

PARLIAMENT OF CEYLON

1st Session 1965-66



Ceylon Tourist Board Act, No. 10 of 1966

Date of Assent : April 25, 1966

Printed on the Orders of Government.

Printed at the GOVERNMENT PRESS, CEYLON. To be purchased at the GOVERNMENT PUBLICATIONS BUREAU, COLOMBO

Annual Subscription (including Bills) Rs. 30 (Local), Rs. 40 (Foreign), payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, P. O. Box 500, COLOMBO 1, before 20th December each year in respect of the year following. Late subscriptions will be accepted on the condition that Bills issued before the date of payment will not be supplied.

Price : 80 cents

Postage : 20 cents

Ceylon Tourist Board Act, No. 10 of 1966

L. D.—O. 37/65.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A PUBLIC AUTHORITY KNOWN AS THE CEYLON TOURIST BOARD FOR THE ENCOURAGEMENT, PROMOTION AND DEVELOPMENT OF TOURIST TRAVEL TO OR IN OR FROM CEYLON, AND OF ADEQUATE, EFFICIENT AND ATTRACTIVE TOURIST SERVICES, AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

[Date of Assent: April 25, 1966]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Ceylon Tourist Board Act, No. 10 of 1966, and shall come into operation on such date as the Minister may appoint by Order published in the *Gazette* (in this Act referred to as the "appointed date").

Short title
and date of
operation.

PART I.

CEYLON TOURIST BOARD.

2. There shall be established a public authority which shall be called the Ceylon Tourist Board, and which shall consist of the persons who are for the time being members of that Board under section 6.

Ceylon Tourist
Board.

3. The Board shall, by the name assigned to it by section 2, be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in that name.

The Board to
be a body
corporate.

4. The objects of the Board shall be—

The objects
of the Board.

(a) the encouragement, promotion and development of tourist travel;

(b) the encouragement, promotion and development of adequate, efficient and attractive tourist services; and

(c) the doing of all such acts or things as may be necessary for, or conducive to, the attainment of the objects specified in paragraphs (a) and (b) of this section.

2 *Ceylon Tourist Board Act, No. 10 of 1966*

The manner in which objects of the Board are to be attained.

5. For the purpose of the attainment of its objects, the Board may exercise, discharge and perform the powers, functions and duties conferred or imposed on the Board by or under this Act or any other written law.

Constitution of the Board.

6. (1) The Board shall consist of seven members appointed by the Minister—

(a) one of whom shall be a public officer nominated, by name or by office, by the Minister of Finance; and

(b) another of whom shall be a public officer nominated, by name or by office, by the Minister to whom the subject or function of local government is assigned by the Prime Minister; and

(c) the other five of whom shall be persons so appointed by the Minister.

(2) The Minister shall appoint one of the members of the Board, not being a member referred to in paragraph (a) or paragraph (b) of sub-section (1), to be the Chairman of the Board.

(3) A person shall be disqualified for being appointed, or for continuing, as a member of the Board—

(a) if he is or becomes a Senator or a Member of Parliament; or

(b) if he is or becomes the owner; a partner, a director, a major shareholder or an employee of or in any business which operates or provides tourist services of any class or description.

(4) Any person who is appointed by the Minister, or whom the Minister proposes to appoint, as a member of the Board shall, whenever requested so to do, furnish to the Minister such information as the Minister considers necessary for ensuring compliance with the provisions of sub-section (3) (b).

(5) A member of the Board who is in any way, directly or indirectly, interested in any contract made or proposed to be made by the Board shall disclose the nature of his interest at a meeting of the Board, and

such disclosure shall be recorded in the minutes of the Board, and the member shall not take part in any deliberation or decision of the Board with regard to that contract.

(6) The Minister may, if he thinks it expedient to do so, remove, by Order published in the *Gazette*, any member of the Board from office without reason stated.

(7) A member of the Board in respect of whom an Order under sub-section (6) is made by the Minister shall vacate his office on the date of the publication of such Order in the *Gazette*.

(8) A member of the Board may at any time resign his office by letter addressed to the Minister.

