

THE GAMBIA TOURISM BOARD ACT 2011

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The Gambia Tourism Board Act, 2011



THE GAMBIA

NO. 6 OF 2011

Assented to by The President,

this 8th day of August, 2011



YAHYA A. J. J. JAMMEH
President

AN ACT to repeal The Gambia Tourism Authority Act, and to replace it with a new entity called The Gambia Tourism Board which shall be responsible for the coordination, administration and marketing of tourism in The Gambia and for connected matters.

{ 8th August, 2011 }

ENACTED by the President and the National Assembly.

PART I - PRELIMINARY PROVISIONS

Short title

1. This Act may be cited as The Gambia Tourism Board Act, 2011.

Interpretation

2. In this Act, unless the context otherwise requires –
“Board” means The Gambia Tourism Board;

“casino” means any premises, including gaming houses, to which members of the public have access for the purpose of playing a prescribed game of chance;

“Director General” means –

(a) the person for the time being holding the office of Director General of the Board; or

(b) if that office is vacant or the person holding the office is unable to act, the person for the time being carrying out the functions of the office;

“governing body” means the body established under section 5 to manage the functions of the Board;

“hotel” includes a guest house, rest house, tourist village, flat hotel, inn, lodging house or premises used for the reception of guests or travelers but excludes the premises listed in the First Schedule to this Act.

First Schedule

“licence” means a licence granted under Part V of this Act;

“Minister” means the Minister responsible for tourism matters;

“nightclub” means premises open for business at night and having a bar and disco or other entertainment;

“person” includes any body of persons corporate or unincorporated;

“premises” includes land on which there is no building if such land is used for tourism purposes;

“published” means published in a manner likely to bring it to the attention of those affected; and

“restaurant” means premises in which the business of selling food or beverages to the public is carried on;

“tour operator” means a person who carries on the business of organising tours or excursions to or from The Gambia for reward;

“tourist” means a visitor in The Gambia for a period of twenty four hours for holiday, leisure, conference, religious, sports, health, business or any similar purpose;

“Tourism Development Area” has the meaning given to the expression by section 45;

“tourist enterprise” means the enterprises listed in the Second Schedule to this Act; and

“tourist guide” means a person who is employed to educate tourists about the geography, history, cultures, and life of different communities in The Gambia.

PART II – ESTABLISHMENT OF THE GAMBIA TOURISM BOARD AND ITS GOVERNING BODY

3. (1) There is established by this Act a body known as The Gambia Tourism Board.

(2) The Board is a body corporate with perpetual succession and a common seal may –

Second Schedule

The Gambia
Tourism
Board

- (a) sue or be sued in its corporate name;
- (b) enter into contracts and acquire, hold and dispose of property; and
- (c) in so far as is possible for a body corporate to do so, exercise the rights, powers and privileges and incur the liabilities and obligations of a natural person of full age and capacity.

(3) The application of the common seal of the Board to a document shall be authenticated by the signature of-

(a) the Chairperson of the governing body;
or

(b) a person authorised by the Board to sign on its behalf.

(4) A document bearing the imprint of the seal of the Board shall be taken to be properly sealed unless the contrary is proved.

Functions and powers of the Board

4. (1) The Board is responsible for-

- (a) coordinating all stakeholder activity within the tourism industry;
- (b) strategic development and growth of tourism;
- (c) advising Government on tourism development, performance and growth;
- (d) tourism product development;

- (e) marketing The Gambia as an attractive tourist destination through the use of appropriate promotional and marketing tools;
- (f) ensuring that tourist facilities and amenities are of a high international standard;
- (g) classify hotels according to the standard of facilities and services set out in regulations;
- (h) license and maintain registers of hotels, night clubs, casinos, tourist guides, and any other tourism enterprise;
- (i) collect or ensure the collection of fees, levies, and royalties as may be imposed by the Board with the approval of the Minister; and
- (j) recommend the declaration of Tourism Development Areas and ensure their subsequent development.

