

NIGERIAN TOURISM DEVELOPMENT CORPORATION ACT

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NIGERIAN TOURISM DEVELOPMENT CORPORATION ACT

An Act to establish the Nigerian Tourism Development Corporation and for matters connected therewith.

[1992 No. 81.]

[14th December, 1992]

[Commencement.]

1. Establishment of the Nigerian Tourism Development Corporation

(1) There is hereby established, a Corporation to be known as the Nigerian Tourism Development Corporation (in this Act referred to as "the Corporation").

(2) The Corporation shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

(3) The supplementary provisions contained in the First Schedule to this Act shall, where applicable have effect with respect to the proceedings of the Corporation and the other matters mentioned therein.

[First Schedule.]

2. Membership

(1) The Corporation shall consist of-

- (a) a part-time chairman who shall be appointed by the President on the recommendation of the Minister;
- (b) a representative each of-
 - (i) the Nigeria Hotel Association;
 - (ii) the National Association of Travel Agencies;
 - (iii) the Nigerian Association of Chambers of Commerce, Industry, Mines and Agriculture;
 - (iv) Association of Tourism Practitioners of Nigeria;
- (c) a representative each of the Federal Ministries charged with responsibility for matters relating to-
 - (i) foreign affairs;
 - (ii) immigration;
 - (iii) commerce;
 - (iv) culture and tourism; and
 - (v) information and national orientation;
- (d) a representative of the Nigerian Customs Service;
- (e) the Executive Director of the Corporation; and
- (f) two persons to represent public interest.

3. Tenure of office

(1) Subject to the provisions of this Act, a person appointed to be a member of the Corporation and not being an *ex-officio* member shall hold office for a period of three years from the date of his appointment and may be re-appointed for a further term of two years.

(2) Any member of the Corporation not being an *ex-officio* member may resign his appointment by a letter addressed to the Minister.

(3) A member of the Corporation not being an *ex-officio* member shall be paid such remuneration and allowances as the President may, from time to time, direct.

(4) Notwithstanding the provisions of subsection (1) of this section, the President may on the recommendation of the Minister require any member to vacate his office if his continued membership will not be in the interest of the Corporation.

4. Functions

(1) The functions of the Corporation shall be-

- (a) to encourage people living in Nigeria to take their holidays therein and people from abroad to visit Nigeria; and
- (b) to encourage the provision and improvement of tourism amenities and facilities in Nigeria including the development of hotels and ancillary facilities.

(2) In addition to the specific powers conferred on the Corporation by or under the subsequent provisions of this Act, the Corporation shall have power-

- (a) to provide advisory and information services;
- (b) to promote and undertake research in the field of tourism;
- (c) to render technical advice to the states and local governments in the field of tourism;
- (d) to register, classify and grade all hospitality and tourism enterprises, travel agencies and tour operators in such manner as may be prescribed.

(3) The Corporation shall in particular have power to-

- (a) carry on any undertaking which appears to the Corporation to be necessary for the promotion and development of a tourist industry;
- (b) assist in the development of-
 - (i) museums and historic sites;
 - (ii) parks;
 - (iii) game reserves;
 - (iv) beaches;
 - (v) natural beauty spots;
 - (vi) holiday resorts;
 - (vii) souvenir industries;
- (c) advise appropriate authorities on ways of improving tourist facilities;

- (d) publicise tourism; and
- (e) do all such things incidental to the foregoing functions which in its opinion are calculated to facilitate the carrying on of the duties of the Corporation under this Act.

5. Establishment of National Travel Bureau

(1) The Corporation may set up a tour operating company to be known as the National Travel Bureau (in this Act referred to as "the Bureau") to operate tour services within and outside Nigeria.

(2) The Corporation shall operate the Bureau on a commercial basis that is to say, it shall ensure that the revenue accruing to the Bureau from services provided by the Bureau are not less than sufficient to meet the total cost of providing these services, taking one year with another.

