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SEYCHELLES TOURISM BOARD ACT, 2005

(Act 6 of 2005)

I assent

J. A. Michel
President



31st March, 2005

AN ACT to provide for the establishment of the Seychelles Tourism Board, the repeal of the Seychelles Tourism Marketing Authority Act (Act 13 of 2000) and for matters connected therewith or incidental thereto.

ENACTED by the President and the National Assembly.

1. This Act may be cited as the Seychelles Tourism Board Act, 2005 and shall come into operation on such date as the Minister may, by Notice in the Gazette, appoint.

Short title and
commencement

Interpretation

2.

In this Act –

“STB” means the Seychelles Tourism Board established by section 3;

“Board” means the Board of Directors of the STB appointed under section 4;

“member” means a member of the Board;

“Minister”, unless otherwise specified, means the Minister responsible for Tourism;

“tourism enterprise” means a person or a body of persons who or which carries on one or more of the following businesses:

- (a) national or international carriage of passengers;
- (b) provision or arrangement either wholly or in part of services for visitors to Seychelles by way of transport, accommodation, tours or guides within or outside Seychelles;
- (c) distributing wholly or in part for purposes of trade or retailing tourism-related goods;
- (d) any other undertaking including any convention, exhibition, show, fair, publicity campaign or theme park intended wholly or in part for attracting visitors to Seychelles;

“tourism-related goods” means goods prescribed as such for the purpose of this Act.

PART II – THE BOARD

3. There is hereby established a body corporate to be known as the Seychelles Tourism Board. Establishment of Seychelles Tourism Board
4. (1) The affairs of the Seychelles Tourism Board shall be administered by a Board of Directors. Constitution of the Board
- (2) The Board shall consist of the following members appointed by the President –
- (a) the Chairman;
 - (b) ten other members including –
 - (i) a representative of the Department of Finance;
 - (ii) a representative of the Ministry responsible for Environment;
 - (iii) a representative of the Ministry responsible for Tourism;
 - (iv) a person with wide experience in air transport services;
 - (v) a person with wide experience in commercial banking;
 - (vi) five other persons having wide experience in matters relating to tourism who shall be appointed in consultation with the Seychelles Hospitality and Tourism Association, the Tourism Advisory Committee and the Seychelles Chamber of Commerce and Industry.

(3) A member of the Board shall hold office for such period as shall be specified in the instrument of appointment and shall be eligible for reappointment.

(4) A member may, at any time, resign his office by letter addressed to the President.

(5) Where the office of a member becomes vacant, the President shall appoint a person to that office having regard to the relevant provision of subsection (2).

(6) Where a member is temporarily unable to perform the duties of his office on account of ill health, other infirmity, absence from Seychelles or any other cause, then the President may appoint another person to act in place of that member having regard to the relevant provision of subsection (2).

(7) Members shall be paid from the funds of the STB such remuneration or allowances as the Minister may determine.

Functions of
the STB

5. The functions of the STB shall be –

- (a) to promote the efficient and sustainable development of tourism and to enhance its contribution to the national economy;
- (b) to advise and assist the Government in the development of infrastructures supporting the tourism industry;
- (c) to encourage the provision and improvement of amenities and facilities needed for the better enjoyment of Seychelles as a tourist destination;
- (d) to exercise general supervision over tourism enterprises;

- (e) to establish a code of practice and standards for tourism enterprises and to ensure that they are complied with;
- (f) to carry out market research and design and implement marketing strategies for the effective promotion of tourism;
- (g) to promote the development of human resources in tourism and related fields;
- (h) to promote domestic tourism; and
- (i) to do other things that will contribute to the advancement of the tourism industry.

6. (1) The Chairman shall preside at the meetings of the Board. The Chairman may nominate a member to preside at any meeting which the Chairman is unable to attend.

Procedures of
the Board

(2) The Board shall meet at such intervals as the members may decide, but not less than four times in each year.

(3) The Chairman may at any time and shall at the request in writing of 4 members and without delay convene a special meeting of the Board.

(4) A notice convening such special meeting shall state the purpose for which it is convened.

(5) Except in the case of a meeting convened for an urgent matter not less than three 3 days' notice of the meeting shall be given to the members.

(6) Five members shall constitute a quorum for a meeting of the Board.

(7) The decisions of the Board shall be made by a majority of votes of the members present. The Chairman or the member presiding shall, in the event of an equality of votes, have a casting vote.

(8) A member of the Board who is in any way directly interested in any decision to be made by the Board shall disclose the nature of his or her interest at a meeting of the Board and such disclosure shall be recorded in the minutes of the meeting, and the member shall not take part in any deliberation or vote with regard to that decision.