(2) The Board may exercise such powers as are necessary to enable it to perform its functions or conducive or incidental to the proper discharge of those functions, and in particular it may –

- (a) establish offices and other establishments, both within and outside The Gambia;
- (b) charge for any service it provides;
- (c) with the permission of the Minister; impose levies on tourists in accordance with this Act; and

- (d) consult and seek the advice of any person, within or outside The Gambia, in the performance of its functions.

The governing
body of
the Board

5. (1) There is established for the Board, a governing body which shall consist of—

- (a) a Chairperson from the private sector;
- (b) the Permanent Secretary of the Ministry responsible for tourism;
- (c) the Chief Executive Officer of the Agency responsible for investment;
- (d) the Director General of The Gambia Civil Aviation Authority; and
- (e) two persons from the private sector with experience in tourism; and
- (f) the Director General of the Board.

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

(4) The governing body shall appoint a person from amongst the staff of the Board to be the secretary to the governing body who shall—

- (a) keep the books and records of the meetings of the Board;
- (b) conduct correspondence on behalf of the Board;

- (c) prepare the agenda and record the minutes of meetings of the Board; and
- (d) 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 governing body

6. (1) The members of the governing body 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 appointed a member of the governing body or shall cease to be a member if he or she –

- (a) is adjudged to be a person of unsound mind;
- (b) has been convicted of an offence involving dishonesty or fraud and has not been granted a pardon;
- (c) in the case of a person with professional qualifications, is disqualified or suspended from practising his or her profession, other than on his or her own request.

(3) A member of the governing body may resign by giving written notice of resignation to the President through the Minister.

The functions of the governing body

7. (1) The functions of the governing body are to-

- (a) oversee the management of the functions of the Board;

- (b) determine and review the Board's strategic and operational direction;
- (c) consider emerging issues which may be material to the business and affairs of the Board;
- (d) maintain and keep under review, the capital and liquidity position of the Board;
- (e) review and approve proposals for the allocation of capital and other resources within the Board;
- (f) approve joint ventures, strategic partnerships and alliances which are relevant to the business of the Board;
- (g) consider and approve the Board's procedures for reviewing and monitoring risk and receive regular reports thereon;
- (h) approve the Board's annual report, accounts and other significant statements issued to the Ministry;
- (i) coordinate all tourism promotional and marketing activities both within and outside The Gambia.
- (j) establish and maintain appropriate accounting policies and systems of planning, internal control and inspection; and
- (k) give directions as to the manner in which the functions of the Board are to be carried out.

Delegation of the powers of the governing body

8. (1) The governing body may delegate any of its functions to the Director General to facilitate the efficient administration of the governing body.

(2) The governing body may at any time, revoke the delegation to the Director General of any of its functions.

(3) A change in the person who is for the time being holding the office of Director General, does not revoke any delegation to the Director General.

Meetings of the governing body

9. (1) The governing body shall meet for the discharge of its functions at least once in every three months at the time and place determined by the Chairperson.

(2) The Chairperson shall convene a meeting of the governing body if requested to do so by the Director General or at least four members of the governing body.

(3) The request for the meeting shall –

(a) be in writing;

(b) specify the business for which the meeting is to be convened; and

(c) be sent to each member of the Governing body not later than forty eight hours before the meeting.

(5) The quorum at a meeting of the governing body is five members and shall include its Chairperson or the Director General.

(6) The governing body shall take decisions by a simple majority of the votes of its members present and voting, and if there is an equality of votes, the person presiding has a casting vote.

(7) The Chairperson shall preside at a meeting of the governing body at which he or she is present and if the Chairperson is absent from a meeting, the members present must elect one of their member to preside.

(8) The minutes of a meeting of the governing body shall be recorded by the Secretary and signed by the person who presided over the meeting after confirmation by the members of the governing body present at that meeting.

(9) The governing body may co-opt a person to act as an adviser at its meeting.

