

**GAMBIA TOURISM AND HOSPITALITY INSTITUTE
ACT, 2011**

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Gambia Tourism and Hospitality Act, 2011



THE GAMBIA
NO. 08 OF 2011

Assented to by The President

this ^{24th} day of ^{hec} , 2011



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YAHYA A. J. J. JAMMEH
President

AN ACT to establish The Gambia Tourism and Hospitality Institute to provide the necessary Trainings for personnel of the Tourism Hospitality Industry and for connected matters.

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ENACTED by the President and the National Assembly.

PART I - PRELIMINARY

Short title

1. This Act may be cited as The Gambia Tourism and Hospitality Institute Act, 2011.

Interpretation

2. In this Act, unless the context otherwise requires-

"Board" means the Board of Directors of the Institute;

"Institute" means The Gambia Tourism and Hospitality Institute established under section 3;

"Minister" means the Minister responsible for Tourism; and

"Ministry" means the Ministry responsible for Tourism;

PART II – ESTABLISHMENT OF THE GAMBIA TOURISM AND HOSPITALITY INSTITUTE AND ITS BOARD OF DIRECTORS

Establishment
of The Gambia
Tourism and
Hospitality
Institute

3. (1) There is hereby established an Institute to be known as the Gambia Tourism and Hospitality Institute.

(2) The Institute shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

(3) The application of the common seal of the Institute shall be authenticated by the signature of Director General or such other person as the Institute may authorise to sign on its behalf, and every document bearing the imprint of the seal of the Institute shall be taken to be properly sealed unless the contrary is proved.

Establishment
of the Board of
Directors

4. (1) There is hereby established a Board of Directors for the Institute.

(2) The Board shall comprise-

(a) a Chairperson;

(b) the Permanent Secretary of the Ministry;

(c) the Permanent Secretary of the Ministry responsible for Higher Education;

- (d) the Director General of The Gambia Tourism Board;
- (e) three persons from the private sector with experience in the Tourism and Hospitality Industry or commercial sector; and
- (f) the Director General of the Institute.

(3) The members of the Board, other than ex-officio members shall be appointed by the President after consultation with the Public Service Commission.

(4) The Deputy Director General shall serve as the secretary to the Board and he or she shall—

- (a) keep the books and records of the meeting of the Board;
- (b) conduct correspondence on behalf of the Board;
- (c) prepare the agenda and record the minutes of meetings of the Board;
- (d) coordinate all Tourism and Hospitality related training programs; and
- (e) perform such other duties as may be assigned to him or her by the Board or by the Director General.

Tenure of office of members of the Board

5. (1) The members of the Board, other than ex-officio members, shall hold office for three years and may be re-appointed for one term.

(2) A person shall not be qualified to be a member or to continue to be a member of the Board if—

- (a) he or she is adjudged to be a person of unsound mind; or

(b) in the case of a person who has professional qualifications, he or she is disqualified or suspended otherwise than at his or her request, from practicing his or her profession by the order of a competent authority made in respect of him or her personally.

(3) A member of the Board may resign his or her office by notice in writing addressed to the Minister.

General
powers of the
Board

6. (1) The Board is responsible for the governance of the Institute and the direction of its affairs.

(2) Without prejudice to the generality of subsections (1) and subject to this Act, the Board shall also consider and approve-

(a) the plan of activities and general policy of the institute;

(b) the programme of studies, courses and research to be undertaken by the Institute;

(c) the annual estimates of the income and expenditure of the Institute; and

(d) the investment plans of the Institute.

(3) The Board may, in the discharge of its functions-

(a) direct the Director General to furnish it with any information, report or document which it considers necessary for the performance of its functions;

(b) give instructions and directives to the Director General in connection with the management and performance of the functions of institute; and

- (c) approve such organisational structure as the Director General may consider necessary for the discharge of the functions of the Institute.

Delegation of powers

7. For the purpose of discharging its functions under this Act, the Board may delegate to the Director General the power to-

- (a) sign any contract for or on behalf of the Institute;
- (b) collect monies due to the Institute, and discharge debts owed to the Institute;
- (c) sign, accept, negotiate, endorse and receive any negotiable instrument on behalf of the Institute;
- (d) acquire or authorise the acquisition of any movable or immovable property, and transfer or allocate any funds of the Institute for that purpose;
- (e) authorise the disposal of securities of any kind belonging to the Institute;
- (f) open and operate a current and or deposit account on behalf of the Institute at any bank or financial institution; and
- (g) negotiate and obtain loans on behalf of the Institute and determine the nature and conditions of the loans.

Meetings of the Board

8. (1) The Board shall meet for the discharge of its business at least once in every three months at such times and places as the Chairperson shall appoint.