(9) Subject to this section, the Board may regulate its meetings and procedures as it thinks fit.

Delegation of
powers etc.

7. (1) The Board may appoint special committees consisting of any of its members or other persons for the purpose of discharging any of its functions.

(2) The Board may, subject to such conditions as it may specify, delegate to –

- (a) the Chairman of the Board;
- (b) any member;
- (c) a committee referred to in subsection (1); or
- (d) any officer of the STB,

any of the powers and duties of the STB and such power or duty may be exercised or performed by the Chairman, member, committee or officer as the case may be in the name and on behalf of the STB.

(3) Notwithstanding any delegation under subsection (2), the Board may continue to exercise or perform any power or duty so delegated.

8. (1) The Minister may give the STB directions in respect of the policy to be followed by the STB in the performance of its functions and the STB shall comply with those directions.

Directions by
Minister

(2) The Minister may from time to time direct the STB to furnish him with returns, accounts and other information with respect to the affairs of the STB and the STB shall comply with such directions.

PART III – OFFICERS AND STAFF OF THE STB

9. (1) There shall be a Chief Executive Officer of the STB who shall be appointed by the President on the recommendation of the Minister from among the members of the Board.

Chief
Executive
Officer

(2) The Chief Executive Officer shall be the accounting officer and shall be responsible for the administration of the affairs of the STB in accordance with the decisions of the Board.

10. The Board may appoint such officers and servants as it considers necessary for the efficient discharge of its functions under this Act on such terms and conditions as it may determine.

Appointment
of staff

PART IV – FINANCIAL PROVISIONS

11. (1) The funds of the STB shall consist of –

Funds of the
STB

- (a) moneys voted by the National Assembly for the use of the STB;
- (b) moneys accruing to the STB from its operations or other payments;

- (c) moneys received by the STB by way of loans, donations, gifts or grants.

(2) The funds of the STB shall be applied in the discharge of the expenses in the carrying out of its functions, payment of remuneration to the members and employees of the STB and in the repayment of any sum borrowed by the STB.

(3) The surplus remaining after meeting the expenses of each financial year and making provision for bad and doubtful debts, depreciation of assets and any other purpose deemed necessary by the Board shall be dealt with in accordance with directions given by the Minister.

Vesting of
Government
assets etc.

12. The President may by Order in writing, vest in the STB any right, interest, asset or liability of the Government and upon the making of the Order the right, interest, asset or liability shall vest in the STB.

Borrowing
by the STB

13. The STB may, with the approval in writing of the Minister responsible for Finance, borrow or raise money in such manner, from such persons, on such terms and conditions and against such security as it may deem appropriate for the purpose of discharging its functions.

Business
plan of the
STB

14. (1) The STB shall prepare a business plan in respect of each financial year and submit it to the Minister for his approval.

(2) The business plan shall –

- (a) include a statement of short term and medium term objectives;
- (b) outline the strategies that the STB intends to employ in order to achieve its objectives;

- (c) include an operational plan, a financial plan consisting of estimates of expenditure and revenue for the following financial year and performance indicators.

(3) The STB may amend the business plan with the approval of the Minister.

15. (1) The financial year of the STB is the period of twelve months ending on the 31st December in each year:

Accounts and
auditing

Provided that the first financial year of the STB shall be the period between the date of commencement of this Act and the 31st December next following.

(2) Article 158 of the Constitution shall apply in respect of the auditing of the accounts of the STB.

16. The STB shall, not later than 6 months after the expiration of each financial year, submit to the Minister a report on the activities of the STB during that financial year.

Annual report

PART V – MISCELLANEOUS

17. All members and officers of the STB shall be deemed to be employed in the public service for the purpose of sections 91 to 96 of the Penal Code and those sections shall apply to them.

Application of
certain Penal
Code provisions

18. No liability, civil or criminal, shall attach to the STB, a member or an officer of the STB in respect of an act done or omission made in good faith in the performance of the functions of the STB or such member or officer as the case may be.

Protection for
acts in good
faith

19. The Minister may make regulations for the purpose of carrying into effect the principles and provisions of this Act.

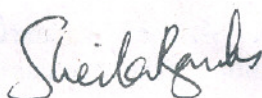
Regulations

Repeal of Act
23 of 2000

20. (1) The Seychelles Tourism Marketing Authority Act is hereby repealed.

(2) Notwithstanding subsection (1), any right, privilege, obligation or liability acquired or incurred by a person under the repealed Act shall not be affected by the repeal and any legal investigation, legal proceeding or remedy in respect of such right, privilege, obligation or liability may be instituted, continued or enforced by or against the STB.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 29th March, 2005.



Sheila Banks
Clerk to the National Assembly