

THE TOURIST BOARD ACT (1st April, 1955)

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ARRANGEMENT OF SECTIONS

Laws 61 of 1954, | 68 of 1960 | Acts 18 of 1963, | 43 of 1965, | 12 of 1968, | 42 of 1969 2nd and 3rd Schs. | 13 of 1970 | 33 of 1971 | 19 of 1972 | 31 of 1975 | 47 of 1975 | 7 of 1985 | 12 of 1985 Sch. | 34 of 1999.

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1. Short title.

- 1. This Act may be cited as the Tourist Board Act.

2. Interpretation.

- 2. In this Act, unless the context otherwise requires -

"the appointed day" means such day, not being earlier than six months after the 11th December, 1965, as the Minister shall specify in a notice published in the *Gazette* and in at least one issue of a daily newspaper printed and circulating in Jamaica;

"the Board" means the Tourist Board established in accordance with this Act;

"chairman" means the chairman of the Board;

"hotel" means an establishment falling within any of the categories of buildings prescribed by regulations made under this Act as constituting hotels for the purpose of this Act;

"resort cottage" means subject to section 16 (1) (b) any building containing not less than two furnished bedrooms, a furnished living room, bathroom facilities and facilities for the preparation and consumption of meals, and used for the accommodation of transient guests, including tourists, for reward.

"tourism enterprise" means, subject to section 23A, the provision in Jamaica of -

(a) any car rental or U-drive services or any service of rental of motor vehicles as defined in section 11 of the Road Traffic Act;

(b) sites and other facilities for camping;

(c) water sports services;

(d) any other service, utilized by or offered to tourists and declared by the Minister, by order, to be a tourism enterprise;

"tourist" means a person, not being the holder of a Jamaican passport, who is in Jamaica -

(a) on a visit; or

(b) in transit, from a place outside Jamaica to some other place outside Jamaica;

"tourist accommodation" means, subject to section 16 (1) (b), a hotel, resort cottage or any other premises or any vehicles, boats, ships or places where accommodation is offered to tourists for reward;

"water sports" includes scuba diving, water skiing, jet skiing, parasailing, sunfish sailing, boat excursions, snorkelling and such other sports activities as the Minister may by order declare to be water sports for the purposes of this Act.

3. Establishment and composition of Board.

3. (1) There shall be established for the purposes of this Act a body to be called the Tourist Board:

Provided that it shall be lawful for the word "Jamaica" to be used in such manner as the Board may approve, as part of their name, in any communication or document or in any proceedings.

(2) The Board shall consist of -

(a) a Director of Tourism; and

(b) not less than five nor more than eleven other members, appointed by the Minister by instrument in writing.

(3) The Minister shall appoint one of the members of the Board to be chairman thereof.

4. Acting appointments.

4. (1) If the chairman is absent or unable to act, the Minister may appoint any person, whether a member of the Board or not, to act temporarily as chairman.

(2) If any member of the Board other than the chairman is absent or unable to act, or has been appointed under subsection (1) to act temporarily as chairman, the Minister may appoint any person to act temporarily in the place of that member.

5. Tenure of office of member.

5. A member of the Board shall, subject to the provisions of this Act, hold office for a period not exceeding three years, but such member shall be eligible for reappointment.

6. Resignation.

6. (1) Any member of the Board, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of the receipt by the Minister of such instrument, such member shall cease to be a member of the Board.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt of such instrument by the Minister.

7. Revocation of appointment.

7. The Minister may at any time revoke the appointment of any member of the Board.

8. Publication of membership of Board.

8. The names of all members of the Board as first constituted and every change in the membership thereof shall be published in the *Gazette*.

9. Incorporation.

9. (1) The Board shall be a body corporate having perpetual succession and a common seal with power to purchase, lease or otherwise acquire and hold and dispose of land and other property of whatever kind.

(2) The seal of the Board shall be authenticated by the signatures of the chairman or one member of the Board authorized to act in that behalf and the secretary of the Board and such seal shall be officially and judicially noticed.

(3) All documents, other than those required by law to be under seal, made by, and all decisions of, the Board may be signified under the hand of the chairman, any member authorized to act in that behalf, or the secretary of the Board.

(4) The Board may sue or be sued in their corporate name and may for all purposes be described by such name.

10. Procedure and meetings.

10. (1) The Board shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Board may determine.

(2) The chairman may at any time call a special meeting of the Board and shall call a special meeting to be held within seven days of a written requisition for that purpose addressed to him by any three members of the Board.

(3) The chairman shall preside at all meetings of the Board at which he is present, and in the case of his absence from any meeting the members present shall elect one of their number to act as chairman at that meeting.

(4) The quorum of the Board shall be three including the chairman or other member presiding at the meeting.

(5) The decisions of the Board shall be by a majority of votes and, in addition to an original vote, in any case in which the voting is equal, the chairman or other member presiding at the meeting shall have a casting vote.

(6) Subject to the foregoing provisions of this section the Board shall have the power to regulate their own proceedings.

(7) The validity of any proceeding of the Board shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

11. Duty and functions of Board.

11. (1) It shall be the duty of the Board, within the limits of their resources -

(a) to develop all aspects of the tourist industry of Jamaica and to promote its efficiency;

(b) to adopt all such measures as they may deem fit to advertise and publicize Jamaica as a tourist resort throughout the year;

(c) to promote and secure such increased shipping and airline facilities as will tend to increase tourist traffic to Jamaica;

(d) to secure the most favourable arrangements for the entry of tourists into Jamaica;

(e) to encourage by such measures as they may deem fit the development of such amenities in Jamaica as may be calculated to enhance the attractiveness of Jamaica to tourists;

(f) to undertake such research, experiments and operations as may appear to them to be necessary to improve the basis of the industry and to control and eliminate any undesirable factors that may affect it;

(g) to encourage -

(i) by such measures as they may think fit; and

(ii) by such other measures as may be required by or under this Act the attainment and maintenance of integrity and the highest standards of service by persons who offer or provide by way of trade or business any goods, entertainment, transportation, accommodation, food or drink to or for tourists;

(h) to make all such enquiries and to collect all such information as they may think necessary for the purpose of carrying out their duty under this section;

(i) generally to take all such other lawful measures as they may consider likely to assist them in carrying out most effectually the purposes of this Act.

(2) Without prejudice to the generality of paragraph (g) of subsection (1), where the Board receive a complaint against any concessionaire as to any trade or business transaction between that person and a tourist, or as to any goods the subject of any such transaction, the Board shall make representations to the concessionaire with a view to settling the complaint, and if the

complaint is not settled within twenty-eight days of the making of such representation, so advise the tourist concerned and report the matter to the Commissioner of Customs and Excise.

(3) In this section "concessionaire" means a person in relation to whom an in-bond concession has been granted under section 132 of the Customs Act.

12. General powers of Board.

12. Subject to the provisions of this Act, the Board shall have power, for the purpose of the execution of their duty and the discharge of their functions under section 11 -

(a) to carry on all activities the carrying on whereof appear to them to be requisite, advantageous or convenient for or in connection with the discharge of their said duty;

(b) to do anything and to enter into any transaction (whether or not involving expenditure, borrowing, granting of loans or investment of money, the acquisition of any property or rights or the disposal of any property or rights) which in their opinion is calculated to facilitate the proper discharge of their functions or is incidental or conducive thereto.

12A. Borrowing powers.

12A. (1) Subject to the provisions of this section, the Board may borrow sums required by them for the purpose of financing approved projects:

Provided that the aggregate amount outstanding on loan to the Board, at any one time shall not exceed \$500,000 or such higher amount as the Minister may from time to time approve.

(2) The power of the Board to borrow shall be exercisable only with the approval of the Minister responsible for finance, as to the amount, as to the source of the borrowing and as to the terms on which the borrowing may be effected. An approval given for the purposes of this subsection may be either general or limited to a particular borrowing or otherwise, and may be either unconditional or subject to conditions.

(3) In this section "approved project" means a project approved by the Minister as being likely to be financially viable without subvention from the Board or from Government.

12B. Guarantee by Minister of borrowings by Board and repayment of sums issued to meet guarantee.

12B. (1) With the approval of the House of Representatives, the Minister responsible for finance may guarantee, in such manner and on such conditions as he may think fit, the payment of the principal and of interest on any authorized borrowings of the Board.

(2) Where the Minister responsible for finance is satisfied that there has been default in the repayment of any principal monies or interest guaranteed under the provisions of this section, he shall direct the repayment out of the general assets and revenue of this Island of the amount of which there has been default.

(3) The Board shall make to the Accountant-General, at such times and in such manner as the Minister responsible for finance may direct, payments of such amounts as may be so directed in or towards payment of any sums issued in fulfilment of any guarantee given under this section, and payments of interest on what is outstanding for the time being in respect of any sums so issued at such rate as the Minister responsible for finance may direct, and different rates of interest may be directed as respects different sums and as respects interest for different periods.

13. Remuneration of members.

13. There shall be paid from the funds of the Board to the members of the Board such remuneration, if any, whether by way of honorarium, salary or fees, and such allowances as the Minister may determine.

14. Officers, agents and servants.

14. (1) The Board may appoint and employ at such remuneration and on such terms and conditions as they think fit a secretary and such officers, agents and servants as they think necessary for the proper carrying out of the provisions of this Act:

Provided that -

(a) no salary in excess of the prescribed rate per annum shall be assigned to any post without the prior approval of the Minister; and

(b) no appointment shall be made to any post to which a salary in excess of the prescribed rate per annum is assigned, without the prior approval of the Minister.

(1A) In subsection (1) prescribed rate means a rate of seven hundred and fifty thousand dollars per annum or such higher rate as the Minister may, by order, prescribe.

(2) The Director of Tourism shall be responsible to the Board for the day to day administration of the business of the Board.

(3) Where the Director of Tourism is absent or unable to act and no acting appointment has been made by the Minister under section 4, the Board may authorize an officer in their service to perform temporarily the functions specified in subsection (2).

15. Emblems.

15. (1) The Board may provide, for the purposes of this section, supplies of such emblems as the Board may think fit.