(9) If the Chairman or any other member of the Board is temporarily unable to discharge the duties of his office on account of ill health or absence from Ceylon or for any other cause, the Minister may, having due regard to the provisions of sub-section (1), appoint some other person to act in his place as the Chairman or as a member.

(10) Every member of the Board shall, unless he earlier vacates office by death, resignation or removal, hold office for a period of five years. Any member of the Board who vacates office shall be eligible for reappointment.

(11) No act or proceeding of the Board shall be deemed invalid by reason only of the existence of any vacancy amongst its members or any defect in the appointment of a member thereof.

7. (1) The seal of the Board shall be in the custody of the Board.

Application
of the seal
of the Board.

(2) The seal of the Board may be altered in such manner as may be determined by the Board.

(3) The application of the seal of the Board shall be authenticated by the signature of the Chairman of the Board or some other member of the Board authorized by the Board to authenticate the application of such seal, and of the officer of the Board who is designated the Secretary of the Board or some other officer of the Board authorized by name by the Board to act in his stead in that behalf.

4 *Ceylon Tourist Board Act, No. 10 of 1966*

Remuneration
of members of
the Board.

8. The members of the Board shall be remunerated in such manner and at such rates, and shall be subject to such conditions of service, as may be determined by rules made under this Act.

The Chairman
of the Board.

9. (1) The Board may delegate to the Chairman any of its powers, functions or duties under this Act or any other written law.

(2) In the exercise, discharge or performance of the powers, functions or duties conferred or imposed on him, or delegated to him, under this Act or any other written law, the Chairman of the Board shall be subject to the general or special directions of the Board.

(3) The Chairman of the Board may, with the approval of the Board, delegate to any member of the staff of the Board any of his powers, functions or duties under this Act or any other written law, whether conferred or imposed on him expressly or by way of delegation:

Provided, however, that the Chairman of the Board shall not exercise the power of delegation conferred on him by the preceding provisions of this sub-section in respect of any power, function or duty conferred or imposed on him by way of delegation by any other person or authority except with the prior approval of such other person or authority.

Presidency at
meetings.

10. The Chairman of the Board shall preside at all meetings of the Board. In the absence of the Chairman from any meeting of the Board, the members present shall elect one of their number to preside at the meeting.

Meetings of
the Board.

11. Rules may be made under this Act in respect of the meetings of the Board, and the quorum for, and the procedure to be followed at, such meetings.

Head office
of the Board.

12. The head office of the Board shall be Colombo in Ceylon.

Branches and
agencies.

13. The Board may establish and maintain agencies or branches in Ceylon or elsewhere.

14. (1) In the exercise, discharge and performance of its powers, functions and duties, the Board shall be subject to, and act in accordance with, such general or special directions as the Minister may, from time to time, issue.

Minister's directions to the Board.

(2) The Minister shall, in issuing directions under sub-section (1) with regard to any matter affecting the functions of any other Minister, act in consultation with that Minister.

15. All members of the Board shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.

Members of the Board deemed to be public servants.

PART II.

STAFF AND DEPARTMENTS OF THE BOARD.

16. (1) The staff of the Board may consist of the following:—

Staff of the Board.

(a) a Director-General of Tourism; and

(b) such other officers and servants as the Board may deem necessary for the proper and efficient conduct of the business of the Board.

(2) Subject to the other provisions of this Act, the Board—

(a) may appoint, dismiss, and exercise disciplinary control over, the staff of the Board;

(b) may fix the wages or salary or other remuneration of such staff;

(c) may determine the terms and conditions of the service of such staff; and

(d) may establish and regulate provident funds or schemes for the benefit of such staff, and may make contributions to any such fund or scheme.

(3) Rules may be made under this Act in respect of all or any of the matters referred to in sub-section (2).

17. (1) The Board may establish and maintain such number of departments as it may deem necessary for the proper and efficient conduct of its business.

Departments of the Board.

(2) Each department of the Board shall be responsible for the administration and conduct of such part of the business of the Board as may be determined by the Board.

(3) The head of each department of the Board, and the other members of the staff of the Board attached to that department, shall exercise, discharge and perform such powers, functions and duties as may be determined by the Board.

