

A BILL

FOR

AN ACT TO AMEND THE NIGERIAN TOURISM DEVELOPMENT CORPORATION ACT TO REPOSITION THE CORPORATION, TO MAKE IT MORE EFFECTIVE AND FOR OTHER CONNECTED PURPOSES

Sponsored by Senator 'Biodun Christine Olujimi

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

1 1. The Nigerian Tourism Development Corporation Act Cap N137
2 Laws of the Federation 2004 (In this act referred to as "The Principal Act") is
3 amended as set out in this Act.

Amendment of
Cap N137

4 2. Section 2 of the Principal Act is amended by substituting for the
5 existing section 2 the following new Section 2 that is:

Amendment of
Section 2

6 S.2(1) The Board of the Corporation shall consist of:

7 (a) A Chairman who shall be part time, to be appointed by the
8 President and shall be a person with at least 10 years experience in the field
9 of travel and tourism and the following other members, that is;

10 (b) A representative of The Federation of Tourism Association of
11 Nigeria (FTAN);

12 (c) A representative each of:

13 (i) Immigration;

14 (ii) Customs;

15 (iii) Nigerian Investment Promotion Council (NIPC);

16 (iv) Ministry of Transport;

17 (v) Ministry of Aviation;

18 (vi) Ministry of Culture and Tourism;

19 (vii) Ministry of Foreign Affairs;

20 (viii) Ministry of Finance.

(d) The Director General of the Corporation;

2 (e) Two persons with background in the hospitality industry to
3 represent public interest.

4 (2) The Chairman and other members of the corporation who shall be
5 persons of proven integrity and ability shall be appointed by the President.

Amendment of
Section 4

6 3. Section 4 of the Principal Act is amended by substituting for the
7 existing section 4 the following new Section 4 that is:

8 4(1) The functions of the Corporation shall be:

9 (a) To develop, and promote Nigeria as a travel and tourism
10 destination by encouraging people living in Nigeria to take their holidays
11 therein and people from abroad to visit Nigeria;

12 (b) To encourage the provision and improvement of tourism
13 amenities and facilities in Nigeria including the development of hotels and
14 ancillary facilities;

15 (c) To regulate and supervise tourism enterprises for quality
16 assurance, consumer protection and public health and safety purposes by the
17 accreditation and certification of all such enterprises thereby establishing
18 standards, guidelines and codes of practice;

19 (d) To oversee the administration of the Tourism Development Fund
20 and ensure that the Fund is used for the required purposes;

21 (e) To ensure collaboration with other public, private and
22 international agencies;

23 (f) To advise the Minister on policy issues generally on matters
24 related to the tourism industry.

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

28 (a) To provide advisory and information services;

29 (b) To promote and undertake research in the field of tourism;

30 (c) To render technical advice to the states and local government in the

1 field of travel and tourism;

2 (d) Monitor and ensure the collection of the Tourism Development
3 levy and all levies and pay same into the Fund;

4 (e) Liaise with all appropriate agencies and bodies responsible for
5 the collection of the Tourism Development levy and all other levies;

6 (f) To enhance the travel and tourism sector's contribution to the
7 economy of Nigeria; and

8 (g) To recommend to the appropriate authority requisite building
9 designs for the construction, renovation or operation of hospitality and
10 tourism facilities, establishments or businesses.

11 (3) The Corporation shall in particular have power to:

12 (a) Carry on any undertaking which appears to the Corporation to
13 be necessary for the promotion and development of the tourism industry;

14 (b) Assist in the development of:

15 (i) museums and historic sites;

16 (ii) parks;

17 (iii) game reserves beaches;

18 (iv) natural beauty spots;

19 (v) Holiday resorts;

20 (vi) Souvenir industries;

21 (vii) Tourism Attractions and Festivals.

22 (c) Advise appropriate authorities on ways of improving tourism
23 facilities;

24 (d) Publicize tourism; and

25 (e) Do all such things incidental to the foregoing functions which in
26 its opinion are calculated to facilitate the carrying on of the duties of the
27 Corporation under this Act.

28 4. Section 5 of the principal act is amended:

29 (a) In subsection (1) by deleting the words "to be known as the
30 National Travel Journal"

Amendment of
Section 5

1 (2) By deleting the word "Bureau" and replacing it with the word
2 "Company" wherever it appears in the section and in the principal act.

Deletion of
Section 7, 8, 9
and 10

3 5. Sections 7, 8, 9 and 10 of the Principal Act are hereby deleted and
4 the entire act renumbered accordingly.

Amendment of
Section 11

5 6. Section 11 of the Principal Act is amended by substituting for the
6 existing section 11 the following new Section 11 that is:

7 S.11 (1) There shall be appointed for the Corporation a Director
8 General who shall have such professional qualification and experience in
9 tourism and allied matters appropriate for a person required to perform the
10 functions of that office under this Act.

