



BELIZE

**BELIZE NATIONAL TOURISM COUNCIL ACT
CHAPTER 276**

REVISED EDITION 2011

**SHOWING THE SUBSTANTIVE LAWS AS AT 31ST
DECEMBER, 2011**

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2011.

CHAPTER 276

BELIZE NATIONAL TOURISM COUNCIL

ARRANGEMENT OF SECTIONS

PART I

Preliminary

1. Short title.
2. Interpretation.

PART II

*Establishment, Composition, Tenure,
Powers and Functions, etc., of the Council*

3. Establishment and composition of the Council.
4. Chairperson and Deputy Chairperson.
5. Body corporate.
6. Seal of Council and authentication of documents.
7. Meetings of the Council.
8. Powers of Council to appoint Committees.
9. Objectives of the Council.
10. Duties and functions of the Council.
11. General powers of the Council to transact business.
12. Delegation of powers.

13. Institutional support from the Ministry.
14. Protection of Council.
15. Protection of members of the Council.
16. Allowances for members.

PART III

Miscellaneous

17. Funds and resources of the Council.
18. Report to the Minister and to Government.
19. Exemption from income tax and stamp duty.
20. Membership not an office of profit under the Government.
21. Saving.
22. Regulations.

CHAPTER 276

BELIZE NATIONAL TOURISM COUNCIL

35 of 1999.
S.I. 123 of 2000.

[2nd October, 1999]

PART I

Preliminary

1. This Act may be cited as the Belize National Tourism Council Act. Short title.
2. In this Act, unless the context otherwise requires, Interpretation.

“Chairperson” means the Chairperson of the Council;

“Council” means the Belize National Tourism Council duly constituted and established under section 3 of this Act;

“member” means a member of the Council;

“Minister” means the Minister for the time being responsible for Tourism, and the word “Ministry” shall be construed accordingly.

PART II

*Establishment, Composition, Tenure,
Powers and Functions, etc., of the Council*

- 3.-(1) A body to be known as the Belize National Tourism Council shall be and is hereby established for the purposes of this Act as an autonomous institution governed by the provisions of this Act. Establishment and composition of the Council.
- (2) The Council may exercise any of the functions entrusted to it by or in accordance with the provisions of this Act or any Regulations made thereunder, and may execute any other duties incidental to, or consequential upon, the performance of its functions.

- (3) The Council shall consist of the following members,
- (a) the Minister, who shall be the Chairperson of the Council;
 - (b) the Chairperson of the Belize Tourism Board;
 - (c) a representative of the Ministry for the time being responsible for Tourism;
 - (d) a representative of the Ministry for the time being responsible for Agriculture and Fisheries;
 - (e) a representative of the Ministry for the time being responsible for Natural Resources and the Environment;
 - (f) the Director of the Institute for the Research and Management of Material Culture;
 - (g) the Director of Tourism;
 - (h) the Director of Immigration and Nationality, with the Comptroller of Customs as his alternate;
 - (i) the Presidents of the Belize Tourism Industry Association, National Water Taxi Association, the Belize Tour Guides Association, the Belize Hotel Association, the Mayors' Association, the Belize Car Rental Association, the Belize National Tour Operators Association, the Belize Audubon Society and the Belize Airline Operators Association;
 - (j) a representative nominated by the Belize Tourism Industry Association for the international airlines operating in Belize;
 - (k) a representative nominated by the Belize Chamber of Commerce and Industry;

- (l) a representative nominated by the Protected Areas Conservation Trust;
- (m) a representative of the Ministry for the time being responsible for Human Development.

(4) The members of the Council referred to in subsection (3)(i) of this section, shall hold office for as long as they hold the office of President within the organization which they represent on the Council, but each of them shall cease to be a member of the Council if he ceases to be President of the aforesaid organization, and shall automatically be replaced as member by his successor as President of the said organization.

(5) The members of the Council referred to in subsection (3)(a) to (h) and (m) of this section, shall be *ex officio* members.

(6) The members of the Council referred to in subsection (3) (j) of this section, may be removed from the Council by the Minister on the recommendation of the organization which nominated their appointment.

(7) The Minister shall appoint the members referred to in subsection (3)(a) to (m) of this section.

4.-(1) On the commencement of this Act, the Minister shall appoint the Chief Executive Officer of the Ministry to be the Deputy Chairperson of the Council.

Chairperson and
Deputy Chairperson.

(2) The Chairperson shall preside at all meetings of the Council, but if he is unable to preside at any meeting of the Council, the Deputy Chairperson shall preside if present and able to do so, and if the Deputy Chairperson is absent or unable to preside, the members of the Council present shall elect one of their number to preside.

5.-(1) The Council shall be a body corporate having perpetual succession and a common seal, and subject to the provisions of this Act, shall have power to acquire, hold and dispose of movable and immovable property of whatever kind and to enter into contracts and do all things necessary for the attainment of its objectives and functions.