(4) Rules may be made under this Act in respect of all or any of the matters referred to in the preceding provisions of this section.

Appointment of certain classes of officers and servants to the staff of the Board.

18. (1) At the request of the Board, any officer in the public service may, with the consent of that officer and the Secretary to the Treasury, be temporarily appointed to the staff of the Board for such period as may be determined by the Board with like consent or be permanently appointed to such staff.

(2) The provisions of sub-section (2) of section 9 of the Motor Transport Act, No. 48 of 1957, shall, *mutatis mutandis*, apply in relation to any officer in the public service who is temporarily appointed to the staff of the Board, and the provisions of sub-section (3) of the aforesaid section 9 shall, *mutatis mutandis*, apply in relation to any officer in the public service who is permanently appointed to such staff.

(3) Where the Board employs any person who has entered into a contract with the Government by which he has agreed to serve the Government for a specified period, any period of service to the Board by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.

(4) At the request of the Board, any officer or servant of the Local Government Service Commission or any local authority may, with the consent of that officer or servant and that Commission or authority, as the case may be, be temporarily appointed to the staff of the Board for such period as may be determined by the Board with like consent, or be permanently appointed to that staff, on such terms and conditions, including those relating to pension or provident fund rights, as may be agreed upon by the Board and that Commission or authority.

(5) Where any officer or servant of the Local Government Service Commission or of any local authority is temporarily appointed to the staff of the Board, he shall be subject to the same disciplinary control as any other member of that staff.

19. All members of the staff of the Board shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.

Members of the staff of the Board deemed to be public servants.

PART III.

FINANCE AND ACCOUNTS.

20. (1) The Board shall have its own Fund.

The Fund of the Board.

(2) There shall be paid into the Fund of the Board—

(a) all such sums of money as may be voted by Parliament for the use of the Board;

(b) all sums of money received by the Board in the carrying on of its business or in the exercise, discharge and performance of its powers, functions and duties under this Act or any other written law; and

(c) all such sums of money as are required to be paid into such Fund by or under this Act.

(3) There shall be paid out of the Fund of the Board all sums of money required to defray any expenditure incurred by the Board in the carrying on of its business or in the exercise, discharge and performance of its powers, functions and duties under this Act or any other written law, and all such sums of money as are required to be paid out of such Fund by or under this Act.

21. (1) The Board shall cause its accounts to be kept in such form and manner as may be determined by the Board.

Accounts of the Board and financial year.

(2) The books and accounts of the Board shall be kept at the head office in Colombo.

(3) The financial year of the Board shall be as determined by the Board.

(4) Rules may be made under this Act in respect of all or any of the matters referred to in sub-sections (1) and (3).

Audit of
accounts of
the Board.

22. (1) The Board shall have its accounts audited each year by the Auditor-General. For the purpose of assisting him in the audit of such accounts, the Auditor-General may employ the services of any qualified auditor or auditors who shall act under his direction and control.

(2) For the purpose of meeting the expenses incurred by him in auditing the accounts of the Board, the Auditor-General shall be paid from the Fund of the Board such remuneration as the Minister may determine with the concurrence of the Minister of Finance. Any remuneration received from the Board by the Auditor-General shall, after deducting any sums paid by him to any qualified auditor employed by him for the purpose of such audit, be credited to the Consolidated Fund of Ceylon.

(3) For the purposes of this section, the expression "qualified auditor" means—

(a) an individual who, being a member of the Institute of Chartered Accountants of Ceylon, possesses a certificate to practise as an Accountant issued by the Council of that Institute; or

(b) a firm of Chartered Accountants each of the partners of which, being a member of that Institute, possesses a certificate to practise as an Accountant issued by the Council of that Institute.

The Auditor-
General's
report.

23. (1) The Auditor-General shall examine the accounts of the Board and furnish a report—

(a) stating whether he has or has not obtained all the information and explanations required by him;

(b) stating whether the accounts referred to in the report are properly drawn up so as to exhibit a true and fair view of the affairs of the Board; and

- (c) drawing attention to any item in the accounts which in his opinion may be of interest to the Senate and the House of Representatives in any examination of the activities and accounts of the Board.

