

TOURIST BOARD ORDINANCE (CAP. 280)
AMENDMENT 1991 (W.E.F. 1.5.1990) (INC. IN 1991 REV.)
AMENDMENT 1996
AMENDMENT 2009

1991 REV.
5/1991
13/1996
10/2009

CHAPTER 280.

TOURIST BOARD.

(1st July, 1969.)

9/1968
9/1972
2/1983
5/1991

PRELIMINARY.

- 1.** This Ordinance may be cited as the Tourist Board Ordinance. Short title.
- 2.** In this Ordinance— Interpretation.
2/1983.
- “Board” means the British Virgin Islands Tourist Board established by section 3 (1);
- “Director” means the Director of Tourism appointed under section 6;
- “Minister” means the Minister responsible for the subject of Tourism.
- 3.** (1) For the purposes of this Ordinance, there is established a Board to be known as the British Virgin Islands Tourist Board which is a body corporate with perpetual succession and a common seal that shall be officially and judicially noticed. Establishment of
Tourist Board.
2/1983.
- (2) The Board may sue or be sued in its corporate name and service of any process or notice on the Board may be effected by leaving the same at the office of the Board. 5/1991.
- (3) The Board consists of not less than five and not more than nine members appointed by the Minister and each member holds office for a period of four years from the date of his appointment but is eligible for reappointment except that— 2/1983.
- (a) a member of the Board may at any time resign his office by submitting to the Minister a notice in writing to that effect; and
- (b) from the date of receipt of the notice by the Minister the member ceases to hold office unless some

other date is specified in the notice, in which case the member ceases to hold office from that other date.

2/1983.

(4) The Minister shall appoint one of the members of the Board to be Chairman of the Board and where the Chairman ceases to be a member of the Board he immediately ceases to be Chairman.

(5) If at any meeting of the Board the Chairman is absent the members present shall elect one of their members to act as Chairman at that meeting.

(6) The validity of any proceeding of the Board shall not be affected by any vacancy in the membership thereof or by any defect in the appointment of a member thereof.

Publication of membership of Board.

4. The names of all members of the Board as first constituted and every change in the membership thereof shall be published in the Gazette.

Procedure and meetings.

5. (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.

(2) The quorum of the Board at any meeting shall be four including the Chairman or person duly elected to act as Chairman.

(3) The decisions of the Board shall be by the majority of votes of the members present and voting on the question or matter:

Provided that in any case in which the voting shall be equal the Chairman shall have an original and a casting vote.

(4) Subject to the foregoing provisions of this section the Board shall have power to regulate its own proceedings.

Director and other officers.
2/1983.

6. (1) Subject to the approval of the Minister, the Board shall appoint a person to be Director of Tourism, and may employ such number of persons as may be necessary for the efficient performance of the functions of the Board.

(2) The Director has responsibility for the management of the affairs of the Board.

(3) Subject to the approval of the Minister, the Board may assign to an office created under subsection (1), including the office of Director, such salary and other emoluments as it

other date is specified in the notice, in which case the member ceases to hold office from that other date.

2/1983.

(4) The Minister shall appoint one of the members of the Board to be Chairman of the Board and where the Chairman ceases to be a member of the Board he immediately ceases to be Chairman.

(5) If at any meeting of the Board the Chairman is absent the members present shall elect one of their members to act as Chairman at that meeting.

(6) The validity of any proceeding of the Board shall not be affected by any vacancy in the membership thereof or by any defect in the appointment of a member thereof.

Publication of
membership of
Board.

4. The names of all members of the Board as first constituted and every change in the membership thereof shall be published in the Gazette.

Procedure and
meetings.

5. (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.

(2) The quorum of the Board at any meeting shall be four including the Chairman or person duly elected to act as Chairman.

(3) The decisions of the Board shall be by the majority of votes of the members present and voting on the question or matter:

Provided that in any case in which the voting shall be equal the Chairman shall have an original and a casting vote.

(4) Subject to the foregoing provisions of this section the Board shall have power to regulate its own proceedings.

Director and
other officers.
2/1983.

6. (1) Subject to the approval of the Minister, the Board shall appoint a person to be Director of Tourism, and may employ such number of persons as may be necessary for the efficient performance of the functions of the Board.

