corporate having perpetual succession and a common seal, with power to purchase, lease or otherwise acquire, hold and dispose of land and other property of whatever kind and may sue and be sued in its corporate name and may for all purposes be described by such name. Incorporation.

(2) Service upon the Board of any notice, order or other document shall be executed by delivering the same or by sending it by registered post addressed to the secretary of the Board at the office of the Board.

8.-(1) The seat of the Board shall be kept in the custody of the Chairman or the Deputy Chairman or of such officer of the Board as the Board may approve and may be affixed to instruments pursuant to a resolution of the Board and in the presence of the Chairman or Deputy Chairman and of one other member. Affixing seal and authentication of documents.

(2) The seal of the Board shall be authenticated by the signature of the Chairman or Deputy Chairman and one other member and such seal shall be officially and judicially noticed.

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

9.-(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. Procedure and meetings of Board.

(2) The Chairman, or in the event of his being absent abroad or unable to act, the Deputy Chairman, may at any time call a special meeting of the Board and shall call a special meeting within seven days of a written requisition for that purpose addressed to him by any three members of the Board.

(3) The Chairman, or in his absence the Deputy Chairman, shall preside at all meetings of the Board.

(4) Not less than half of the members of the Board shall constitute a quorum.

(5) Subject to this Act, the decisions of the Board shall be by a majority of votes and, in addition to an original vote, in any case in which the voting is equal, the Chairman or Deputy Chairman presiding at the meeting shall have a casting vote.

(6) Minutes in proper form of each meeting shall be kept by such officer as the Board may appoint and shall be confirmed by the Board at the next meeting and signed by the Chairman or the Deputy Chairman, as the case may be.

(7) The Board may co-opt any one or more persons to attend any particular meeting of the Board for the purpose of assisting or advising the Board, but no such co-opted persons shall have any right to vote.

(8) Subject to this Act, the Board shall have power to regulate its own proceedings.

Power to appoint committees.

10.-(1) The Board may appoint a committee of the Board to examine and report on any matter whatsoever arising out of or connected with any of its powers and duties under this Act.

(2) Any such committee shall consist of at least two members of the Board together with such other persons whether members of the Board or not, whose assistance or advice the Board may desire.

(3) Where persons, not being members of the Board, are members of a committee appointed under this section, or where any person is co-opted under subsection (7) of section 9, the Board may by resolution declare the

remuneration and allowances of such persons, and such sums shall properly be payable out of the funds and resources of the Board.

(4) The Board may by resolution reject the report of any such committee or adopt it either wholly or with such modifications, additions or adaptations as the Board may think fit.

11. It shall be the duty of the Board, within the limits of its resources-
- (a) to develop all aspects of the tourist industry of Belize and to promote the efficiency of the industry;
 - (b) to adopt all such measures, as it may deem fit, to advertise and publicize Belize as a tourist resort throughout the year;
 - (c) to promote and secure such increased airline and shipping facilities as will tend to increase tourist traffic to Belize;
 - (d) to secure the most favourable arrangements for the entry of tourists into Belize;
 - (e) to encourage, by such measures as it may deem fit, the development of such amenities in Belize as may be calculated to enhance the attractiveness of Belize to tourists with special reference to entertainment, local culture, conservation of local flora and fauna, deep sea fishing, scuba diving and handi-crafts;
 - (f) 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;

Duties and functions of Board.

- (g) to foster an understanding within Belize of the importance and economic benefit of the tourist industry;
- (h) to encourage and promote training facilities for hotel staff;
- (i) to classify hotels according to the standard of amenities provided;
- (j) to make all such enquiries and to collect all such information as it may think necessary for the purpose of carrying out its duty under this section;
- (k) to foster understanding within Belize of the importance of environmental protection and pollution control and the conservation of natural resources;
- (l) generally to take all such other lawful measures as it may consider likely to assist it in carrying out most effectively the purposes of this Act.

General powers of Board to transact business.

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

- (a) to carry on all activities the carrying on of which appears to it to be requisite, advantageous or convenient for or in connection with the discharge of its said duty;
- (b) to do anything and to enter into any transaction (whether or not involving expenditure, borrowing, the acquisition of any property or rights) which in its opinion is calculated to facilitate the proper discharge of its functions or is incidental or conducive thereto.

13. Subject to this Act, the Board may, by a two-thirds majority vote of the members thereof, delegate to any member or committee of the Board the power and authority to carry out on its behalf such duties as the Board may determine. Power to delegate.

14.-(1) The Board shall, with the approval of the Minister, appoint a chief executive officer to be called the “Director of Tourism”, and a secretary to the Board, at such remuneration and on such terms and conditions as the Minister may approve. Appointment of staff.

(2) Subject to subsection (1), the Board may appoint and employ, at such remuneration and on such terms and conditions as it thinks fit, such other officers, agents and servants as it deems necessary for the proper carrying into effect of this Act:

Provided that-

- (a) no salary in excess of the rate of eight thousand dollars per annum shall be assigned to any post without the prior approval of the Minister;
- (b) no appointment shall be made to any post to which a salary in excess of the rate of eight thousand dollars per annum is assigned without the prior approval of the Minister; and
- (c) no provision shall be made for the payment of any pensions, gratuities or other like benefits to any officers, agents or servants, or to others by reference to their service, without the prior approval of the Minister.