(2) The Auditor-General shall transmit his report to the Board.

24. The Board shall, on the receipt of the auditor's report each year, transmit such report together with the profit and loss account and the balance sheet to which the report relates, and a statement by the Board of its activities during the financial year to which such report relates, to the Minister who shall cause copies thereof to be laid before the Senate and the House of Representatives, before the end of the year next following the year to which such report and accounts relate.

Annual accounts with the auditor's report and a report of the annual activities of the Board to be transmitted to the Minister.

25. Notwithstanding anything in any other written law, the Principal Collector of Customs may, with the sanction of the Secretary to the Treasury, waive the customs duty on articles imported by the Board for any of its purposes.

Exemptions from customs duty.

PART IV.

SPECIAL POWERS AND DUTIES OF THE BOARD.

26. (1) The Board shall have power to do all such acts or things as may be necessary for, or conducive to, the attainment of its objects.

Power of the Board to do anything necessary for, or conducive to, the attainment of its objects.

(2) The succeeding provisions of this Act shall be without prejudice to the generality of the powers conferred by sub-section (1).

27. (1) The Board shall have all or any of the following powers:—

Special powers of the Board relating to the attainment of its objects.

- (a) to establish, maintain and operate adequate, efficient and attractive tourist services, and to make such services available to other persons engaged in the promotion or development of tourist travel;

- (b) subject to the provisions of sub-section (2), to assist financially or otherwise any local authority, State-sponsored corporation, Government Department, and by way of loan to any person or other body of persons (whether corporate or unincorporate) operating or maintaining any tourist service, for the purpose of doing any act or thing which is necessary for, or conducive to, the attainment of the objects of the Board;
- (c) to engage, and to co-operate with tourist, travel and other agencies, in the display and distribution of exhibits and graphic materials designed to call attention to the attractions and places of interest in Ceylon, and in the collection, publication, and dissemination of information with respect to the places of interest, routes, transportation facilities, tourist services and such other matters as the Board deems necessary for the attainment of its objects;
- (d) to train, or assist financially the training of, persons to do work which is wholly or mainly connected with tourist travel and tourist services;
- (e) to levy fees or other charges for services, facilities or equipment provided by the Board; and
- (f) to adopt all such other measures as the Board considers advantageous for the purpose of the attainment of its objects.

(2) Financial assistance may be given by the Board, with the prior approval of the Minister, by way of grant, loan or otherwise and subject to such terms or conditions as may be determined by the Board.

Special duties
of the Board.

28. (1) It shall be the duty of the Board—

- (a) either of its own motion or at the request of the Minister to advise him on all matters relating to the development of tourism;

- (b) to advise tourist, travel and other agencies with regard to the development of tourism;
- (c) to prepare and submit to the Minister for the guidance of, and implementation (whether with or without modification) by statute by, the Minister of all such general or special tourist schemes as may be necessary for, or conducive to, the attainment of the objects of the Board, and in particular, but without prejudice to the generality of the preceding provisions of this paragraph, in respect of all or any of the following matters:—
 - (i) the establishment, regulation, supervision, development and control of tourist resorts;
 - (ii) the regulation, supervision, development and control of tourist services; and
 - (iii) the regulation, supervision and control of the employment of persons in or about the business of tourist services; and
- (d) to formulate for the guidance of the Minister and tourist, travel and other agencies, a national plan or policy setting out in outline general proposals for the regulation, supervision, development and control of tourism.

(2) A tourist scheme prepared by the Board under this Act may contain all such provisions as may be necessary for, or conducive to, the attainment of the objects of the Board in regard to the matters to which such scheme relates.

(3) Nothing in this section shall be construed as imposing on the Board, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court or tribunal to which the Board would not otherwise be subject.

