

TOURISM DEVELOPMENT (AMENDMENT) ACT, 2014

EXPLANATORY MEMORANDUM

The *Tourism Development Act, Cap. 341* regulates the very dynamic tourism industry and it is imperative that this legislative framework is able to respond rapidly to the dynamism of the industry. The *Tourism Development (Amendment) Act, 2014* amends the *Tourism Development Act, Cap. 341* to ensure that it would be better able to respond to the changing needs of the tourism industry in a timely manner.

Clause 1: This clause gives the short title of the amending Act. It may be cited as *Tourism Development (Amendment) Act, 2014*.

Clause 2: This clause amends section 2 of the *Tourism Development Act, Cap. 341*, hereinafter referred to as the principal Act, to include a definition of “Authority” and to expand the definition of “supplies” in order to improve the efficacy of the Act.

Clause 3: This clause amends subsections (1) and (3) of section 3 of the principal Act. It amends subsection (1) to provide for a wider cross-section of entities to apply to be considered as tourism products or tourism projects. Further, it amends subsection (3) to provide for the Minister to declare by order any service, facility, company or entity as a tourism project or tourism product.

Clause 4: This clause amends section 15 of the principal Act to provide greater flexibility for the granting of exemptions from customs duty in order to facilitate the rapid changes in the industry. Subsection (3) is amended to provide for hotels to make an application to the Minister where the hotel needs supplies, items or food or beverages which are not listed in

the *Second Schedule* and subsection (4) provides for the Minister to grant an exemption where it contributes to the development of the tourism project or tourism product and will contribute to sustainability and development of tourism in Barbados. Subsection (5) clarifies the intended use of the supplies listed in Part VI of the *Second Schedule*, as it makes it clear that these supplies are to be used by qualified medical practitioners who deal with infertility.

- Clause 5:** This clause amends section 17 to provide for stricter penalties for violation of section 15 or the misuse of the supplies purchased or imported free of custom duty under the Act.
- Clause 6:** This clause inserts a new section, section 19A into the Act. This new section gives the Minister the power to suspend or revoke the license issued to a tourism project. He may also suspend the application of the Act for a violation of the Act.
- Clause 7:** This clause deletes all references to the former “Barbados Tourism Authority” and replaces them with references to the new “Barbados Tourism Product Authority”.
- Clause 8:** This Clause deletes a substantive provision inserted in the *Tourism Development Order, 2013*, as better provision has been made for the intent of this provision by the insertion of a subsection (5) in the current amendment of section 15.