(2) Where the Board are of opinion that any person offering or providing by way of trade or business any goods, entertainment, transportation, accommodation, food or drink to or for tourists maintains integrity and a high standard of service in the conduct of such trade or business, the Board may -

(a) supply to that person any of the emblems of the Board; and

(b) permit him to display such emblem, subject to such restrictions and on such conditions as the Board may impose.

16. Regulations.

16. (1) The Minister may make regulations generally for the better carrying out of the purposes of this Act and in particular but without prejudice to the generality of the foregoing may make regulations providing for -

(a) the measures and methods to be adopted in improving the basis of the tourist industry in Jamaica and in controlling and eliminating undesirable factors that may affect it;

(b) the categories -

(i) of lands and buildings which constitute hotels and resort cottages;

(ii) of premises, vehicles, boats, ships or places which constitute or may be treated as other tourist accommodation, and the circumstances in which and the terms on which any such lands, buildings, premises, vehicles, boats, ships or places may be exempted from any requirement of this Act;

(c) the keeping of records of the number of tourists in Jamaica during any period and of the countries to which they belong;

(d) the imposition of fees or charges in such cases as may be determined by the Board for services rendered by the Board, their servants or agents, in carrying out the provisions of this Act;

(e) the licensing of such categories of persons employed in tourist accommodation or tourism enterprises as may be prescribed;

(f) the designation of prescribed areas and for regulating the activities and conduct of persons -

(i) soliciting for any prescribed purpose in those areas; or

(ii) who, having no fixed place of business in those areas or whose business activities are not carried out pursuant to any licence granted for that purpose under the provisions of any other enactment, offer goods or services to members of the public in those areas;

(g) the licensing of persons referred to in paragraph (f);

(h) the fees to be paid in respect of any licence or other approval granted under this Act;

(i) the form and manner in which applications for licences under this Act shall be made.

(2) Regulations made under this section may empower any person, whether such person be a member or officer or servant of the Board or not, to issue such directions to owners or managers

of tourist accommodation and other persons engaged in the tourist industry as may be necessary for securing compliance with or carrying out the purposes of this Act or of any regulations made thereunder.

(3) All regulations made under this section shall be subject to negative resolution.

(4) Regulations made under this section may provide for the imposition, on conviction in a Resident Magistrate's Court, of the following penalties for offences under those regulations—

(a) a fine not exceeding one hundred thousand dollars or imprisonment for a term not exceeding twelve months, or both; and

(b) a fine not exceeding fifty thousand dollars for every day on which an offense is continued after conviction, and

(c) a fine not exceeding one hundred and fifty thousand dollars, or imprisonment for a term not exceeding twelve months, or both, in the case of a second or subsequent conviction.

17. Protection of members.

17. (1) No member of the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operations of the Board.

(2) Where any member of the Board is exempted from liability by reason only of the provisions of this section, the Board shall be liable to the extent that they would be if the member was a servant or agent of the Board.

18. Powers of Minister.

18. The Minister may give to the Board directions of a general character as to the policy to be followed in the exercise and performance of their functions under this Act in relation to matters appearing to him to concern the public interest and the Board shall give effect to any such directions.

19. Funds and resources of Board.

19. The funds and resources of the Board shall consist of -

(a) such sums as may be provided annually for the purpose in the Estimates of Revenue and Expenditure of the Island;

(b) all sums received by the Board as payment for advertisements;

(c) all sums collected under the authority of regulations made under this Act;

(d) all other sums or property which may in any manner become payable to or vested in the Board in respect of any matter incidental to their powers and duties.

20. Accounts and audit.

20. (1) The Board shall keep accounts of their transactions to the satisfaction of the Minister and such accounts shall be audited annually by an auditor appointed by the Board with the approval of the Minister.

(2) The members, officers, agents and servants of the Board shall grant to the auditor appointed to audit the accounts of the Board under the provisions of subsection (1) access to all books, documents, cash and securities of the Board and shall give to him on request all such information as may be within their knowledge in relation to the operation of the Board.

(3) So soon as the accounts of the Board have been audited, the Board shall furnish to the Minister a copy of the audited financial statement together with a copy of any report made by the auditor thereon or on the accounts of the Board.

21. Annual report and estimates.

21. (1) The Board shall in each year prepare and present on or before the 1st day of October to the Minister a report of their proceedings during the twelve months ending on the 31st day of March in such year.

(2) A copy of such report together with a copy of the audited financial statement and any report made by the auditor thereon or on the accounts of the Board shall be laid on the Table of the House of Representatives and of the Senate and shall be published in the *Gazette*.

(3) The Board shall in each year, within such time as the Minister may from time to time direct, submit to him for approval their estimates of revenue and expenditure in respect of the period of twelve months commencing on the 1st day of April next following, and a copy of such estimates, as approved, shall be published in the *Gazette* and in a daily newspaper circulating in the Island.

22. Tourist accommodation to be licensed.

22. (1) From and after the appointed day no person shall operate a hotel unless there is in force in respect of such hotel a licence granted under this Act.

(2) From and after such day, not being earlier than six months after the 4th November, 1971, as the Minister shall specify in a notice published in the *Gazette* and in at least one issue of a daily newspaper printed and circulating in Jamaica, no person shall operate a resort cottage unless there is in force in respect of such resort cottage a licence granted under this Act.

(3) From and after such date as may be prescribed by the Minister by notice published in the *Gazette*, no person shall operate any tourist accommodation (not being a hotel or resort cottage) unless there is in force in respect of such accommodation a license granted under this Act -

(4) Where -

(a) any tourist accommodation referred to in subsection (3) is in operation on the date prescribed by the Minister pursuant to that subsection; and

(b) the person who operates that tourist accommodation has applied for a licence in accordance with section 23, the operation of that tourist accommodation may, subject to such terms and conditions (if any) as the Board may stipulate, be continued pending the grant of a licence or, as the case may be, the determination of an appeal under section 23E.

23. Licences for tourist accommodation.

23. (1) Every application for a licence under this Act in respect of tourist accommodation, shall be made to the Board in such form and manner as may be prescribed or approved by the Board.

(2) A licence granted in respect of any tourist accommodation -

(a) shall, subject to any power of the Board to revoke or suspend such licence, be granted for an indefinite period; and

(b) may be granted either unconditionally or subject to such restrictions and on such conditions as may be specified in the licence.

(3) Where the Board decides not to grant a licence in respect of any tourist accommodation, the Board shall, in writing, notify the person who made the application of its decision and of the right of appeal conferred by section 23E.

(4) The Board shall cause to be kept a list of all tourist accommodation in respect of which licences granted under this Act are in force.

23A. Power to require licensing of tourism enterprises.

23A. (1) From and after such date as may be prescribed by the Minister by notice published in the *Gazette* (herein-after referred to as "the specified date") no person shall operate or maintain any tourism enterprise unless such person is the holder of a licence granted under section 23B.

(2) Where -

(a) any tourism enterprise is in operation on the specified date; and

(b) the person who operates or maintains that tourism enterprise has applied for a licence in accordance with section 23B, the operation of that tourism enterprise may, subject to such terms and conditions (if any) as the Board may stipulate, be continued pending the grant of a licence or, as the case may be, the determination of an appeal under section 23E.

(3) The Minister may, by order, exempt any category of tourism enterprise from the provisions of this Act if he is satisfied that the service provided by that category of enterprise is not provided primarily for tourists.

23B. Grant of licences for tourism enterprises.

23B. (1) Every application for a licence under section 23A shall be made to the Board in such form and in such manner as may be prescribed in regulations or approved by the Board.

(2) Any licence granted under this section may be granted on such terms and subject to such conditions as the Board may specify in the licence and shall be for such period as may be specified in the licence.

(3) The Board shall cause to be kept a list of all persons to whom a licence is issued under this section.

23C. Refusal to grant or renew licence under section 23B.

23C. (1) Subject to the right of appeal conferred by section 23E, the Board may, in its discretion, refuse to grant or renew a licence under section 23B.

(2) Where the Board decides not to grant or renew a licence in respect of a tourism enterprise, the Board shall, in writing, notify the person who made the application or his agent of its decision and of the right of appeal conferred by section 23E.

23D. Revocation of suspension of licence.

23D. (1) Where -

(a) it appears to the Board that the holder of a licence under this Act (hereinafter referred to as the licensee) has contravened any provisions of this Act or of any licence granted thereunder; or

(b) a licensee has been convicted of an offence under the Exchange Control Act, the Board may, by notice in accordance with this section, require the licensee to show cause within such time as may be specified in the notice, why the licence should not be revoked or suspended.

(2) Where -

(a) the licensee fails to comply with a requirement pursuant to subsection (1) to show cause within the time specified in the notice or if the cause shown is inadequate in the opinion of the Board; or

(b) after due enquiry by the Board in respect of any allegation made against the licensee and after giving the licensee an opportunity to be heard, the Board is satisfied that the nature of the facts established consequent on the enquiry is seriously detrimental to the tourist industry, the Board may, by order published in the *Gazette* (a copy of which shall be served on the licensee), suspend the licence for such period as the Board may consider necessary or desirable, or, as the case may be, revoke the licence from such date as may be specified in the order.

(3) Where an order under subsection (2) is in respect of tourist accommodation, then unless the order relates to -

(a) action taken under the Public Health Act; or

(b) the safety of occupants of the accommodation, the date specified pursuant to subsection (2) shall be not earlier than ninety days after the date of the order.

(4) All rights and privileges enjoyed under any licence that is revoked or suspended pursuant to subsection (2) shall cease to have effect upon such revocation or for the period of suspension, as the case may be, but such revocation or suspension shall not, in any way affect the liability of any person in respect of any contravention of this Act or of the licence that may have occurred prior to the revocation or suspension.

(5) The Minister may if he thinks fit, upon application by a person aggrieved by an order of the Board under this section and for the purpose of facilitating any appeal therefrom, stay execution of that order by amending the date stated in the order as the date from which the revocation or suspension has effect.

23E. Appeal.