(10) The validity of any proceedings of the governing body is not affected by –

(a) a vacancy in its membership;

(b) a defect in the appointment of any of its members;
or

(c) the fact that a person not entitled to do so, took part in the proceedings.

(11) The governing body shall determine its own procedures.

10. (1) A member of the governing body who has a direct or indirect interest in a company or other undertaking with which the governing body proposes to enter into a contract shall –

Disclosure of
interest

- (a) disclose the nature of the interest to the governing body; and
- (b) if the governing body so determines, not participate in any deliberation or vote in respect of the contract.

(2) A member of the governing body who fails to comply with subsection (1) may be removed from office.

Transaction of business without a meeting

11. Notwithstanding the fact that a resolution of the governing body was not passed at a meeting of the governing body, it is a valid resolution if—

- (a) it is signed or assented to by a majority of the members; and
- (b) proper notice of the proposed resolution was given to each member.

Protection of members of the governing body

12. An action, suit, prosecution or other proceedings may not be brought or instituted against a member of the governing body personally in respect of anything done by the member in pursuance, execution or intended execution of any of his or her functions as a member of the Board.

Allowances to members of the governing body

13. Members of the governing body and persons co-opted shall be paid such allowances as the Minister may approve.

PART III - MANAGEMENT AND STAFF OF THE BOARD

Director General

14. (1) The Board shall be headed by a Director General who shall be appointed by the President after consultations with the governing body and the Public Service Commission.

(2) The Director General is the Chief Executive Officer of the Board and is responsible for—

- (a)** the execution and implementation of the policies of the Board;
- (b)** the transaction of the day-to-day business of the Board;
- (c)** ensuring that each directorate delivers its performance objectives within the agreed time and quality requirements; and
- (d)** liaising with the Ministry and all relevant stakeholders to ensure a coordinated and holistic approach to tourism development.

Other officers and employees of the Board

15. (1) The governing body shall appoint such number of officers and employees as it considers necessary for the discharge of the functions of the Board on terms and conditions determined or approved by the governing body.

(2) The governing body is responsible for the discipline and removal of employees of the Board.

(3) The Board may institute schemes for the training of its employees in administration, tourism management and other capacities with a view to securing the benefit of their knowledge, experience and expertise in the conduct of the operations of the Board.

Appointment of inspectors

16. (1) The governing body may authorise officers or employees of the Board to act as inspectors.

(2) An inspector shall be authorised in writing and issued with an identity card containing the name and photograph of the Inspector.

(3) An inspector is responsible for ensuring compliance with Part V (licensing) and Part VI (regulation of hotels) of this Act.

(4) An inspector may require a licence holder or a person who appears to be employed by him or her to render such explanation or produce registers, books or documents that relate to the licence holder's business.

(5) A person shall not obstruct or hinder an inspector carrying out his or her duties.

(6) An inspector shall produce his or her identity card if requested to do so in the course of carrying out his or her duties.

Pensions

17. The Board shall establish a scheme to provide pensions, gratuities and other retirement benefits for its officers and employees.

PART IV - FINANCIAL PROVISIONS

Funds of the Board **18.** The funds of the Board shall consist of –

(a) moneys appropriated to the Board by the National Assembly;

(b) loans granted to the Board subject to the approval of the Minister and the Minister responsible for finance;

(c) income on any investment of money standing to the credit of the Board;

(d) money collected by or on behalf of the Board by way of fees, charges and levies; and

(e) grants and gifts to the Board, provided the terms and conditions attached to them are not inconsistent with the functions of the Board.

Board may impose levies

19. (1) The Board may with the approval of the Minister, through a notice published in the Gazette impose a levy on tourists or tourist establishments.

(2) The levy may be imposed in respect of –

(a) stays by tourists in hotels;

(b) services provided to tourists in hotels, nightclubs, casinos and restaurants;

(c) tours, including sea, air and river excursions, undertaken by tourists; and

(d) the use of facilities (including any airport or harbour) and amenities by tourists.

