

CAYMAN ISLANDS



**TOURISM ATTRACTION BOARD LAW,
1996**

(Law 17 of 1996)

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CAYMAN ISLANDS



TOURISM ATTRACTION BOARD LAW, 1996

(Law 17 of 1996)

A LAW TO ESTABLISH THE TOURISM ATTRACTION BOARD OF THE CAYMAN ISLANDS AND TO VEST PROPERTY IN THE BOARD AND FOR ALL PURPOSES INCIDENTAL THERETO AND CONNECTED THEREWITH

ENACTED by the Legislature of the Cayman Islands.

Short title

1. This Law may be cited as the *Tourism Attraction Board Law, 1996*.

Interpretation

2. In this Law —

“**Board**” means the Tourism Attraction Board established by section 3(1) and includes an officer or an employee acting with the Board’s authority;

“**member**” means a member of the Board appointed under section 3(3);

“**Pedro Castle**” means the land and buildings more particularly described in the Schedule;

“**Secretary**” means the Secretary to the Board appointed in accordance with section 3(5).

Establishment of the Board

3. (1) There is established a Tourism Attraction Board to perform the functions that are assigned to it under this Law and to provide the services that are conferred upon it by Regulations made by the Governor in Council.
- (2) The Board shall be a body corporate with perpetual succession and a common seal, and for the purpose of carrying out its functions under this Law may buy, sell, hold, deal, and otherwise acquire and dispose of land and other property of whatsoever nature and sue and be sued in its corporate name.
- (3) The Board shall consist of 5 members, of which 3 are to be public officers, who shall hold office during the pleasure of the Governor, together with the chairman and the deputy chairman of the Board, all of whom shall be appointed by the Governor in Council.
- (4) The Board shall, at its first meeting adopt its standing orders and rules of procedure.
- (5) The Secretary to the Board shall be appointed by the Governor in Council from time to time.
- (6) The validity of any proceedings of the Board shall not be affected by any vacancy amongst the members or by any defect in the appointment of a member.
- (7) The common seal of the Board shall be authenticated by the signatures of the chairman or the vice-chairman of the Board and of the Secretary, and shall be judicially noted.
- (8) All documents executed by or on behalf of the Board and not required by law to be under seal may be signed by the Secretary.
- (9) Members shall be entitled to have reimbursed their actual expenses incurred in attending meetings of the Board and its committees.
- (10) A member may at any time resign his office and such resignation shall take effect from the date of receipt of written notice thereof by the Governor in Council.
- (11) Subject to this Law the Board shall have power to regulate its own proceedings.



Member's interest

4. (1) Subject to the provisions of section 6 if a member has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter and is present at a meeting of the Board or of any of its committees at which the contract, proposed contract or other matter is the subject of consideration, he shall at the meeting and as soon as practicable after its commencement disclose the fact and shall not take part in the consideration or discussion of the contract, proposed contract or other matter or vote on any question with respect to it and shall be excluded from the meeting for the duration of the consideration, discussion and voting procedure.
- (2) If any person fails to comply with the provisions of subsection (1) he shall be guilty of an offence and liable —
- (a) on summary conviction to a fine not exceeding \$20,000 or imprisonment for a term not exceeding 2 years, or both; or
- (b) on conviction on indictment to a fine not exceeding \$50,000 or imprisonment for a term not exceeding 5 years, or both,
- unless he proves that he did not know that the contract, proposed contract or other matter in which he had a pecuniary interest was the subject of consideration at that meeting.
- (3) A disclosure under subsection (1) shall be recorded in the minutes of the Board.
- (4) No act or proceeding of the Board shall be questioned on the ground that a member has contravened this section.

Pecuniary interests for the purposes of section 4

5. (1) For the purposes of section 4 a member shall be treated, subject to the following provisions of this section and to section 6, as having indirectly a pecuniary interest in a contract, proposed contract or other matter if —
- (a) he or any nominee of his is a member of a company or other body with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or
- (b) he is a partner, or is in the employment of a person with whom the contract was made or is proposed to be made, or who has a direct pecuniary interest in the other matter under consideration; or
- (c) he, or any partner of his is a professional adviser to a person who has a direct or indirect pecuniary interest in a contract, proposed contract or other matter.
- (2) Subsection (1) does not apply to membership of or employment under any public body, and a member of a company or other body shall not by reason only of his membership be treated as having an interest in any contract, proposed

contract or other matter if he has no beneficial interest in any securities of that company or other body.

- (3) In the case of married persons the interest of one spouse shall be deemed for the purpose of section 4 to be also the interest of the other.

Removal or exclusion of disability, etc.

