ABILL

FOR

AN ACT TO REPEAL THE NIGERIAN TOURISM DEVELOPMENT

CORPORATION ACT 2004 AND TO RE-ENACT THE NIGERIAN TOURISM

DEVELOPMENT CORPORATION ACT 2015 AND FOR OTHER MATTERS

CONNECTED THEREWITH

Sponsored by Hon. Goodluck Nanah Apiah

		Commencement
	BE IT ENACTED by the National Assembly of the Federal	
	Republic of Nigeria as follows:	
1	1(l)There is hereby established, a Corporation to be known as the	Establishment
2	Nigerian Tourism Development Corporation (in this Act referred to as "The	of the Nigeria Tourism
3	Corporation")	Development Corporation
4	(2)The Corporation shall be a body corporate with perpetual	
5	succession and a common seal and may sue and be sued in its corporate	
6	name.	
7	(3)The supplementary provision contained in the Schedule to this	
8	Act shall, where applicable have effect with respect to the proceedings of the	
9	Corporation and the other matters mentioned therein.	
10	2(1) The Board of the Corporation shall consist of:	Composition of
11	(a) A Chairman;	Board
12	(b) Six persons with cognate experience in matters of tourism to	
13	represent public interest to be appointed by the President;	
14	(c) The Director General of the Corporation	
15	(2) The Director General shall be a person of proven integrity and	
16	ability and shall be appointed by the President.	
17	3(1). Subject to the provision of this Act, a person appointed to be	Tenure of Office
18	a member of the Corporation and not being an ex-officio member shall hold	
19	office for a period of four years from the date of his appointment and may be	

	1	re-appointed for a further term of four years and no more.
	2	(2) Any member of the Corporation not being an ex-officio member
	3	may resign his appointment by notice in writing under his hand addressed to
	4	the President, which resignation shall take effect only upon receipt by the
	5	President.
	6	(3) A member of the Corporation not being an ex-officio member
	7	shall be paid such remuneration and allowances as the Salaries and Wages
	8	Commission may, from time to time, direct.
	9	(4) Notwithstanding the provisions of subsection (1) of this Section,
	10	the Chairman or a member of the corporation may be removed from office by
	11	the President, for inability to discharge the functions of his office (whether
	12	arising from infirmity of mind or body or any other cause) or for misconduct.
inctions	13	4(1)The functions of the Corporation shall be:
	14	(a) To encourage people living in Nigeria to take their holidays therein
	15	and people from abroad to visit Nigeria;
	16	(b) To encourage the provision and improvement of tourisn
	17	amenities and facilities in Nigeria;
	18	(c) To develop and promote tourism projects and programmes all ove
	19	the country; and
	20	(1) In addition to the specific powers conferred on the corporation by
	21	or under the subsequent provision of this Act, the Corporation shall hav
	22	power:
	23	(a) to provide advisory and information services;
	24	(b) to promote and undertake research in the field of tourism
	25	(c) to render technical advice to the States and Local Government i
	26	the field of tourism;
	27	(d) to register, classify and grade all hospitality and tourism
	28	enterprises, travel agencies and tour operators in such manner as may b
	29	prescribed.
	30	(2) The Corporation shall in particular have power to:

1	(a) carry on any undertaking which appears to the Corporation to
2	be necessary for the promotion and development of a tourist industry;
3	(b) assist in the development and promotion of:
4	(i) museums and historic sites;
5	(ii) parks;
6	(iii) game reserves;
7	(iv) beaches;
8	(v) natural beauty spots;
9	(vi) holiday resorts;
10	(vii) souvenir industries;
11	(viii) Tourist attractions and festivals.
12	(c) Advice appropriate authorities on ways of improving tourist
13	facilities;
14	(d) Publicize tourism;
15	(e) To recommend to the appropriate authority the requisite
16	building designs for the construction, renovation or operation of a
17	hospitality and tourism facility, establishment or business;
18	(f) Monitor and ensure the collection of the Tourism Development
19	levy and all levies and pay same into the Fund;
20	(g) Liaise with all appropriate agencies and bodies responsible for
21	the collection of the Tourism Development levy and all other levies;
22	(h) Monitor and evaluate the executions of the projects being
23	implemented by the Corporation;
24	(i) Review tourism development projects and suggest
25	improvements;
26	(j) Ensure that every application for grant or loan complies with
27	laid down criteria before approval;
28	(k) Ensure that any grant or loan approved by the Corporation shall
29	not be applied to any purpose other than that for which the grant or loan was
30	approved:

	1	(I) Set adequate standard for the monitoring and evaluation of the
	2	funded activities;
	3	(m) Do all such things incidental to the foregoing functions which in
	4	its opinion are calculated to facilitate the carrying on of the duties of the
	5	Corporation under this Act.
Establishment	6	5(1) The Corporation may set up a tour operating company to
of a Tour Operating	7	operate tour services within and outside Nigeria.
Company	8	(2)The Corporation shall operate the Company on a commercial basis
	9	that is to say, it shall ensure that the revenue accruing to the Company from
	10	services provided by the Company are not less than sufficient to meet the total
	1 I	cost of providing these services, taking one year with another.
Establishment of	12	6(1)There is hereby established for the Corporation the following
Hotel Inspectorate and Training Division	13	divisions:
Division	14	(a) The Hotel Inspectorate Division;
	15	(b) The Tourism Industry Training Division.
	16	(2) it shall be the duty of the Inspectorate division:
	17	(a) to register, classify grade and monitor hotels and other hospitality
	18	establishment; and
	19	' (b) Charge fees and impose such sanctions as may be prescribed from
	20	time to time by the Corporation.
	21	(3)The Tourism Training division shall be charged with the
	22	responsibility of providing training and education for the hospitality and
	23	tourism industry in the country as well as for the staff of the Corporation and
	24	shall have powers to issue certificates.
Power of	25	7. Subject to this Act, the President may give to the Corporation
President to give directions	26	directions of a general character or relating generally to particular matters with
	27	regard to the exercise by the Corporation of its functions.
Appointment of	28	8(1) There shall be for the Corporation a Director General who shal
Director-General	29	have such qualification and experience as are appropriate for a person required
	30	to perform the functions of that office under this Act.

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(b) To pay its employees such remuneration and allowances not

less than that payable to persons of equivalent grades in the Civil Service of

Establishment

Board

and functions of

the State Tourism

Appointment of Secretary to the

Tourism Board

1	the Federation or of a State;
2	(c) To set up a superannuating scheme (whether contributory or not)
3	in respect of such of its employees as it may determine; and
4	(d) To determine the conditions of service of such employees.
5	11(1) There is hereby established for each State in the Federation, a
6	State Tourism Board (in this Act referred to as "The Tourism Board").
7	(1) The Tourism Board for each State shall consist of a chairman,
8	being a person of proven ability in commerce, industry and tourism to be
9	appointed by the Governor and the following other members, that is:
10	(a) a representative each of the State ministries of:
11	(i) commerce, industry and tourism;
12	(ii) agriculture and Natural Resources;
13	(iii) Land and Survey.
14	(b) a representative of the relevant trade groups in tourism industry
15	appointed by the State Commerce, Industry and Tourism; and
16	(c) a representative of the State Chambers of Commerce, Industry
17	Mines and Agriculture; and
18	(d) The General Manager.
19	(3). Subject to the provision of this Act, a person appointed a member
20	of the Tourism Board not being an ex-officio member shall hold office for a
21	period of three years from the date of his appointment and may be re-appointed
22	for a further period of two years.
23	(4) A member of the Tourism Board not being an ex-officio member
24	shall be paid such remuneration and allowances as the Government may
25	determine from time to time.
26	(5) The Tourism Board shall have power to co-opt any person to
27	attend its meetings but such person shall have no power to vote and shall no
28	count towards a quorum.
29	12(1) There shall be appointed by the State Commissioner for
30	Commerce, Industry and Tourism with the approval of the Governor, a