(3) A notice published under sub-section (1) may require a person who operates a tourist enterprise or who provides a facility or amenity for tourists—

(a) to charge in respect of the service provided by him or her, a levy at such rate as is specified in the notice; and

(b) to collect and pay the levy to the Board as directed by the notice.

(4) An amount payable under sub-section (3) that is not paid to the Board in the manner directed is a debt due to the Board and may be sued for accordingly.

(5) The Board may cancel or suspend the registration renewal of a licence of any premises or service for which the licence holder is required to pay or collect and remit a levy or royalty to the Board which he or she fails to do.

(6) The Board may charge interest at the prevailing commercial bank rate, on all amounts which in respect of this section have not been paid or collected and remitted within the stipulated time.

Estimates, accounts
and audit

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

(2) The Board shall keep proper records and books of accounts of its income and expenditure for each financial year.

(3) The Board shall prepare a statement of accounts in respect of the Tourism Development Fund for each financial year.

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

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

(6) The Board shall at the request of the Minister, cause a management audit to be prepared.

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 that year, an annual report on the activities of the Board during the preceding year.

(2) The report shall include—

(a) information on the activities and policies of the Board;

(b) information on the activities carried out from the Tourism Development Fund;

(c) a statement of tourist arrivals;

(d) a copy of the audited accounts of the Board for the year and the Auditor General's report on them; and

(e) such other information as the Minister may request.

(3) The Minister shall, not later than three months after the end of the financial year cause the report to be laid before the National Assembly.

(4) If requested to do so by the Minister, the Director General shall provide to the Minister such information in respect of the affairs of the Board as the Minister may specify.

Exemption from taxes and duties

22. The Minister responsible for finance may exempt the Board from such taxes and duties as he or she may determine.

PART V- TOURISM DEVELOPMENT FUND

Establishment of the Tourism Development Fund

23. There is established by this Act, a fund known as the Tourism Development Fund which shall be managed and controlled by the Board.

Composition of The Development Fund

24. The Development Fund consists of –

- (a) moneys appropriated by the National Assembly;
- (b) contributions from stakeholder institutions;
- (c) income from the investments of the Development Fund;
- (d) the receipts, earnings and accruals of the Authority;
- (e) moneys borrowed on behalf of the Development Fund;
- (f) levies, royalties or fees paid under this Act; and
- (g) donations to the Development Fund.

(3) The Minister shall, not later than three months after the end of the financial year cause the report to be laid before the National Assembly.

(4) If requested to do so by the Minister, the Director General shall provide to the Minister such information in respect of the affairs of the Board as the Minister may specify.

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- (d) the receipts, earnings and accruals of the Authority;
- (e) moneys borrowed on behalf of the Development Fund;
- (f) levies, royalties or fees paid under this Act; and
- (g) donations to the Development Fund.

Application of
the Develop-
ment Fund

25. (1) The Development Fund shall be applied to –

- (a) promote or undertake the functions of the Board under this Act or any other law; and
- (b) the development of tourism and the tourism development areas.

(2) An expenditure shall not be made from the Development Fund unless it is approved by the governing body.

Investments
of moneys

26. The Board may –

- (a) invest any money of the Development Fund in such manner; and
- (b) vary and diversify the investments,

as the governing body may determine.

PART VI – LEGAL PROCEEDINGS

Notice of
action

27. (1) An action shall not be brought against the Board unless at least one month's written notice of the intention to bring the action has been served on the Board by the intending plaintiff or his or her agent.

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

Service

28. The notice referred to in section 27 of this Act and any summons, notice or other document required or authorised to be served on the Board in connection with any suit by or against the Board may be served by delivering it to or sending it by registered post addressed to the Director-General of the Board.