29. (1) The Board may, from time to time, make Orders in respect of all or any of the following matters:—

- (a) all matters necessary for, or incidental to, or connected with, the introduction, operation and enforcement of schemes for the regulation and control of the rates of fees or charges that may be levied and

Power of the Board to make Orders.

recovered in respect of tourist services generally, or tourist services of any class or description, or particular tourist services of any class or description;

(b) all matters necessary for, or incidental to, or connected with, the introduction, operation and enforcement of schemes for the registration of tourist services generally, or tourist services of any class or description, so long as such services are established, maintained and operated in conformity or compliance with the minimum standards or provisions specified or contained in the Order for the purpose of ensuring that any such services are adequate, efficient and attractive, and in particular, but without prejudice to the generality of the preceding provisions of this paragraph, the circumstances in which such registration may be granted or refused, or suspended or cancelled; or

(c) all matters necessary for, or incidental to, or connected with, the introduction, operation and enforcement of schemes for the registration by the Board of persons who are fit and suitable for employment in tourist services generally, or tourist services of any class or description, by reason of the fact that they have had such training, or possess such qualifications, or are not subject to such disabilities or disqualifications as may be specified in the Order with a view to ensuring that the persons so employed in any such services shall be fit and suitable for such employment, and in particular, but without prejudice to the generality of the preceding provisions of this paragraph, the circumstances in which such registration may be granted or refused, or suspended or cancelled.

(2) Any Order made under the preceding provisions of this section may provide for the prohibition of the establishment, maintenance or operation of any tourist service unless such service is registered by the Board and any person aggrieved by such Order shall have the right of appeal to a Tribunal appointed by the Minister.

(3) No Order made under the preceding provisions of this section shall come into force until it is approved by the Minister, confirmed by the Senate and the House of Representatives and published in the *Gazette*.

(4) Every Order made under the preceding provisions of this section shall, upon its coming into force as herein before provided, be as valid and effectual as if it were herein enacted.

(5) In the event of any conflict or inconsistency between the provisions of any Order made under the preceding provisions of this section and the provisions of any other subsidiary legislation, the provisions of such Order shall prevail over the provisions of such subsidiary legislation.

(6) For the purposes of this section, the expression "subsidiary legislation" means any by-law, regulation, rule, order, notification or other provisions having the effect of law and made by a person by virtue of the power conferred on him by any written law.

PART V.

GENERAL POWERS OF THE BOARD.

30. The Board shall have power to acquire, hold, take or give on lease or hire, mortgage, pledge and sell or otherwise dispose of, any immovable or movable property.

Power to hold, take, &c., property.

31. The Board shall have all or any of the following powers:—

Powers of the Board in relation to members of its staff and the administration of its business.

(a) to provide welfare and recreational facilities, houses, hostels and other like accommodation for the members of the staff of the Board;

(b) to do anything for the purpose of advancing the skill of members of the staff of the Board or the efficiency of the equipment of the Board or the manner in which that equipment is operated, including the provision by the Board, and the assistance of the provision by others, of facilities for training persons required to carry out the work of the Board;

14 *Ceylon Tourist Board Act, No. 10 of 1966*

- (c) to construct, manufacture, purchase, maintain and repair anything required for the purpose of the business of the Board;
- (d) to delegate to any member of the staff of the Board, or to any member of the Board, any such power, function or duty of the Board as the Board may consider necessary so to delegate for the efficient transaction of business;
- (e) to make rules in respect of the administration of the affairs of the Board; and
- (f) to do all such other acts or things which, in the opinion of the Board, are necessary to facilitate the proper carrying on of its business.

Power of the Board to enter into contracts, &c.

32. (1) For the purpose of the exercise, discharge or performance of its powers, functions or duties, the Board may enter into and perform all such contracts as may be necessary for that purpose.

(2) The Board may establish its own branches or agencies for the purpose of any work of planning, designing, construction or operation, or make contracts or other arrangements for such purposes with Government Departments, local authorities, or research institutions, or other persons (whether in or outside Ceylon).

Power of the Board to compound claims.

33. The Board may compound any claim or demand made against the Board for such sum or other compensation as the Board may deem sufficient.

Powers to borrow.

34. (1) It shall be lawful for the Board, subject to the approval of the Minister, to borrow from the Government or any person or persons such sum or sums of money as may be necessary for any of the purposes of the Board.

(2) Every loan raised by the Board shall be subject to such rate or rates of interest and to such conditions for the repayment thereof as may be approved by the Minister.