23E. (1) Any person aggrieved -

(a) by a decision of the Board granting, refusing to grant, renewing or refusing to renew a licence; or

(b) by an order of the Board revoking or suspending a licence, may, within fifteen days of the date of service of the notification required under section 23 (3) or 23C (2) or within fifteen days of the date of the order under section 23D as the case may be, appeal in writing against such decision or order to the Tribunal appointed by the Minister under subsection (3):

Provided that the Tribunal, upon being satisfied that owing to absence from the Island, sickness or other reasonable cause, the person aggrieved was prevented from appealing within such period, may extend the period as may be reasonable in the circumstances.

(2) On the determination of an appeal under this section the Tribunal may make such order as it thinks fit and if any such order relates to an order of the Board under section 23D it shall be published in the *Gazette*.

(3) The provisions of the Schedule shall have effect as to the constitution of the Tribunal and otherwise in relation thereto.

(4) Any person aggrieved by the Tribunal's decision on any matter may appeal to a Judge in Chambers in such form and manner as may be provided by rules of court and the Judge in Chambers may make such order in relation to the appeal as he thinks fit.

(5) The decision of a Judge in Chambers on an appeal pursuant to subsection (4) shall be final.

23F. Enforcement of orders.

23F. (1) Without prejudice to the provisions of subsections (2) (a), (3) and (4) of section 24, if the licensee fails to comply with an order of the Board under section 23D or any order made by the Tribunal under section 23E confirming or modifying the order of the Board the Minister may take such steps as he considers appropriate to ensure -

(a) where the order revokes the licence, that the licensee ceases the operation of the tourist accommodation or tourism enterprise to which the licence relates; or

(b) where the order suspends the licence, that the licensee suspends the operation of the tourist accommodation or tourism enterprise to which the licence relates for the period specified in the order.

(2) Where authorized thereto by the Minister acting pursuant to subsection (1), a member of the Jamaica Constabulary Force may use such force as may be necessary for the purpose of ensuring compliance with an order referred to in that subsection;

and any person who hinders or obstructs any such member acting as aforesaid shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding twenty thousand dollars or to imprisonment for a term not exceeding two years.

24. Offences.

24. (1) Every person who, with intent to deceive, makes or has in his possession -

(a) any emblem or other device so closely resembling an emblem of the Board as to be calculated to deceive; or

(b) any document so closely resembling a licence under this Act as to be calculated to deceive, shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding ten thousand dollars or to imprisonment with or without hard labour for a term not exceeding two years, or to both such fine and such imprisonment.

(2) Every person who -

(a) operates any tourist accommodation in contravention of section 22; or

(b) displays an emblem of the Board without the permission of the Board; or

(c) in displaying or keeping in his possession any emblem of the Board fails to comply with any restriction subject to which, or to satisfy any condition on which, he was supplied with or permitted to display such emblem; or

(d) fails to comply with any restriction subject to which, or to satisfy any condition on which, any licence was granted to him under this Act, shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding ten thousand dollars and in default of payment thereof to imprisonment with or without hard labour for a term not exceeding two years, and where such offence is continued after conviction such person shall be guilty of a continuing offence and in respect of each day during which such offence continues shall be liable to a fine not exceeding five hundred dollars.

(3) Every person who operates a hotel in contravention of section 22 shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding ten thousand dollars and in default of payment thereof to imprisonment for a term not exceeding

two years, and where such offence is continued after conviction such person shall be guilty of a continuing offence and in respect of each day during which such offence continues shall be liable to a fine not exceeding five hundred dollars.

(4) Every person who operates or maintains a tourism enterprise in contravention of section 23A shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding twenty thousand dollars and in default of payment thereof to imprisonment for a term not exceeding two years, and where such offence is continued after conviction such person shall be guilty of a continuing offence and in respect of each day during which such offence continues shall be liable to a fine not exceeding five hundred dollars.

(5) Every person who fails to comply with an order revoking or suspending a licence to operate any tourist accommodation or a tourism enterprise shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate -

(a) where the licence is granted in respect of a hotel, to a fine not exceeding one thousand dollars for each room of that hotel for every day from the date on which the revocation or suspension came into effect and in default of payment thereof to imprisonment for a term not exceeding two years, and where such offence is continued after conviction such person shall be guilty of a continuing offence and in respect of each day during which such offence continues shall be liable to a fine not exceeding two thousand dollars for each room of the hotel;

(b) where the licence was granted in respect of a resort cottage, to a fine not exceeding ten thousand dollars and in default of payment thereof to imprisonment for a term not exceeding two years, and where such offence is continued after conviction such person shall be guilty of a continuing offence and in respect of each day during which the offence continues shall be liable to a fine not exceeding two thousand dollars; or

(c) where the license was granted in respect of any other tourist accommodation or tourism enterprise, to a fine not exceeding ten thousand dollars and in default of payment thereof to imprisonment for a term not exceeding two years, and where such offence is continued after conviction such person shall be guilty of a continuing offence and in respect of any day during which the offence continues shall be liable to a fine not exceeding two thousand dollars.

SCHEDULE (Section 23E)

The Tribunal

1. The Tribunal shall, subject to paragraph 2, consist of three members appointed by the Minister.

2. For the hearing of any appeal under this Act the Tribunal may consist of one member sitting alone if the parties to the appeal agree.

3. The members of the Tribunal shall, subject to the provisions of this Schedule, hold office for such period not exceeding two years as the Minister may determine and shall be eligible for reappointment.
4. The Minister may appoint any person to act in the place of the chairman or any other member of the Tribunal in the case of the absence or inability to act of the chairman or other member.
5. (1) Any member of the Tribunal other than the chairman may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of the receipt by the Minister of such instrument that member shall cease to be a member of the Tribunal.

(2) The Chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt by the Minister of that instrument.
6. The Minister may at any time revoke the appointment of any member of the Tribunal if he thinks it expedient so to do.
7. If any vacancy occurs in the membership of the Tribunal such vacancy shall be filled by the appointment of another member.
8. The names of all members of the Tribunal as first constituted and every change in the membership thereof shall be published in the *Gazette*.
9. There shall be paid to the chairman and other members of the Tribunal, in respect of each appeal, such remuneration, whether by way of honorarium, salary or fees, and such allowances as the Minister may determine.
10. Subject to paragraph 2, the decision of the Tribunal shall be by a majority of votes of the members, and in addition to an original vote, the chairman shall have a casting vote in any case in which the voting is equal.
11. Subject to the provisions of this Act, the Tribunal shall regulate its own proceedings.
12. The office of chairman or member of the Tribunal shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.

THE TOURIST BOARD ACT REGULATIONS

Statute | Update

NOTICE (*under section 2*)

The Tourist Board Act (Appointed Day) Notice, 1969 L.N. 145/69

ORDERS (*under section 2*)

The Tourist Board (Tourism Enterprises) Order, 1985 L.N. 240B/8555¹/89

The Tourist Board (Water Sports) Order, 1985 L.N. 240C/85

REGULATIONS (*under section 16*)

The Tourist Board Regulations, 1969 L.N. 3/69
Schedule (Regulation 3)

The Tourist Board (Water Sports) Regulations, 1985 L.N. 235/854/98

The Tourist Board (Prescribed Areas) Regulations, 1985 L.N.
236/8599A/86143/87148B/8727A/8978B/963/98
First Schedule (Paragraph 3)
Second Schedule (Regulation 4 (2))

NOTICES (*under section 22*)

The Tourist Board (Licensing of Resort Cottage) (Specified Date) Notice, 1985 L.N. 240D/85

The Tourist Board (Licensing of Tourist Accommodation) (Prescribed Date) Notice, 1985
L.N. 240E/85

NOTICE (*under section 23A*)

The Tourist Board (Licensing of Tourism Enterprise) (Prescribed Date) Notice, 1985 L.N.
240F/85

THE TOURIST BOARD ACT (APPOINTED DAY) NOTICE, 1969

(Made by the Minister on the 18th day of April, 1969)

1. This Notice may be cited as the Tourist Board Act (Appointed Day) Notice, 1969.
2. The 1st day of August, 1969, is specified as the appointed day for the purposes of the Act.

THE TOURIST BOARD (TOURISM ENTERPRISES) ORDER, 1985

(Made by the Minister on the 10th day of December, 1985.)

1. This Order may be cited as the Tourist Board (Tourism Enterprises) Order, 1985.
2. The following services are hereby declared to be tourism enterprises for the purposes of the Act if such services are utilized by or offered to tourists -
 - (a) any car rental or U-Drive services or any service of rental of motor vehicles as defined in section 11 of the Road Traffic Act;
 - (b) sites and other facilities for camping;
 - (c) water sports services;
 - (d) services involving sight-seeing tours, including sea and river cruises;
 - (e) services involving exhibition or use of -
 - (i) historical sites;
 - (ii) great houses;
 - (iii) spas;
 - (iv) caves;
 - (v) bird sanctuaries;
 - (vi) waterfalls;
 - (vii) lakes;
 - (viii) lagoons;
 - (f) services involving the organization of -
 - (i) special events such as feasts and parties;
 - (ii) equestrian activities;
 - (iii) safaris;
 - (iv) river ratting.

(g) the operation in hotels of coin-operated amusement machines declared to be excepted machines by the Betting, Gaming and Lotteries (Excepted Machines) Order, 1989.

THE TOURIST BOARD (WATER SPORTS) ORDER, 1985

(Made by the Minister on the 13th day of December, 1985.)

1. This Order may be cited as the Tourist Board (Water Sports Order, 1985).
2. The following are hereby declared to be water sports for the purposes of the Act -
 - (a) aqua biking;
 - (b) wet biking.

THE TOURIST BOARD REGULATIONS, 1969

(Made by the Tourist Board on the 25th day of November, 1968 and approved by the Minister on the 16th day of December, 1968)

1. These Regulations may be cited as the Tourist Board Regulations, 1969.
2. The following buildings are hereby prescribed as constituting a hotel for the purposes of the Act, namely, any building, or any buildings within the same precinct and under the same management, containing bedrooms for the accommodation of guests for reward where -
 - (a) the aggregate number of such bedrooms is not less than ten; and
 - (b) such bedrooms are used mainly for the accommodation, for reward, of tourists, together with all other buildings within the same precinct and under the same management as such building or buildings as aforesaid.
3. Every application for a licence in respect of a hotel shall be in the form set out in the Schedule.

