



[L.S.]

I Assent,

James B. Carlisle,
Governor-General.

25th February, 2004.

ANTIGUA AND BARBUDA

No. 30 of 2003

AN ACT to amend the **Tourism Development Corporation Act, 1997.**

[*4th March, 2004*]

ENACTED by the Parliament of Antigua and Barbuda as follows:

1. This Act may be cited as the **Tourism Development Corporation (Amendment) Act, 2003** and shall come into operation on a day to be appointed by the Minister by notice published in the *Gazette*.

Short title.

2. The **Tourism Development Corporation Act, 1997** in this Act referred to as "**the principal Act**", is amended in section 8 —

Amendment of **section 8**
Act No. 6 of **1997.**

(a) by the repeal of subsections (1), (2) and (3) and the substitution of the following:

"(1) The Minister shall, with the approval of Cabinet, appoint an Executive Director of the Corporation.

(2) The **terms** and conditions of **service** of

the Executive Director shall be determined by the Cabinet on the recommendation of the Minister after the Minister has held consultations with the Board.

(3) Subject to this Act and any directions of the Board, the Executive Director shall be responsible for the management of the affairs of the Corporation and for the performance of its functions and may attend and participate in the deliberations of the meetings of the Board but shall have no right to vote."

- (b) by the addition, immediately after subsection (6), of the following:

"(7) The Board may appoint to the service of the Corporation such suitable persons, including persons seconded from the civil service, as it may consider appropriate for the performance of the functions of the Corporation."

**Amendment of
section 10.**

3. Section 10 of the principal Act is amended —

- (a) in paragraph (b) of subsection (1) —
- (i) by the deletion of the word "and" where it first appears;
 - (ii) by the insertion of a comma immediately after the word "fees";
 - (iii) by the insertion immediately after the word "charges" of the words "and levies"; and
 - (iv) by the deletion of the words "the Tourism Corporation Fund" and the substitution of the words "the Tourism Development Corporation Fund."
- (b) in subsection (2) by the deletion of the words "the Tourism Corporation Fund" and the substitution of

the words "the Tourism Development Corporation Fund"; and

- (c) by the addition of the following subsection immediately after **subsection (2)**:

"(3) The Fund established by subsection (2) shall be treated as a special fund under section 6 of the Finance and Audit Act as if it had been established under that Act and shall be subject to the provisions of that Act."

Cap. 168.

4. Section 12 of the principal Act is amended —

Amendment of section 12.

- (a) in subsection (2) by the deletion of the words "Subject to subsection (3), the Minister of Finance may guarantee" and the substitution of the words "Subject to subsection (3), the Minister of Finance may, with the approval of Cabinet, guarantee", and
- (b) by the deletion of subsection (3) and the substitution of the following:

"(3) Advances and guarantees under this section shall be issued or made in accordance with the Finance and Audit Act."

Cap. 168.

5. Section 18 of the principal Act is amended in subsection (1) by the deletion of the words "a duly qualified auditor" and the substitution of words "a person qualified to practise as an auditor under the Accountancy Profession Act, 1992, appointed by the Director of Audit".

Amendment of section 18.

Act No. 10 of 1992.

6. Section 24 of the principal Act is amended in subsection (1) —

Amendment of section 24.

- (a) in the introductory provision, by the deletion of the words "The Board may, with approval of the Minister, make regulations generally" and the substitution of the words "The Minister may, after consultation with the Board, make regulations";
- (b) by the deletion of paragraph (e) and the substitution of the following:

"(e) fees and charges to be paid to the Corporation."

**Amendment of
First Schedule.**

7. The First Schedule to the principal Act is amended —

(a) in paragraph 1 —

(i) by the insertion **immediately** after the words "a Chairman", in subparagraph (a), of the words "and, from among the members appointed under subparagraph (b), a Deputy Chairman"; and

(ii) by the deletion of subparagraph (b) and the substitution of the following:

"(b) the following other members appointed by the Minister by an **instrument** in writing, of whom —

(i) two shall be nominated by the Antigua and Barbuda Hotels and Tourist Association;

(ii) one shall be nominated by the Antigua and Barbuda Small Hotels Association;

(iii) one shall be nominated by the Antigua and Barbuda Chamber of Commerce and Industry Limited;

(iv) one shall be nominated by the taxi operators' associations;

(v) one shall be nominated by the vendors' association;

(vi) one shall be nominated by the Antigua Airlines Associations;

- (vii) one shall be nominated by the Antigua and Barbuda Cruise Tourism Association;
 - (viii) two shall be appointed **from** among persons who have relevant experience in matters relating to tourism, culture, music, accountancy or banking or who are engaged in the business of travel agencies;
 - (ix) one shall be nominated by the Antigua Marine Trades Association;
 - (x) one shall be nominated by the Antigua Farmers Association;
 - (xi) one shall be nominated by the Antigua and Barbuda Trade Union Congress; and
 - (xii) three shall be representatives of the Ministry responsible for tourism."
- (b) in paragraph 2 by the deletion of the words "**but shall not serve for more than two consecutive terms**" and the substitution of the words "and the members shall be paid such fees as may be approved by Cabinet."
- (c) by the deletion of paragraph 3 and the substitution of the following:

"Temporary absence or inability of Chairman, Deputy Chairman or member

3. (1) If the Chairman is temporarily absent from Antigua and Barbuda or unable to perform the functions of his office, the Deputy Chairman shall perform those functions.

(2) If both the Chairman and the Deputy Chairman are temporarily absent from Antigua and Barbuda or unable to perform their functions, the Minister shall appoint an acting Chairman for the duration of the absence or inability.

(3) If a member of the Board is temporarily absent from Antigua and Barbuda or unable to perform his functions, the Minister may appoint another person to act in the place of the member for the duration of the absence or inability; and in the case of a member appointed under paragraph 1 (b), the Minister shall appoint the acting member in the same manner and from the same category of persons as in respect of the appointment of the substantive member."

(d) in paragraph 10 —

- (i) by the deletion from subparagraph (1) of the words "but the Board shall hold not less than twelve meetings in each financial year" and the substitution of the following words:

"but the Board shall hold one or more meetings in each month, and the Minister **may** direct the Board to consider, at any such meeting or at any other meeting directed by the Minister to be held, any matter referred to it by the Minister"; and

- (ii) by the deletion of subparagraph (5) and the substitution of the following:

"(5) At any meeting of the Board, nine members **of the** Board, including the person presiding, shall constitute a quorum".

No. 30 of 2003.

***The Tourism Development
Corporation (Amendment) Act, 2003.***

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AND
BARBUDA

8. The Second Schedule to the principal Act is amended by the deletion subparagraph (1) of paragraph 1 and by the renumbering of subparagraph (2) as paragraph 1.

Amendment of
Second Schedule.

Passed the House of Representatives
this 1st day of December, 2003.

Passed the Senate this 11th day
of December, 2003.

B. Harris,
Speaker.

M. Percival,
President.

S. Walker,
Clerk to the House of Representatives.

S. Walker,
Clerk to the Senate.

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