(3) The Board may, with the approval of the Minister, formulate schemes for the grant of pensions, gratuities or other like benefits to its officers, agents or servants.

(4) Except in cases in which the Minister otherwise directs, the persons who, immediately before the commencement of this Act, held offices established for the purposes of the body known as the “Bureau of Tourism” shall be deemed, on the commencement of this Act, to be transferred to the service of the Board and to hold offices under the Board, on the like terms and conditions of employment, as if they had been originally appointed to the service of the Board.

Regulations.

15.-(1) The Board may, with the approval of the Minister, make regulations generally for the better carrying out of the purposes of this Act, and in particular providing for-

- (a) the measures and methods to be adopted in improving the basis of the tourist industry in Belize and in controlling and eliminating undesirable factors that may affect it;
- (b) the registration of hotels catering for tourists and the classification of such hotels according to the standard of amenities provided;
- (c) the keeping of records of the number of tourists in Belize during any period and of the countries to which they belong;

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- (d) the training, certification, registration, supervision and establishment of standards for all sectors of the tourism industry and all related industries, services and enterprises, including but not limited to tour guides, dive guides, tour operators, travel agents, tourism transportation and transport operations, restaurants, nightclubs and other places of entertainment and hospitality for tourists; and

17 of 1992.

- (e) the levying of tariffs, rates, fees and charges for any of the above purposes and the imposition of penalties for the breach of any of the regulations.

(2) All regulations made under this section shall be subject to negative resolution.

16. No act done or proceeding taken under this Act shall be questioned on the ground-

Protection of Board.

(a) of the existence of any vacancy in the membership, or any defect in the constitution, of the Board; or

(b) of any omission, defect or irregularity not affecting the merits of the cause.

17. No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Board in respect of any act done *bona fide* in pursuance or execution or intended execution of this Act.

Protection of members of Board.

18. The Board shall pay to each non-official member of the Board, in respect of his office, such, if any, remuneration and allowances as the Minister may determine and to the Chairman and the Deputy Chairman in respect of his office, such, if any, remuneration and allowances in addition to any remuneration and allowances to which he may be entitled in respect of his office as a member as may be so determined.

Remuneration of members.

19. The Minister may, after consultation with the Chairman, or in the event of the Chairman being absent, the Deputy Chairman, give to the Board directions of a general character as to the policy to be followed in the exercise and performance of its functions in relation to matters appearing to him to concern the public interest, and the Board shall give effect to any such directions.

Power of Minister to give policy directives.

20. The power of the Minister to give directions to the Board shall extend to the giving to it of directions-

Disposal of capital assets.

(a) as to the disposal of capital assets; or

- (b) as to the application of proceeds of such disposals, notwithstanding that the directions may be of a specific character.
- Funds and resources of the Board. 21. The funds and resources of the Board shall consist of-
- (a) such sums as may be provided for the purpose from time to time by the National Assembly;
- (b) all sums received by the Board as payment for advertisements;
- (c) all sums collected under the authority of regulations made under this Act or under any other law;
- (d) all other sums or property which may in any manner become payable to or vested in the Board in respect of any matter incidental to its powers and duties.
- Borrowing powers. 22.-(1) Subject to the provisions of subsection (2), the Board may borrow sums required by it for meeting any of its obligations or discharging any of its functions.
- (2) The power of the Board to borrow shall be exercisable only with the approval of the Minister as to the amount, as to the sources of the borrowing, and as to the terms on which the borrowing may be effected.
- (3) An approval given in any respect for the purposes of subsection (2), may be either general or limited to a particular borrowing or otherwise and may be either unconditional or subject to conditions.
- Accounts and audit. 23.-(1) The Board shall keep accounts of its transactions to the satisfaction of the Minister and such accounts shall be audited by the Auditor-General or by an auditor appointed by the Minister.

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

(3) The Board may with the approval of the Minister write off bad debts.

24. The Board shall, in such form and by such dates as may be prescribed by the Financial Secretary, prepare and submit to the Minister responsible for finance, through the Minister responsible for tourism, estimates of income receivable and the expenditure to be incurred during each financial year (including any supplementary estimates), and the Minister responsible for finance shall present the said estimates to the National Assembly with such amendments and modifications, if any, as he may consider necessary.

Submission of
budget
estimates.

25.-(1) The Board shall, not later than six months from the end of each year, submit to the Minister a report containing-

Report to
Minister.

- (a) an account of its transactions throughout the preceding year in such detail as the Minister may direct; and
- (b) a statement of the accounts of the Board audited in accordance with section 23.

(2) A copy of the auditor's report shall be printed and laid on the table of both Houses and published in the *Gazette*.

26.-(1) The income, revenue or other receipts of the Board shall be exempt from income tax.

Exemption from
income and
stamp duty.

(2) All instruments executed by or on behalf of the Board shall be exempt from stamp duty.

Membership not
an office of profit
under the Govern-
ment.
CAP. 9.

27. Membership of the Board shall not of itself be deemed to be an office of profit or emolument under the Government for the purposes of the Representation of the People Act.