Execution of judgment

29. In any action or suit against the Board, no-

- (a) execution or attachment or process in the nature thereof shall be issued against the Board; and
- (b) sums of money which may by judgment of the court, be awarded against the Board shall be paid by the Board from its funds,

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

Representation

30. In a suit against the Board before the court, the Board may be represented in court at any stage of the proceedings by an officer or other employee of the Board duly authorised in writing by the Board in that capacity.

Indemnity of officers

31. An officer or employee of the Board or any person acting on the direction of an officer or employee of the Board shall not be personally liable in respect of any matter or thing done by him or her in good faith for the purposes of this Act.

PART VII - LICENSING

Certain premises to be licensed

32. (1) Subject to sub-section (2), a person shall not operate premises as –

- (a) a hotel;
- (b) a night club;
- (c) a casino; or
- (d) a restaurant,

except with, and in accordance with a licence granted by the Board.

(2) The Board may publish a notice exempting any premises or any class of premises from the requirements of sub-section (1).

Certain
activities to
be licensed

33. (1) Subject to sub-section (2), a person shall not –

(a) run or operate a tourist enterprise, or

(b) operate or hold himself or herself out as a tourist guide,

except with, and in accordance with a licence granted by the Board.

(2) The Board may publish a notice exempting any person or any class of persons from the requirements of sub-section (1).

Application
for the grant or
renewal of a
licence

34. (1) An application for the grant or renewal of a licence shall be made to the Board in the manner and form published by the Board in regulations.

(2) The Board may request an applicant for a licence to supply the Board with such information or documents as the Board may specify to enable it to determine the application.

(3) The Board may take no further action on an application until any requested information or documents have been supplied to it.

(4) The Board may grant or renew a licence subject to such terms, conditions, limitations and exclusions as it considers appropriate and in particular, the Board may make it a condition of a licence that the holder of the licence maintains appropriate insurance cover.

(5) A licence shall be in such form as the Board may determine through regulations made under this Act.

Display of
licence

35. The holder of a licence shall display the licence or a copy of it prominently in a place to which the public has access on any premises to which the licence relates or from which the tourist enterprise operates, as the case may be.

Refusal of
grant or
renewal
of licence

36. If the Board refuses to grant or renew a licence, it shall send a notice of the decision to the applicant—

- (a) setting out the Board's reasons for the decision; and
- (b) informing the applicant of his or her right to appeal to the Minister against the decision.

False decla-
ration or repre-
sentation

37. A person shall not provide information to the Board which he or she knows or ought reasonably to know is false or misleading in a material way.

Suspension,
variation and
revocation of
licences

38. (1) Where the Board is satisfied that —

- (a) the holder of a licence has ceased to be a fit and proper person to hold the licence;
- (b) a place operated in conjunction with the licence is in an unclean, unsanitary or unsafe condition;
- (c) activities in a place operated in conjunction with the licence constitute a nuisance or annoyance to persons in the neighbourhood;
- (d) any food served in a place operated in conjunction with the licence is not properly prepared, cooked or served; or

- (e) the holder of a licence has not complied with or has ceased to comply with a condition of the licence.

the Board may give the holder of the licence a written notice specifying the matters that need to be remedied and requiring the holder of the licence to remedy them within a specified time.

(2) If the holder of the licence fails to comply with the requirements of the notice, the Board may—

- (a) require the holder to show cause why his or her licence should not be suspended, varied or revoked; and
- (b) if the licensee fails to do so within a reasonable time, suspend, vary or revoke the licence.

Appeals

39. (1) Where the Board -

- (a) refuses to grant or renew a licence;
- (b) grants a licence subject to conditions; or
- (c) suspends, varies or revokes a licence,

a person aggrieved by the Board's decision may appeal to the Minister within twenty eight days of being informed of the decision or within such further period as the Minister may allow.

(3) On the appeal, the Minister may—

- (a) confirm the decision of the Board; or

- (b) order the Board to take such action as the Minister may direct.

PART VIII - REGULATION OF HOTELS

Board to provide for the classification of hotels

40. (1) The Board shall through regulations, prepare and publish a system for the classification of hotels based on the standards of amenities, facilities and services they provide.

