



ST. CHRISTOPHER AND NEVIS

CHAPTER 20.36

SAINT CHRISTOPHER TOURISM AUTHORITY ACT

Revised Edition

showing the law as at 31 December 2002

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SAINT CHRISTOPHER TOURISM AUTHORITY ACT

Act 8 of 1999 ... in force 19th March 1999

Amended by: Act 11 of 1999

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CHAPTER 20.36

SAINT CHRISTOPHER TOURISM AUTHORITY ACT

AN ACT TO PROVIDE FOR THE PROMOTION AND DEVELOPMENT OF TOURISM THROUGH THE ESTABLISHMENT OF A NATIONAL TOURISM AUTHORITY; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Saint Christopher Tourism Authority Act.

Interpretation.

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

“apartment” means any furnished premises in which sleeping accommodation and self-catering facilities are provided in three or more rooms and a charge is made for the accommodation provided;

“Authority” means the Saint Christopher Tourism Authority established under section 3 of this Act;

“Board” means the Board of Directors of the Authority established under section 4 of this Act;

“Council” means the Tourism Advisory Council established under section 14 of this Act;

“guest house” means any premises in which sleeping accommodation is provided in three or more bedrooms and a charge is made for the accommodation provided;

(Amended by Act 11 of 1999)

“Minister” means the Minister responsible for tourism;

“tourist accommodation” means an apartment, a hotel, a guest house, or any other premises where accommodation for tourists is for reward.

PART II

ESTABLISHMENT OF THE AUTHORITY, ITS FUNCTIONS AND POWERS

Establishment of Authority.

3. (1) There is established an Authority to be known as the Saint Christopher Tourism Authority, which shall be a body corporate capable of suing and being sued in its corporate name with perpetual succession and a common seal.

(2) The Authority shall, in its corporate name, be capable of holding, purchasing, or otherwise acquiring and disposing of any property.

Composition of Authority.

4. (1) The Authority shall be constituted by a Board of Directors comprising a Chairperson, a Deputy Chairperson, and such other persons as the Minister may, by instrument, appoint, except that an employee of the Authority shall not qualify for appointment to the Board.

(2) A member of the Board shall hold office for such period as the Minister may determine unless the member resigns or the member's appointment is revoked before the expiry of that period.

(3) The Minister may appoint any person to act temporarily in the place of any member who is out of the Federation or is unable to discharge the functions of his or her office.

(4) Where a vacancy is created by the death, resignation, or removal from office of a Director a person may be appointed by the Minister to fill the vacancy.

(5) The Chairperson or Deputy Chairperson may, at any time, resign his or her office by instrument addressed to the Minister, and the Chairperson or Deputy Chairperson shall, upon receipt of the instrument by the Minister, cease to be Chairperson or Deputy Chairperson, as the case may be, and if the Chairperson or Deputy Chairperson specified in his or her instrument of resignation shall also cease to be a Director of the Authority.

(6) A Director, other than a Director referred to in subsection (5) of this section, may at any time resign his or her office by instrument addressed to the Minister and transmitted through the Chairperson, and the Director shall, as from the date of receipt of the instrument by the Minister, cease to be a Director.

(7) A Director who, without reasonable excuse, fails to attend three consecutive meetings of the Board shall cease to be a Director, and shall not be eligible for re-appointment to the Board until the expiry of three years from the date he or she ceases to be a Director.

(8) The Minister may, at any time, by instrument, revoke the appointment of any Director.

(9) The appointment and cessation of appointment shall be notified in the *Official Gazette*.

(10) The First Schedule to this Act shall have effect with respect to the meetings of the Authority and other matters relating to the Board.

Functions of the Board.

5. The functions of the Board shall be the following—

- (a) to promote, assist and facilitate the efficient development of tourism;
- (b) to design and implement suitable marketing strategies for the effective promotion of tourism;
- (c) to make provision for adequate and suitable air and sea passenger services to and from Saint Christopher;
- (d) to encourage the establishment of amenities and facilities necessary for the proper enjoyment of Saint Christopher as a tourist destination;
- (e) to carry out market intelligence in order to inform the needs of the tourism industry;

- (f) to register, license and classify tourist accommodation according to the standard of amenities provided;
- (g) to register and classify restaurants catering primarily for tourists, according to the standard of cuisine and amenities provided;
- (h) to register and regulate such forms of service for tourists as the Minister may determine;
- (i) to do such other things, as in the opinion of the Board, would facilitate the proper discharge of the Board's functions or would be incidental or conducive to the discharge of such functions.