Body corporate.

(2) The Council may sue or be sued in its corporate name and shall for all purposes be described by that name.

(3) Service upon the Council of any notice, order or other document shall be executed by personally delivering the same or by sending it by registered post addressed to the Deputy Chairperson of the Council at the main office of the Ministry.

6.-(1) The seal of the Council shall be kept in the custody of the Chairperson or the Deputy Chairperson or of such other member as the Council may approve and may be affixed to instruments pursuant to a decision or resolution of the Council in the presence of the Chairperson or Deputy Chairperson and of one other member of the Council duly designated by the Council to act for that purpose.

(2) The seal of the Council shall be authenticated by the signature of the Chairperson or the Deputy Chairperson and one other member, and such seal shall be judicially and officially noticed.

(3) All documents, other than those required by law to be under seal, made by, and all decisions of, the Council may be signified under the hand of the Chairperson or Deputy Chairperson.

7.-(1) The Council 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 Council may determine.

(2) The Chairperson, or in his absence, the Deputy Chairperson, may at any time call a special meeting of the Council and shall call a special meeting of the Council within seven days of a written requisition for that purpose addressed to him by any ten members of the Council, two of whom shall be members appointed by the Minister pursuant to section 3 (3) (j) and (m) of this Act.

(3) Not less than half of the members of the Council shall constitute a quorum.

Seal of Council and authentication of documents.

Meetings of the Council.

(4) Subject to this Act, the decisions of the Council shall be by a majority of votes and, in addition to an original vote, in any case in which the voting is equal, the Chairperson or person presiding at any meeting shall have a second or casting vote.

(5) Minutes of every meeting of the Council shall be kept in proper form by such officer as the Council may appoint and shall be confirmed by the Council at its next meeting and signed by the Chairperson thereof, or by the person who presided at such meeting.

(6) The Council may co-opt any public officer or other person to attend any particular meeting of the Council for the purpose of assisting or advising the Council, but no such co-opted person shall have any right to vote.

8.—(1) The Council may from time to time appoint Committees to carry out such tasks as the Council may assign to them.

Powers of Council to appoint Committees.

(2) Without prejudice to the generality of subsection (1) of this section, the Council may, when establishing any Committee,

- (a) appoint a member of the Council to be the Chairperson of the Committee;
- (b) appoint officials of other Government Ministries and departments, statutory bodies, non-governmental organizations and private sector representatives knowledgeable in the issues and matters to be determined by the Committee, to be and to form part of the Committee;
- (c) clearly state in writing the terms of reference of the Committee and the period for which it is appointed.

(3) Every such Committee shall report its proceedings to the Council, and the decisions and conclusions of the Committee shall be subject to the approval of the Council.

(4) The meetings of every Committee shall be governed by the same rules as those governing the meetings of the Council, subject to any special rules that may be made by the Council in that behalf.

Objectives of the Council.

9. The objectives of the Council shall include the following,

- (a) developing, establishing and monitoring plans and policies, procedures and guidelines, legislative measures and educational and training programmes necessary for the efficient management and development of tourism in Belize in a manner beneficial to the public, tourists and members of the tourism industry;
- (b) identifying and adopting all such measures and policies that promote the favourable marketing of, and investment in, Belize as an international tourist destination;
- (c) developing, when necessary, draft legislative measures to regulate the growth and overall management of the tourism sector in a manner beneficial to the public, tourists and members of the tourism industry, and submitting such proposed legislation to the appropriate branches of Government for enactment;
- (d) ensuring that the tourism sector has an adequate supply of professionally trained and managerially capable persons who deliver high professional services to tourists who visit Belize;
- (e) developing, establishing and monitoring broad policy guidelines on public education and awareness programmes that will make the public more receptive to the economic, cultural, social and other benefits derived by Belize from tourism;
- (f) fostering and maintaining a strong interdependent partnership based on the principle of equal partnership

and mutual respect between the Government, non-governmental organisations, statutory bodies and members of the tourism industry so as to create an enabling environment for the full participation of these bodies in the development and management of tourism;

- (g) developing and implementing a Belize National Tourism Policy Plan based on the overall objectives of paragraphs (a) to (f) and disseminating in a continuous and timely manner, the contents of such a Policy Plan to enable the public, the Government, non-governmental organisations, statutory bodies and members of the tourism industry to appreciate the direction being taken in developing and managing tourism, and to make appropriate adjustments and changes consistent with the objectives of the Policy Plan.

10. The duties and functions of the Council shall include but shall not be limited to the following,

Duties and functions of the Council.