11 (2) The Director General shall hold office on such terms and
12 conditions as to emolument, conditions of service as may be specified in his
13 letter of appointment and as may be determined from time to time by the
14 appropriate agency of government.

15 (3) The Director General shall:

16 (i) Be the Chief Executive and Accounting Officer of the Corporation
17 for the purpose of controlling and disbursing funds accruing to the Corporation
18 or any fund established under this act;

19 (ii) Be responsible for the execution of the policies of the Corporation
20 and the day to day administration of the affairs of the Corporation.

21 (4) The Director General shall be appointed by the President on the
22 recommendation of the Minister.

23 (5) The Director General shall hold office for a term of four (4) years
24 in the first instance and may be reappointed for a further term of four (4) years
25 and no more.

26 (6) The Director General may delegate a function to an officer of the
27 Corporation but shall not be relieved of the ultimate responsibility for the
28 performance of the delegated function.

Amendment of
Section 12

29 7. Section 12 of the Principal Act is amended by substituting for the
30 existing section 11 the following new Section 12 that is:

1 12. (1) There shall be appointed a Secretary to the Board who shall:

2 (a) be the head of legal services and legal adviser of the
3 Corporation;

4 (b) be a legal Practitioner of not less than 12 years post call
5 experience.

6 (2) The secretary to the Corporation shall:

7 (a) Keep the records and conduct the correspondence of the Board;
8 and

9 (b) Perform such other duties as the Authority or the Director
10 General may, from time to time, direct.

11 8. Section 13 of the Principal Act is amended:

Amendment of
Section 13

12 (1) In paragraph (a) by substituting for the existing paragraph (a)
13 the following new paragraph (a) that is:

14 (a) To appoint such other employees of the Corporation who shall
15 be professionally and technically qualified for the purpose of their
16 employment.

17 (2) In paragraph (b) by substituting for the existing paragraph (b)
18 the following new paragraph (b) that is:

19 (b) To pay its employees remuneration and allowances not less
20 than that payable to persons of equivalent grades in the Public service of the
21 Federation.

22 9. Section 14 of the Principal Act is amended by substituting for
23 the existing Section 14 the following new Section 14 that is:

Amendment of
Section 14

24 14(1) There is hereby established, for the Corporation, a division to
25 be known as the Hotel Inspectorate Division.

26 (2) It shall be the duty of the Division:

27 (a) To monitor the accreditation, classification, and grading of
28 Hospitality and other tourism establishments according to the prescribed
29 standard as determined by the Corporation;

30 (b) To collect fees and impose such sanctions as may be prescribed

1 or reviewed from time to time by the Corporation.

2 (3) Accordingly the Corporation shall:

3 (a) accredit all hospitality and tourism establishment in all the States
4 of the Federation;

5 (b) create an alliance of Tourism Enterprises in all the States of the
6 Federation after accreditation for the purposes of standardization, quality
7 assurance, consumer protection and public health and safety;

8 (c) accredit and renew all Hospitality and Tourism Enterprises under
9 its Alliance from the beginning of the Second quarter of the year to the end of
10 the Third quarter of every year being 1st April to 30th September;

11 (d) control the classification of all tourism enterprises under the
12 Alliance.

13 (4) Membership of the Alliance by Accreditation and Certification
14 shall confer privileges and benefits as determined by the Corporation from
15 time to time including but not limited to:

16 (a) International status and recognition by the World Tourism
17 Organisation (WTO) of which the Authority is a country member thereof;

18 (b) eligibility for specific fiscal relief categories and tax exemptions;

19 (c) eligibility for Custom duty exemptions grants by the Ministry of
20 Finance to encourage infrastructural improvements and development of
21 tourism facilities;

22 (d) eligibility for financial incentives, subsid grants and
23 concessionary interest loans from the Tourism Development Fund;

24 (e) Promotion of member establishments by the Corporation.

Amendment of
Section 15

25 **10.** Section 15 of the Principal Act is amended by substituting for the
26 existing Section 15 the following new Section 15 that is:

27 15(1) The Corporation may if it deems it fit, appoint from time to
28 time, persons to be known as Inspectors for the purposes of this Act.

29 (2) Inspectors appointed under this Act shall, for the purpose of the
30 execution of this Act, have powers to do the following:

1 (a) To enter, inspect and examine by day or by night any premises
2 being used as a hotel or allied hospitality establishment who is an accredited
3 member of the Alliance;

4 (b) By notice require the proprietor of such or allied hospitality
5 establishment to furnish in such form as he may direct any information on
6 such matters as may be specified by him on notice;

7 (c) To make such examination and inquiry as may be necessary to
8 ascertain whether any regulations made under this Act are being complied
9 with;

10 (d) To seal up the premises of a Hotel or allied hospitality
11 establishment If he is of the opinion that a Hotel, or allied hospitality
12 establishment is not up to the prescribed standard.

