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Third Session Third Parliament Republic of Trinidad  
and Tobago

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REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 2 of 1989

[L.S.]

AN ACT to amend the Tourist Board Act, to establish the  
Trinidad and Tobago Tourism Development Authority  
and for matters incidental thereto.

*[Assented to 16th February, 1989]*

ENACTED by the Parliament of Trinidad and Tobago as Enactment  
follows:—

1. This Act may be cited as the Tourist Board (Amend- Short title  
ment) Act, 1989.

Chap. 87:53  
amended

2. The Tourist Board Act is amended—

(a) by repealing and replacing section 1 as follows—

“Short title

1. This Act may be cited as the Trinidad and Tobago Tourism Development Authority Act.”;

(b) in section 2 by—

(i) substituting for the definition of “the Board”, the following—

“ “Board” means the now defunct Trinidad and Tobago Tourist Board referred to in sections 14 and 14A and superseded by the Authority;”;

(ii) inserting in appropriate sequence the following new definitions—

“ “Authority” means the Trinidad and Tobago Tourism Development Authority established under section 3;

“Minister” means the Minister responsible for tourism;”;

(iii) deleting the definition of “hotel”;

(c) by substituting for the word “Board” wherever it occurs other than in the Trinidad and Tobago Tourist Board (Amendment) Act, 1989 the word “Authority”, and by substituting for the words “Trinidad and Tobago Tourist Board”, the words “Trinidad and Tobago Tourism Development Authority”;

(d) by substituting for section 3, the following—

“Establishment, composition and management of the Authority

3. (1) There is hereby established a body to be called the Trinidad and Tobago Tourism Development Authority.

(2) The Authority shall consist of the Executive Director appointed under section 14 and no fewer than nine nor more than fourteen other members

appointed by the President in accordance with subsection (3) and on such terms and conditions as he deems fit.

(3) In addition to the Executive Director the membership shall comprise the following—

- (a) the Chief Immigration Officer;
- (b) the Comptroller of Customs and Excise;
- (c) the Chief Medical Officer;
- (d) no more than eight persons who are active in the field of business, agriculture, management, marketing, finance or economics, international transportation, physical planning, social science or hotel management, of whom three should be nominees of the Tobago House of Assembly; and
- (e) such other persons as the President may select, taking into consideration skills related to the tourism industry, including education, cultural development and natural history.

(4) The members of the Authority shall be responsible for the management of the business of the Authority including the recruitment of staff

and all other matters pertaining to the terms and conditions of employment of the staff.”;

- (e) by substituting for subsection (1) of section 4, the following subsection—

“ (1) The President may appoint one of the members of the Authority to be its Chairman and as soon as possible thereafter, the members shall elect a Vice-Chairman.”;

- (f) in section 8—

(i) by substituting for the words “Director of Tourism” occurring in subsection (3) the words “Executive Director”;

(ii) by inserting immediately after section 8 a new section as follows—

“Vesting of property

8A. On the incorporation of the Authority by the Tourist Board (Amendment) Act, 1989, all real and personal property and all rights, privileges, obligations and liabilities vested in or incurred by the Board shall vest in or be deemed to have been incurred by the Authority and the Board shall be deemed to be defunct.”;

- (g) in section 9 by—

(i) inserting immediately after the word “business” occurring in line two of subsection (1), the words “but at least once per month”;

(ii) substituting for subsection (3) the following—

“ (3) A quorum of the Authority shall consist of three-fifths of the members.”;

(iii) substituting for the words “Director of Tourism” occurring in line one of subsection (4), the words “Executive Director”;

(iv) substituting for subsections (5) and (6) the following—

“(5) The Authority may—

(a) appoint by resolution such advisory bodies or other committees as may be necessary to assist it in the performance of its functions; and

(b) co-opt persons to attend any particular meeting for the purpose of assisting or advising it, but a person so co-opted does not have the right to vote.

(6) Where committees are appointed in accordance with this section the Authority may, by resolution and with the approval of the Minister, declare the remuneration and allowances of the members of such committees and such remuneration and allowances shall be paid from the funds of the Authority.”;

(h) by substituting for section 10, the following—

“Duties and  
functions  
of the  
Authority

10. (1) The main function of the Authority is the promotion, development and regulation of the tourism industry, so as to increase the efficiency of the contribution of tourism to the overall development of Trinidad and Tobago.

(2) Where the functions of the Authority relate to any of the functions of the Tobago House of Assembly in the area of tourism, the Authority shall consult with the Tobago House

of Assembly in the formulation and implementation of the programmes of the Authority.

(3) In furtherance of subsection (1) the Authority shall *inter alia*—

- (a) encourage the development of such facilities as may enhance the attractiveness of Trinidad and Tobago to tourists and residents;
- (b) seek to enhance the facilities available to tourists at ports of entry and to formulate arrangements that would increase the tourist traffic in Trinidad and Tobago;
- (c) develop Trinidad and Tobago as a year-round tourist destination;
- (d) undertake such research, experiments and operations and collect such data as it may consider necessary for the improvement of the tourism industry and to control and eliminate any undesirable factor that may adversely affect it;
- (e) charge such fees for services and for the use of amenities as it deems fit;
- (f) generally take such measures as may be considered likely to

assist it in carrying out most effectively the objects of this Act.