(2) The Director has responsibility for the management of the affairs of the Board.

(3) Subject to the approval of the Minister, the Board may assign to an office created under subsection (1), including the office of Director, such salary and other emoluments as it

thinks fit; and may determine the terms and conditions of service that are applicable in respect of any office created under that subsection.

7. No member or servant of the Board shall be personally liable for any act of default of the Board done or omitted to be done in good faith in the course of the operation of the Board.

Liability of members.

FUNCTIONS, DUTIES AND POWERS OF BOARD.

8. (1) It shall be the duty of the Board, within the limits of its resources—

Duties and functions of Board.

(a) to promote, foster and develop the tourist trade of the Virgin Islands and to promote its efficiency;

(b) to promote, foster and encourage tourist investment within the Virgin Islands by such measures as the Board may deem fit and especially the development of such amenities as may be calculated to enhance the Virgin Islands as a holiday, pleasure or health resort.

(2) In connection with the discharge of its duties and functions the Board within the limits of its resources—

(a) shall collect such information as may be necessary to fit them to discharge these functions efficiently and in the best interests of the Virgin Islands;

(b) shall undertake and promote suitable and sufficient measures of publicity either in or outside the Virgin Islands for the purpose of drawing attention to the attractions of the Virgin Islands thereof as a holiday, pleasure and health resort, including advertising, press and public relations, broadcasting (both radio and television), articles in newspapers, magazines and periodicals, motion pictures or any other suitable media for publicity;

(c) shall undertake and promote suitable measures for preparing and for disseminating reliable information relating to the Virgin Islands;

(d) may undertake and promote suitable measures for providing entertainment, for persons visiting the Virgin Islands; and

(e) generally shall take all such other lawful measures as it may consider likely to assist them in carrying out most effectively the purposes of this Ordinance.

(3) Where by any provision of this section a duty is imposed or a power is conferred upon the Board to undertake and promote any measure, the provision shall be deemed to confer a power upon the Board to assist or to co-operate with any person or body of persons in the undertaking of such measures.

General powers
of the Board.

9. Subject to the provisions of this Ordinance, the Board shall have power for the purpose of the execution of its duties and the discharge of its functions under section 8 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.

Regulations.
2/1983.

10. (1) The Board may, with the approval of the Minister, make regulations generally for the better carrying out of the purpose of this Ordinance and in particular but without prejudice to the generality of the foregoing may make regulations providing for—

(a) the registration of hotels, guest houses, boarding houses, rented houses, dwelling-houses, flats, apartments, or rooms in buildings or premises which are available for the accommodation of persons visiting the Virgin Islands;

(b) the inspection by the Board, its servants or agents of any premises registered for the accommodation of persons and the publication of information relating to all such premises and their classification by the Board into categories;

(c) the maintenance of a register of taxis, self-drive vehicles and boats both power and sail or any other type of vehicle or boat available for rent or hire to persons visiting the Virgin Islands;

(d) the inspection by the Board, its servants or agents of any vehicles or boats registered for rent or hire and the publication of information relating to such vehicles or boats and their classification by the Board into categories;

(e) 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 Ordinance.

(2) Regulations made under this section may empower any person whether such person be a member or officer or

servant of the Board or not, to issue such directions to owners or managers of hotels, guest houses, boarding houses, rented houses, dwelling-houses, flats, apartments, or rooms in buildings or premises and other persons engaged in activities in or connected with the tourist industry as may be determined by the Board and as may be necessary for securing compliance with or carrying out the purposes of this Ordinance or of any regulations made thereunder.

(3) All regulations made under this section shall be laid as soon as practicable after the making thereof before the Legislative Council and if the Legislative Council within thirty days from the date on which such regulations are laid as aforesaid, resolves that the regulations be annulled, the regulations shall thereupon cease to have effect but without prejudice to anything previously done thereunder or to the making of new regulations.

For the measurement of any such period of thirty days as aforesaid, no account shall be taken of any time during which the Legislative Council is dissolved or prorogued.

FINANCIAL PROVISIONS.

11. (1) The funds and resources of the Board shall consist of—

Funds of the Board.