(3) For the purpose of securing the repayment of any sum or sums borrowed by the Board and interest accruing thereon, the Board may mortgage or assign to the lender or lenders by or on whose behalf such sum or sums or any part thereof may be lent, property belonging to the Board or any other property of money accruing to the Board.

35. (1) The Board may,—

Compounding
of offences.

- (a) if no prosecution for an offence under this Act is actually pending, compound such offence; or
- (b) if a prosecution for such offence is actually pending, compound such offence with the consent of the Magistrate,

for such sum of money as the Board may deem sufficient, being a sum of money which is not less than, or is not more than double, the maximum amount of the fine which may be imposed for that offence under this Act:

Provided, however, that where any such offence is compounded by the Board with the consent of a Magistrate the reasons for giving such consent shall be recorded by the Magistrate.

(2) The compounding of an offence under this section shall have the effect of an acquittal of the accused.

PART VI.

GENERAL.

36. (1) No suit or prosecution shall lie—

Protection for
action taken
under this
Act, &c.,
or on the
direction of
the Board.

- (a) against the Board for any act which in good faith is done or purports to be done by the Board under this Act, or any Order made thereunder;
- (b) against any member, officer, servant or agent of the Board for any act which in good faith is done or purports to be done by him under this Act or any Order made thereunder, or on the direction of the Board.

(2) Any expense incurred by the Board in any suit or prosecution brought by or against the Board before any court shall be paid out of the Fund of the Board, and any costs paid to, or recovered by, the Board in any such suit or prosecution shall be credited to the Fund of the Board.

(3) Any expense incurred by any such person as is referred to in paragraph (b) of sub-section (1) in any suit or prosecution brought against him before any court in respect of any act which is done or purports to be done by him under this Act or any Order made thereunder, or on the direction of the Board shall, if the court holds that the act was done in good faith, be paid out of the Fund of the Board.

No writ to issue against person or property of a member of the Board.

37. No writ against person or property shall issue against a member of the Board in any action brought against the Board.

Effect of certain documents.

38. Every document purporting to be an instrument issued by the Board and to be sealed as required by this Act or to be signed by or on behalf of the Board shall be received in evidence and be deemed to be such an instrument without further proof until the contrary is shown.

Fines and penalties to be paid into the Fund of the Board.

39. The amount of all fines and penalties paid or recovered under this Act shall be paid into the Fund of the Board:

Provided, however, that any sum of money for which an offence under this Act is compounded by the Board shall be paid by the Board to such charity as may be determined by the Board.

The Board deemed to be a scheduled institution within the meaning of the Bribery Act.

40. The Board shall be deemed to be a scheduled institution within the meaning of the Bribery Act, and the provisions of that Act shall be construed accordingly.

Returns and information.

41. The Board or any person authorized in that behalf by the Board, may by notice require any person to furnish to the Board or the person so authorized, within such period as shall be specified in the notice, all such returns or information relating to all such matters as may be necessary to enable the Board to prepare tourist or other schemes under this Act and as are within the knowledge of that person.

Powers of entry, &c.

42. The Board or any person authorized in that behalf by the Board may, for the purpose of the preparation of any tourist scheme or of the exercise or performance of the powers or duties conferred or imposed on the Board under this Act enter upon or into any land or structure situated in the area for which that scheme is to be made, and may make such inspections, surveys, examinations or inquiries as may be necessary for any such purpose.

Service of notices, &c.

43. (1) Any notice, order, instrument or other document required under this Act or any Order made thereunder to be served on any person may be served—

(a) by delivering it to that person; or

- (b) by leaving it at the usual or last known place of abode of that person, or, in the case of a body corporate, at the office of that body; or
- (c) by sending it by registered post addressed to that person at his usual or last known place of abode, or, in the case of a body corporate, to the office of that body.

(2) Any document which is served in accordance with the provisions of sub-section (1) shall be deemed to have been duly served on the person to whom it is addressed.

44. Any local authority or other body of persons (whether corporate or unincorporate) may, notwithstanding anything to the contrary in any written law or instrument relating to its functions, enter into and perform all such contracts with the Board as may be necessary for the exercise, discharge or performance of the powers, functions or duties of the Board.