6. (1) The Governor may at his discretion and subject to such conditions as he may think fit to impose, remove any disability imposed by section 4 in any case in which the number of members disabled by that section at any one time would be so great a proportion of the whole as to impede the transaction of business.
- (2) Nothing in section 4 precludes any member from taking part in the consideration or discussion of, or voting on, any question whether an application should be made to the Governor for the exercise of the powers conferred by subsection (1).
- (3) Section 4 does not apply to an interest in a contract, proposed contract or other matter which a member has as a member of the public or to an interest in any matter relating to the terms on which the right to participate in any service is offered to the public.
- (4) Where a member has an indirect pecuniary interest in a contract, proposed contract or other matter by reason only of a beneficial interest in securities of a company or other body, and the nominal value of those securities does not exceed one thousand dollars or one-thousandth of the total nominal value of the issued share capital of the company or other body, whichever is the less, and if the share capital is of more than one class, the total nominal value of shares of any one class in which he has a beneficial interest does not exceed one-thousandth of the total issued share capital of that class, section 4 shall not prohibit him from taking part in the consideration or discussion of the contract, proposed contract or other matter or from voting on any question with respect to it, without prejudice, however, to his duty to disclose his interest.

Functions and powers of the Board

7. (1) The functions of the Board are —
 - (a) the general and financial management of Pedro Castle as a building of historic interest and a heritage centre for visitors, and of such other land and buildings as may be vested in it or placed under its management, in accordance with the general policies of the Government;
 - (b) the establishment of committees and other arrangements to administer particular aspects of the management of the land and buildings in its ownership or under its management; and
 - (c) such other functions as may be conferred upon it by any other Law or by the Governor in Council by Order.



- (2) Without prejudice to any powers exercisable apart from this section, but subject to the provisions of this Law and any other Law passed before or after this Law, the Board has the power to do any thing (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to the discharge of any of its functions.

Finance

8. (1) The revenue of the Board shall be applied only to such functions and services as are authorised by section 7 and by Regulations made under section 3(1).
- (2) The Board may maintain a general reserve fund in accordance with directions as to the amount of the funds as shall from time to time be given by the Financial Secretary and may, with his approval, invest the reserve funds at interest.
- (3) The financial year of the Board shall end on the 30th June.
- (4) The Board shall cause estimates of expenditure and revenue to be prepared and adopted each year in respect of the financial year following.

Audit

9. (1) The accounts of the Board shall be prepared and maintained in accordance with the standards recommended for the time being by the International Accounting Standards Committee or by such other body as may be set up in its place and shall be submitted to the Auditor-General within 3 months of the end of each financial year.
- (2) The accounts of all transactions of the Board shall be audited annually by the Auditor-General of the Islands who shall have such powers in relation to the Board, its members, and the property securities and accounts of the Board as he has in relation to other public money and public officers by virtue of the *Public Finance and Audit Law, 1985 [Law 23 of 1985]*.
- (3) On completion of the audit of the Board's accounts under subsection (2) the Auditor-General shall prepare a report thereon within six months of the close of the financial year to which the audited accounts relate.

Publication of accounts and annual report

10. (1) The Board shall submit annually to the Governor in Council not later than the 31st January, a report on its transactions during the previous financial year, together with financial statements as at the close of the previous financial year.
- (2) The report and accounts under subsection (1) and the report of the Auditor-General under section 9 shall be laid on the Table of the Legislative Assembly not later than the 31st March following the end of the financial year to which they relate, and shall thereupon be gazetted.

Power to employ staff

11. (1) The Board may employ at such remuneration and on such terms and conditions as may be approved from time to time by them such persons as it considers necessary for the performance of the functions of the Board, and such employees shall be deemed to be public officers.
- (2) The Board shall create and maintain a fund for the payment of pensions to employees of the Board in accordance with a scheme, the terms of which shall be approved by the Governor in Council.
- (3) The fund shall be vested in trustees to be appointed by the Board for that purpose and shall be maintained at a sufficient level according to accepted actuarial principles to enable pensions to be paid to all employees of the Board in accordance with the approved scheme.
- (4) The Governor in Council may, subject to such conditions as he may impose, approve of the appointment of any public officer in the service of Government by way of secondment to any office with the Board, and any public officer so appointed shall, in relation to pension, gratuity or other allowance and to other rights and obligations as a public officer, be treated as continuing in the service of Government.
- (5) The Governor in Council may authorise any public officer to exercise under the direction and control of the Board any function or class of function as he may think fit and for the purpose of exercising such functions such public officer shall for all purposes be deemed to be an employee of the Board.

Vesting of Pedro Castle

12. There is vested in the Board without further assurance or transfer —
- (a) Pedro Castle;
- (b) the plant, equipment, tools, movable property and other goods the property of the Government used in connection with the maintenance, ownership and management of Pedro Castle and with its renovation and restoration, which shall be recorded in an inventory prepared at the direction of the Financial Secretary and approved by the Board and entered as assets in the accounts of the Board; and
- (c) all rights, interests, privileges, debts, liabilities, and obligations as were before the coming into force of this Law vested in Government or to which Government were liable or subject in relation to the ownership or management of Pedro Castle.



Immunity

- 13.** Neither the Board nor any member or employee of the Board shall be liable in damages for anything done or omitted in the discharge or purported discharge of their various functions under this Law unless it is shown that the act or omission was in bad faith.

SCHEDULE

PEDRO CASTLE

Block 32E, Parcel 50 in the Lower Valley Registration Section in Grand Cayman, together with all buildings and works situated thereon.

Passed by the Legislative Assembly the 20th day of September, 1996.

Sybil I McLaughlin

Speaker.

Georgette Myrie

Clerk of the Legislative Assembly.

