

EXPLANATORY NOTE

SAINT LUCIA TOURISM AUTHORITY (AMENDMENT) BILL

1. The Bill for consideration is the Saint Lucia Tourism Authority (Amendment) Bill (the Bill).
2. The purpose of the Bill is to amend the Saint Lucia Tourism Authority Act, No. 8 of 2017 (the Act).
3. Clauses 1 and 2 of the Bill provide the short title and interpretation of the Bill.
4. Clause 3 of the Bill amends section 2 of the Act (Interpretation) to introduce other defined terms used in the Bill. For example, “destination marketing” is defined as the promotion of Saint Lucia as a vacation or holiday destination.
5. Clause 4 of the Bill amends section 5 of the Act (Functions of the Authority) to streamline the functions of the Authority to carry out mainly destination marketing and to include an additional responsibility for registering hotels, boarding houses or places that provide a tourism accommodation service and have benefited from tourism incentives under the Tourism Incentives Act, Cap. 15.30 or the Tourism Stimulus and Investment Act, Cap. 15.03. Further, a provider of an accommodation service in the tourism sector that has not benefited under the Tourism Incentives Act, Cap. 15.30 or the Tourism Stimulus and Investment Act, Cap. 15.03 may volunteer to be registered under the Bill.
6. Section 7 of the Act (Board of Directors) is amended to ensure that the Permanent Secretary is a member of the Board of the Authority by virtue of clause 5 of the Bill.
7. By virtue of clause 6 of the Bill, section 9 of the Act (Functions of the Board) is amended to require the Authority to prepare and submit to the Minister responsible for tourism a Tourism Destination Marketing Plan.
8. The Act is amended under clause 7 of the Bill to insert a new section 9A (Powers of the Board) which makes provision for the powers of the Board of the Authority.

9. Under clause 8 of the Bill, a new Part 1A (Registration) is inserted in the Act. This new Part requires a hotel, boarding house or other provider of a tourism accommodation service that has benefited from tourism incentives under the Tourism Incentives Act, Cap. 15.30 or the Tourism Stimulus and Investment Act, Cap. 15.03. Further, a provider of an accommodation service in the tourism sector that has not benefited under the Tourism Incentives Act, Cap. 15.30 or the Tourism Stimulus and Investment Act, Cap. 15.03 may volunteer to be registered under the Bill.
10. Part 1A deals with the application for registration, notification of registration, grant or denial of an application, the issue, validity, effect, display, suspension and cancellation of a certificate. The Authority is also required to keep a register and publish a list of all registered tourism accommodation service providers.
11. Part II of the Bill (Finance) is amended by introducing other finance provisions. Under clause 9 of the Bill, section 29 of the Act (Revenue of the Authority) is amended to introduce a new provision which stipulates that the revenue of the Authority must be paid into an account at a financial institution approved by the Minister.
12. New sections, 29A, 29B and 29C, are also introduced in the Act under clause 10 of the Bill for the application of revenue, investment of funds and application of a surplus of the Authority.

No.] *Saint Lucia Tourism Authority (Amendment) Act* [2020

SAINT LUCIA

No. of 2020

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Amendment of section 2
4. Substitution of section 5
5. Amendment of section 7
6. Amendment of section 9
7. Insertion of new section 9A
8. Insertion of new Part 1A
9. Amendment of section 29
10. Insertion of new sections 29A, 29B and 29C

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I Assent

SAINT LUCIA

No. of 2020

AN ACT to amend the Saint Lucia Tourism Authority Act, No. 8 of 2017.

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BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same, as follows:

No.] *Saint Lucia Tourism Authority (Amendment) Act* [2020

Short title

1. This Act may be cited as the Saint Lucia Tourism Authority (Amendment) Act, 2020.

Interpretation

2. In this Act, “principal Act” means the Saint Lucia Tourism Authority Act, No. 8 of 2017.

Amendment of section 2

3. Section 2 of the principal Act is amended by inserting the following new definitions in the correct alphabetical sequence —

“certificate” means a Certificate of Registration under section 27F;

“consideration”, in relation to the supply of a tourism accommodation service —

(a) means the total amount of money paid or payable at the end of the accommodation period and includes a deposit for that tourism accommodation service;

(b) includes duties, levies, value added tax, fees and charges added to the cost for a tourism accommodation service;

“destination marketing” means the promotion of Saint Lucia as a vacation or holiday destination;

“Register” means the register under section 27L;

“registration number” means the identification code assigned to a registered tourism accommodation service provider under section 27D(2)(b)(i);

“registered tourism accommodation service provider” means a person who is granted registration under section 27D and issued a certificate under section 27F;

“taxable person” has the meaning assigned to it under the Value Added Tax Act, Cap. 15.42;

“tourism accommodation service” means the supply of a service for short-term sleeping accommodation in the tourism sector with or without related facilities for consideration;

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“Tourism Destination Marketing Plan” means a destination guide for implementing a destination marketing strategy under section 9(2)(f);

“welcome booth” means a stall or small structure used for welcoming and providing information to a person who travels to Saint Lucia;”.