Power of companies, &c., to enter into contracts with the Board.

45. (1) Contracts on behalf of the Board may be made as follows:—

Contracts.

- (a) a contract which if made between private persons would be by law required to be in writing, may be made on behalf of the Board in writing under the common seal of the Board;
- (b) a contract which if made between private persons is by law required to be in writing, signed by the parties to be charged therewith, may be made on behalf of the Board in writing signed by any person or persons duly authorized thereto as hereinafter provided; and
- (c) a contract which if made between private persons would by law be valid although made by parol only and not reduced into writing, may be made by parol on behalf of the Board by any person or persons duly authorized thereto as hereinafter provided.

(2) A contract made according to this section shall be effectual in law and shall bind the Board and all parties thereto and their legal representatives.

(3) A contract made according to this section may be waived or discharged in the same manner in which it is authorized by this section to be made.

Use of certain words and doing of certain acts or things prohibited.

46. (1) No person who is not registered by the Board under this Act as fit and suitable for employment in any tourist service,—

(a) shall use any name, title, addition or description; or

(b) shall do any act or thing,

implying or calculated to imply, or giving or calculated to give the impression, that he is so registered.

(2) No person shall, in or in connection with the operation of any tourist service,—

(a) use any name, title, addition or description; or

(b) do any act or thing,

implying or calculated to imply, or giving or calculated to give the impression, that such service is registered or approved by the Board, unless such service is so registered or approved, as the case may be.

Power to make rules.

47. (1) The Board may make rules in respect of all or any matters for which rules are authorized or required by this Act to be made.

(2) No rule made by the Board under this Act shall have effect until it has been approved by the Minister.

Power of Minister to make Orders.

48. (1) The Minister may from time to time, by Order published in the *Gazette*, declare that any service of any class or description specified in the Order, being a service providing, or intended to or capable of providing, tourist travel, or accommodation or refreshment or amusements or sports, or other facilities or attractions of any kind whatsoever, to tourists, shall be a tourist service for the purposes of this Act.

(2) The Minister may from time to time, by Order published in the *Gazette*, transfer the control of any resthouse to, and vest such control in, such person as may be specified in the Order.

(3) Every Order made under the preceding provisions of this section shall come into force upon the date of its publication in the *Gazette* or on such later date as may be specified therein.

(4) Every Order made under the preceding provisions of this section shall, upon its coming into force as herein before provided, be as valid and effectual as if it were herein enacted.

(5) Any Order made under sub-section (2) shall have effect notwithstanding anything in the Resthouses Act or any Order made thereunder.

49. (1) Every person who—

Offences.

- (a) knowingly makes any false or incorrect statement in any application, return or other document made or furnished under or for the purposes of this Act or of any Order made thereunder; or
- (b) fails or refuses to furnish any information or return required by this Act, or any Order made thereunder, to be furnished by him; or
- (c) resists or obstructs any person in the exercise, discharge or performance of any power, function or duty conferred or imposed upon that person by or under this Act, or any Order made thereunder,

shall be guilty of an offence.

(2) Every person who contravenes any provision of any Order made under this Act, other than any such provision relating to any matter or thing referred to in sub-section (1), shall be guilty of an offence.

50. Every person who commits an offence under this Act shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees.

Penalties for offences.

51. No prosecution for an offence under this Act shall be instituted in any court except with the written sanction of the Board.

No proceedings except with written sanction of the Board.

52. Where an offence under this Act is committed by a body of persons, then,—

Offences by bodies of persons.

- (a) if that body of persons is a body corporate, every director and officer of that body corporate; or
- (b) if that body of persons is a firm, every partner of that firm,

shall be deemed to be guilty of that offence:

Provided, however, that a director or an officer of such body corporate, or a partner of such firm, shall not be deemed to be guilty of such offence if he proves that such offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Repeal of
Act No. 9
of 1959,
and the
Guides
Ordinance.

53. (1) The Tourist Development Board Act is hereby repealed.