(2) The Chairperson shall, at the written request of the Director General or not less than five members of the Board, convene a special meeting of the Board to transact any extraordinary business on a date specified in the request.

(3) A written notice of a special meeting of the Board shall-

- (a) be sent to each member not later than twenty-four hours before the meeting; and
- (b) specify the business for which the meeting is being convened.

(4) A request made by a member other than the Director General under subsection (2) shall be transmitted to the Director General, stating the business to be transacted at least two working days before the date specified in the request.

(5) The quorum of the Board at any meeting shall be four, including the Chairperson or the Director General.

(6) The Board shall take decisions by a simple majority of the votes of members present and where there is an equality of votes, the person presiding shall have a casting vote.

(7) The Chairperson shall preside over every meeting of the Board at which he or she is present, and in his or her absence, the members of the Board present shall appoint one of their number to preside over the meeting.

(8) The minutes of every meeting of the Board shall be recorded, and signed by the chairperson of the meeting after confirmation by the members.

(9) The Board may at any time co-opt any person to act as an adviser at any of its meetings, but no person so co-opted shall be entitled to vote at any meeting of the Board.

(10) The validity of any proceeding of the Board shall not be affected by a vacancy among its members or by a defect in the appointment of any of its members.

(11) A member of the Board who has an interest in a company or an undertaking with which the Institute proposes to enter into a contract shall-

(a) disclose the nature of his or her interest to the Board; and

(b) not participate in any deliberation and voting of the Board in respect of the contract; or

(12) The Minister may recommend the removal of a Board member who contravenes the provisions of subsection (11).

(13) A resolution is a valid resolution of the Board, notwithstanding that it was not passed at a meeting of the Board if the proposed resolution is given to each member of the Board and it is assented to by a majority of the members.

Allowances to members of the Board

9. Members of the Board and persons co-opted on the Board shall be paid such allowances as the Minister may approve.

PART III - FUNCTIONS AND POWERS OF THE INSTITUTE

Functions of the Institution

10. (1) The Institute shall provide courses for students who wish to pursue a managerial or any other career in the tourism hospitality industry.

(2) The Institute shall, for the purpose of subsection (1) -

(a) provide basic, standard and specialised courses of instruction leading to the award of qualifications, certificates and diplomas in-

- (i) Hotels and Restaurants management,
- (ii) Tourism and Hospitality management,
- (iii) Hospitality Information Systems and Technology,
- (iv) Front Office and Operations management,
- (v) Hospitality and Tourism marketing,
- (vi) Food service and Operations management,
- (vii) Housekeeping operations and management,
- (viii) Craft manufacture and marketing,
- (ix) Entertaining, Event planning and management,
- (x) Maintenance and Repairs of Tourism establishments, and
- (xi) such other subjects allied to Hotel and Hospitality Industry as the Board may determine;

(b) award certificates of attendance to students who participate and attain a sufficiently satisfactory standard in any of the courses organized by the Institute;

(c) promote or undertake such other activities (not inconsistent with the foregoing provisions of this section) as the Board

considers will help to further the objectives of the institution.

Powers of the Institute

11. (1) For the purpose of carrying out its functions under this Act, the Institute shall have power to-

- (a) prescribe the fees to be charged for courses of instruction and other services offered by the Institute;
- (b) prescribe, monitor and regulate the organisation and management of the Institute,
- (c) establish such departments, divisions schools, extra-mural departments and other teaching and research units within the Institute as may from time to time as may be deemed by the Board to be necessary or desirable;
- (d) institute and make appointments to lectureships and other posts and offices;
- (e) provide for the discipline and welfare of the employees of the Institute;
- (f) institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and forms of assistance;
- (g) erect, provide, equip and maintain lecture halls, refectories, and other buildings or structures necessary for the Institute; and
- (h) carry out such other activities as are necessary and expedient for the full discharge of any of its functions under or pursuant to this Act.

Provision of library facilities

12. The Institute shall establish and maintain a library comprising such books, records and other publications as may be directed by the Board for the advancement of knowledge –

- (a) in the areas of work undertaken by it;
- (b) for research purposes; and
- (c) for other purposes connected with the functions conferred on the Institute by this Act.

PART IV – MANAGEMENT AND STAFF

Director
General

13. (1) There shall be a Director General of the Institute who shall be appointed by the President after consultation with the Public Service Commission and the Board.

(2) The Director General shall-

- (a) be the Chief Executive and the academic and administrative head of the Institute;
- (b) be responsible for the execution and implementation of the decisions and directives of the Board and the day-to-day transactions of the Institute;
- (c) exercise supervision and control over the official actions and performance of all employees of the Institute;
- (d) be responsible for the preparation and revision of the academic and administrative structure of the Institute;
- (e) prepare and develop the curricula, syllabi, training programmes, seminars and workshops required for the attainment of the objectives of the institute.