6. Power of Minister to give directions

Subject to this Act, the Minister may give to the Corporation directions of a general character or relating generally to particular matters (but not to any particular individual person or to any particular case) with regard to the exercise by the Corporation of its functions and it shall be the duty of the Corporation to comply with the directions.

State Tourism Boards

7. Establishment of and functions of the State Tourism Board

(1) There is hereby established for each State in the Federation, a State Tourism Board (in this Act referred to as "the Tourism Board").

(2) The Tourism Board for each State shall consist of a chairman, being a person of proven ability in commerce, industry and tourism to be appointed by the Governor and the following other members, that is-

- (a) a representative each of the States Ministries of-
 - (i) Commerce, Industry and Tourism;
 - (ii) Agriculture and Natural Resources;
 - (iii) Land and Survey;
- (b) a representative of the relevant trade groups in tourism industry appointed by the State Commissioner for Commerce, Industry and Tourism; and
- (c) a representative of the State Chambers of Commerce, Industry Mines and Agriculture; and
- (d) the general manager.

(3) Subject to the provisions of this Act, a person appointed a member of the Tourism Board not being an *ex-officio* member shall hold office for a period of three years from the date of his appointment and may be re-appointed for a further period of two years.

(4) A member of the Tourism Board not being an *ex-officio* member shall be paid such remuneration and allowances as the Governor may determine from time to time.

(5) The Tourism Board shall have power to co-opt any person to attend its meetings but such person shall have no power to vote and shall not count towards a quorum.

8. Appointment of secretary to the Tourism Board

(1) There shall be appointed by the State Commissioner for Commerce, Industry and Tourism with the approval of the Governor, a secretary to the Tourism Board.

(2) The secretary to the Tourism Board who shall not be a member of the Tourism Board shall be a legal practitioner with not less than seven years post-call experience.

(3) The secretary to the Tourism Board shall-

- (a) keep the records and conduct the correspondence of the Tourism Board; and
- (b) perform such other duties of a secretarial nature as the Tourism Board or as the case may be, the general manager of the Tourism Board may from time to time direct.

9. Functions of the Tourism Board

The functions of the Tourism Board shall be-

- (a) to assist the Corporation on the implementation of this Act;
- (b) to recommend to the Corporation such other measures as may be necessary in the opinion of the Tourism Board to enable full effect to be given to the provisions of this Act;
- (c) in consultation with the Corporation-
 - (i) to devise and carry out schemes aimed at encouraging Nigerians to visit the State;
 - (ii) to identify, preserve, protect and develop tourism assets and resources;
- (d) to co-ordinate the activities of tourism agencies; and
- (e) to perform such other functions as may be assigned to it by the Corporation.

10. Establishment of the Local Government Tourism Committee etc.

(1) There is hereby established for each local government of a State, a committee to be known as the Local Government Tourism Committee (in this Act referred to as "the Local Government Committee").

(2) The Local Government Committee shall consist of-

- (a) the chairman of the Local Government Council as chairman;
- (b) the Councillor charged with responsibility for matters relating to tourism;
- (c) a representative of the State Ministry charged with responsibility for matters relating to tourism;
- (d) a traditional ruler;
- (e) three persons who by reason of their ability, experience or specialised knowledge are capable of making useful contribution to the development of tourism; and
- (f) the divisional police officer in the local government area.

(3) The Local Government Committee shall subject to the control of the Tourism Board and the Corporation, have responsibility for-

- (a) recommending to the Tourism Board projects for development as tourist attraction;
- (b) advising on such matters relating to tourism within the local government area; and
- (c) preserving and maintaining monuments and museums in their areas of jurisdiction; and
- (d) promoting and sustaining communal interest in tourism.

11. Appointment of Executive Director

(1) There shall be appointed by the Corporation, an Executive Director who shall be the Chief Executive of the Corporation and shall be subject to the directives of the Corporation.