Remuneration of Directors.

6. The Authority shall pay—

- (a) to the Chairperson, in respect of office of Chairperson;
- (b) to Deputy Chairperson, in respect of office of Deputy Chairperson;
- (c) to each Director, in respect of office of Director,

such remuneration and allowances as the Minister may determine.

Disclosure of Director's interest.

7. (1) A Director who has any interest in a company or concern with which the Authority proposes to make a contract or otherwise transact business shall disclose to the Authority the nature of the interest, and details of the interest shall be recorded in the minutes taken at the meeting at which the disclosure is made.

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

PART III**STAFF OF THE AUTHORITY****Designation of offices etc.**

8. (1) The Authority shall, with the approval of the Minister, designate such offices as are necessary for the efficient discharge of the functions of the Authority.

(2) The Authority shall, subject to section 9 of this Act and with the approval of the Minister, appoint persons to offices designated in accordance with the provisions of subsection (1) of this section.

Chief Executive Officer of Authority.

9. (1) There shall be a Chief Executive Officer of the Authority who shall be appointed by the Minister on the recommendation of the Board, and shall be appointed on such terms and conditions as the Minister may determine.

(2) The Chief Executive Officer of the Authority shall be subject to the directions of the Board and shall be responsible to the Board for the execution of the Authority's policy and the management of the Authority's affairs.

Other staff.

10. (1) Subject to subsection (4) of this section, the Authority may appoint and employ such officers, agents, and servants as it considers necessary for the proper carrying into effect the provisions of this Act.

(2) The officers, agents, and servants referred to in subsection (1) of this section shall be employed at such remuneration and on such terms and conditions as the Minister may, in writing, approve.

(3) No post shall be established and no salary in excess of any amount determined by the Minister and notified in writing to the Authority shall be assigned to any post without the prior approval of the Minister.

(4) A person appointed under subsection (1) of this section shall not, without the prior approval of the Minister, be assigned to a post outside Saint Christopher.

Secondment of public officers to the Authority etc.

11. (1) A public officer may be seconded to the Authority to any post or such officer may be temporarily transferred to the Authority, in which case the provisions of this section shall apply.

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

(3) Where the services of a person employed by the Authority are on loan to the Government that person shall be entitled to such benefits and terms of employment as are applicable to the post which he or she occupies, and his or her service with the Authority shall be taken into account as continuous service with the Government and the Pensions Act, Cap. 22.06 shall apply to him or her as if his or her 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 the provisions of this section, the Authority shall refund to the Consolidated Fund all moneys payable as pension in respect of that officer while he or she is serving with the Authority.

PART IV**LICENSING OF TOURIST ACCOMMODATION****Issue of licence.**

12. (1) No person shall operate any tourist accommodation without a licence issued in that respect by the Authority, which licence shall be issued in accordance with the regulations made under this Act.

(2) A licence issued pursuant to the provisions of subsection (1) of this section shall be subject to such conditions as may be prescribed by the regulations made under this Act.

(3) A licence shall, unless withdrawn in the manner specified by this Act, be valid for a period of one year, and may be renewed every year.

Suspension of licence.

13. (1) The Authority may suspend a licence where the person to whom the licence was issued—

- (a) fails to keep the premises in a sanitary, safe, and otherwise satisfactory condition;
- (b) engages in or permits conduct that is likely to endanger the health, safety or well-being of occupants, or fails to take reasonable steps to prevent such conduct; or
- (c) is notified that the Authority is considering cancellation of his or her licence for alleged contravention of any provision of this Act or the regulations made under this Act.

(2) The Authority shall, before it suspends any licence under the provisions of this section, give a written notice of its intention to suspend the licence to the person to whom the licence was issued.

