

A BILL

entitled

BERMUDA TOURISM AUTHORITY AMENDMENT ACT 2018

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WHEREAS it is expedient to amend the Bermuda Tourism Authority Act 2013;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act may be cited as the Bermuda Tourism Authority Amendment Act 2018.

Amends section 2

2 In section 2 of the Bermuda Tourism Authority Act 2013 ("the principal Act"), insert the following definition in alphabetical order—

“Deputy Chairman” means the Deputy Chairman of the Board appointed under section 5A;”.

Amends section 4

- 3 (1) Section 4 of the principal Act is amended as follows.
- (2) In subsection (1)—
- (a) before the “and” at the end of paragraph (a), insert—

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“(aa) the Deputy Chairman, appointed in accordance with the provisions of section 5A; ”;

(b) delete paragraph (b) and substitute—

“(b) six other members who shall be appointed by the Minister, after consultation with the Board, for a period of three years. ”.

(3) Repeal subsection (2).

(4) Repeal subsection (3) and substitute—

“(3) A member of the Board is eligible, upon the expiry of the member’s term of appointment, to be considered for re-appointment by the Minister.”

(5) Repeal subsection (5).

(6) In subsection (7), after “Chairman” insert “, Deputy Chairman”.

Inserts section 5A

4 After section 5 of the principal Act, insert—

“Deputy Chairman

5A (1) The Minister, after consulting the Chairman, shall appoint a Deputy Chairman of the Board.

(2) The person appointed as Deputy Chairman may be a current member of the Board or some other person, but in any case shall have suitable qualifications and experience in the travel and tourism sectors.

(3) The Deputy Chairman shall hold office for such period not exceeding three years and on such terms as the Minister shall determine, and on the expiry of the Deputy Chairman’s term of office the Minister may reappoint him for a further term in accordance with this section.

(4) The Deputy Chairman shall be responsible for assisting the Chairman in the efficient conduct of the affairs of the Authority.”

Amends section 9

5 In section 9(2)(a) of the principal Act, after “Chairman” insert “or Deputy Chairman”.

Inserts section 12A

6 After section 12 of the principal Act, insert—

“General powers of the Minister

12A The Minister may, after consultation with the Board, give to the Board directions of a general character as to the exercise and performance by the Board

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of its functions in relation to matters which appear to him to affect the public interest; and the Board shall give effect to any such directions.”

Amends the Schedule

7 In the Schedule to the principal Act—

- (a) in paragraph 1(1), after “other than the Chairman”, insert “or Deputy Chairman”;
- (b) in paragraph 1(2), after “Chairman”, insert “or Deputy Chairman”;
- (c) in the opening words of paragraph 2, after “Chairman”, insert “, Deputy Chairman”;
- (d) delete paragraph 2(e), and substitute—
 - “(e) is otherwise unable, unfit or unwilling to carry out his functions as Chairman, Deputy Chairman or member.”

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EXPLANATORY MEMORANDUM

This Bill seeks to amend the Bermuda Tourism Authority Act 2013 (“the principal Act”) in relation to the Board of the Bermuda Tourism Authority.

Clause 1 is self-explanatory.

Clause 2 inserts into section 2 of the principal Act a definition of “Deputy Chairman”.

Clause 3 amends section 4 of the principal Act. As a result of the amendments, future members of the Board will be appointed by the Minister after consultation with the Board for a term of three years, and may be reappointed. The Deputy Chairman will be appointed by the Minister, in accordance with section 5A, instead of by the Board.

Clause 4 inserts new section 5A into the principal Act which empowers the Minister, after consulting the Chairman, to appoint a Deputy Chairman who need not be a current member of the Board but must have suitable qualifications and experience in the travel and tourism sectors. The Deputy Chairman may be appointed for a period not exceeding three years and on such terms as the Minister shall determine, and may be reappointed for a further term. The Deputy Chairman shall be responsible for assisting the Chairman in the efficient conduct of the affairs of the Authority.

Clause 5 provides for delegation to the Deputy Chairman of certain functions of the Board.

Clause 6 inserts new section 12A into the principal Act. This empowers the Minister, after consultation with the Board, to give directions of a general character as to the exercise and performance by the Board of its functions, and requires the Board to give effect to any such directions.

Clause 7 makes consequential amendments in the Schedule to the principal Act.