(2) The system shall reflect so far as practicable, internationally recognised standards for the classification of hotels.

(3) The Board shall, from time to time, review its system for the classification of hotels to ensure that it continues to reflect so far as practicable, internationally recognised standards for the classification of hotels.

Board to classify hotels

41. (1) Subject to sub-section (2), the Board shall –

(a) cause each hotel to be inspected and classified in accordance with the Board's system of classification; and

(b) subsequently, at irregular intervals, cause each hotel to be inspected to ensure that it continues to be correctly classified.

(2) The Board may publish a notice exempting any hotel or any class of hotels from the requirements of sub-section (1).

False
advertising and
representations

42. A person shall not advertise or represent a hotel—

(a) as having a higher classification than it has; or

(b) as providing amenities, facilities or services that it does not provide.

Register to be
kept in respect
of hotel

43. (1) A person operating a hotel shall ensure that there is kept in respect of the hotel, a register of persons who are provided with overnight accommodation at the hotel.

(2) The register shall be kept in a form and contain such information, as is specified in regulations made under this Act.

Liability of
hotels

44. A person who operates a hotel shall not limit his or her liability in respect of clients of the hotel and their personal effects unless there is displayed prominently, in a place where it can be conveniently read by clients, a notice setting out the limits of his or her liability in respect of clients and their personal effects.

PART IX - TOURISM DEVELOPMENT AREAS

Tourism
development
areas

45. For the purposes of this Act, a Tourism Development Area means —

(a) an area of land that was, immediately before the commencement of this Act, designated to be a tourism development area in accordance with section 9 of the Physical Planning and Development Control Act; or

(b) an area of land declared by the President to be a Tourism Development Area.

Existing
Tourism
Development
Areas

46. (1) After the commencement of this Act, the Board shall be deemed to have been granted a lease of all Tourism Development Areas by the Minister responsible for Lands.

(2) Subject to sub-section (3), the lease of each Tourism Development Area shall—

- (a) be taken as having been granted subject to any existing estates, rights and interests in the area; and
- (b) not be taken to include any land in which a fee simple interest existed.

(3) Where an area to which this section applies was immediately before the commencement of this Act, leased to the Minister, the lease shall be taken to have merged into and incorporated with the lease of the area mentioned in sub-section (1).

(4) Any sub-lease, estate, right or interest granted by the Minister under the lease given to him or her shall continue to subsist and have effect as if granted by the Board under the lease mentioned in sub-section (1).

(5) Where the boundary of any area to which this section applies is uncertain, the boundary shall be settled by agreement between the Minister and the Minister responsible for Lands or failing such agreement, by the President.

Term of lease

47. (1) This section applies in respect of a lease that is deemed to have been granted to the Board under this Part by the Minister responsible for Lands.

(2) The lease shall be deemed to have been granted for an unlimited term.

(3) The lease shall be deemed to have been granted subject to the Board not using or permitting the leased land to be used for any purpose other than for tourism or for purposes intended to facilitate or promote tourism.

(4) If the Board uses or permits any part of the leased land to be used for any other purpose, the Minister responsible for Lands may cancel the lease in so far as it relates to that area of land.

(5) The lease shall be taken as having been granted free of the payment of any consideration by the Board.

(6) The lease shall be taken to have been granted on terms that allow the Board an unfettered right to grant sub-leases under it for the purposes mentioned in subsection (3).

(7) The lease shall be taken to have been granted on terms that do not allow the Board to assign the lease, and any attempt by the Board to assign the lease shall be of no effect.

(8) The lease shall be taken to have been granted on terms that do not allow the Board to use the lease as security for any loan or guarantee; and any attempt by the Board to use the lease as security for any loan or guarantee shall be of no effect.

(9) Any provision of a lease to which this section applies may be amended or revoked by agreement between the Board and the Minister responsible for Lands.