(4) The Authority shall in the performance of its functions conform to the special or general directions issued in writing by the Minister from time to time.”;

(i) in section 12(2), by substituting for the words “one million five hundred thousand dollars” occurring in line three, the words “three million dollars”;

(j) by substituting for section 14 the following—

“Appoint-  
ments

14. (1) Subject to subsection (2) the Authority may appoint and employ at such remuneration and on such terms and conditions as it thinks fit, an Executive Director who shall be the Chief Executive Officer and responsible for carrying out the decisions of the Authority, a secretary, and such officers, agents and servants as it considers necessary for the proper carrying out of the provisions of this Act.

(2) The Board shall obtain the prior approval of the Minister in respect of any appointment at a level equivalent to or higher than the post of Administrative Officer V in the Civil Service.

(3) Subject to subsection (4) on the coming into force of the Act, all officers and members of staff of the Board shall become officers and members of the Authority on terms and conditions enjoyed by them while in the employment of the Board.

(4) Where a post on the establishment of the Board is abolished in such a manner that subsection (5) is not applicable to the incumbent, he shall be paid such compensation for loss of office or employment as may be prescribed and such compensation shall be a charge on the Consolidated Fund.

(5) The persons to whom subsection (3) refers shall within two years after the Act comes into force exercise any one of the following options—

(a) to remain on the staff of the Authority on terms and conditions that are no less favourable than the terms and conditions enjoyed while in the service of the Board;

(b) to transfer to the public service with the approval of the Public Service Commission to such posts as are commensurate with the posts held with the Authority;

(c) to retire voluntarily on such terms and conditions as are agreed upon between the person who exercises this option or his trade union and the Chief Personnel Officer.

(6) Where a person does not exercise any of the options listed in subsection (5) (a) to (c),

he shall be deemed to have retired voluntarily in accordance with subsection (5)(c).

(7) In pursuance of subsection (5)(c), negotiation between the Chief Personnel Officer and the parties concerned shall commence within two months of the coming into force of the Act, and shall be concluded as soon as possible thereafter.”;

- (k) by inserting immediately after section 14, the following new section—

“Pension  
rights

14A. (1) The pension rights which would have accrued to the officers and staff of the Board as at the date of the coming into force of the Act, shall be preserved to them.

(2) The Authority shall, within two years of its coming into being, establish a pension scheme by rules confirmed by the Minister, which shall be no less favourable than the scheme established for the benefit of officers and staff of the Board.”;

- (l) in section 15 by substituting for the words “Director of Tourism” occurring in line two the words “Executive Director”;

- (m) in section 16—

(i) by inserting immediately after the word “regulations” in line two the words “specifically for all matters relating to officers and staff” and by deleting the words “and in particular” occurring in line three;

- (ii) by substituting for paragraphs (b) to (d) of subsection (1) the following:

“(b) the registration, grading and certification of accommodation associated with the tourism industry;

- (c) the registration, grading and certification of all ancillary services including transportation, restaurants, places of entertainment and other like services;
  - (d) the compilation of statistics and information relating to all aspects of the tourism industry in Trinidad and Tobago during any period;
  - (e) the creation and management of tourism zones in any part of the country for the better development of the tourism industry; and
  - (f) the imposition of fees and charges in such cases as may be determined by the Authority for services rendered or for use of amenities provided by the Authority in carrying out the provisions of this Act.”;
- (iii) in subsection (2), by substituting for the words “one thousand dollars” occurring in line four of paragraph (b) the words “five thousand dollars” and by inserting immediately after the word “conviction” occurring in the last line thereof, the words “and five hundred dollars per day, where the offence is a continuing one”;
- (n) by renumbering section 19 as section 19(1) and inserting the following new subsections—
- “ (2) Notwithstanding section 13 of the Exchequer and Audit Act, the Authority may, with the approval of the Minister of Finance in consultation with the Minister retain such funds obtained by way of revenue as may be necessary to meet expenditure to be incurred in relation to short term projects to be undertaken by the Authority.

(3) The Authority shall submit details of expenditure of funds retained to the Minister of Finance at the end of each financial year.

(4) In pursuance of subsection (2) the Authority shall at the commencement of each financial year submit to the Minister a copy of its budget for the said year, including details of the projects for which funds are to be retained.”;

(o) by substituting for section 20 the following—

<sup>“Accounts  
and audit</sup> 20. (1) The Authority shall—

(a) keep proper accounts, in a form which shall conform with the best commercial standards, of their receipts, payments, credit and liabilities and shall submit the same from time to time with vouchers to a duly qualified auditor; and

(b) cause all aspects of its operation to be subjected to a performance audit once every three years, in order to determine the extent to which the resources have been managed with due

regard to  
economy,  
efficiency  
and effective-  
ness,

and the Minister shall have power to appoint an Auditor for these purposes.

(2) The Authority shall by resolution determine—

(a) the form in which accounts are to be kept;

(b) all other details relating to the financial operations of the Authority.

(3) The Authority shall within three months of the end of each financial year submit its accounts to be audited and shall, as soon as the report is available, submit the same to the Minister together with any report made by the auditors.”.

3. The Statutory Authorities (Declaration) Order is amended by removing from the Schedule thereto “The Trinidad and Tobago Tourist Board”.

Passed in the House of Representatives this 9th day of December, 1988.

J. E. CARTER

*Clerk of the House*

Passed in the Senate this 10th day of January, 1989.

N. COX

*Acting Clerk of the Senate*

Senate Amendments were agreed to in the House of Representatives on 20th January, 1989.

J. E. CARTER

*Clerk of the House*