SCHEDULE (Regulation 3)

Application for a hotel licence

TO: The Minister responsible for the tourist industry

I _____ the _____
(owner, director)
_____ of the _____

(of operating company or manager of hotel)

(Name of hotel)

(hereafter referred to as the hotel) which is t_____

(Address)

in the Parish of _____ being the keeper of the hotel
hereby apply for the grant of a licence to keep the hotel in accordance with the provisions of
section 22 of the Tourist Board Act.

2. I declare that -

(a) the hotel has _____ bedroom for the accommodation of guests for reward;

(b) the hotel is owned by _____
a company incorporated under the laws of _____
(Strike out if the owner is a private individual)
_____ on the _____
(Date)

(c) the hotel is operated by _____
a company incorporated under the laws of _____
(Strike out if the owner is a private individual)
_____ on the _____
(Date)

(d) the abovementioned _____ has been
(Name of operator)
Operating hotels in _____ since the
_____ and the hotel since _____
(Date) (Date)

(e) the attached list shows the names and addresses of all the directors of the operating company;

(f) if necessary, enquiries about the finances of the operator of the hotel can be made
to _____

(g) the hotel is a member/is not a member* of the Jamaica Hotel and Tourist Association;

(h) the attached certificate issued under the Public Health Act is to the best of my knowledge in
full force and effect;

(i) I am properly authorized to state the foregoing.**

Signature of Applicant

Date

*Please strike out whichever is not applicable.

*May be deleted if the applicant is the individual who owns the hotel.

THE TOURIST BOARD (WATER SPORTS) REGULATIONS, 1985

(Made by the Minister on the 12th day of December, 1985)

1. These Regulations may be cited as the Tourist Board (Water Sports) Regulations, 1985.
2. In these Regulations -

"board sailing" means the act of a person moving through the water by means of a craft equipped with a stabilizing fin-keel, and propelled by wind acting on a sail mounted on a universally jointed mast and having an elyptical boom for steering and manoeuvring;

"boat" means any canoe, or undecked craft, however propelled;

"employee" includes a person who performs work on behalf of a water sports operator under a contract for service with that operator and "employ" shall be construed accordingly:

"inspector" means a person appointed as an inspector under regulation 34;

"parasailing means the act of a person using a device closely resembling a parachute, which provides an aerodynamic lift to that person enabling him to glide through the air while being towed by a boat;

"scuba diving" means the act of a person diving with the aid of compressed air supplied from a self-contained underwater breathing apparatus enabling him to remain under water for prolonged periods;

"sunfish sailing" means the act of a person sailing a craft having a shallow-draught hull not exceeding twelve feet in length, and a centre board and rudder with a fixed mast and lateen sail not exceeding forty square feet in dimension;

"vessel" means any decked vessel or craft, whatever may be its rig or tonnage and whether propelled by sail, steam or otherwise:

"water-skiing" means the act of a person, whether or not equipped with floats (called skis) fastened underfoot, being towed through the water by a boat or vessel, aircraft, hydrofoil or hover-craft;

"water sports services" means the business of providing water sports services to members of the public for reward;

'water sports operator" means the person who owns the business concerned with water sports services and includes the person who, in the absence of such owner, is primarily in charge of that business.

3. Every application for a licence under section 23B of the Act, to provide a tourism enterprise in the category of a water sports service shall be in such form as the Board may approve and the holder of any such licence is hereinafter referred to as a licensed water sports operator.

4. (1) A licensed water sports operator shall not employ any other person in the provision of water sports services unless that other person is the holder of a licence granted by the Board under these Regulations (hereinafter referred to as a licensed employee).

(2) The Board may, if it sees fit, exempt any person or category of persons from the requirements of paragraph (1).

(3) A person shall not be granted a licence under paragraph (i) if his duties or responsibilities require him to be directly involved in the water sports activities unless he -

(a) is skilled as a swimmer and properly trained in the procedure for rescuing and resuscitating drowning persons, and satisfies the Board of his ability to perform such duties; and

(b) is the holder of a First Aid Certificate issued by an organization approved of by the Board.

(4) No licensed employee shall be employed -

(a) as a coxswain, coxswain-driver or driver, as the case may be, of any boat or vessel used in providing water sports services unless he possesses a valid certificate of competency issued by or approved by the Marine Board pursuant to the Harbour Rules, 1971, appropriate to such duties;

(b) in operations involving scuba diving, para-sailing, sunfish sailing, jet-skiing, aqua biking, wet bikinis or board sailing, as the case may be, unless his licence states that the Board is satisfied that he is properly qualified by training and experience to carry out the duties or responsibilities to be performed by him in any such operation.

5. No boat or vessel shall be used in the provision of water sports services unless there is in force in respect of that boat or vessel, a licence granted by the Marine Board under and in accordance with the Harbour Rules, 1971, or, if the boat or vessel is exempt under those Rules, a licence granted by the Board under these Regulations.

6. Application for a licence referred to in regulation 4 (1) shall be in such form as the Board may approve.

7. (1) The Board may, in its discretion, refuse to grant or renew a licence under these Regulations.

(2) Where the Board decides not to grant or renew a licence under these Regulations, the Board shall, in writing, notify the person who made the application or his agent of its decision and of the right of appeal conferred by regulation 8.

(3) Where -

(a) it appears to the Board that the holder of a licence under these Regulations (here in after referred to as the licensee) has contravened any provisions of these Regulation or of any licence granted thereunder;

(b) a licensee has been convicted of an offence under the Exchange Control Act, the Board may, by notice in writing, require the licensee to show cause within such time as may be specified in the notice, why the licence should not be revoked or suspended.

(4) Where -

(a) the licensee fails to comply with a requirement pursuant to paragraph (3) to show cause within the time specified in the ,notice or if the effuse shown is inadequate in the opinion of the Board; or

(b) after due enquiry by the Board in respect of any allegation made against the licensee and after giving the licensee an opportunity to make representations, the Board is satisfied that the nature of the facts established consequent on the enquiry is seriously detrimental to the tourist industry, the Board may by notice in writing to the licensee suspend the licence for such period as the Board may consider necessary or desirable, or, as the case may be, revoke the licence from such date as the Board may specify.

(5) All rights and privileges enjoyed under any licence that is revoked or suspended pursuant to paragraph (4) shall cease to have effect upon such revocation or for the period of suspension, as the case may be, but such revocation or suspension shall not in any way affect the liability of any person in respect of any contravention of these Regulations or of the licence that may have occurred prior to the revocation or suspension.

8. (1) Any person aggrieved -

(a) by a decision of the Board granting, refusing to grant, renewing or refusing to renew a licence; or

(b) by a decision of the Board revoking or suspending a licence, may, within fifteen days of the date of service of the notification required under paragraph (2) of regulation 7 or within fifteen days of the receipt of the notice under paragraph (4) of that regulation, as the case may be, appeal in writing to the Tribunal appointed by the Minister under section 23E (3) of the Act:

Provided that the Tribunal, upon being satisfied that owing to absence from the Island, sickness or other reasonable cause, the person aggrieved was prevented from appealing within such period, may extend the period as may be reasonable in the circumstances.

(2) The provisions of subsections (2), (4) and (5) of section 23E of the Act shall mutatis mutandis apply to appeals under this regulation.

(3) Every licence granted by the Board under these Regulations may be granted on such terms and subject to such conditions and for such period as the Board may specify in the license.

(4) The Board shall cause to be kept a list of all persons to whom a licence is granted under these Regulations.

Safety Regulations

9. (1) Subject to paragraph (2), every licensed water sports operator shall, in relation to water sports services provided by him at any location, establish at that location a First Aid Station approved by the Board, which shall be clearly identified as such.

(2) Where the Board is satisfied that a First Aid Station is sufficient to service the operations of more than one licensed water sports operator in any particular area, the Board may, if it thinks fit, approve the establishment of any such station to be maintained and operated jointly by such licensed water sports operators as may be specified in the approval.

(3) Every First Aid Station shall at all time., during which water sports operations are being carried out -

(a) be provided with such life-saving equipment (including oxygen tanks and suitable masks as the Board may require;

(b) be operated by a person, or persons, as the case may require, suitably qualified in first aid procedures and procedures for cardio-pulmonary resuscitation.

10. (1) Every boat or vessel used in water sports services shall be provided with such First Aid Kit and life-saving equipment as the Board may approve.

(2) All life-saving equipment shall be kept in first class condition and shall be on board at all times during which the boat or vessel is engaged in water sports services, and shall be stowed where it will be most readily available in case of emergency.

11. Every boat or vessel shall, while engaged in water sports services -

(a) maintain, while travelling parallel to the shore -

(i) in any area reserved for swimming and marked with buoys, a distance of not less than fifty yards from such buoys;

(ii) in any other area, a distance of not less than one hundred yards from the shore;

(b) maintain a distance of not less than fifty feet from objects or other boats or vessels;

(c) look out for divers;

- (d) observe a dive flag in any area in which it is being flown and while in any such area -
 - (i) keep clear of such flag, maintaining a distance of not less than one hundred yards from the flag;
 - (ii) travel at a speed not exceeding three knots;
- (e) when travelling towards the shore, and when within one hundred yards of the shore
 - (i) approach only at right angles to the shore and observe any channels marked with buoys for that purpose; and
 - (ii) travel at a speed not exceeding three knots.

12. There shall be provided, for the use of passengers on all boats or vessels engaged in water sports services, an adequate supply of life jackets and such other life-saving devices as the Board may require.

13. No activities involving major repairs of boats or vessels engaged in water sports services or routine servicing or storage of such boats or vessels shall be carried out on any beach.

14. In the event of any boat or vessel engaged in water sports services being involved in an accident affecting persons in the water or on board the boat or vessel, the coxswain-driver of the boat or vessel shall, as soon as practicable after the accident, make a report of the circumstances of the accident to the nearest police station and to the nearest office of the Board.