l	Secretary to the Tourism Board.	
2	(2) The Secretary to the Tourism Board who shall not be a member	
3	of the Tourism Board shall be a legal practitioner with not less than seven	
4	years post-call experience.	
5	(3) The Secretary to the Tourism Board shall:	
6	(a) Keep the records and conduct the correspondence of the	
7	Tourism Board; and	
8	(b) Perform such other duties of a secretarial nature as the Tourism	
9	Board or as the case may be, the General Manager of the Tourism Board may	
10	from time to time direct.	
11	13. The functions of the Tourism Board shall be:	Functions of the Tourism Board
12	(a) to assist the Corporation on the implementation of this Act;	Tourism Board
13	(b) To recommend to the Corporation such other measures as may	
14	be necessary in the opinion of the Tourism Board to enable full effect to be	
15	given to the provisions of this Act;	
16	(c) In consultation with the Corporation:	
17	(i) to devise and carry out schemes aimed at encouraging Nigerians	
18	to visit the State;	
19	(ii) To identify, preserve, protect and develop tourism assets and	
20	resources;	•
21	(d) To co-ordinate the activities of tourism agencies; and	
22	(e) To perform such other functions as may be assigned to it by the	
23	Corporation.	
24	14(1)There is hereby established for each Local Government of a	Establishment of the Local
25	State, a committee to be known as the local Government Tourism	Government Tourism
26	Committee (in this Act referred to as "The Local Government Committee").	Committee etc.
27	(2)The local Government Committee shall consist of:	
28	(a) The Chairman of the Local Government Council as Chairman;	
29	(b) The Councilor charged with responsibility for matters relating	
30	to tourism;	

Appointment

of Inspector

1	(c) A representative of the State Ministry charged with responsibility
2	for matters relating to tourism;
3	(d) A traditional ruler;
4	(e) Three persons who by reason of their ability, experience o
5	specialized knowledge are capable of making useful contribution to the
6	development of tourism; and
7	(f) The Divisional Police Officer in the Local Government Area.
8	(3) The Local Government Committee shall subject to the control o
9	the Tourism Board and the Corporation, have responsibility for:
10	(a) Recommending to the Tourism Board projects for development a
11	tourist attraction;
12	(b) advising on such matters relating to tourism within the Loca
13	Government Area; and
14	(c) Preserving and maintaining monuments and museums in their
15	areas of jurisdiction; and
16	(d) promoting and sustaining communal interest in tourism.
17	15(1) An Inspector in this Act referred to as the Officer may for th
18	purposes of carrying out the objectives of this Act or any regulation made then
19	under be appointed by the corporation.
20	(2) An Inspector appointed under this Act shall, for the purposes of th
21	execution of this Act, have power to do the following, that is to say:
22	(a) to enter, inspect and examine by day or by night any premise
23	being used as a hotel or allied hospitality establishment;
24	(b) by notice require the proprietor of such hotel or allied hospitalit
25	establishment to furnish in such form as he may direct any information on suc
26	matters as may be specified by him in the notice;
27	(c) to make such examination and inquiry as may be necessary to
28	ascertain whether or not the provisions of this Act or any regulations made
29	thereunder are being complied with;
30	(d) to take with him a police officer if he has reasonable cause t

1	apprehend any serious obstruction in the execution of his duty.	
2	(3) If an Inspector is of the opinion that a Hotel, or allied hospitality	
3	establishment is not up to the prescribed standard, he shall serve an	
4	improvement notice on the person under whose control the Hotel or allied	
5	hospitality establishment lies, requiring the person to take measures to	
6	rectify any defect or meet the prescribed standards within such period as he	
7	shall therein specify.	
8	(4) Where a person fails to comply with an improvement notice	
9	issued under Subsection (3) the Inspector shall serve a prohibition notice	
10	prohibiting and rendering inoperative the operations of the Hotel, or allied	
11	hospitality establishment until such time as the prescribed standards are met.	
12	(5) A person who is aggrieved by a notice issued by an officer under	
13	Subsection (4) may, within thirty days from the date of such notice, appeal to	
14	the corporation who may, after considering the appeal, by order in writing	
15	confirm, revoke or vary the notice.	
16	(6) A person who is aggrieved with a decision of the Corporation	
17	made under subsection (5) may, within thirty days from the date of the	
18	decision, appeal to the Minister.	
19	16(1) It is an offence for a person;	Offences
20	(a) to contravene any requirement imposed by or under Section	
21	14(2)b;	
22	(b) to contravene any requirement imposed by or under regulations	
23	under Section 22;	
24	(c) to refuse access to a hotel or allied hospitality establishment to	
25	an Inspector or a person assisting him;	
26	(d) to obstruct the inspector in the exercise of his powers under this	
27	Act or any regulation made thereunder, or induce or attempt to induce any	
28	other person to do so;	
29	(e) to prevent or attempt to prevent any other person from assisting	
30	the officer;	

