



ST. CHRISTOPHER AND NEVIS

CHAPTER 6.06 (N)

NEVIS TOURISM PROMOTION AND MARKETING AUTHORITY ORDINANCE

Revised Edition

showing the law as at 31 December 2009

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This edition contains a consolidation of the following laws—

**NEVIS TOURISM PROMOTION AND
MARKETING AUTHORITY ORDINANCE**

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CHAPTER 6.06 (N)
**NEVIS TOURISM PROMOTION AND
MARKETING AUTHORITY ORDINANCE**

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT OF A TOURISM PROMOTION AND MARKETING AUTHORITY FOR THE ISLAND OF NEVIS AND FOR MATTERS INCIDENTAL THERETO OR CONNECTED THEREWITH.

Short title.

1. This Ordinance may be cited as the Nevis Tourism Promotion and Marketing Authority Ordinance.

Interpretation.

2. For the purposes of this Ordinance—

“Administration” means the Nevis Island Administration;

“Authority” means the Nevis Tourism Promotion and Marketing Authority established under section 3;

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

“Minister” means the Member of the Administration having responsibility for matters relating to Tourism in the Administration;

“Minister of Finance” means the Member of the Administration having responsibility for matters relating to finance in the Administration;

“Permanent Secretary” means the person appointed to carry out the duties of Permanent Secretary for the Minister.

Establishment of Authority.

3. (1) For the purposes of this Ordinance, there is established an Authority to be known as the Nevis Tourism Promotion and Marketing Authority.

(2) The Authority shall be a body corporate with perpetual succession and a common seal which shall be judicially noticed, with power to make contracts, to sue and be sued in its corporate name, to receive, acquire, purchase, lease, take, hold and enjoy either absolutely or subject to any trust, real or personal property for the purpose of its functions under this Ordinance and to sell, convey, assign, surrender or yield up, or otherwise dispose of the same when not so required.

(3) Until a seal is obtained by the Authority a rubber stamp bearing the inscription “Nevis Tourism Promotion and Marketing Authority” may be used in the place of such seal.

(4) All deeds, documents or other instruments requiring the seal of the Authority shall be sealed with the common seal of the Authority in the presence of two of its directors. The Secretary and two directors of the Authority shall sign every such deed, document or other instrument to which the common seal is affixed, and such signing shall be sufficient evidence that such seal was duly and properly affixed and that it is the lawful seal of the Authority.

Powers and duties of Authority.

4. The powers and duties of the Authority are as follows—
- (a) to inspire and assist the travel and tourism industry to attract tourists to Nevis;
 - (b) to promote, assist and facilitate the efficient development of tourism;
 - (c) to provide information and advice to the Minister to assist sensitive, environmentally and socially sound tourism developments;
 - (d) to design, encourage and implement suitable marketing strategies for the effective promotion of tourism in Nevis;
 - (e) to register and regulate such forms of services for tourists as the Minister determines;
 - (f) to do such other things as are necessary to effectively carry out the purposes of this Ordinance.

Board of Directors.

5. (1) There is hereby established a Board of Directors which shall have control over and be responsible for the accomplishment of the objects and purposes of the Authority.

(2) The Board shall consist of not more than five persons appointed by the Minister from among persons appearing to him to be qualified as having experience of, and shown capacity in, such matters which he considers will be beneficial to the functioning of the Authority and, without prejudice to the generality of the foregoing, in particular in matters relating to tourism and travel, hotel management, administration, commerce, finance, industry or trade.

(3) The Permanent Secretary shall be ex officio a member of the Board.

(4) The Minister shall appoint a Chairman and a Deputy Chairman from amongst the members of the Board.

(5) A member of the Board other than the Permanent Secretary shall hold office for such period not exceeding two years but such member shall be eligible for re-appointment.

(6) In the absence of the Chairman the Deputy Chairman shall perform the functions of the Chairman.

(7) Any member of the Board may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect from the date of the receipt of such instrument by the Minister.

(8) The Minister may, at any time, revoke the appointment of any member of the Board.

