

CAYMAN ISLANDS

LAW 38 of 1965

I assent,

(L.S.)

J.A. CUMBER
Administrator

19th NOVEMBER, 1965

The Tourist Board Law, 1965.

A LAW to provide for the establishment of a Tourist Board charged with the duty of developing the tourist industry in the Islands and for matters connected therewith.

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Enacted by the Legislature of the Cayman Islands.

1. This Law may be cited as the Tourist Board Law, 1965 and shall come into operation on a day to be appointed by the Administrator by Government Notice published in the Cayman Islands. Short title and commencement.

2. In this Act, unless the context otherwise requires — Interpretation.
“the Board” means the Tourist Board established in accordance with the provisions of this Law;
“chairman” means chairman of the Board;
“deputy chairman” means deputy chairman of the

No. 1 of 1955

Board;

“hotel” has the meaning assigned to it by the Hotels Aid Law, 1955;

“member” includes chairman and deputy chairman.

Establishment
and composition
of Board.

3. (1) There shall be established for the purposes of this Law a body to be called the Tourist Board.

(2) The Board shall consist of such number of members, not being less than six, as the Administrator in Council may from time to time appoint by instrument in writing.

(3) The Administrator in Council shall appoint a chairman and a deputy chairman of the Board from amongst the members of the Board.

(4) A member of the Board other than an ex officio member shall, subject to the provisions of subsections (6) and (7) of this section, hold office for such period, not exceeding three years, as the Administrator in Council may direct in the instrument appointing such member, but such member shall be eligible for re-appointment.

(5) The Administrator in Council 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.

(6) 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 Administrator, and upon the date of the receipt by the Chairman of such instrument such member shall cease to be a member of the Board.

(7) The Administrator in Council may at any time revoke the appointment of a member of the Board other than an ex officio member if he thinks it expedient so to do.

(8) The appointment, removal, death or resignation of any member of the Board other than an ex officio member shall be notified by Government Notice published in the Islands.

Incorporation.

4. (1) The Board shall be a body corporate having per-

petual 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.

(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.

5. (1) The Seal 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.

6. (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 the provisions of this Law, 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 the provisions of this Law, the Board shall have power to regulate its own proceedings.

Power to
appoint
Committees.

7. (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 Law.

(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 the provisions of subsection (7) of section six of this Law, they shall be paid such remuneration and allowances as may be determined by the Administrator in Council. 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.

8. It shall be the duty of the Board, within the limits of its resources –

Duty and functions of Board.

- (a) To develop all aspects of the tourist industry of the Islands and to promote the efficiency of the industry;
- (b) to adopt all such measures as it may deem fit to advertise and publicise the Islands as a tourist resort throughout the year;
- (c) to promote and secure such increased shipping and airline facilities as will tend to increase tourist traffic to the Islands;
- (d) to secure the most favourable arrangements for the entry of tourists into the Islands;
- (e) to encourage by such measures as it may deem fit the development of such amenities in the Islands as may be calculated to enhance the attractiveness of the Islands to tourists;
- (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;
- (g) to foster an understanding within the Islands of the importance and economic benefit of the tourist industry;
- (h) to classify hotels according to the standard of amenities provided;
- (i) 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;
- (j) 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 Law.

9. Subject to the provisions of this Law, the Board shall have power, for the purpose of the execution of its duty

General powers of Board to transact business.

and the discharge of its functions under section eight of this Law—

- (a) to carry on all activities the carrying on whereof appear 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.

Power to
delegate.

10. Subject to the provisions of this Law, the Board may 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.

Appointment of
Secretary and
other officers,
agents and ser-
vants.

11. The Board may appoint and employ a Secretary and such other officers, agents and servants as it deems necessary for the proper carrying out of the provisions of this Law at a remuneration and on terms and conditions equivalent to those offered by the Government to its employees.

Provided that —

- (a) no salary in excess of the rate of £500 per annum shall be assigned to any post without the prior approval of the Administrator in Council;
- (b) no appointment shall be made to any post to which a salary in excess of the rate of £500 per annum is assigned without prior approval of the Administrator in Council; 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 Administrator in Council.

Regulations.

12. The Board may with the approval of the Administra-

tor in Council make regulations generally for the better carrying out of the purposes of this Law and in particular but without prejudice to the generality of the foregoing may make regulations providing for —

- (a) the measures and methods to be adopted in improving the basis of the tourist industry in the Islands and in controlling and eliminating undersirable 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 the Islands during any period and of the countries to which they belong; and
- (d) the imposition of fees or charges in such cases as may be determined by the Board for services rendered by the Board its servants or agents; in carrying out the provisions of this Law.

13. No act done or proceeding taken under this Law shall be questioned on the ground — Protection of Board.

- (a) of the existence of any vacancy in the membership of, or any defect in the constitution of, the Board; or
- (b) of any omission, defect or irregularity not affecting the merits of the case.

14. (1) 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 of intended execution of of this Law. Protection of members of Board.

15. The Board shall pay to each member of the Board for attending the meetings of the Board such travelling and subsistence allowances as the Administrator in Council may determine. Allowances.

Powers of
Administrator in
Council.

16. The Administrator in Council 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.

Disposal of
capital assets.

17. The power of the Administrator in Council to give directions to the Board shall extend to the giving to it of directions –

- (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.

18. The funds and resources of the Board shall consist of –

- (a) from sums as may be provided for the purpose from time to time by the Legislative Assembly;
- (b) all sums received by the Board as payment for advertisements;
- (c) all sums collected under the authority of regulations made under this 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. 19. (1) Subject to the provisions of subsection (2) of this section, the Board may borrow sums required by it for meeting any of its obligations or discharging any of its functions.

(2) As to the sources of the borrowing and as to the terms on which the borrowing may be effected, the power of the Board to borrow shall be exercisable only with the approval of the Administrator in Council up to a limit of Five Hundred Pounds in any one year and beyond that sum only with the approval of the Legislative Assembly. An approval given in any respect for the purposes of this subsection may be either general or limited to a

particular borrowing or otherwise, and may be either unconditional or subject to conditions.

20. (1) The Board shall keep accounts of its transactions to the satisfaction of the Administrator in Council and such accounts shall be audited by the Government Auditor, or by an Auditor appointed by the Administrator in Council.

Accounts
and audit.

(2) The members, officers, agents and servants of the Board shall grant to such auditor 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 not, without the consent of the Administrator in Council, write off bad debts, in excess of One Hundred Pounds in any financial year ending on the 31st of December.

21. (1) The Board shall not later than six months from the end of each year submit to the Administrator in Council a report containing –

Report.

- (a) an account of its transactions throughout the preceding year in such detail as the Administrator in Council may direct; and
- (b) a statement of the accounts of the Board audited in accordance with the provisions of section twenty of this Law.

(2) A copy of the auditor's report shall be laid on the table of the Legislative Assembly.

22. (1) No stamp duty shall be chargeable in respect of any instrument by, or on behalf of or in favour of the Board in cases where, but for this exemption, the Board would be liable to pay the duty chargeable in respect of such instrument.

Exemption
from stamp
duty and
income tax.

(2) The Board shall not be liable for the payment of income or other tax on or in respect of its income, revenue or receipts, or any part thereof.

Membership not
a Public
Office.

23. Membership of the Board shall not of itself be deemed to be a public office for the purposes of the Cayman Islands (Constitution) Order in Council 1962.

Passed by the Assembly this 4th day of October 1965.

J.A. CUMBER

President

SYBIL McLAUGHLIN

Clerk of the Legislative Assembly

Government Notice No. 140 of 1965.

Date of operation, 19th November, 1965.