Substitution of section 5

4. The principal Act is amended by repealing section 5 and by substituting the following —

“Functions of the Authority

5.—(1) The Authority is responsible for —

- (a) marketing and promoting Saint Lucia as a vacation or holiday destination;
- (b) disseminating information and educating the public on destination marketing;
- (c) implementing the Tourism Destination Marketing Plan;
- (d) advancing and facilitating growth and development of the tourism industry in Saint Lucia;
- (e) assigning and implementing suitable marketing strategies for the effective promotion of Saint Lucia as a desirable vacation or holiday destination;
- (f) managing a visitor welcome booth at a port of entry to provide information relating to Saint Lucia;
- (g) establishing visitor complaint protocols; and
- (h) carrying out any other function assigned under this Act or other enactment.

(2) Notwithstanding subsection (1), the Authority may —

- (a) process an application for registration as a registered tourism accommodation service provider under section 27B;

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- (b) issue a certificate under section 27F;
- (c) keep and maintain a register of all registered tourism accommodation service providers under section 27L.”.

Amendment of section 7

5. Section 7(2) of the principal Act is amended —

- (a) under paragraph (c), by deleting the full stop at the end of the paragraph and by substituting a semi-colon;
- (b) by inserting immediately after paragraph (c) the following new paragraph (d) —
 - “(d) the Permanent Secretary of the Ministry responsible for tourism, who is an *ex officio* member.”.

Amendment of section 9

6. Section 9 of the principal Act is amended —

- (a) under subsection (2), by deleting paragraph (f) and by substituting the following —
 - “(f) prepare and submit for the approval of the Minister a Destination Marketing Plan for the conduct of destination marketing;”;
- (b) under subsection (3), by deleting the words “Tourism Marketing and Product Development Strategic Plan for the conduct of tourism development” and by substituting the words “Tourism Destination Marketing Plan for the conduct of destination marketing”.

Insertion of new section 9A

7. The principal Act is amended by inserting immediately after section 9 the following new section 9A —

“Powers of the Board

9A. The Board may —

- (a) grant an application for registration under section 27D;
- (b) impose or remove conditions on a certificate under section 27D(2)(a);

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- (c) deny an application for registration under section 27E;
- (d) issue a certificate under section 27F;
- (e) suspend a certificate under section 27J;
- (f) cancel a certificate under section 27K.”.

Insertion of new Part 1A

8. The principal Act is amended by inserting immediately after section 27 the following new Part 1A —

**“PART 1A
REGISTRATION**

Interpretation of Part 1A

27A. In this Part, “person” —

- (a) means a hotel, boarding house or a place that provides a tourism accommodation service and has been declared —
 - (i) an approved tourism product under the Tourism Incentives Act, Cap. 15.30, or
 - (ii) an approved development under the Tourism Stimulus and Investment Act, Cap. 15.03;
- (b) includes a provider of a tourism accommodation service that is not referred to under paragraph (a);

Application for registration

27B.—(1) A person may make an application for registration to the Authority to be a registered tourism accommodation service provider.

(2) An application for registration under subsection (1) must be —

- (a) in the prescribed form;
- (b) supported by —
 - (i) proof of registration as a taxable person, if applicable,

- (ii) in the case of a company, a Certificate of Incorporation,
 - (iii) in the case of a business, a Certificate of Registration, or
 - (iv) other information the Authority requires.
- (3) Where a hotel, boarding house or place providing a tourism accommodation service that has benefited from tourism incentives under the Tourism Incentives Act, Cap. 15.30 or the Tourism Stimulus and Investment Act, Cap. 15.03 fails to register under this Act, the Authority may register that person from the date determined by the Authority.

Notification of registration

27C. If the Authority registers a person under section 27B(3), the Authority shall —

- (a) give written notice to the person, within seven business days, of —
 - (i) the registration,
 - (ii) the requirement to comply with this Act;
- (b) issue a certificate to the person under section 27F.

Grant of an application for registration

27D.—(1) Subject to subsection (2), the Authority may grant an application for registration if the person satisfies the requirements for registration under section 27B.

(2) If the Authority grants an application for registration under subsection (1), the Authority —

- (a) may specify conditions;
- (b) shall issue —
 - (i) a registration number,
 - (ii) a certificate under section 27F.