(2) The Executive Director shall hold office on such terms and conditions as may be specified in his letter of appointment and on such other terms and conditions as may be determined from time to time by the Corporation with the approval of the President.

(3) The Executive Director shall be the accounting officer of the Corporation for the purpose of controlling and disbursing amounts from the fund established pursuant to section 17 of this Act.

(4) The Executive Director shall be appointed by the Minister with the approval of the President.

12. Appointment of secretary to the Corporation

(1) There shall be appointed, by the Corporation, a secretary to the Corporation, who shall be a legal practitioner of not less than ten years post-call experience.

(2) The secretary to the Corporation shall-

- (a) keep the records and conduct the correspondence of the Corporation; and
- (b) perform such other duties as the Corporation or the Executive Director may, from time to time, direct.

13. Appointment of other employees

(1) The Corporation shall, subject to the provisions of this Act have powers-

- (a) to appoint such other employees of the Corporation as it may determine;
- (b) to pay its employees such remuneration and allowances as are payable to persons of equivalent grades in the civil service of the Federation or of a State;
- (c) to set up a superannuating scheme (whether contributory or not) in respect of such of its employees as it may determine; and
- (d) to determine the conditions of service of such employees.

14. Establishment of Hotel Inspectorate Division

(1) There is hereby established for the Corporation, a division to be known as the Hotel Inspectorate Division (in this Act referred to as "the Division").

(2) It shall be the duty of the Division-

- (a) to register, classify, grade and monitor hotels and other hospitality establishments; and
- (b) charge fees and impose such sanctions as may be prescribed from time to time by the Corporation.

15. Appointment of inspectors

(1) The Corporation may if it deems it fit, appoint from time to time, persons to be known as inspectors for the purposes of this Act.

(2) An inspector appointed under this Act shall, for the purpose of the execution of this Act, have power to do the following, that is to say-

- (a) to enter, inspect and examine by day or by night any premises being used as a hotel or allied hospitality establishment;
- (b) by notice require the proprietor of such hotel or allied hospitality establishment to furnish in such form as he may direct any information on such matters as may be specified by him in the notice;
- (c) to make such examination and inquiry as may be necessary to ascertain whether or not the provisions of this Act or any regulations made thereunder are being complied with;
- (d) to take with him a police officer if he has reasonable cause to apprehend any serious obstruction in the execution of his duty.

(3) Every proprietor of such hotel or allied hospitality establishment, his agents and servants shall where necessary furnish to an inspector the means required by such inspector for the purposes of such entry, inspection, examination or inquiry or otherwise for the due exercise of his powers under this Act.

16. Offence

(1) If any person wilfully delays an inspector in the exercise of any power conferred on him under section 15 of this Act, or fails to comply with the requisition of an inspector in pursuance of the said section or to produce any document or furnish any information which he is required by or in pursuance of this Act to produce or furnish or wilfully withholds any information as to who is the proprietor of any hotel or allied hospitality establishment, that person, shall be deemed to obstruct an inspector in the execution of his duties under the provisions of this Act.

(2) Where an inspector is obstructed in the execution of his powers or duties under the provisions of this Act, the person obstructing him shall be guilty of an offence and liable on conviction to a fine of ₦1,000 or to imprisonment for one month or to both such fine and imprisonment.

Miscellaneous and supplementary

17. Financial provisions

(1) The Corporation shall maintain a fund which shall consist of-

- (a) such monies as may, from time to time, be provided by the Federal Government by way of loan, grant or otherwise howsoever;
- (b) such monies as may be received by the Corporation in the course of its operations or in relation to the exercise of its powers and from such fund there shall be defrayed all expenses incurred by the Corporation.

(2) Subject to any general or special direction that may be given in that behalf by the Minister pursuant to this Act, the Corporation may invest its funds and maintain general financial reserves.

(3) The Corporation shall keep proper accounts and proper records in relation thereto and shall prepare in respect of each year a statement of accounts in such form as the Minister may direct.