PART X - MISCELLANEOUS PROVISIONS

Offences and
penalty

48. A person who contravenes any provision of this Act commits an offence and is liable on conviction to a fine not exceeding fifty thousand dalasis.

Regulations

49. The Minister may make regulations for the better carrying into effect of the provisions of this Act.

Repeal of
Cap 32.06

50. The Gambia Tourism Authority Act is repealed and the Board established under it is consequentially dissolved.

Savings and
transition

51. As from the commencement of this Act-

- (a) the rights, assets, funds and liabilities of the dissolved Authority existing immediately before the commencement of this Act are transferred to the Board established under this Act;
- (b) an action, a proceedings, judgement or an order pending immediately before the commencement of this Act to which the former Authority was a party, may be continued and enforced by or against the Board established under this Act;
- (c) the purchases and acquisitions made under the repealed Act are considered to have been made under this Act;
- (d) all persons employed by the dissolved Authority immediately before the commencement of this Act, shall have an equal opportunity to compete for employment in the Board, and those not employed shall be paid their redundancy benefits;

- (e) a licence, permit, certificate, or any other authorisation issued under the repealed Act is considered to be issued under this Act;
- (f) the regulations, orders, by-laws or notices made or issued under the repealed Act in so far as they are not inconsistent with this Act, shall remain in force until they elapse or are revoked;
- (g) an application made under the repealed Act and wholly or partly heard by the dissolved Board before this Act came into force is considered to have been made under this Act;
- (h) where a period of time specified under the repealed Act is current at this Act's commencement, the Act has effect as if the provision corresponding to that enactment had been in force when that period began to run.

FIRST SCHEDULE (Section 2)

PREMISES EXCLUDED FROM THE DEFINITION OF HOTELS AND RESTAURANTS

- (1) Any premises run by the Government, the Community, a Local Authority, a charitable or religious organisation or an educational or a religious institution.
- (2) Any premises run by a society, members of a non-proprietary club, institution or other organisation and used exclusively by and for the benefit of members of that society, club, institution or other organisation.

(3) Any hotel at which the sum charged in respect of hire or occupation accommodation per night is less than one hundred and fifty dalasis.

(4) Any restaurant of which the gross receipts derived from the sale of food and beverages during the period of twelve months immediately preceding the date of application for the grant of a licence under this Act amount to less than five thousand dalasis.

SECOND SCHEDULE (Section 2)

TOURIST ENTERPRISES

Enterprises (whether carried on alone or in conjunction with some other enterprise) connected with the tourism industry in The Gambia (other than the excepted enterprises), and falling within one or more of the following classes-

1. Proprietors and drivers of passenger vehicles used wholly or partly in a tourist enterprise.
2. Ground tour operators.
3. Ground handling agents.
4. Dyers.
5. Wood carvers.
6. Motor vehicle hire enterprises offering tour transport facilities, whether self-driven or chauffeur-driven.

7. Proprietors of tented camps catering for tourists.
8. Chartered Airlines based in The Gambia which accept tourists as aircraft passengers on flights, whether publicly or privately owned.
9. Persons letting out vessels for tourists, whether manned or not.
10. Shopkeepers, stallholders and stand holders and any other persons offering for sale to tourists, as a substantial part of their business, goods made by hand from indigenous raw materials, and manufacturers of those goods.
11. Proprietors of enterprises offering camps and camping equipment for hire.
12. Proprietors of-
 - (a) airport enterprises;
 - (b) water sports enterprises;
 - (c) horse and camel riding enterprises; and
 - (d) such other enterprise as may be prescribed by the Authority.

Exempted Enterprises

Enterprises being either-

- (a) an undertaking operated by the Government or the Community; and

- (b) an undertaking consisting of a taxi-cab within the meaning of the Motor Traffic Act, plying for hire within the area of jurisdiction of the Local Authority under whose by-laws it is registered.

PASSED in the National Assembly this 21st day of June
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.