PART II

Scuba Driving

15. In this Part -

"certified diver" means a person certified as such by an internationally recognized scuba diving organization;

"certified instructor" means a person certified by an internationally recognized scuba diving organization as having a qualification equivalent to or higher than that of full open water instructor;

"the Code" means the document entitled "Code of Conduct for the regulation of scuba diving" issued by the Board;

"dive director" means a person certified by an internationally recognized scuba diving organization as being competent to be a full open water instructor;

"internationally recognized scuba diving organization" means an organization mentioned in the Code as being an organization responsible for the training and certification of persons in scuba diving;

'scuba diving operations" means any scuba diving operations conducted pursuant to a licence granted by the Board in respect of water sports services.

16. The provisions of the Code shall apply to all scuba diving operations carried out under a licence granted by the Board in respect of water sports services.

17. (1) A dive director shall be assigned to every scuba diving operation provided by a licensed water sports operator under these Regulations.

(2) Every dive director assigned pursuant to paragraph (1) shall comply with the rules and regulations set out in the Code and shall take such steps as may be necessary to ensure compliance with these rules and regulations.

18. Formal instructions during scuba diving operations shall be given only by a person who is a certified instructor.

19. No person shall perform duties as a dive leader in any scuba diving operation unless he is certified by an internationally recognized scuba diving organization as having a qualification equivalent to or higher than that of dive master.

20. (1) There shall be kept in respect of every scuba diving operation, a log book (to be called a base log book) in which particulars of each day's activities shall be recorded.

(2) Every base log book shall be made available at all reasonable times for inspection by an inspector.

21. (1) The international dive flag and the red and white flag currently in use in North America shall be flown in the manner specified in paragraph (2), at all times when divers are submerged.

(2) Such flags shall -

(a) be attached to a floating buoy at the dive site; or

(b) be displayed on the boat on which divers are carried while such boat is moored or anchored at the dive site.

PART III

Parasailing and Water-skiing

22. In this Part "Harbour Master" means the Harbour Master of the harbour in or nearest to the area in which parasailing or water-skiing activities are being carried out, or the deputy of such Harbour Master, as the case may be.

23. (1) Every boat or vessel used for the purpose of towing water-skiers or parasailers shall have on board at least one person (other than the driver) who is employed to keep watch astern on the water-skier or parasailer being towed.

(2) Every such boat or vessel shall move in a counter clockwise rotation in the sea unless the Harbour Master approves otherwise.

24. Every water-skier or parasailer, as the case may be, shall, while away from shore, wear at all times an approved flotation vest.

25. (1) Where a licensed water sports operator intends to erect a platform for the purpose of parasailing, he shall first obtain the permission of the Harbour Master and where appropriate, the Beach Control Authority.

(2) Permission granted under paragraph (1) may be granted on such terms and subject to such conditions as may be specified therein.

26. (1) Subject to paragraph (2), all parasails shall take off from and land at a platform provided for that purpose.

(2) Application may be made to the Beach Control Authority for the approval of take-off from or landing at a beach and such approval may be granted on such terms and subject to such conditions as may be specified therein.

27. No boat or vessel used for the purpose of parasailing or water-skiing shall travel within one hundred yards of the shore or beach except when making a direct approach to or, as the case may be, travelling from the beach, on a line perpendicular to the beach through a marked channel.

28. (1) Appropriate instruction as to the use of parasailing equipment shall be given to each parasailer before he commences parasailing.

(2) No person under the age of twelve years shall be permitted to participate in parasailing activities.

29. Every licensed water sports operator who provides parasailing activities shall carry out a daily inspection of all equipment before use, with a view to detecting signs of deterioration, of all fabric, seams, harnesses, buckles, straps and other accessories.

30. No boat or vessel which is engaged in the towing of parasailers or water-skiers shall, while so engaged, travel in any area which is reserved for swimming

PART IV

Jet-Skiing, Sunfish Sailing and Board Sailing

31. (1) All machines used in jet-skiing activities carried out by a licensed water sports operator shall be supervised by persons who, in the opinion of the Board -

(a) are competent in the use and operation of such machines;

(b) are skilled as swimmers and properly trained in the procedure for rescuing and resuscitating drowning persons; and

(c) are holders of valid First Aid Certificate and are suitably qualified in the procedures for cardio-pulmonary resuscitation.

(2) A licensed water sports operator shall ensure that appropriate instructions as to the use of jet-ski machines used in water sports services be given to each person before the machine is used by that person in jet-skiing.

(3) A licensed water sports operator shall not permit any person under the age of twelve years to participate in jet-skiing activities.

32. The provisions of regulations 23 (2), 24 and 26 shall, mutatis mutandis, apply to jet-skiing operations carried out by a licensed water sports operator

33. (1) A licensed water sports operator who provides jet-skiing, sunfish sailing or board sailing activities, as the case may be, shall provide in connection therewith a boat or vessel for use in rescuing and conveying to shore, any person who, while engaged in any such activity, is injured or otherwise in need of such services.

(2) Every such boat shall be equipped with a First Aid Kit and such life saving equipment as the Board may specify.

PART V

General

34. (1) The Board may from time to time appoint such persons as the Board considers suitable to be inspectors for the purposes of these Regulations.

(2) An inspector may at any reasonable time enter any premises vehicle, boat or vessel used in water sports operations, for the purpose of making such inspection or examination as in his opinion may assist in the enforcement of the provisions of these Regulations, and may seize and detain for such time and subject to such conditions as the Board may authorize, any article by means of or in relation to which he reasonably believes any provision of these Regulations has been contravened.

(3) An inspector shall be furnished by the Board with a certificate of appointment and on entering any premises, vehicle, boat or vessel pursuant to paragraph (2), shall, if required to do

so, produce the certificate to the person in charge of the premises, vehicle, boat or vessel, as the case may be.

35. Every licensed water sports operator or every person in charge of any premises, vehicle, boat or vessel used in water sports operations, whenever called upon to do so by an inspector, shall produce to the inspector for inspection -

- (a) all equipment and machinery used by such operator in his water sports operations;
- (b) all documents and records required to be kept by him in relation to such operations;
- (c) such of those documents and records as may be specified by the inspector.

36. (1) Every licensed water sports operator shall, in relation to his water sports operations, take out a policy of insurance of such value as may be approved by the Board.

(2) The policy of insurance must be a policy which -

- (a) is issued by a person who is an authorized insurer;
- (b) offers specific coverage in respect of -
 - (i) accidental bodily injury (whether or not the injury is fatal) to any person other than a person who at the time of sustaining such injury is engaged in the service of the insured;
 - (ii) accidental damage to any property specified in subparagraph (c), caused by or arising out of water sports operations;
- (c) the property mentioned in sub-paragraph (b) (ii). Is any property other than property -
 - (i) belonging to or held in trust by or in the custody or control of the insured or his servant or agent;
 - (ii) being that part of any property, land or building on which the insured or his servant or agent is or has been working.

Offences

37. (1) Every person, being a licensed water sports operator, who contravenes the provisions of regulation 4, 5, 9, 10, 12 or 13 shall be guilty of an offence and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding twenty thousand dollars and in default of payment thereof to imprisonment with or without hard labour for a term not exceeding six months.

(2) Every person who contravenes the provisions of regulation 17, 19 or 20 shall be guilty of an offence and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not

exceeding twenty thousand dollars and in default of payment thereof to imprisonment with or without hard labour for a term not exceeding two months.

38. (1) Every person -

(a) with intent to deceive -

(i) forges or uses or lends or allows to be used by any other person any licence issued under section 23B of the Act or these Regulations;

(ii) makes or has in his possession any document so closely resembling such licence as to be calculated to deceive; or

(b) assaults or obstructs any inspector appointed under these Regulations acting in the performance of his functions under or pursuant to these Regulations;

(c) bribes or attempts to bribe any inspector in connection with any matter arising in the performance of any of his functions under or pursuant to these Regulations;

(d) knowingly gives false or misleading information to any inspector;

(e) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular;

(f) being an inspector, accepts any bribe in connection with any matter arising in the performance of any of his functions under or pursuant to these Regulations,

shall be guilty of an offence and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding twenty thousand dollars and in default of payment thereof to imprisonment with or without hard labour for a term not exceeding six months.

(2) If any person is guilty of any contravention of, or non-compliance with, any of the requirements of these Regulations in respect of which no special penalty is provided, he shall for each offence be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding twenty thousand dollars and in default of payment thereof to imprisonment with or without hard labour for a term not exceeding one month.

THE TOURIST BOARD (PRESCRIBED AREAS) REGULATIONS, 1985

(Made by the Minister on the 12th day of December, 1985.)

1. These Regulations may be cited as the Tourist Board (Prescribed Areas) Regulations, 1985.

2. In these Regulations -

“contract car operator” means a person who operates a vehicle licensed as a contract carriage in accordance with part III of the Road Traffic Act;

"inspector" means a person appointed as such under regulation 11;

"prescribed area" means any area designated as a prescribed area under regulation 3;

“taxi operator” means a person who is the holder of a road licence to use a vehicle as a hackney carriage in accordance with Part III of the Road Traffic Act;

"vendor" means any person who-

(a) sells or offers for sale, rents or offers for rent to members of the public, any goods or services;

(b) solicits orders for, invites attention to, advertises or promotes in any manner whatsoever, any goods or services, but does not include a taxi operator or a contract car operator.

3. The areas designated in the First Schedule shall be prescribed areas.

4. (1) Subject to this regulation, no person shall engage in any activities as a vendor

(a) in or on any street, sidewalks, park, beach or area of water adjacent to a beach;

(b) in or on any other public place,

within a prescribed area, unless that person is the holder of a licence granted under these Regulations and such activities are carried out in accordance with the terms and conditions of that licence.

(2) Nothing in paragraph (1) shall require any person holding licence under any of the enactments specified in the Second Schedule to obtain a licence under these Regulations in so far as the activities of that person are carried out in conformity with the licence granted under that Act.