(4) The Corporation shall cause its accounts to be audited within six months after the end of each year by external auditors appointed from the list and in accordance with guidelines supplied by the Auditor-General for the Federation.

18. Annual report

The Corporation, shall submit through the Minister to the President not later than 30 June in each year, a report of its activities during the preceding year which shall include a copy of the audited accounts of the Corporation for that year and a copy of the auditors report thereon.

19. Power to give directives

The Minister may give to the Corporation directives of a general nature with regard to the carrying out of the functions of the Corporation under this Act and it shall be the duty of the Corporation to comply with such directives.

20. Regulations

The Minister may with the approval of the President, make regulations generally for the purpose of giving effect to the provisions of this Act and may in particular without prejudice to the generality of the foregoing provisions make regulations-

- (a) providing for the registration by the Corporation of any class of hotels and other similar establishments in Nigeria at which sleeping accommodation is provided by way of trade or business;
- (b) requiring the classification or grading of hotels, restaurants and night clubs and prescribing standards for their upkeep;
- (c) requiring hotels and other similar establishments to display information with respect to prices charged;
- (d) providing for camping, fishing and hunting within holiday resorts; and
- (e) prescribing standards to be observed by travel agencies and tourist guides.

21. Repeal

(1) The Nigerian Tourist Board established by the Nigerian Tourist Board Act is hereby dissolved and the said Act is hereby repealed.

[Cap. 330. L.F.N. 1990. Second Schedule.]

(2) The transitional and savings provisions in the Second Schedule to this Act shall have effect in relation to the employees, assets and liabilities of the Board dissolved under this section and other matters mentioned therein notwithstanding anything to the contrary in this Act or any other enactment.

22. Interpretation

In this Act, unless the context otherwise requires-

"**Bureau**" means the National Travel Bureau established by section 5 of this Act;

"**Corporation**" means the Nigerian Tourism Development Corporation established by section 1 of this Act;

"**Division**" means the Hotel Inspectorate Division established by section 14 of this Act;

"**Executive Director**" means the person appointed as Executive Director by virtue of section 11 of this Act;

"**inspector**" means the person appointed as inspector under section 15 of this Act;

"**Tourism Board**" means the State Tourism Board established under section 7 of this Act;

"**Minister**" means the Minister charged with responsibility for tourism matters.

23. Short title

This Act may be cited as the Nigerian Tourism Development Corporation Act.

SCHEDULE

FIRST SCHEDULE

[Section 1 (3).]

Supplementary provisions relating to the Corporation and State Tourism Committees

General

1. The Corporation shall meet at least four times in each year at such times and places as may be determined by the chairman.

- 2.** If not less than five members make a written request to the chairman for an extraordinary meeting to be convened, the chairman shall summon a meeting to be held within fifteen days from the date on which he received the request.
- 3.** The chairman shall preside at meetings of the Corporation and if he is absent from a meeting the members present shall elect one of their number to preside at the meeting.
- 4.** At a meeting of the Corporation six members shall form a quorum and questions shall be decided by a majority of those present and voting; but in the case of an equality of votes, the chairman or other person presiding shall have a second or casting vote.
- 5.** Subject to this Act, the Corporation may make standing orders regulating the proceedings of the Corporation or of any committee thereof.
- 6.** Any summons, notice or other document required or authorised to be served on the Corporation may, except where there is express provision to the contrary, be served-
 - (a)* by delivering it to the Executive Director; or
 - (b)* by sending it by registered post addressed to the Executive Director at the principal office of the Corporation.
- 7.** The fixing of the seal of the Corporation shall be authenticated by the signature of the chairman or the Executive Director, and the secretary.
- 8.** Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Corporation by any person generally or specially authorised to act for that purpose by the Corporation.
- 9.** Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Corporation shall be received in evidence and, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.
- 10.** Any member of the Corporation or a committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Corporation or committee shall forthwith disclose his interest to the Corporation or committee and shall not vote on any question relating to the contract or arrangement.

