

(g) for procedural requirements of this Law.

Law 38 of
1965 repealed.

14. The old law is hereby repealed.

Transitional
provisions.

15. (1) The assets of the Tourist Board established by the old Law shall be wound up under the supervision of the Financial Secretary and any surplus assets realised shall be transferred to the revenue of the Islands for allocation to the Department or, in the event of a deficit, shall, after collection of all debts due, be met from the revenue.

- (2) The Department shall assume responsibility for anything in action affecting the Tourist Board which is undischarged at the time of coming into effect of this Law.

Application
of Law 25 of
1971.

16. For the removal of doubt it is hereby declared that no licence is required under the Trade and Business Licensing Law in respect of tourist accommodation licensed under this Law and, upon first obtaining a licence under this Law, an operator shall be entitled to receive a pro rata rebate in respect of each complete month in respect of which a relevant licence held under the Trade and Business Licensing Law remains unexpired.

Passed by the Legislative Assembly this 19th day of March, 1974

K.R. CROOK
President

SYBIL McLAUGHLIN
Clerk of the Legislative Assembly

CAYMAN ISLANDS



THE TOURISM LAW, 1974
LAW 10 OF 1974

MEMORANDUM OF OBJECTS AND REASONS

At this stage in the development of the Cayman Islands it is considered expedient to replace the functions of the Tourist Board with a Department of Government to be called the Department of Tourism administered by an officer of the civil service called the Director of Tourism under the control of a member of the Executive Council who will be the Member for Tourism and have recourse to a non-governmental body appointed annually by the Governor in Council and called the Tourism Advisory Council.

The Law provides that the funds available for the promotion of tourism by this means shall be voted by the Legislative Assembly, and that the Department of Tourism may cooperate with bodies and individuals in such manner as may appear advantageous from time to time.

The Law provides that persons offering sleeping accommodation for more than six tourists will, in future, require to be licensed by a Board to be called the Hotels Licensing Board which shall consist of the Director and two persons to be appointed by the Governor in Council which will have power of inspection of premises and, where standards appear likely to bring discredit upon the Islands as a tourist resort, power to withhold, suspend, revoke or refuse to renew any licence; persons aggrieved by a decision of the Board in that behalf having a right of appeal to the Governor. It is also sought to impose a small

twenty-one days of the receipt by such Authority or Board of the application for planning permission accompanied by the copy of the notification, the Authority or Board shall proceed upon the assumption that the Member has no objection to the application.

12. (1) Whoever fails to make any return required of him to be made under this Law or any Regulation or who fails to comply with any order or direction of the Board acting under its powers under this Law or to submit to any inspection under subsection (1) of section 9 is guilty of an offence and liable upon summary conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding six months or both.

Offences and penalties.

(2) Whoever after the 1st day of January 1975 operates or attempts or offers to operate any tourist accommodation when not licensed in that behalf is guilty of an offence and is liable upon summary conviction to a fine not exceeding \$100 per day in respect of every tourist to whom such accommodation is provided or offered.

13. The Governor may make regulations -

Regulations.

- (a) providing for the registration of tourist facilities offered or made available to visitors to the Islands;
- (b) for the keeping of records relating to tourists;
- (c) for the registration and control of facilities offered or made available to visitors to the Islands within the Islands and within territorial waters;
- (d) prescribing minimum requirements for licensed tourist accommodation;
- (e) prescribing anything required to be prescribed under this Law;
- (f) for the internal regulation of the Department; and

operator who shall display it in the office from which the management of the relevant tourist accommodation is carried on.

Board's
power of
inspection
and control.

9. (1) The Board or any officer may at any reasonable time inspect any tourist accommodation in order to ascertain whether or not the prescribed minimum requirements are being complied with and shall inspect all licensed accommodation at least once in every year.

(2) If, in the opinion of the Board, any operator has failed to comply with the prescribed minimum requirements the Board may withhold, revoke, suspend or refuse to renew such operator's licence, or may impose conditions subject to which such licence shall be granted or continued, by giving twenty-one days notice to the operator to that effect in the prescribed form.

Appeals
against deci-
sion of the
Board under
section 9.

10. An operator or prospective operator who is aggrieved by a decision of the Board made under section 9 may within fifteen days of service upon him of notification of the decision appeal thereagainst to the Governor by notice in writing in the prescribed manner and in accordance with prescribed procedure and the decision of the Governor shall be final and binding upon the operator.

Member may
object to
applications
for planning
permission.

11. Whoever makes application to the Central Planning Authority or in the case of the Lesser Islands the Development Control Board for planning permission in respect of accommodation intended wholly or partly for the use of tourists, whether by way of new development or modification of existing development, shall notify the Member of the said application in the manner prescribed and enclose a copy of such notification with his application to such Authority or Board and, if the Member gives notice to such Authority or Board of his objection to the said application, the Authority shall not grant such application until it has given the Member a reasonable opportunity of objecting thereto:

Provided that -

If no objection is made by the Member within

graduated licence fee to off-set the cost of administration.

The Law further empowers and required the Director to collect and collate information relating to the organization and economics of the tourist industry and disseminate such information for its benefit.

The Member is given a measure of control over planning development for the purpose of tourism in order to preserve and enhance standards as well as to ensure that the growth of the industry does not outrun the availability of manpower and other resources.

Arrangement of Sections

Section

1. Short title and commencement .
2. Interpretation .
3. The Member .
4. Scope of the Member's function .
5. The Department of Tourism .
6. The Tourism Advisory Council.
7. Hotels Licensing Board.
8. Operators to be licensed.
9. Board's power of inspection and control.
10. Appeals against decision of the Board under section 9.
11. Member may object to applications for planning permission.
12. Offences and penalties.
13. Regulations.
14. Law 38 of 1965 repealed.
15. Transitional provisions.
16. Application of Law 25 of 1971.

necessary for the purpose of discharging its duties under this Law;

- (ii) keep records of its proceedings decisions and reasons for the latter;
- (iii) if so requested in that behalf, give an opportunity of audience to applicants or their representatives before reaching its decisions concerning them;
- (iv) arrive at its decisions by a majority vote,

and may in all other respects regulate its own procedure.