(3) The Board may in addition, delegate to the Director General such of its functions as are necessary to enable him or her to transact efficiently the day-to-day business of the institute and for the purpose, the board may from time to time, issue written instructions.

Appointment of
other staff

14. (1) The Board shall appoint the following

officers of the Institute-

- (a) a Deputy Director General;
- (b) a Registrar;
- (c) the Heads of the various academic units;
and
- (d) a Bursar.

(2) The Deputy Director General shall-

- (a) be the deputy chief executive of the Institute;
- (b) assist the Director General in the administration of the Institute;
- (c) in the absence of the Director General, act as Director General and perform all the duties of the Director General;
- (d) be responsible to the Director General; and
- (e) be the Secretary to the Board.

(3) The Heads of the various academic units shall be responsible to the Director General for planning, organising, co-ordinating and conducting the courses and other studies undertaken by their respective units, including collation and publication of course materials and other related written materials.

(4) The Registrar shall be responsible to the Director General for the day-to-day administration of the Institute and in addition shall keep in safe custody all academic and related records of the Institute.

(5) The Bursar shall be responsible to the Director General for the finances and accounts of the Institute.

(6) The Board may from time to time, appoint other

qualified and suitable persons to the teaching and administrative staff of the Institute.

(7) The employees of the Institute shall be appointed on such terms and conditions on service as may be specified in their instruments of appointment.

(8) The Board shall be responsible for the discipline and or removal of employees of the Institute.

(9) The Board shall adopt suitable policies in respect of conditions of service of staff, which shall be in accordance with approved Government policy.

(10) The Board shall for the purposes of achieving maximum efficiency in the discharge of its functions, institute schemes for the training of its employees in administrative, managerial, hotel and hospitality management, and in other capacities, with a view to securing the benefit of their knowledge, experience and expertise in the conduct of the operations of the Institute.

Vacancies to
be
advertised

15. Where any established post becomes vacant, that post shall not be filled unless it is first advertised in the media.

Discipline of
staff

16. (1) Where in the opinion of the Director General, an employee violates any of the rules or regulations of the Institute, the Director General may after inquiring into the matter, make a report to the Board.

(2) The Board shall on the receipt of such report, set up a disciplinary committee to inquire into the matter.

(3) The disciplinary committee shall at the conclusion of its inquiry, report its findings and recommendations to the Board.

(4) Disciplinary action shall not be taken against an employee unless the employee has been given an opportunity to appear in person or through a representative before the disciplinary Committee.

Advisory
Committee of
the Board

17. (1) There shall be an Advisory Committee of the Board consisting of-

- (a) a Chairperson selected by the Board;
- (b) two members elected by the teaching staff of the Institute;
- (c) one member elected by the non-teaching staff of the Institute who shall be the secretary; and
- (d) three members elected by the student body of the Institute.

(2) The Committee shall advise the Board on-

- (a) all matters affecting the welfare of students;
- (b) matters affecting the training programmes and administration of the Institute; and
- (c) any disciplinary matter affecting students referred to the Committee by the Director General.

(3) The Advisory Committee shall meet to discharge its duties at least once every month.

(4) The Advisory committee shall in the discharge of its duties, be guided by the provisions of this Act, rules or regulations made under this Act and such directions as the Board may from time to time give to it.

(5) The Advisory Committee shall after considering any matter under this section, submit to the Board or the Director General as the case may be, its findings and recommendations.

Committee of
teaching staff

18. (1) There shall be a staff committee consisting of-

- (a) all members of the teaching staff; and
- (b) two members of the Board elected by

members of the Board.

(2) The staff committee shall elect among themselves a Chairperson.

(3) The staff committee shall advise and assist the Director General in carrying out the functions assigned to him or her by this Act and in particular, the staff committee shall meet from time to time to select applicants for admission into the Institute.

(4) The staff Committee shall keep proper records of transactions regarding the admission of applicants into the Institute.

PART V – FINANCIAL PROVISIONS

Funds of the
Institute

19. The Institute shall maintain a fund into which shall be paid-

- (a) such sums as may be appropriated to it by the National Assembly;
- (b) any fees charged for services rendered by the Institute;
- (c) gifts and donations, provided that the terms or conditions attached to the gift or donation are not inconsistent with the functions of the Institute and against Government policy in general; and
- (d) such other sums as may accrue to the Institute from any other legitimate source.

Estimates,
accounts and
audit

20. (1) The Institute shall within three months before the end of each financial year submit to the Minister for approval, estimates of the income and expenditure of the Institute for the ensuing year.

(2) The Institute shall keep proper records and accounts of its incomes and expenditure.