Committees

- 11.** Subject to its standing orders, the Corporation may appoint such committees as it thinks fit but the decision of any committee appointed under this paragraph shall be of no effect until confirmed by the Corporation.
- 12.** Where the Corporation desires to obtain the advice of any person on a particular matter, the Corporation may co-opt him as a member for such period as it thinks fit; but a person who is a member by virtue of this paragraph shall not be entitled to vote at any meeting of the Corporation and shall not count towards a quorum.
- 13.** The quorum of any committee of the Corporation shall be six.
- 14.** The Tourism Board shall meet at least four times in each year at such times and places as may be determined by the chairman.
- 15.** If not less than five members make a written request to the chairman for an extraordinary meeting to be convened, the chairman shall summon a meeting to be held within fifteen days from the date on which he received the request.
- 16.** The chairman shall preside at meetings of the Tourism Board and if he is absent from a meeting, the members present shall elect one of their number to preside at that meeting.

17. At a meeting of the Tourism Board or of a Local Government Committee five members shall form a quorum and questions shall be decided by a majority of those present and voting and in the case of an equality of votes, the chairman or other person presiding shall have a second or casting vote.

18. Subject to this Act the Corporation may make standing orders regulating the proceedings of the Tourism Board or Local Government Committee.

SECOND SCHEDULE

[Section 21 (2).]

Transitional and savings provisions

1. By virtue of this Act there shall on the commencement of this Act, be vested in the Corporation all assets, funds resources and other movable or immovable property which immediately before the commencement of this Act were vested in the Nigerian Tourist Board (in this Schedule referred to as "the dissolved Board").

2. Subject to the provision of paragraph 1 of this Schedule-

- (a) the rights, interests, obligations and liabilities of the dissolved Board existing immediately before the commencement of this Act under any contract or instrument, or at law or in equity apart from any contract or instrument, shall by virtue of this Act be deemed to have been assigned to and vested in the Corporation;
- (b) any such contract or instrument as is mentioned in sub-paragraph (a) of this paragraph, shall be of the same force and effect against or in favour of the Corporation, and shall be enforceable as fully and effectively as if instead of the dissolved Board the Corporation had been named therein or had been a party thereto; and
- (c) the Corporation shall be subject to all the obligations and liabilities to which the dissolved Board was subject immediately before the commencement of this Act and all persons shall, as from the commencement of this Act have the same rights, powers and remedies against the Corporation as they had against the dissolved Board immediately before the day.

3. Any proceeding pending or cause of action existing immediately before the commencement of this Act by or against the dissolved Board in respect of any rights, interest, obligation or liability, of the dissolved Board may be continued, or as the case may require, commenced and the determination of a court of law, tribunal or other authority or person may be enforced, by or against the Corporation to the same extent that such cause of action or determination might have been continued or commenced or enforced by or against the dissolved Board if this Act has not been made.

4. Notwithstanding the dissolution of the Nigerian Tourist Board by section 21 of this Act, any person who immediately before the commencement of this Act held office under the dissolved Board shall, on the commencement of this Act be deemed to have been transferred to the corporation on terms and conditions not less favourable than those obtaining immediately before the commencement of this Act and service under the dissolved Board shall be deemed to be service under the Corporation for pensions purposes.

5. For the purposes of paragraph 4 of this Schedule, the terms and conditions comprised in any transferred appointment shall not be construed as being less favourable merely because they are not in all respects identical or superior to the terms and conditions enjoyed by any

person concerned immediately before the commencement of this Act if the first-mentioned terms and conditions taken as a whole offer substantially equivalent or greater benefits.

6. Within the twelve months next after the making of this Act, the Minister, if he thinks fit, may by order published in the *Gazette* make additional transitional or saving provisions for the better carrying out of the objectives of this Schedule.