8. (1) With effect from the first day of January, 1975 no person shall operate tourist accommodation unless licensed in that behalf by the Board.

Operator s
to be
licensed.

(2) On or before the 1st day of September in each year every operator desiring to be licensed shall make application to the Board through the Director in the prescribed form and shall tender with such application the prescribed fee.

(3) Licenses shall expire on the 30th day of September in each year and shall be renewable upon application made to the Board through the Director in the prescribed form accompanied by the prescribed fee.

(4) The Board shall grant or renew licenses as the case may be to those operators who make application in that behalf in the prescribed manner, pay the prescribed fee and conform with the prescribed minimum requirements.

(5) In granting licenses the Board shall classify the tourist accommodation in respect of which the licence is granted in the category of a guesthouse, a cottage colony, a group of apartments or a hotel as the case may be and shall issue the licence in the prescribed form to the

public officer known as the Director of Tourism who, together with such officers as may be considered necessary, shall be appointed by the Governor from time to time and the Department shall be maintained out of such funds as may be provided by the Legislative Assembly.

The Tourism
Advisory
Council .

6. (1) There is hereby established the Tourism Advisory Council to be appointed by the Governor on the first day of January in each year and from time to time at his discretion which shall consist of not less than five members who shall hold office until the end of each calendar year or at the pleasure of the Governor.

(2) No public servant shall be a member of the Council.

(3) The Council shall meet inter alia at least once in each quarter of every year with the Director in attendance.

(4) In connection with the performance of his function, the Member may consult the Council from time to time and may call meetings of the Council for that purpose but shall not be bound by its advice.

(5) The Member shall preside at meetings at which he is present and, in his absence, those present shall appoint a chairman to preside.

(6) Three members present shall form a quorum for the conduct of the business of the Council.

(7) In all other matters the Council may regulate its own procedure.

Hotels
Licensing
Board.

7. (1) There is hereby established a Board called the Hotels Licensing Board which shall consist of -

- (a) the Director (as chairman); and
- (b) two other members to be appointed from time to time by the Governor to hold office at the pleasure of the Governor.

(2) The Board shall -

- (i) meet from time to time as

LAW 10 of 1974

I assent,

K.R. CROOK
Governor

6th June, 1974

A LAW TO REPEAL AND REPLACE IN AMENDED FORM
THE TOURIST BOARD LAW
(No. 38 of 1965)

ENACTED by the Legislature of the Cayman Islands.

1. This may be cited as the Tourism Law, 1974, and shall come into operation on a day to be appointed by the Governor by Government Notice published in the Cayman Islands.

Short title
and commence-
ment.

2. In this Law unless the context otherwise requires -

Interpreta-
tion .

“apartments” means tourist accommodation having the character of separate flats or dwelling units situated on a common site or on contiguous sites whether or not held as strata titles under the Strata Titles Law;

“Board” means the Hotels Licensing Board established by section 7;

“cottage colony” means tourist accommodation having the character of a group of cottages or beach dwellings;

Law 14 of
1973.

“Council” means the Tourism Advisory Council established under section 6;

“Department” means the Department of Tourism established under subsection (1) of section 5;

“Director” means the Director of Tourism referred to in subsection (2) of section 5;

“Governor” means the Governor in Council;

“guesthouse” means tourist accommodation having the character of a private dwelling house or more than one such dwelling house situated on a common site or on contiguous sites;

“hotel” has the meaning ascribed to it in the Hotels Aid Law;

“licence” and its cognates refers to a licence under this Law;

“Member” means the Member of the Executive Council for the time being charged with responsibility for tourism in accordance with the provisions of section 9 of the Constitution of the Cayman Islands;

“officer” means an officer of the Department;

“old law” means the Tourist Board Law repealed by this Law;

“operator” and its cognates has reference to one or more persons having the sole or joint control of tourist accommodation;

“prescribed” means prescribed by this Law or any Regulation;

“tourist” means a visitor to the Islands for the purposes of subsection (1) of section 40 of the Caymanian Protection Law; and

“tourist accommodation” means overnight or day to day accommodation available to tourists and catering for more than six persons per night under

Cap. 66
Law 15 of 1965.

Law 38 of
1965.

Law 23 of
1971.

the management of an operator and includes a guest house, a cottage colony, a group of apartments and a hotel.

3. The function of the Member is to promote, foster and develop tourism.

The Member.

4. (1) In the discharge of his function the Member may take all measures he deems fit for promoting the Islands as a year round tourist resort and for that purpose shall use his best endeavour to -

Scope of the
Member's
function.

- (a) promote and secure such increased travel facilities for tourists as may be required;
- (b) secure the most favourable arrangements for the entry of visitors in the Islands;
- (c) encourage the development of amenities calculated to attract visitors to the Islands;
- (d) promote research, experiments and operations to improve the basis of tourism and to control factors which may affect it adversely;
- (e) increase understanding of the economic benefits of tourism; and
- (f) collect and collate information calculated to enable him to discharge the above functions effectively.

(2) Where power is conferred upon the Member by subsection (1) to undertake or promote any measure, it includes a power to assist or cooperate with any person or body of persons for that purpose.

5. (1) There is hereby established a Department of Government charged with the duty of assisting the Member in the performance of his functions under this Law called the Department of Tourism.

The
Department
of Tourism.

(2) The Department shall, subject to the direction and control of the Member, be under the supervision of a