(3) A notice referred to in subsection (2) of this section shall—

- (a) specify the reason for the intended suspension of the licence; and
- (b) contain a statement to the effect that the person to whom the notice was given may, not later than thirty days from the date on which he or she receives the notice, submit to the Authority, in writing, reason why the licence should not be suspended.

(4) The Authority shall, after the expiry of the thirty days period mentioned in subsection (3) of this section, make a decision, taking into account the reason submitted to it by the person to whom the licence was issued, as to whether or not the licence should be suspended.

(5) Where a licence is suspended in accordance with the provisions of paragraph (a) or (b) of subsection (1) of this section, the Authority shall, in writing—

- (a) notify the person whose licence is suspended of the suspension and the period of suspension;
- (b) require the person to comply, within the period of suspension, with any direction given by the Authority; and
- (c) notify the person whose licence is suspended that he or she may appeal to the Minister for a review of the decision.

Cancellation of licence.

14. (1) The Authority may cancel a licence where—

- (a) the person to whom the licence was issued ceases to operate the premises to which the licence relates;
- (b) a person whose licence was suspended and required to comply with any direction fails to comply with the directive within the period specified in the notice of suspension;
- (c) any circumstance exists which would have prevented the grant of the licence; or
- (d) the person to whom the licence was issued is convicted of a prescribed offence.

(2) The Authority shall, before it cancels any licence under the provisions of this section, give a written notice of its intention to cancel the licence to the person to whom the licence was issued.

(3) A notice referred to in subsection (2) of this section shall—

- (a) specify the reasons for the cancellation of the licence;
- (b) specify the date when the cancellation takes effect; and
- (c) contain a statement to the effect that the person to whom the notice was given may, not later than thirty days from the date on which he or she receives the notice, appeal to the Minister for a review of the Authority's decision.

Appeals.

15. A person who is aggrieved by the decision of the Minister in respect of the suspension or cancellation of his or her licence by the Authority may appeal against the Minister's decision to a judge in Chambers and the judge's decision shall be final.

Register.

16. The Authority shall keep a register of all tourist accommodation in respect of which licences are issued under this Act.

PART V

THE TOURISM ADVISORY COUNCIL

Establishment of Council.

17. (1) There is established a Council to be known as the Tourism Advisory Council, which Council shall be constituted as specified in subsection (2) of this section.

(2) The Council shall consist of—

- (a) a Chairperson;
- (b) a Deputy Chairperson;
- (c) three *ex officio* members, namely—
 - (i) the Commissioner of Police;
 - (ii) the Chief Immigration Officer; and
 - (iii) the Comptroller of Customs;
- (d) one representative selected from each of the following—
 - (i) the Ministry responsible for Agriculture;
 - (ii) the Ministry responsible for Communication and Works;
 - (iii) the Ministry responsible for Education;
 - (iv) the Ministry responsible for Health;
 - (v) the Ministry responsible for Community Affairs;
 - (vi) the Department of Culture;

- (vii) the Hotel and Tourism Association;
 - (viii) the Saint Christopher Air and Sea Ports Authority;
 - (ix) a Worker's Association;
 - (x) the Airline Sector;
 - (xi) the Saint Christopher Heritage Society;
 - (xii) the St. Kitts and Nevis Chamber of Industry and Commerce;
 - (xiii) the taxi sector;
 - (xiv) the craft sector; and
 - (xv) the shipping Agent area of a cruise line;
- (e) 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.

(3) A member of the Council shall hold office for such period as the Minister may determine unless the member resigns or the member's appointment is revoked before the expiry of that period, except that such member shall be eligible for re-appointment.

(4) The Minister may appoint any person to act temporarily in the place of any member who is absent or is unable to discharge the functions of his or her office.

(5) Where a vacancy is created by the death, resignation, or removal from the Council a person may be appointed by the Minister to fill the vacancy except that such person shall be from the same category of persons as the former member or be similarly qualified, and shall hold office only for the unexpired portion of the former member's term.

(6) The Chairperson or Deputy Chairperson may, at any time, resign his or her office by instrument addressed to the Minister, and the Chairperson or Deputy Chairperson shall, upon receipt of the instrument by the Minister, cease to be Chairperson or Deputy Chairperson, as the case may be, and if the Chairperson or Deputy Chairperson specified in his or her instrument of resignation, shall also cease to be a member of the Council.