13 (3) If an Inspector is of the opinion that a hotel, or allied hospitality
14 establishment who is an Alliance member is not up to the prescribed
15 standard, he shall serve an improvement notice on the persons under whose
16 control the hotel or allied establishment lies, requiring the person to take
17 measures to rectify any defects or meet the prescribed standards within such
18 a period as he shall therein specify.

19 (4) Where a person fails to comply with an improvement notice
20 issued under subsection (3), the Inspector shall serve a notice of non-
21 compliance on the hotel or allied hospitality establishment until such time as
22 the prescribed standards are met.

23 (5) A person who is aggrieved by a notice issued by an inspector
24 under subsection (4) may, within thirty days from the date of such notice,
25 appeal to the Corporation who may after considering the appeal by order in
26 writing confirm, revoke or vary the notice.

27 (6) A person who is aggrieved with a decision of the Corporation
28 made under subsection (4) may within thirty days from the date of the
29 decision, appeal to the Board.

30 (7) The decision of the Board on the appeal lodged under

1 subsection (5) will be final and binding on the Person.

2 (8) Where a person's appeal of a non compliance notice issued under
3 subsection (4), fails the Corporation shall seal up the premises' of a Hotel or
4 allied hospitality establishment until the prescribed standard is met.

5 (9) For the avoidance of doubt, the Corporation shall in the
6 enforcement of the provisions of this Act or any regulations made therein have
7 the powers to seal up the premises of a Hotel or allied hospitality establishment
8 of the Hotel, or allied hospitality establishment is:

9 (a) not up to the prescribed standard;

10 (b) Operating without a valid certificate of registration or renewal as
11 prescribed.

12 (10) The Corporation shall have power to impose such other sanctions
13 as may be prescribed from time to time.

14 (11) The Corporation may establish Tourism Court/Enforcement
15 Committee in every State, the Federal Capital Territory, and Local
16 Government Area of the Federation to co -ordinate the enforcement of the
17 provisions of this Act.

Amendment of
Section 16

18 **11.** Section 16 of the Principal Act is amended by substituting for the
19 existing Section 16, the following new Section 16 that is:

20 16 (1) it is an offence for a person to:

21 (a) Refuse access to a hotel or allied hospitality establishment to an
22 inspector or a person assisting the inspector;

23 (b) Obstruct the inspector in the exercise of his powers under this Act
24 or any regulation made there under, or induces or attempts to induce any other
25 person to do so;

26 (c) Prevent or attempt to, prevent any other person from assisting the
27 officer;

28 (d) In any other way, hinder, impede or oppose the inspector in the
29 exercise of his powers under this Act or any regulation made there under;

30 (e) Fail to provide the inspector any information required under this

1 Act or Regulation made there under;

2 (f) Make a statement, which he knows to be false:

3 (i) in purported compliance with the requirement to furnish any
4 information imposed by or under any of the relevant statutory provisions; or

5 (ii) for the purpose of obtaining a document under any of the
6 relevant statutory provisions for himself or another person.

7 (g) With intent to deceive, forge or use a document issued or
8 authorized to be issued under any of the relevant statutory provisions or
9 required for the purpose there under make, or have in his possession a
10 document so closely resembling any such document as to be calculated to
11 deceive;

12 (h) Falsely pretend to be an inspector;

13 (i) Refuse to renew accreditation within the prescribed time; or

14 (j) Contravene any of the provisions of Section 15.

15 (2) A person guilty of an offence under subsection section (1) shall
16 be liable on conviction to:

17 (i) a fine not exceeding N70,000 or imprisonment for a term of not
18 more than two years; or to such both fine and imprisonment for a term not
19 more than two years; and

20 (ii) to a further fine of N1,500 for each day during which the
21 offence continues.

22 (3) Any Establishment which refuses to comply with the standard
23 improvement notice served, and/or refuses to renew accreditation within the
24 prescribed time or refuses to comply with any other provision of this Act,
25 will after the expiration of the prescribed due process shall lose his
26 membership of the alliance and a public disclaimer shall be issued on them.

27 (4) The Corporation shall have power to impose such other
28 sanctions as may be prescribed from time to time.

29 (5) Any person who fails to comply with the provisions of the
30 regulations made pursuant to this act in which specific punishment is not

1 provided for shall be liable on conviction to a fine not exceeding Two Hundred
2 and fifty Thousand Naira (N250,000) or to imprisonment for a term of not more
3 than One year or to both.