(2) The Guides Ordinance is hereby repealed with effect from such date as the Minister may appoint by Order published in the *Gazette*. Until the date of such repeal, the reference in the definition of "proper authority" in section 3 of that Ordinance to the Director, Government Tourist Bureau, shall be deemed to be a reference to the Director-General of Tourism.

Interpretation.

54. In this Act, unless the context otherwise requires—

"Fund" means the Fund of the Board;

"local authority" means any Municipal Council, Urban Council, Town Council or Village Council;

"Local Government Service Commission" means the Local Government Service Commission established under the Local Government Service Ordinance;

"Minister" means the Minister to whom the subject or function of tourism has been assigned by the Prime Minister;

"the Board" means the Ceylon Tourist Board established under this Act;

"resthouse" means a public resthouse, and includes any premises appertaining to any resthouse, and any *ambalama*, *maddum* or other public buildings for the shelter of travellers;

"tourist" means a person travelling to, from, or in, Ceylon, whether or not such person is a resident of Ceylon;

"tourist scheme" means a tourist scheme prepared by the Board under this Act;

"tourist service" means a service of any class or description declared to be a tourist service for the purposes of this Act by any Order made by the Minister under this Act, and the expression "tourist services" shall be construed accordingly;

"tourist travel" means tourist travel to, in or from Ceylon.

PART VII.

TRANSITORY PROVISIONS.

55. On the appointed date,—

- (a) all movable and immovable properties of the Government Tourist Bureau or the Tourist Development Board shall vest in and be the properties of the Board; and
- (b) all contracts and liabilities of that Bureau and Development Board as may be declared by the Minister by Order published in the *Government Gazette* shall be deemed to be the contracts and liabilities of the Board, and all subsisting rights and obligations of that Bureau or Development Board under contracts so declared shall be deemed to be the rights and obligations of the Board.

Transfer, of properties, &c., of the Government Tourist Bureau or the Tourist Development Board to the Board.

56. (1) On the appointed date, those officers and servants of the Government Tourist Bureau or the Tourist Development Board who do not belong to a transferable service of the Government may be employed by the Board on such terms and conditions as shall be agreed upon by the officer and the Board; and in any such case section 9 (3) (a), (b) and (c) of the Motor Transport Act, No. 48 of 1957, shall apply, *mutatis mutandis*, to any such officer or servant.

Officers and servants of the Government Tourist Bureau or the Tourist Development Board.

(2) Where an officer or servant of the Government Tourist Bureau or the Tourist Development Board, not belonging to a transferable service of the Government, is not employed by the Board, he shall be retired; and if at the time of his retirement his substantive post in the Government Tourist Bureau or the Tourist Development Board was a post declared to be pensionable under the Minutes on Pensions, he shall be eligible for such an award under those Minutes as might have been made to him if he had been retired from the public service on the ground of ill health on the date of his retirement.

57. (1) The control of every resthouse vested in the Director of the Government Tourist Bureau or the Tourist Development Board on the day immediately preceding the appointed date is hereby transferred to and vested in the Board.

Vesting of control of certain resthouses in the Board.

(2) So long as the Board continues to have control of any resthouse by virtue of sub-section (1), the Resthouses Act or any order made thereunder shall not apply to or in relation to that resthouse.

(3) For the purposes of this section, the Board shall be deemed to continue to have control of any resthouse by virtue of sub-section (1), notwithstanding that the Board may have let or leased that resthouse to any other person.

Transfer of the possession and use of certain Crown property and certain contracts to the Board.

58. (1) Where the control of any resthouse is vested in the Board by section 57, the Minister may, by Order published in the *Gazette*,—

(a) transfer to and vest in the Board the possession and use of any such movable or immovable property of the Crown as may be appurtenant to that resthouse; and

(b) transfer to the Board any contract entered into by the Crown in respect of that resthouse:

Provided, however, that no Order affecting any immovable property of the Crown shall be made by the Minister under the preceding provisions of this section without the concurrence of the Minister for the time being in charge of the subject of Crown lands.

(2) Where any contract of the Crown is transferred to the Board by Order of the Minister made and published under sub-section (1), that contract shall be deemed to be a contract of the Board, and all subsisting rights and liabilities of the Crown under that contract shall be deemed to be the rights and liabilities of the Board.