(a) such sums of money as may be provided annually for the purpose in the Estimates of Revenue and Expenditure of the Virgin Islands;

(b) all sums of money received by the Board under the authority of this Ordinance or of any regulations made thereunder and such other sums as may accrue from the operations of the Board;

(c) all other sums of money which may in any manner become payable to or be vested in the Board in respect of any matter incidental to its powers and duties;

(d) any sums contributed or paid to the Board by any person or persons or body of persons (corporate or unincorporate) being sums contributed or paid in furtherance of any of the functions of the Board.

(2) The funds of the Board shall be applied towards the payment of any expenses incurred by the Board in carrying out its duties or functions under this Ordinance.

Submission of
estimates.
2/1983.

12. The Board shall as soon as possible after the first day of July in each year submit for the approval of the Minister and the Legislative Council its estimates of the probable revenue and expenditure of the Board for the twelve months commencing on the following first day of January.

Accounts and
audit.

13. The Board shall keep proper accounts in a form prescribed by the Financial Secretary of their receipts, payments, credits and liabilities and shall submit the same from time to time with vouchers to a duly qualified accountant to be audited:

Provided that the publication of the audited accounts of the twelve months ended on the thirty-first day of December (next preceding the date of the report) be published in each Annual Report by the Board.

Annual report.
2/1983.

14. The Board shall during the month of March in every year submit a report to the Minister to be laid before the Legislative Council containing an account of the Board's activities during the twelve months ended on the thirty-first day of December next preceding the date of the report.

VIRGIN ISLANDS

TOURIST BOARD (AMENDMENT) ACT, 1996

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Amendment of section 3 of Cap. 280.
3. Amendment of section 5.

I Assent
D. Mackilligin
Governor
21st January, 1997

VIRGIN ISLANDS

No. 13 of 1996

An Act to amend the Tourist Board Ordinance (Cap. 280).

[Gazetted 20th February, 1997]

ENACTED by the Legislature of the Virgin Islands as follows:

Short title.

1. This Act may be cited as the Tourist Board (Amendment) Act, 1996.

Amendment
of section 3
of Cap. 280.

2. Section 3 of the Tourist Board Ordinance (in this Act referred to as the principal Act) is amended in subsection (3) by

(a) repealing "five" and substituting "seven"; and

(b) repealing "nine" and substituting "eleven".

Amendment
of section 5.

3. Section 5 of the principal Act is amended in subsection (2) by repealing "four" and substituting "seven".

Passed by the Legislative Council this 20th day of December, 1996.

REUBEN VANTERPOOL,
Speaker.

HUGH A. HODGE,
Clerk of the Legislative Council.

I ASSENT

DAVID PEAREY,
Governor.

29th June, 2009

VIRGIN ISLANDS

No. 10 of 2009

An Act to amend the Tourist Board Ordinance (Cap. 280).

[Gazetted 16th July, 2009]

ENACTED by the Legislature of the Virgin Islands as follows:

Short title.

1. This Act may be cited as the Tourist Board (Amendment) Act, 2009.

Section 3
amended.
Cap. 280

2. Section 3 of the Tourist Board Ordinance, (in this Act referred to as “the principal Act”) is amended in subsection (3)

- (a) by deleting the words “not less than seven and not more than eleven” and inserting “fifteen”;
- (b) by deleting the word “and”, in paragraph (a);
- (c) by deleting the full stop at the end of paragraph (b) and inserting “; and”; and
- (d) by inserting, immediately after paragraph (b), the following paragraph:

“(c) the members’ terms of appointment may be staggered so that the terms of appointment of the membership would not expire at the same time.”

NO. 10 OF 2009

VIRGIN ISLANDS

TOURIST BOARD (AMENDMENT) ACT, 2009

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Section 3 amended.
3. Section 5 amended.
4. General amendment to the Act.

3. Section 5 of the principal Act is amended in subsection (2) by substituting the word "eight" for "four".

Section 5
amended.

General
amendment
to the Act.

4. The principal Act is amended by substituting the words "House of Assembly" for "Legislative Council" wherever they appear in the Act.

Passed by the House of Assembly this 26th day of May, 2009.

(Sgd.) ROY HARRIGAN,
Speaker.

(Sgd.) PHYLLIS EVANS,
Clerk of the House of Assembly.