(3) Any person who contravenes the provisions of paragraph (1) shall be guilty of an offence and shall be liable, on summary conviction in a Resident Magistrate's Court to a fine not exceeding twenty thousand dollars or to imprisonment with or without hard labour for a term not exceeding three months or to both such fine and imprisonment; and where the offence is continued after conviction such person shall be guilty of a continuing offence and in respect of each day during which the offence continues, shall be liable to a fine not exceeding one hundred dollars.

5. (1) Any person desiring to operate as a vendor in a prescribed area shall apply in writing to the Board for a licence (here in after referred to as a vendor's licence).

(2) A vendor's licence may be granted on such terms and subject to such conditions as the Board may specify in the licence and shall be for such period as may be specified in the licence.

(3) Every application for the renewal of a vendor's licence shall, unless the Board otherwise permits, be delivered to the Board not later than twenty-one days before the expiry of the licence.

(4) Every application for the grant or renewal, as the case may be, of a vendor's licence shall be accompanied by a fee of ten dollars.

(5) The Board shall cause to be kept a list of all persons to whom a licence is granted under these Regulations.

6. (1) The board may, in its discretion, refuse to grant or renew a vendor's licence.

(2) Where the Board decides not to grant or renew a vendor's licence the Board shall, in writing, notify the person who made the application or his agent of its decision and of the right of appeal conferred by regulation 8.

7. (1) Where -

(a) it appears to the Board that the holder of a vendor's licence (hereinafter referred to as the licensee) has contravened any provisions of these Regulations or of any licence thereunder

(b) a licensee has been convicted of any offence involving fraud or dishonesty, the Board may, by notice in writing, require the licensee to show cause within such time as may be specified in the notice, why the licence should not be revoked or suspended.

(2) Where -

(a) the licensee fails to comply with a requirement pursuant to paragraph (1) to show cause within the time specified in the notice or if the cause shown is inadequate in the opinion of the Board; or

(b) after due enquiry by the Board in respect of any allegation made against the licensee and after giving the licensee an opportunity to make representations, the Board is satisfied that the nature of the facts established consequent on the enquiry is seriously detrimental to the tourist industry, the Board may by notice in writing to the licensee suspend the licence for such period as the Board may consider necessary or desirable, or, as the case may be, revoke the licence from such date as the Board may specify.

(3) All rights and privileges enjoyed under any licence that is revoked or suspended pursuant to paragraph (2) shall cease to have effect upon such revocation or for the period of suspension, as the case may be, but such revocation or suspension shall not in any way affect the liability of any person in respect of any contravention of these Regulations or of the licence that may have occurred prior to the revocation or suspension

8. (1) Any person aggrieved by a decision of the Board -

(a) granting, refusing to grant, renewing or refusing to renew a licence; or

(b) revoking or suspending a licence, may, within fifteen days of the date of service of the notification required under paragraph (2) of regulation 6 or within fifteen days of the receipt of the notice under paragraph (2) Or regulation 7, as the case may be, appeal in writing to the Tribunal appointed by the Minister under section 23E (3) of the Act.

(2) The provisions of the proviso to subsection (1), subsections (2), (4) and (5) of section 23E of the Act shall, with such adaptations or modifications as may be necessary, apply to appeals under this regulation.

9. The Board shall issue to each licensee an identification card which shall be worn by the licensee whenever he is carrying on business in a prescribed area.

10. (1) The Board may, upon application by a licensee and upon payment by the licensee of a fee of twenty-five dollars. issue to that licensee a decal to be known as the Tourist Board's decal.

(2) Every licensee to whom a Tourist Board's decal is issued shall display such decal in a conspicuous position in his place of business in a prescribed area.

(3) The Tourist Board's decal shall remain the property of the Board and may be withdrawn by the Board at any time if, in the opinion of the Board, the standards of the licensee are not such as to justify the display by him of such decal.

(4) Where a vendor's licence is suspended or revoked, as the case may be, any holder of such licence who is in possession of a Tourist Board's decal, shall forthwith return the decal to the Board.

(5) Every licensee to whom a Tourist Board's decal is issued shall -

(a) take such steps as may be necessary to protect the decal from loss or damage; and

(b) in the event of any decal being lost or damaged, forthwith make a report of such loss or damage to the Board.

(6) In the event of any loss or damage to a Tourist Board's decal, the Board -

(a) if satisfied that such loss or damage is not attributable to any negligence or carelessness on the part of the licensee, shall replace the decal free of charge;

(b) in any other case, may replace the decal on payment by the licensee of a fee of twenty-five dollars or such higher amount as may be required to cover the actual cost of replacement.

11. Every licensee whose operations are carried out on any premises, or who operates a stall, booth or other structure, in any location in a prescribed area shall -

(a) comply with such requirements as may be prescribed by the Board in relation to the premises, stall, booth or structure;

(b) maintain such premises, stall, booth or structure in a safe and sanitary condition;

(c) take such steps as may be necessary to ensure that such premises and the area immediately surrounding such stall, booth or structure is reasonably free from litter.

12. (1) The Board may appoint such persons as the Board considers suitable to be inspectors for the purposes of these Regulations.

(2) Every inspector shall be furnished with an appropriate certificate of appointment.

(3) An inspector may at any reasonable time, subject to paragraph (4) -

(a) enter any premises in which he reasonably believes a licensee is carrying on business as a vendor in a prescribed area;

(b) inspect any such premises, or any stall, booth or structure operated by a licensee, in order to ascertain whether any requirements of the Board are being complied with;

(c) examine any goods displayed or being offered for sale by a licensee;

(d) make such other examination and enquiry as may be necessary to ascertain whether the provisions of these Regulations have been or are being complied with.

(4) An inspector exercising or attempting to exercise his powers under this regulation shall, if the person in charge of the premises, stall, booth or structure requests him to do so, produce to that person his certificate of appointment.

13. (1) Any person who with intent to deceive -

(i) forges or uses or lends or allows to be used by any person, any licence, identification card or decal issued under these Regulations;

(ii) makes or has in his possession any document so closely resembling such licence, identification card or decal, as to be calculated to deceive,

shall be guilty of an offence and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding twenty thousand dollars or to imprisonment with or without hard labour for a term not exceeding two years or to both such fine and imprisonment, and where such offence is continued after conviction such person shall be guilty of a continuing offence and in respect of each day during which such offence continues shall be liable to a fine not exceeding one hundred dollars.

(2) Every person who -

(a) obstructs or hinders any member of the Jamaica Constabulary Force or any inspector acting in the performance of his functions under or pursuant to these Regulations;

(b) bribes or attempts to bribe any inspector in connection with any matter arising in the performance of any of his functions under or pursuant to these Regulations;

(c) knowingly gives false or misleading information to any inspector;

(d) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular;

(e) being an inspector, accepts any bribe in connection with any matter arising in the performance of any of his functions under or pursuant to these Regulations,

shall be guilty of an offence and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding twenty thousand dollars or to imprisonment with or without hard labour for a term not exceeding three months

(3) If any person is guilty of any contravention of, or non-compliance with, any of the requirements of these Regulations in respect of which no special penalty is provided, he shall for each offence be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding twenty thousand dollars and in default of payment thereof to imprisonment with or without hard labour for a term not exceeding one month.

14. (1) No person shall in any prescribed area, engage in activities as a taxi operator or contract car operator unless he is the holder of a permit granted under these Regulations and such activities are carried out in accordance with the terms and conditions of that permit.

(2) Any person who contravenes the provisions of paragraph (1) shall be guilty of an offence and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding twenty thousand dollars or to imprisonment with or without hard labour for a term not exceeding three months or to both such fine and imprisonment; and where the offence is continued after conviction such person shall be guilty of a continuing offence and in respect of each day during which the offence continues, shall be liable to a fine not exceeding one hundred dollars.

(3) The provisions of regulations 5, 6, 7, 8 and 13 shall apply in relation to a permit referred to in paragraph (1) as they apply in relation to a licence referred to in those regulations and accordingly, any reference in these Regulations to a vendor, vendor's licence or licensee shall be construed as a reference to a taxi operator or a contract car operator, a permit or the holder of a permit, respectively.

(4) The provisions of regulation 10 shall apply in relation to the holder of a permit under this regulation as they apply in relation to a licensee referred to in regulation 10 and accordingly -

(a) any reference in paragraphs (1), (3), (4), (5) and (6) of that regulation to a vendor's licence or licensee shall be construed as a reference to a permit or the holder of a permit, respectively;

(b) paragraph (2) of that regulation shall be construed as if the words taxi or contract car were substituted for the words place of business in a prescribed area.

(5) An inspector may -

(a) inspect any taxi or contract car to which a permit granted under paragraph (1) relates, in order to ascertain whether any requirements of the permit or of the Board are being complied with; and

(b) make such other examination or enquiry as he considers necessary, in relation to such taxi or contract car, for the purpose of determining whether the owner or operator is complying with the requirements of these Regulations.

FIRST SCHEDULE (Paragraph 3)

PRESCRIBED AREAS

No. 1 - Ocho Rios

Commencing at the point where the western boundary of a gully forming the eastern boundary of the Intercontinental Hotel Lands intersects the coastline, thence generally south-westerly along the western boundary of the gully aforementioned to its intersection with the northern boundary of Main Street thence generally north-easterly along the northern boundary of Main Street for a distance of 500 feet; thence easterly in a straight line to intersect the centre-lines of Main Street and Dacosta Drive, thence south-easterly in a straight line to a point 100 yards at right angles to the centre-lines of Main Street and Dacosta Drive aforementioned, thence generally south-westerly and north-westerly along a line 100 yards from and parallel to the centre-lines of Dacosta Drive and the main road leading from Ocho Rios to St. Ann's Bay to a point due south of the south-western corner of the Ocho Rios Fort; thence due north to intersect the coast line, thence continuing due north for a distance of one-quarter of a mile to a point in the Caribbean Sea; thence on a line generally south-easterly, north-easterly, south-easterly, north-westerly, north-easterly, south-easterly and again north-easterly and maintaining a distance of approximately one-quarter of a mile from the coastline to a point due north of the starting point; thence due south back to the starting point.