(7) A member of the Council, other than a member referred to in subsection (6) of this section, may at any time resign his or her office by instrument addressed to the Minister and transmitted through the Chairperson, and the member shall, as from the date of receipt of the instrument by the Minister cease to be a member of the Council.

(8) A member of the Council who, without reasonable excuse, fails to attend three consecutive meetings of the Council shall cease to be a member.

(9) The Minister may, at any time, by instrument, revoke the appointment of any member of the Council.

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

(11) The Second Schedule to this Act shall have effect with respect to the meetings of the Council and other matters relating to the Council.

Functions of Council.

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

PART VI

FINANCIAL PROVISIONS

Funds of the Authority.

19. The funds of the Authority shall consist of—

- (a) moneys appropriated by the National Assembly;
- (b) moneys payable to the Authority in respect of advertisement or any other service performed by the Authority;
- (c) fees collected under the authority of this Act;
- (d) loans borrowed by the Authority for the purpose of meeting or discharging any of its obligations; and
- (e) moneys which may, in any manner, become payable to or vested in the Authority in respect of any matter incidental to its powers and functions.

Application of funds of Authority.

20. The funds of the Authority shall be applied towards—

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

Borrowing powers.

21. (1) The Authority may, with the approval in writing of the Minister responsible for finance, borrow money from the Government or any other source 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 may approve.

(2) Any moneys borrowed by the Authority under the provisions of subsection (1) of this section shall be for—

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

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

Guarantee of loans.

22. (1) The Government 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) shall not apply to a loan from the Government.

Disposal of capital assets.

23. 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.

24. (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 Director of Audit may, at any time, on the direction of the Minister responsible for finance, carry out an investigation or audit of the accounts of the Authority.

Access to documents etc.

25. A director, officer or employee of the Authority shall afford the Director of Audit or other auditor appointed under section 24(1), access to all books, documents, cash and securities of the Authority and, on request, give to the Director of Audit or auditor any information within the knowledge of that director or employee that relates to the operation of the Authority.

Annual Report.

26. (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 and operations 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 programmes undertaken; and

(c) a statement of the audited accounts of the Authority.

(2) The Minister shall lay a copy of the report referred to in subsection (1) of this section before the National Assembly 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.

27. The Authority shall, not later than the 30th day of September 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 financial year.

PART VII

MISCELLANEOUS PROVISIONS

Directions of Minister.

28. 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.

29. The Authority may, with the approval of the Minister responsible for finance, charge such fees as may be prescribed for the issue or renewal of licences, and for any service performed by the Authority.

Tourism Marketing Plan.

30. (1) The Authority shall prepare and submit to the Minister an annual tourism marketing plan for the conduct of tourism promotion in Saint Christopher and abroad.

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

- (a) serve as a guide for structuring the programme of tourism promotion and visitor service activities for the succeeding year; and
- (b) specify the aims of the programme and outline the methods to be employed to accomplish those aims.

Exemption from tax.

31. (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 the Federation.

Regulations.

32. The Authority may, with the approval of the Minister, make regulations—

- (a) in respect of the regulation, licensing and classification of tourist accommodation;
- (b) in respect of the registration of restaurants catering primarily for tourists and the classification of such restaurants according to the standards of cuisine and amenities provided;
- (c) in respect of keeping of records by persons operating tourist accommodation, of the number of tourists capable of being accommodated;
- (d) in respect of the imposition of fees or charges for services rendered by the Authority;
- (e) in respect of the fees to be paid in respect of any licence granted under this Act;
- (f) in respect of the form and manner in which application for licences under this Act shall be made; or

(g) generally for giving effect to the provisions of this Act.

Offences.

33. (1) A person who operates any tourist accommodation in contravention of section 12 of this Act commits an offence and is liable, on summary conviction, to a maximum fine of ten thousand dollars or to imprisonment up to one year or both and, where the offence is continued after the conviction, that person commits a continuing offence, and is liable, on summary conviction, to a fine of five hundred dollars for each day during which the offence is continued.

