

**MAURITIUS TOURISM PROMOTION AUTHORITY ACT**

Act 5 of 1996 – 1 May 1996

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**MAURITIUS TOURISM PROMOTION AUTHORITY ACT**

**1. Short title**

This Act may be cited as the Mauritius Tourism Promotion Authority Act.

**2. Interpretation**

In this Act—

“Authority” means the Mauritius Tourism Promotion Authority established under section 3;

“Board” means the Board referred to in section 5;

“Chairperson” means the Chairperson of the Board;

“Director” means the person appointed as such under section 8;

“employee” means any employee of the Authority and includes the Director;

“member” means a member of the Board and includes the Chairperson;

“Minister” means the Minister to whom responsibility for the subject of tourism is assigned;

“tourism agency” means any person who provides or makes arrangement for the provision of tourism-related services to Mauritius.

### **3. Establishment of Authority**

(1) There is established for the purposes of this Act the Mauritius Tourism Promotion Authority.

(2) The Authority shall be a body corporate.

### **4. Objects of Authority**

The objects of the Authority shall be to—

- (a) promote Mauritius abroad as a tourist destination by—
  - (i) conducting advertising campaigns and participating in tourism fairs; and
  - (ii) organising, in collaboration with the local tourism industry, promotional campaigns and activities in Mauritius and abroad;
- (b) provide information to tourists on facilities, infrastructures and services available to them in Mauritius;
- (c) initiate such action as may be necessary to promote co-operation with other tourism agencies;
- (d) conduct research into market trends and market opportunities and disseminate such information and other relevant statistical data on Mauritius; and
- (e) advise the Minister on all matters relating to the promotion of tourism.

### **5. The Board**

(1) The Authority shall be administered by a Board.

(2) The Board shall consist of—

- (a) a Chairperson; and
- (b) 6 other members, 3 of whom shall represent the private sector and 3 the public sector,

to be appointed by the Minister.

(3) Every member shall—

- (a) be a person who, in the Minister's opinion, has—
  - (i) experience and proven ability in the field of tourism, industry, trade, finance or administration; or
  - (ii) special knowledge or experience that renders him a fit and proper person to be a member;
- (b) hold and vacate office on such terms and conditions as the Minister thinks fit; and
- (c) be paid such fees or allowances as the Board may, with the approval of the Minister, determine.

(4) —

## **6. Meetings of Board**

(1) Subject to this section, the Board shall regulate its meetings and proceedings in such manner as it thinks fit.

(2) The Board shall meet at the request of the Chairperson, or not less than 3 other members, and at such time and place as the Chairperson may direct.

(3) Three members shall constitute a quorum.

## **7. Disclosure of interest by members**

A member shall, in relation to any matter before the Board in which he has a direct or indirect interest, disclose, at or before the meeting convened to discuss that matter, the nature of his interest, and shall not take part in any deliberation or decision of the Board relating to that matter.

## **8. Director**

(1) There shall be a chief executive officer of the Authority who shall—

- (a) be known as the Director; and
- (b) be appointed by the Board with the approval of the Minister.

(2) The Director shall be responsible for the execution of the policy of the Board and for the control and management of the day-to-day business of the Authority.

(3) In the exercise of his functions, the Director shall act in accordance with such directions as he may receive from the Board.

(4) The Director shall, unless directed otherwise by the Board, attend every meeting of the Board and may take part in its deliberations, but shall not be entitled to vote on any matter before the Board.

## **9. Delegation of powers**

(1) Subject to subsection (2) and to such instructions and rules of a general nature as it may give or make, the Board may delegate to the Chairperson or to the Director, such of its powers under this Act as may be necessary to assist in the effective management of the Authority, other than the power to—

- (a) borrow money;
- (b) raise loans; or
- (c) enter into any transaction in respect of capital expenditure which exceeds 200,000 rupees.

(2) (a) Subject to paragraph (b), no document shall be executed or signed by or on behalf of the Authority unless it is signed by the Director, and the Chairperson, or in the absence of the Chairperson, any other member appointed by the Board for that purpose.

(b) A document to which the Authority is a party may be signed outside Mauritius by any person nominated for that purpose by the Board.

#### **10. Appointment of employees**

(1) Subject to subsection (3), the Board may employ, on such terms and conditions as it thinks fit, such employees as may be necessary for the proper discharge of the functions of the Authority.

(2) Every employee shall be under the administrative control of the Director.

(3) No person shall be eligible for employment or, if already employed, continue in employment where he has any interest in any enterprise operating in the tourism sector.

#### **11. Conditions of service of employees**

The Board may make provision, in such form as it may determine, to govern the conditions of service of employees and, in particular, to deal with—

- (a) the appointment, dismissal, discipline, pay and leave of, and the security to be given by, employees;
- (b) appeals by employees against dismissal or other disciplinary measures; and
- (c) the establishment and maintenance of provident and pension fund scheme and the contributions payable to and the benefits recoverable from those schemes.

#### **12. Protection from liability**

No liability, civil or criminal, shall attach to any member, to any employee or to the Authority in respect of any act done or omitted to be done by the member, employee or the Authority in the execution, in good faith, of his or its functions under this Act.

#### **13. Powers of Minister**

(1) The Minister may, in relation to the exercise by the Board of the powers of the Authority under this Act, after consultation with the Board, give such directions of a general character to the Board as he considers necessary in the public interest, and the Board shall comply with those directions.

(2) The Board shall furnish to the Minister such information with respect to its activities as he may require.

#### **14. General Fund**

The Authority shall establish a General Fund—

- (a) into which all monies received by the Authority shall be paid, and

- (b) out of which all payments required to be made by the Authority shall be effected.

**15. Charges to General Fund**

The Authority may, in the discharge of its functions, and in accordance with the terms and conditions on which its funds may have been obtained or derived, charge to the General Fund all remunerations, allowances, salaries, fees, pensions and superannuation fund contributions, gratuities, working expenses or all other charges properly arising, including any necessary capital expenditure.

**16. Exemption from duty and charges**

Notwithstanding any other enactment, the Authority shall be exempt from the payment of any duty, charge, fee, rate or tax.

**17. Regulations**

(1) The Board may, with the approval of the Minister, make such regulations as it thinks fit for the purposes of this Act.

(2) Regulations made under subsection (1) may provide for the taking of fees and levying of charges.

**18. Transitional provisions**

Any contract entered into between Government and any person, other than a public officer, before May 1996, for the provision by that person of services in relation to the promotion of Mauritius as a tourist destination abroad, shall have effect as if the contract had been entered on the same terms and conditions between the Authority and that person.

19. – 20. —

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