Denial of an application for registration

27E.—(1) The Authority may deny an application for registration if satisfied that a person —

- (a) does not meet the application requirements under section 27B;
- (b) is involved in fraud or willful concealment of material facts;
- (c) is involved in an activity that may cause disrepute to Saint Lucia.

(2) The Authority shall give written notice to a person, within twenty-one business days, of its decision under subsection (1).

(3) Where a person is notified under subsection (2), the person shall make a request, within seven business days of receipt of the written notice, for an opportunity to be heard by the Authority for reconsideration of an application for registration.

Issue of a certificate

27F.—(1) If the Authority registers a person under section 27B(3) or grants an application for registration under section 27D, the Authority shall issue a Certificate of Registration in the prescribed form.

(2) A certificate issued under subsection (1), must specify —

- (a) the name and address of the person;
- (b) the registration number assigned under section 27D(2)(b)(i);
- (c) the date on which registration takes effect.

(3) Where a certificate is issued under subsection (1), the Authority shall keep a record of the name of the holder of the certificate and other relevant details that the Authority determines.

Validity of certificate

27G. A certificate remains valid from the date of issuance until —

- (a) suspended under section 27J; or
- (b) cancelled under section 27K.

Effect of certificate

27H. A certificate issued under section 27F entitles a registered tourism accommodation service provider to advertise, offer or supply a tourism accommodation service.

Display of certificate

27I.—(1) A person shall display a certificate in a conspicuous place at each location where the registered tourism accommodation service provider advertises, offers or supplies a tourism accommodation service.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars per day or each day or part of the day that the failure continues.

Suspension of certificate

27J. The Authority may suspend a certificate if a registered tourism accommodation service provider fails to comply with the conditions specified under section 27D(2)(a).

Cancellation of certificate

27K.—(1) The Authority may cancel a certificate if a registered tourism accommodation service provider —

- (a) fails to comply with the conditions specified under section 27D(2)(a);
- (b) ceases to advertise, offer or supply an accommodation service;
- (c) no longer exists.

(2) Where a certificate is cancelled under subsection (1), the registered tourism accommodation service provider shall submit the certificate to the Authority for cancellation.

Register

27L.—(1) The Authority shall keep and maintain a register of all registered tourism accommodation service providers.

(2) The Authority shall record in the register, in relation to a registered tourism accommodation service provider, the following information —

- (a) the name, personal address and business address;
- (b) the date of registration;
- (c) the registration number assigned;
- (d) any conditions to which the registration is subject to under section 27D.

Publication of list of registered tourism accommodation service providers

27M. The Authority shall, before the 1st day of January of each year, publish in the *Gazette* a list of all registered tourism accommodation service providers.”.

Amendment of section 29

9. Section 29 of the principal Act is amended by deleting subsection (2) and by substituting the following —

“(3) All sums referred to under subsection (1) and all loans shall be paid into and placed to the credit of an account at a financial institution approved by the Minister.”.

Insertion of new sections 29A, 29B and 29C

10. The principal Act is amended by inserting immediately after section 29 the following new sections 29A, 29B and 29C —

“Application of revenue of Authority

29A. The revenue of the Authority, in a financial year, must be applied in payment of —

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- (a) the interest and other charges on, and the repayment of, a loan payable by the Authority;
- (b) the sums required to be paid towards the repayment of a loan made to the Authority;
- (c) fees payable under this Act;
- (d) the salaries, remuneration, allowances, pensions, gratuities, and other superannuation benefits of the officers and staff, employed in or in connection with the activities carried on by the Authority;
- (e) the working and establishment expenses of, and the expenditure on, or provision for the maintenance of the property and installations of the Authority, and the discharge of the functions of the Authority;
- (f) such sums as the Authority may consider appropriate to set aside in respect of obsolescence and depreciation or renewal of the property or installations of the Authority;
- (g) the cost, or a portion of the cost, of any new works, plant, or appliances not being a renewal of property of the Authority, which the Authority may determine to charge to revenue;
- (h) sums to be credited to the Consolidated Fund;
- (i) other expenditure authorized by the Authority and properly chargeable to revenue.

Investment of funds

29B.—(1) The Authority may invest any of its funds not required to be expended in meeting its obligations or in the discharge of its functions.

(2) All income from an investment under subsection (1) must be paid to the credit of the Authority's account at a financial institution approved by the Minister under section 29(2).

Application of surplus

29C. Any balance at the end of the financial year resulting from the receipt of taxes by the Authority under this Act or

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other enactment which is available after making full allowance for the matters specified under section 29B shall be paid to the credit of the Consolidated Fund.”.

Passed in the House of Assembly this day of ,
2020.

Speaker of the House of Assembly.

Passed in the Senate this day of , 2020.

President of the Senate.