(3) The Institute shall prepare a statement of accounts in respect of each financial year.

(4) The Institute shall within three months of the end of each financial year, submit to the Auditor General for auditing, its statement of accounts for the preceding year.

(5) The audited accounts of the Institute and the Auditor General's report on those accounts shall form part of the Auditor General's overall annual report to the National Assembly.

Annual report

21. (1) The Board shall not later than three months after the end of each financial year, submit to the Minister in respect of the financial year an annual report on the activities of the Institute.

(2) The report under subsection (1) shall include-

(a) information with regard to the policy and activities of the Institute;

(b) a copy of the audited accounts of the Institute in respect of that year together with the Auditor General's report on the accounts; and

(c) such other information as the Minister may request in writing.

(3) The Minister shall within three months of the end of the financial year, cause the report to be laid before the National Assembly.

(4) The Director General shall also from time to time, provide the Minister with such information relating to the affairs of the Institute as the Minister may request in writing.

Exemption
from duties

22. The Institute shall be exempt from such taxes and duties as the Minister responsible for Finance may determine.

PART VI – LEGAL PROCEEDINGS

Notice of
action

23. (1) An action shall not be brought against the Institute unless at least one month's written notice of the intention to bring the action has been served

on the Institute by the intending plaintiff or his or her agent.

(2) The notice shall state the cause of action, the name and residence of the intending plaintiff and the relief which he or she claims.

Mode of
service

24. The notice referred to in section 23 and any summons, notice or other document required or authorised to be served on the Institute in connection with a suit by or against the Institute may be served by delivering it to or sending it by registered mail to the Director General of the Institute.

Execution of
judgment

25. In any action or suit against the Institute-

(a) an execution or attachment or a process in the nature thereof shall not be issued against the Institute; or

(b) sums of money which in respect of a court judgement awarded against the Institute shall not be paid by the Institute from its funds,

before the expiration of at least three months from the date of the judgement of the court.

Representation

26. The Institute may be represented in court by the Attorney General's Chambers or a legal practitioner of the Institute's choice.

Indemnity of
officers

27. An officer or employee of the Institute or a person acting on the direction of an officer or employee of the Institute shall not be liable in respect of any matter or thing done by him or her in good faith in the course of his or her employment.

PART VII – MISCELLANEOUS PROVISIONS

Discipline of
students

28. (1) Subject to the provisions of this section, where it appears to the Director General that a student of the Institute has committed a misconduct, the Director General may without prejudice to any other disciplinary powers conferred on him or her, direct that-

- (a) the student shall not during such period as may be specified in the directive, participate in such activities of the Institute as may be specified;
- (b) the activities of the student shall during such period as may be specified in the directive, be restricted in such manner as may be so specified;
- (c) the student be suspended for such period as may be specified in the directive; or
- (d) the student be expelled from the Institute.

(2) Where a directive is given under sub-section (1) in respect of any student, the student may within the prescribed period and in the prescribed manner, appeal to the Board.

(3) Where an appeal is brought pursuant to sub-section (2), the Board shall after causing an inquiry to be made in the matter, confirm, set aside or modify the directive in such manner as the Board thinks fit.

(4) The fact that an appeal from a direction is brought pursuant to sub-section (2) shall not affect the operation of the directive while the appeal is pending.

Regulations

29. (1) Minister may make Regulations for the better carrying out of the provisions and purposes of this Act.

Savings and Transition

30. (1) The body-entity known as The Gambia Hotel School and its governing body are hereby dissolved.

(2) As from the commencement of this Act-

- (a) the rights, assets, funds and liabilities of the dissolved body existing immediately before the commencement of this Act are transferred to the Institute established under this Act;

- (b) an action, a proceedings, judgement or an order pending immediately before the commencement of this Act to which the dissolved body was a party, may be continued and enforced by or against the Institute established under this Act;
- (c) the purchases and acquisitions made by the dissolved body are considered to have been made under this Act;
- (d) all persons employed by the dissolved body immediately before the commencement of this Act shall have an equal opportunity to compete for employment in the Institute, and those not employed shall be paid their redundancy benefits; and
- (e) an application made to the dissolved body and wholly or partly heard before this Act came into force is considered to have been made under this Act.

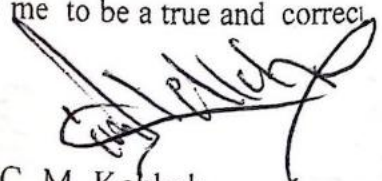
PASSED in the National Assembly this 13th day of December, in the year of Our Lord Two Thousand and Eleven



D. C. M. Kebbeh

Clerk of the National Assembly.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed in the National Assembly, and found by me to be a true and correct copy of the said Bill.



D. C. M. Kebbeh

Clerk of the National Assembly.