	(f) to in any other way, hinder, impede or oppose the inspector in the
	exercise of his powers under this Act or any regulation there under;
	(g) to fail to provide any information required under this Act by the
	officer.
	(h) to make a statement which he knows to be false or recklessly to
	make a statement which is false where the statement is made in purported
	compliance with the requirement to furnish any information imposed by or
·	under this act;
)	(i) to with intent to deceive, forge or use a document issued or
0	authorized to be issued under any of the relevant statutory provisions or
1	required for the purpose thereunder or to make or have in his possession a
12	document so closely resembling any such document as to be calculated to
13	deceive;
14	(j) to falsely pretend to be an inspector;
15	(k) to operate a Hospitality and Tourism Establishment without a
16	current certificate of registration from the Corporation.
17	(2) A person guilty of an offence under paragraph (a) of subsection (1)
18	above, shall be liable on conviction to a fine not exceeding Four Hundred and
19	Fifty Thousand Naira (N450, 000) or to imprisonment for a term not more than
20	two years or to both, and to a further fine of Three Thousand, Naira (N3,000)
21	for each day during which the offence continues.
22	(3) A person guilty of an offence under paragraph (b), of subsection
23	(1) above consisting of contravening any requirement imposed by or under
24	regulations made under Section 22 shall be liable on conviction to a fine no
25	exceeding Two Hundred and fifty Thousand Naira (N250,000) or to
26	imprisonment for a term not more than One year or to both.
27	(4) A person guilty of an offence under paragraphs (c)-(j), o
28	subsection (1) above shall be liable on conviction to a fine not exceeding On
29	Hundred Thousand Naira (N100,000) or to imprisonment for a term not mor
30	than One year or to both.

l	(5) A person guilty of an offence under paragraph (k) of subsection	
2	(1) above, shall be liable on conviction to a fine not exceeding One Million	
3	Naira (N1000,000) or to imprisonment for a term not more than two years or	
4	to both, and to a further fine of not more than Four Hundred Thousand, Naira	
5	(N400,000) for each day during which the offence continues.	
6	17. There is hereby established for the Corporation the following	Financial
7	funds:	Provisions
8	(1) A Fund to be known as the Nigerian Tourism Development	
9	Corporation General Fund for the day to day administration of the	
10	Corporation into which shall be paid:	
11	(a) Any subvention or budgetary allocation from the Federal	
12	Government;	
13	(b)Such other moneys that may from time to time accrue to the	
14	Corporation.	
15	(2) The Corporation shall from time to time apply the general funds	
16	at its disposal to:	
17	(a) the cost of establishing and maintaining the Head Office of the	
18	Corporation at the Federal Capital Territory, Abuja and its other offices	
19	located in other states of the Federation;	
20	(b) pay allowances and other benefits of members of the Board and	
21	its Committees;	
22	(c) pay the personnel, overhead, allowances, benefits and other	
23	administrative costs of the Corporation;	
24	(d) the training of members of Staff of the Corporation;	
25	(e) publicise and promote the activities of the Corporation;	
26	(3) A Tourism Development Fund, which shall be separate and	
27	distinct from the General funds of the Corporation into which shall be paid	
28	the following:	
29	(a) An initial take off grant;	
30	(b) Donations from States, the Federal Capital Territory, Local	

	1	Governments Councils, Public Agencies, Companies and individuals:
	2	(a) A Tourism development levy of One Hundred Naira or any such
	3	sum as may be prescribed from time to time per out bound travelers ticket;
	4	(b) a Tourism contribution of One(l) percent per bed space per lodger
	5	in all Hotels or similar Hospitality and Tourism establishment;
	6	(c) Such other levies or fees as may be prescribed from time to time by
	7	the Corporation for the development of Tourism.
Annual Reports	8	18(1) The Corporation shall prepare and submit to the Minister, not
	9	later than 30th June each year, a report in such form as the President may direct
	10	on the activities of the Corporation during the immediately preceding year and
	11	shall include in the report a copy of the audited account of the Corporation for
	12	that year and the auditor's report thereon.
	13	(2) The Minister shall, upon receipt of the report referred to ir
	14	subsection (1) of this section, cause a copy of the report and the audited account
	15	of the Corporation and the auditor's report thereon to be submitted to the
	. 16	National Assembly.
	17	(3)The Corporation shall cause to be kept proper account of the
	18	corporation in respect of each year and proper records in relation thereto and
	19	shall cause the accounts to be audited not later than six (6) months after the end
	20	of each year by auditors appointed from the list and in accordance with the
	21	guidelines supplied by the Auditor-General for the Federation.
Tourism	22	19. There shall be established a Tourism Enforcement Committee in
Enforcement Committee	23	every State, the Federal Capital Territory, and Local Government Areas of the
	24	Federation to co-ordinate the enforcement of the provisions of this Act.
Public Officers	25	20(1) The provisions of the Public Officers Protection Act shal
Protection Act	26	apply in respect of any Suit instituted against any officer or employee of the
	27	Corporation.
	28	(2) No suit shall be instituted against any member of the Corporation
	29	the Director General, officer or employee of the Corporation before th
	30	expiration of a period of one month after written notice of intention to