(2) A person who prevents or obstructs the entry into a tourist accommodation or any place within the curtilage thereof of any person in the execution of his or her duty under this Act or the regulations made under this Act, commits an offence and is liable, on summary conviction, to a fine of one thousand dollars or to imprisonment for a period of six months or both.

(3) A person who fails to comply with section 26 commits an offence and is liable, on summary conviction, to a fine of one thousand dollars or to imprisonment for a period of six months or both.

FIRST SCHEDULE

(Section 3)

MEETINGS AND PROCEDURE OF THE BOARD

Seal of the Authority.

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

(2) The seal of the Authority shall be authenticated by the signature of the Chairperson 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 Chairperson or Deputy Chairperson.

Meetings of Board.

2. 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.

Summoning of Meetings.

3. The Chairperson or, in the event of his or her absence from the Federation or inability to act as such, the Deputy Chairperson may at any time call a meeting of the Board and shall call a meeting within seven days—

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

Presiding over meetings.

4. The Chairperson or, in his or her absence, the Deputy Chairperson 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 Chairperson from among their number who shall preside at the meeting.

Quorum.

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

Decisions of the Board.

6. The decisions of the Board shall be by a majority of votes and, in any case in which the voting is equal, the Chairperson, the Deputy Chairperson or temporary Chairperson presiding at the meeting shall have, in addition to his or her deliberative vote, a second or casting vote.

Minutes of meetings of the Board.

7. (1) Minutes, in proper form, of each meeting shall be kept by the Secretary or such officer as the Authority may appoint for the purpose and shall be confirmed in writing at the next meeting by the Chairperson or Deputy Chairperson.

(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.

Co-opting of persons.

8. (1) The Chairperson shall 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 subparagraph (1) may take part in the deliberations of the Board but shall not vote on any matter.

Committees.

9. (1) The Board may appoint committees to assist it in the proper discharge of its functions subject to such conditions or restrictions as the Board may impose.

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

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

Remuneration of members of Committee.

10. Where a person, other than a director is appointed to a committee under paragraph 9, the Board may, with the approval of the Minister, determine the remuneration and allowances to be paid to that person.

Validity of proceedings of the Board.

11. Any act done or proceeding taken by the Board under this Act or the regulations made under this Act may not be questioned on the ground of—

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

(b) any omission, defect or irregularity that does not affect the merits of the case.

SECOND SCHEDULE*(Section 17)***MEETINGS AND PROCEDURE OF THE TOURISM ADVISORY COUNCIL****Meetings of Council.**

1. The Council shall meet at such times and at such places as the Council consider necessary or expedient for the transaction of the business of the Council.

Summoning of meetings of Council.

2. The Chairperson may at any time call a special meeting of the Council and shall call a special meeting within fourteen days of the receipt of a request for that purpose addressed to him or her in writing and signed by any three members of the Council.

Quorum.

3. The quorum of the Council at any meeting shall be the majority of the membership of the Council.

Presiding at meetings of the Council.

4. The Chairperson or, in his or her absence, the Deputy Chairperson shall preside at meetings of the Council and, in the absence of both the Chairperson and the Deputy Chairperson, the members present and constituting a quorum shall elect a temporary Chairperson from among their number to preside at that meeting.

Decisions of the Council.

5. The decisions of the Council shall be by a majority of votes and, in any case which the voting is equal, the Chairperson, Deputy Chairperson or other member presiding at the meeting shall have, in addition to his or her deliberative vote, a second or casting vote.

Minutes of the Council.

6. (1) Minutes of each meeting shall 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 Chairperson or Deputy Chairperson shall be forwarded to the Minister within fourteen days after the meeting at which they were confirmed.

Co-opting of persons.

7. (1) The Chairperson of the Council may invite any person to attend the meeting of the Council where the Council considers it necessary to do so.
(2) A person referred to in subparagraph (1) may take part in the deliberations of the Council but shall not vote on any matter.

Procedure.

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

Remuneration.

9. The Chairperson, Deputy Chairperson and other members of the Council may be paid such remuneration and allowances as the Minister may approve.