- (a) the implementation and monitoring of the Belize National Tourism Policy Plan referred to in section 9 (g) of this Act, in a manner that maximizes the contribution of tourism to the economic growth of Belize;
- (b) advocating the generation of employment for Belizean citizens in the tourism industry;
- (c) bringing awareness to the public about the importance of tourism to Belize, while maintaining and developing the socio-cultural values of the citizens of Belize;
- (d) encouraging programmes that educate the public about the cross-cultural benefits of tourism, and encouraging the public to appreciate Belizean and regional geography, history, ethnic diversity and cultures so as to better understand tourists while they are in Belize;

- (e) promoting and encouraging the safe movement of tourists in Belize in an environment free from criminal activity and the fears arising therefrom by advocating the strict enforcement of the laws of Belize as they relate to criminal interferences with tourists, in a manner which is not prejudicial to the general public;
- (f) advocating and encouraging the protection and preservation of Belize's natural and cultural environment by increasing linkages between tourism and the environment and other related subjects;
- (g) promoting mechanisms that increase Belize's overall capacity to plan and manage its tourism sector by ensuring that there are adequately trained and skilled tourism professionals with the capacity to meet the future needs of the tourism sector both as participants and owners, and ensuring that tourism education and training programmes are available locally to meet the needs of the tourism sector;
- (h) promoting a cost-effective approach to all tourism-related activities undertaken by or for and on behalf of the Government;
- (i) advocating that the general benefits of tourism reach the ordinary citizen of Belize;
- (j) undertaking research into the tourism sector which enables the Council to gather information and data necessary to make informed decisions;
- (k) generally taking all such other lawful measures as it considers fit and proper to assist it in carrying out its functions most effectively.

General powers of the Council to transact business.

11. Subject to this Act, the Council shall have power, for the purpose of discharging its duties and performing its functions,

- (a) to carry on all activities the carrying on of which appears to it to be requisite, advantageous or convenient for or in connection with the discharge of its duties and performance of its functions as aforesaid;
- (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.

12. Subject to this Act, the Council may by a two-thirds majority vote, delegate to any member thereof or to a Committee of the Council the power and authority to carry out on its behalf such duties as the Council may determine in writing.

Delegation of powers.

13.-(1) The Ministry responsible for Tourism shall be the Secretariat of the Council, and in that capacity shall be responsible for the overall management and formulation of the Council's policies and decisions, and for assigning such policies and decisions for implementation as provided in subsection (3) below.

Institutional support from the Ministry.

(2) The Chief Executive Officer of the Ministry responsible for Tourism shall be the chief coordinator between the Council and the Ministry, and suitably qualified public officers within the Ministry responsible for Tourism shall be designated by the Minister and assigned the responsibility of managing and formulating, under the direct supervision and direction of the Permanent Secretary, the day to day activities of the Council within the Ministry.

(3) Subject to subsection (1) of this section, the Belize Tourism Board established under the Belize Tourism Board Act, Cap. 275 shall be the principal implementing organ of the decisions and policies of the Council referred to it by the Ministry responsible for Tourism and, in this respect, shall provide technical and other support to the Council which better enables the Council to carry out, execute and perform its objectives, functions and duties under this Act.

(4) Without prejudice to the provisions of subsection (3) of this section, any Government Ministry or department or any other organisation represented on the Council shall have a duty of providing technical support and advice to the Council, if or when requested by the Council to do so, which better enables the Council to carry out, execute and perform its objectives, functions and duties under this Act.

Protection of Council.

14. No act done or proceeding taken under this Act shall be questioned on the ground,

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

Protection of members of the Council.

15. No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Council or a Committee of the Council in respect of any act done *bona fide* in pursuance or execution or intended execution of this Act.

Allowances for members.

16. The Council may pay to each member who is not an *ex officio* member, in respect of his office as such, such allowances, if any, as the Minister on the recommendation of the Chief Executive Officer of the Ministry responsible for Tourism, may from time to time approve.

PART III

Miscellaneous

Funds and resources of the Council.

17. The funds and resources of the Council shall consist of,

- (a) such sums as may be provided for the purpose from time to time by the National Assembly;
- (b) all sums which may in any manner become payable to or vested in the Council, in respect of any matter

incidental to its powers or duties, or which may be payable from any lawful source whatsoever.

18. The Council shall submit for the consideration, comments and recommendations of Government, through the Minister, a report of its activities throughout the preceding year.

Report to the Minister and to Government.

19.-(1) The income, revenue or other receipts of the Council shall be exempt from income tax or any other form of taxation.

Exemption from income tax and stamp duty.

(2) All instruments executed by or on behalf of the Council shall be exempt from stamp duty.

20. Membership of the Council shall not of itself be deemed to be an office of profit or emolument under the Government for the purposes of the Representation of the People Act, Cap. 9.

Membership not an office of profit under the Government.

21. This Act shall be read and construed as being in addition to, and not in derogation of, the provisions of the Belize Tourism Board Act, Cap. 275.

Saving.

22.-(1) The Council may from time to time make regulations for the better carrying out of the provisions of this Act.

Regulations.

(2) All regulations made by the Council pursuant to subsection (1) of this section, shall be subject to negative resolution by the House of Representatives.