Amendment of
Section 17

4 **12.** Section 17 of the Principal Act is amended by substituting for the
5 existing 17, the following new section 17:

6 17(1) There is hereby established for the Corporation the following
7 funds:

8 (2) A Fund to be known as the Nigerian Tourism Development
9 Corporation General Fund for the day to day administration of the Corporation
10 into which shall be paid:

11 (a) Any subvention or budgetary allocation from the Federal
12 Government;

13 (b) Monies earned by the operation of any project, or investment and
14 other sums collected or received by the Corporation for services rendered;

15 (c) Such other moneys that may from time to time accrue to the
16 corporation.

17 (3) The Corporation shall from time to time apply the general funds at
18 its disposal to:

19 (a) the cost of establishing and maintaining the Head office of the
20 Corporation at the Federal Capital Territory, Abuja and its other offices located
21 in other places in Nigeria;

22 (b) pay allowances and other benefits of member of the Board and its
23 Committees;

24 (c) pay the personnel, overhead, allowances, benefits and other
25 administrative costs of the Corporation;

26 (d) the training of members of staff of the Corporation;

27 (e) publicise and promote the activities of the Corporation.

28 (4) A Tourism Development Fund, which shall be separate and
29 distinct from the General funds of the Corporation into which shall be paid the
30 following:

1 (a) An initial take off grant to be provided by the Federal
2 Government;

3 (b) Donations from States, the Federal Capital Territory, local
4 Governments Councils, Public Agencies, Companies and individuals;

5 (c) A Tourism visa fees as prescribed by the Corporation per
6 inbound international traveler;

7 (d) A Tourism development contribution levy of One (1) percent
8 per room rate or flat rate or any rate as may be prescribed by the Corporation;

9 (e) A Tourism departure levy, for the promotion of domestic
10 tourism which shall be paid by all travelers leaving the country at a rate to be
11 prescribed from time to time by the Corporation;

12 (f) Such other levies or fees as may be prescribed from time to time
13 by the Corporation for the promotion and development of the Tourism
14 industry in Nigeria;

15 (g) All moneys raised for the purpose of the fund by way of gifts,
16 grants in and or testamentary deposition to the corporation;

17 (h) Other monies that the Minister of Finance in consultation with
18 the Minister may determine with the approval of the President.

19 (6) To achieve the object of the Fund, the Corporation shall from
20 time to time apply the monies from the Fund for relevant tourism activities
21 including in particular:

22 (a) Marketing and promotion of tourism;

23 (b) Capacity building, market research and development of
24 tourism infrastructure;

25 (c) Development and promotion of other entrepreneurial activities;

26 (d) Tourism export trade-oriented activities of institutions;

27 (f) Tourism education and training.

28 **13.** Section 18 of the Principal Act is amended by substituting for
29 the existing 18, the following new section 18:

30 S.18 (1) The Corporation shall prepare and submit to the President,

Amendment of
Section 18

1 not later than 30th June each year, a report in such form as the President may
2 direct on the activities of the corporation during the immediately preceding
3 year and shall include in the report a copy of the audited account of the
4 corporation for that year and the auditor's report thereon.

5 (2) The President shall, upon receipt of the report referred to in
6 subsection (1) of this section, cause a copy of the report and the audited account
7 of the corporation and the auditor's report thereon to be submitted to the
8 National Assembly.

9 (3) The Corporation shall cause to be kept proper account of the
10 corporation in respect of each year and proper records in relation thereto and
11 shall cause the accounts to be audited not later than six (6) months after the end
12 of each year by auditors appointed from the list and in accordance with the
13 guidelines supplied by the Auditor-General for the Federation.

Amendment of
Section 20

14 14. Section 20 of the Principal Act is amended:

15 (1) By substituting the word "Minister" with the word "Corporation".

16 (2) By inserting immediately after the existing paragraph (e), the
17 following new paragraphs (f),(g),(h):

18 (f) prescribing fees, levies and charges to be made in respect of
19 matters arising under this Act;

20 (g) providing for the collection, utilization and monitoring of the
21 Tourism Development levy, all other levies and the Tourism Development
22 Fund;

23 (h) requiring hotels, restaurants, guests inns, night clubs, recreational
24 parks and other similar establishments to provide minimum facilities for
25 physically challenged persons;

Consequential
Amendment of

26 15. The words "Director General" is substituted for the words
27 "Executive Director" wherever it appears in the principal Act.

Citation

28 16. This bill may be cited as The Nigerian Tourism Development
29 Corporation (Amendment) Bill, 2015.

EXPLANATORY MEMORANDUM

The bill seeks to amend the Nigerian Tourism Development Corporation Act to reform the tourism sub sector and to also further strengthen and empower the Corporation to be able to effectively carry out its statutory responsibilities of promoting tourism and regulating the sector.