	1	(e) providing for camping, fishing and hunting with holiday resorts:
	2	(f) prescribing standards to be observed by travel agencies, tourist
	3	guides and tour operators; and
	4	(g) providing for the monitoring and collection of the Tourism
	5	Development levy and all levies.
epeal	6	23(1) The Nigeria Tourism Development Corporation Act is hereby
	7	repealed.
	8	(2) The repeal of the enactment specified in subsection (1) of this
	9	Section shall not affect anything done or purported to have been done under the
	10	repealed enactment.
nterpretation	11	24. In this Act, unless the context otherwise requires:
	12	"Company" means the Company specified under section 5 of this Act;
	13	"Corporation" means the Nigeria Tourism Development Corporation
	14	established by Section 1 of this Act;
	15	"Director General" means the person appointed as Director General by virtue
	16	of Section 11 of this Act;
	17	"Fund" means the Tourism Development Fund;
	18	"Hospitality and Tourism Establishment" includes but not limited to hotels,
	19	motels, guest houses, guest inn, restaurants, travel agencies, amusement parks,
	20	tourism promotion enterprises, and other related services;
	21	"Inspector" means the person appointed as inspector under Section 15 of this
	22	Act;
	23	"President" means the President and Commander in Chief of the Armed
	24	Forces;
	25	"Tourism Board" means the State Tourism Board established under Section 7
	26	of this Act.
Short title	27	25. This Bill may be cited as the Nigeria Tourism Developmen
	28	Corporation Act (Repeal and Re-enactment) Bill, 2015.

9. Any document purporting to be a contract, instrument or other

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1	document duly signed or sealed on behalf of the Corporation shall be received
2	in evidence and, unless the contrary is proved, be presumed without further
3	proof to have been so signed or sealed.
4	10. Any member of the Corporation or a committee thereof who has a
5	personal interest in any contract or arrangement entered into or proposed to be
6	considered by the corporation or committees shall forthwith disclose his
7	interest to the Corporation or committee and shall not vote on any question
8	relating to the contract or arrangement.
9	Committees
10	11. Subject to its standing orders, the Corporation may appoint such
11	committees as it thinks fit but the decision of any Committee appointed under
12	this paragraph shall be of no effect until confirmed by the Corporation.
13	12. Where the Corporation desires to obtain the advice of any person
14	on a particular matter, the Corporation may co-opt him as a member for such
15	period as it thinks fit; but a person who is a member of virtue of this paragraph
16	shall not be entitled to vote at any meeting of the Corporation and shall not
17	count towards a quorum.
18	13. The quorum of any committee of the Corporation shall be six
19	14. The Tourism Board shall meet at least four times in each year at
20	such times and places as may be determined by the Chairman.
21	15. If not less than five members make a written request to the
22	chairman for an extraordinary meeting to be convened, the chairman shall
23	summon a meeting to be held within fifteen days from the date on which he
24	received the request.
25	16. The Chairman shall preside at meetings of the Tourism Board and
26	if he is absent from a meeting, the members present shall elect one of their
27	member to preside at that meeting.
28	17. At a meeting of the Tourism Board or of a Local Government
29	Committee five members shall form a quorum and question shall be decided by
30	a majority of those present and voting and in the case of an equality of votes, the

18. Subject to this Act the Corporation may make standing orders

regulating the proceedings of the Tourism Board or Local Government

4 Committee.

EXPLANATORY MEMORANDUM

The Bill seeks to repeal the Nigerian Tourism Development Corporation Act 2004 and re-enact the Nigerian Tourism Development Corporation Act to further empower the Corporation to carry out its functions.