No. 2 - Ocho Rios

Commencing at the intersection of the southern boundary of the Main Road leading from Ocho Rios to Oracabessa with the eastern boundary of the parochial road leading from the aforementioned Main Road to Content Gardens, thence southerly along the eastern boundary of the parochial road aforementioned for 100 yards, thence westerly to intersect the western boundary of the aforementioned parochial road at a distance of 100 yards from the southern boundary of the aforementioned Main Road; thence generally south-westerly, north-westerly and westerly along a line and maintaining a distance of 100 yards from the southern boundary of the aforementioned Main Road leading from Ocho Rios to Oracabessa for a distance of approximately 1 mile to a point due south of the intersection of the western boundary of Pineapple Street with the northern boundary of the aforementioned Main Road; thence due north

to the last-mentioned intersection; thence continuing due north to a point in the Caribbean Sea one-quarter of one mile from the coastline; thence generally easterly, northerly, south-easterly, north-easterly, northerly and easterly along a line and maintaining a distance of one-quarter of one mile from the coastline to a point due north of the intersection of the coastline with the western bank of the White River; thence due south to the last-mentioned intersection; thence generally southerly along the western bank of the said White River to its intersection with the southern boundary of the aforementioned Main Road leading from Ocho Rios to Oracabessa; thence generally south-westerly, north-westerly and westerly along the southern boundary of the said Main Road aforementioned back to the starting point.

Dunn's River Falls and Park, and the Rio Chico

Commencing at a point at the eastern side of the Rio Chico gate on the northern boundary of the Ocho Rios to St. Ann's Bay main road, thence due south to a point on the southern boundary of the aforementioned main road; thence generally southerly, westerly and northerly along the eastern, southern and western boundaries of all the lands comprising the Dunn's River Falls and Park to its intersection with the southern boundary of the said main road leading from Ocho Rios to St. Ann's Bay, thence due north to intersect the coastline, thence continuing due north for a distance of one-quarter of a mile to a point in the Caribbean Sea; thence on a line running generally easterly and maintaining a distance of approximately one-quarter of a mile from the coastline to a point due north of the starting point, thence due south back to the starting point.

No.1 - Montego Bay

Commencing at the western end of the wall which blocks Kent Avenue at the south-western portion of lands occupied by the Donald Sangster International Airport; thence due west for a distance of 400 yards to a point in the Caribbean Sea; thence on a line running generally south-westerly and south-easterly and maintaining a distance of approximately 400 yards from the coastline to a point due west of the southern boundary of the round-about at Gloucester Avenue, Howard Cooke Boulevard and The Queen's Drive, thence generally north-westerly and north-easterly along the eastern boundary of The Queen's Drive to a Point due east of the intersection of the western boundary of The Queen's Drive with the northern boundary of Delisser Drive; thence due west to the intersection of the western boundary of The Queen's Drive with the northern boundary of Delisser Drive, thence generally south-westerly along the northern boundary of Delisser Drive to intersect the southern boundary of Sunset Boulevard; thence due north to a point 100 yards from and at right angles to the northern boundary of Sunset Boulevard; thence generally south-westerly and north-easterly along a line 100 yards from and parallel to the northern boundary and the eastern boundary of Sunset Boulevard and Kent Avenue respectively to a point due east of the starting point; thence due west back to the starting point.

No. 2 - Montego Bay

Commencing at the intersection of the southern boundary of Barnett Street with the eastern boundary of the Howard Cooke Boulevard; thence easterly along the southern boundary of Barnett Street to its intersection with the western boundary of Harbour Street; thence due east to intersect the eastern boundary of Harbour Street; thence generally northerly along the eastern

boundary of Harbour Street to its intersection with the southern boundary of Church Street; thence easterly along the southern boundary of Church Street to its intersection with the eastern boundary of St. James Street; thence northerly along the eastern boundary of St. James Street to its intersection with the southern boundary of Market Street; thence easterly along the southern boundary of Market Street to its intersection with the eastern boundary of Orange Street; thence northerly along the eastern boundary of Orange Street to its intersection with the northern boundary of Paradise Row; thence south-westerly in a straight line to the intersection of the western boundary of Orange Street with the northern boundary of North Street; thence south-westerly along the northern boundary of North Street to its intersection with the eastern boundary of Fort Street; thence generally north-westerly along the eastern boundary of Fort Street to meet the eastern boundary of the roundabout at the intersection of Gloucester Avenue, Howard Cooke Boulevard and The Queen's Drive; thence generally southerly along the eastern boundary of the aforementioned roundabout to the point on the southern boundary of the said roundabout aforementioned which coincides with a point due west of the southern boundary of the said roundabout at Gloucester Avenue, Howard Cooke Boulevard and The Queen's Drive; thence due west to a point in the Caribbean Sea 400 yards from the coastline; thence along a line running generally southerly and maintaining a distance of approximately 400 yards from the coastline to a point due west of the starting point; thence due east back to the starting point.

No. 3 - *Montego Bay*

Commencing at the intersection of the western boundary of Half Moon Street in Coral Gardens with the southern boundary of the Montego Bay to Falmouth main road; thence due north to a point in the Caribbean Sea one quarter of one mile from the coastline; thence on a line running generally easterly and maintaining a distance of approximately one quarter of one mile from the coastline to a point due north of the north-eastern boundary corner of lands occupied by the Colony Hotel; thence due south to the said boundary corner aforementioned; thence southerly along the eastern boundary of lands occupied by the Colony Hotel for a distance of approximately 350 feet to its intersection with the northern boundary of a reserved road located to the north of the Montego Bay to Falmouth main road; thence southerly along the eastern boundary of the road connecting the reserved road aforementioned, with the Montego Bay to Falmouth main road to its intersection with the northern boundary of the said Montego Bay to Falmouth main road; thence due south to intersect the southern boundary of the aforementioned main road; thence generally westerly along the southern boundary of the Montego Bay to Falmouth main road to its intersection with the eastern boundary of Spring Farm Drive; thence generally southerly along the eastern boundary of Spring Farm Drive to a point due east to the intersection of the western boundary of Spring Farm Drive with the southern boundary of Lot 7 Spring Estate registered at Volume 1105 Folio 29; thence due west to the last-mentioned intersection; thence north-westerly and northerly along the southern and western boundaries respectively of the said Lot 7 Spring Estate aforementioned, northerly along the western boundaries of Lots 6B and 6A Spring Estate registered at Volume 954 Folio 425 and Volume 1054 Folio 819 respectively, north-westerly along the southern boundary of Lot 5 Spring Estate registered at Volume 967 Folio 282, south-westerly along the southern boundary of Lot 4 Spring Estate registered at Volume 1105 Folio 28 south-western along the eastern boundaries of Lots 3, 2 and 1 Spring Estate registered at Volume 1031 Folio 11, Volume 1065 Folio 794 and Volume 1042 Folio 631 respectively to intersect the southern boundary of the aforementioned Lot 1;

thence north-westerly along the southern boundary of Lot 1 aforementioned to its intersection with the eastern boundary of Pimento Way, thence north-westerly along the southern boundary of Pimento Way to its intersection with the eastern boundary of Lot 28, Spring Estate registered at Volume 1169 Folio 391; thence south-westerly and westerly along the eastern and southern boundaries respectively of the said Lot 28 aforementioned to its intersection with the eastern boundary of Lot 365 Coral Gardens registered at Volume 889 Folio 67; thence southerly along the eastern boundary of the said Lot 365 Coral Gardens aforementioned to its intersection with the northern boundary of Lot 364 Coral Gardens registered at Volume 889 Folio 66; thence southerly and westerly along the eastern and southern boundaries respectively of the said Lot 364 Coral Gardens aforementioned to its intersection with the eastern boundary of Montrose Crescent; thence due west to intersect the western boundary of Montrose Crescent; thence generally north-westerly along the western and southern boundaries of Montrose Crescent to a point due south of the intersection of the western boundary of Carhampton Drive and the northern boundary of Montrose Crescent, thence due north to the last-mentioned intersection; thence generally northerly and westerly along the western and southern boundaries respectively of Carhampton Drive to a point due south of the intersection of the western boundary of Lot 618 Coral Gardens registered at Volume 842 Folio 17 with the northern boundary of Carhampton Drive; thence due north to the last-mentioned intersection; thence northerly along the western boundary of the aforementioned Lot 618 Coral Gardens to the south-western corner of Lot 677 Coral Gardens registered at Volume 843 Folio 34, thence northerly along the western boundary of the said Lot 677 Coral Gardens aforementioned to its intersection with the southern boundary of Half Moon Street; thence generally north-westerly along the southern and western boundaries of Half Moon Street back to the starting point.

No. 4 - *Montego Bay*

Commencing at the intersection of the northern boundary of Southern Cross Boulevard with the eastern boundary of Bay Road; thence northerly along the eastern boundary of Bay Road to its intersection with the southern boundary of Pimento Way; thence northerly to the intersection of the northern boundary of Pimento Way with the eastern boundary of Harbour Drive; thence northerly along the eastern boundary of Harbour Drive to its intersection with the coastline; thence due north to a point in the Caribbean Sea 400 yards from the coastline; thence north-westerly in a straight line to a point at grid reference E 225 300 ft. N 569 700 ft. and lying approximately 400 yards from the coastline; thence generally on a line north-westerly westerly and south-western and maintaining a distance of approximately 400 yards from the coastline to a point due north of the intersection of the northern boundary of Lot A12 Montego Freeport registered at Volume 1091 Folio 244 with the coastline thence due south to the last-mentioned intersection, thence south-easterly along the northern boundary of the said Lot A12 aforementioned to its intersection with the northern boundary of Sunset Drive; thence south-westerly along the northern boundary of Sunset Drive to its intersection with the western boundary of Lot A13 Montego Freeport registered at Volume 1091 Folio 245; thence south-easterly in a straight line to the intersection of the southern boundary of Sunset Drive with the southern boundary of Southern Cross Boulevard, thence generally south-easterly and easterly along the southern boundary of Southern Cross Boulevard to a point due south of the starting point; thence due north to the starting point.