Procedure and meeting of the Board.

6. (1) The Board shall meet at such times as may be necessary or expedient for the transaction of its business and such meetings shall be held at such place and time as the Board may determine.

(2) The Chairman shall preside at each meeting of the Board.

(3) Three members of the Board shall constitute a quorum.

(4) The chairman may at any time call a special meeting of the Board.

(5) The Board shall regulate the procedure at its meetings.

(6) The validity of any proceedings of the Board shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of any of its members.

(7) The minutes of each meeting shall be kept in proper form and shall be confirmed by the Chairman at the next meeting.

Remuneration of members.

7. The Authority shall pay to the members of the Board such remuneration and allowances, if any, whether by way of honorarium, salary or fees, as the Minister may determine.

Appointment of staff.

8. (1) The Board shall, with the approval of the Minister, appoint a Manager for the Authority, who shall also act as Secretary to the Board.

(2) The Board may employ such other officers, agents and servants for the Authority as it considers necessary for the proper carrying into effect of this Ordinance, at such remuneration and on such terms and conditions as the Minister approves in writing.

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

(4) Subject to this Ordinance 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.

(5) The Governor-General may, with the approval of the Public Service Commission, authorise the transfer on secondment of any public officer from the service of the Administration to the service of the Authority.

(6) Where a public officer is seconded to the service of the Authority in accordance with subsection (5), the Authority shall refund to the Nevis Island Consolidate Fund all contributions payable in respect of the service of that officer with the Authority.

Power to appoint committee.

9. The Board may appoint a committee of the Board to examine and report to it on any matter arising out of or connected with any of the powers and duties of the Authority under this Ordinance and any such committee may include persons who are not members of the Board.

Power to delegate.

10. Subject to this Ordinance, the Board may delegate to any member, or committee of the Board the power and authority to exercise and perform on its behalf such powers and duties as the Board may determine.

Direction of Minister.

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

Funds and resources of Authority.

12. The funds and resources of the Authority shall consist of—
- (a) such sums as may be provided annually by or under an appropriate law or made available at any time to the Authority by the Administration by way of a loan;
 - (b) all sums received by the Authority as payment for advertisement;
 - (c) all sums earned or arising from property or investments of the Authority or from services rendered by the Authority;
 - (d) 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.

Fees.

13. The Authority may charge such fees as are prescribed by order made by the Minister responsible for Tourism for any services performed by it.

Investments.

14. Monies standing at the credit of the Authority may, from time to time, be invested in such manner as may be determined by the Board with the approval of the Minister.

Accounts and audit.

15. (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 Board with the approval of the Minister.

(2) The Members, officers, and other employees and agents of the Authority shall grant to the auditor appointed under subsection (1) access to all books, documents, cash and securities of the Authority and shall give to the auditor on request all such information as may be within their knowledge in relation to the operations of the Authority.

(3) The Director of Audit may at any time and shall on the direction of the Minister responsible for Finance carry out an investigation or audit of the Authority.

Application of funds of the Authority.

16. 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 Authority; and
 - (b) meeting the obligations and performing any of the functions of the Authority and matters incidental thereto.

Borrowing powers.

17. The Authority may, with the approval in writing of the Minister responsible for Finance, borrow money from the Administration or any institution 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 the working capital; or
- (b) the fulfilling of the functions of the Authority under this Ordinance.

Guarantee.

18. (1) The Administration may guarantee in such manner and on such conditions as it thinks fit—

- (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 sum borrowed from the Administration.

Tourism Marketing Plan.

19. (1) The Authority shall, prepare an annual tourism marketing plan for the conduct of tourism promotion in Nevis 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.

Annual report.

20. (1) The Authority shall as soon as possible after the end of each calendar year and, in any event, not later than the 31st March in 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 programme undertaken;
- (c) a statement of the Authority's audited accounts; and
- (d) the tourism marketing plan prepared in accordance with section 19.

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

Estimate of revenue and expenditure.

21. The Authority shall, not later than the 31st 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 financial year.