No. 5 - *Montego Bay*

Commencing at the western end of the wall which blocks Kent Avenue at the south-western portion of lands occupied by the Donald Sangster International Airport, thence due west for a distance of 400 yards to a point in the Caribbean Sea; thence on a line running generally north-easterly and maintaining a distance of approximately 400 yards from the coastline to a point due north of the intersection of the centre lines of Kent Avenue and The Queen's Drive; thence due south to the aforementioned intersection, thence continuing due south to intersect the southern boundary of The Queen's Drive; thence generally south-westerly along the southern boundary of The Queen's Drive to a point due east of the intersection of the western boundary of The Queen's Drive with the northern boundary of Delisser Drive, thence due west to the intersection of the western boundary of The Queen's Drive with the northern boundary of Delisser Drive; thence generally south-westerly along the northern boundary of Delisser Drive to intersect the southern boundary of Sunset Boulevard, thence due north to a point 100 yards from and at right angles to the northern boundary of Sunset Boulevard; thence generally south-westerly and north-easterly along a line 100 yards from and parallel to the northern boundary and the eastern boundary of Sunset Boulevard and Kent Avenue respectively to a point due east of the starting point; thence due west back to the starting point.

No. 6 - *Montego Bay*

Commencing at the intersection of the southern boundary of Southern Cross Boulevard with the western boundary of lands shown on the plan bearing Survey Department Examination Number 100512; thence southerly along the last-mentioned boundary to its intersection with the coastline; thence due south to a point in the Caribbean Sea 400 yards from the coastline; thence generally westerly, south-westerly and north-westerly along a line and maintaining a distance of approximately 400 yards from the coastline to a point at grid reference E220400, N563600 and lying approximately 400 yards from the coastline; thence north-westerly in a straight line to a point at grid reference E218850, N565580 lying approximately 400 yards from the coastline; thence generally north-westerly and north-easterly along a line and maintaining a distance of approximately 400 yards from the coastline to a point due north of the intersection of the northern boundary of Lot A12 Montego Freeport registered at Volume 1091 Folio 244 with the coastline; thence due south to the last-mentioned intersection; thence south-easterly along the northern boundary of the said Lot A12 aforementioned to its intersection with the northern boundary of Sunset Drive; thence south-westerly along the northern boundary of Sunset Drive to its intersection with the western boundary of Lot A13 Montego Freeport registered at Volume 1091 Folio 245; thence south-easterly in a straight line to the intersection of the southern boundary of Sunset Drive with the southern boundary of Southern Cross Boulevard, thence generally south-easterly and easterly along the southern boundary of Southern Cross Boulevard back to the starting point.

No. 1 *Negril*

Commencing at the intersection of the centre lines of the Norman Manley Boulevard and the access road leading to the Craft Centre by the Negril Aerodrome; thence due east to intersect the eastern boundary of the access road aforementioned; thence generally southerly along the eastern

boundary of the said access road leading to the Craft Centre for its entire length; thence generally south-westerly and south-easterly along a line approximately 100 yards from the eastern boundary of the Norman Manley Boulevard to a point due east of the south-eastern boundary corner of lands occupied by the Sundowner Hold, thence due west to the south-eastern boundary corner of the Sundowner Hold lands; thence south-westerly along the southern boundary of the lands occupied by Sundowner Hotel to its intersection with the coastline; thence continuing south-westerly along the same alignment as the southern boundary of Sundowner Hotel lands to a point in the Caribbean Sea one-quarter of a mile from the coastline; thence on a line running generally northwesterly, northerly and south-easterly and maintaining a distance of approximately one-quarter of a mile from the coastline to a point due north of the intersection of the coastline and the western boundary of the river which is situated approximately 830 feet west of the Negril Aerodrome; thence due south to the last mentioned intersection, thence generally south-westerly and south-easterly along the western boundary of the aforementioned river to its intersection with the northern boundary of Norman Manley Boulevard thence generally north-easterly along the northern boundary of Norman Manley Boulevard to a point due north of the starting point, thence due south to the starting point.

No. 2 - *Negril*

Commencing at the point on the western boundary of the Norman Manley Boulevard 75 feet north of the Negril Sands entrance, thence due east to the eastern boundary of the Norman Manley Boulevard; thence generally south-westerly along the eastern boundary of the said Norman Manley Boulevard to its intersection with the southern boundary of the main road leading from Negril to Orange Hill via Negril Lighthouse; thence generally westerly, south-westerly and south-easterly along the southern and eastern boundary of the last-mentioned main road to a point due east of the north-eastern boundary corner of lands occupied by the Negril Lighthouse, thence due west to the aforementioned boundary corner, thence south-westerly along the northern boundary of the said Negril Lighthouse lands to its intersection with the coastline; thence continuing south-westerly along the same alignment as the northern boundary of the Negril Lighthouse lands to a point in the Caribbean Sea one-quarter of a mile from the coastline, thence on a line running generally north-westerly and north-easterly and maintaining a distance of approximately one-quarter of one mile from the coastline to a point due west of the starting point; thence due east back to the starting point.

No. 1 – *Mammee Bay*

Commencing at the intersection of the northern boundary of the main road leading from St. Ann's Bay to Ocho Rios, with the eastern boundary of lands occupied by the St. Ann Polo Club; thence north-easterly along the last-mentioned boundary to the south-eastern corner of Drax Hall registered at Volume 996 Folio 675; thence north-easterly along the eastern boundary of the said Drax Hall to its intersection with the coastline; thence due north to a point in the Caribbean Sea 400 yards from the coastline; thence on a line generally south-easterly, and maintaining a distance of 400 yards from the coastline to a point due north of Mile Post 23; thence due south to Mile Post 23; thence continuing due south to intersect the southern boundary of the aforementioned main road; thence generally westerly, north-westerly and again westerly along

the southern boundary of the said main road leading from Ocho Rios to St. Ann's Bay to a point due south of the starting point; thence due north back to the starting point.

Salem/Runaway Bay

Commencing at a point on the southern boundary of the Main Road leading from Discovery Bay to St. Ann's Bay, 3,700 ft. west of mile post 55; thence due north to a point in the Caribbean Sea 400 yards from the coastline; thence generally north-easterly and south-easterly along a line parallel to, and maintaining a distance of 400 yards from the coastline to a point due north of the intersection of the southern boundary of the aforementioned Main Road with the western boundary of the Parochial Road leading from Salisbury to Hampstead; thence southerly along the western boundary of the aforementioned Parochial Road for a distance of 50 yards; thence generally north-westerly and south-westerly along a line parallel to and maintaining a distance of 50 yards from the southern boundary of the aforementioned main road leading from Discovery Bay to St. Ann's Bay to a point due south of the intersection of the northern boundary of the said main road with the eastern boundary of a private road leading to the Silver Spray Cottages, and which is located approximately 400 ft. west of Salem Baptist Church; thence due south for a distance of 100 yards; thence generally south-westerly, north-westerly and westerly along a line parallel to and maintaining a distance of 150 yards from the southern boundary of the last-mentioned main road to a point due south of the starting point; thence due north back to the starting point.

No. 1 - Rio Grande

Starting at the point where the southern boundary of the main road leading from St. Margaret's Bay to Port Antonio intersects the centre-line of the Rio Grande River, thence south-westerly and north-westerly along the southern boundary of the said St. Margaret's Bay to Port Antonio main road for a distance of 1,900 feet; thence due north to a point in the Caribbean Sea 400 yards from the coastline; thence generally easterly, northerly and again easterly along a line parallel to, and maintaining a distance of 400 yards from the coastline to a point due north of the point where the common boundary between Snow Hill and Passley Gardens properties intersects the coastline; thence due south to the last-mentioned point; thence generally southerly along the common boundary between Snow Hill and Passley Gardens to intersect the northern boundary of the aforementioned main road; thence due south to intersect the southern boundary of the aforementioned main road; thence generally westerly, southerly and again westerly along the southern boundary of the said main road leading from Port Antonio to St. Margaret' Bay back to the starting point.

No. 2 - Rio Grande

Starting at a point on the centre-line of the Foxes River 1,000 feet west of the intersection of the centre-line of Foxes River with that of the Rio Grande, thence generally northerly for a distance of 3,200 feet approximately along a line parallel to, and maintaining a distance of 1,000 feet from the centre-line of the Rio Grande to a point with grid reference 728 650 E 455 350 N; thence due east for a distance of 2,000 feet to a point with grid reference 730 650 E, 455 350 N; thence generally southerly, south-westerly, south-easterly and north-easterly for a total distance

of 7,100 feet along a line parallel to, and maintaining a distance of 1,000 feet from the centre-line of the Rio Grande to a point with grid reference 733 170 E, 453 950 N; thence due south for a distance of 2,000 feet to a point with grid reference 733 170 E, 451 950 N; thence generally south-westerly, westerly and north-westerly for a total distance of 7,200 feet approximately along a line parallel to, and maintaining a distance of 1,000 feet from the centre-line of the Rio Grande back to the starting point.

Port Antonio

Commencing at the point where the southern boundary of Boundbrook Crescent meets the western boundary of Rice Piece Road; thence southerly along the western boundary of Rice Piece Road to its intersection with the southern bank of Annotto River; thence generally easterly along the southern bank of Annotto River to a point due north of the north-western corner of premises known as No. 6 Little Annotto Road; thence due south to the last-mentioned corner, thence southerly along the western boundary of the last-mentioned premises and continuing in the same direction to intersect the southern boundary of the last-mentioned road; thence easterly along the southern boundary of Little Annotto Road to its intersection with the western boundary of Halls Avenue; thence south-easterly in a straight line to the southernmost corner of premises known as No. 6 Naylor's Road; thence north-easterly along the southern boundary of the last-mentioned premises to its intersection with the western boundary of the last-mentioned road; thence south-easterly in a straight line across the last-mentioned road to the southernmost corner of premises known as No. 2 West Baptist Avenue; thence north-easterly along the southern boundary of the said premises known as No. 2 West Baptist Road to its intersection with the western boundary of West Baptist Road; thence south-easterly along the western boundary of the last-mentioned road to its intersection with the southern boundary of premises known as No. 4 West Baptist Road; thence north-easterly in a straight line to the southernmost corner of premises known as No. 9 Army Lane; thence north-easterly along the southern boundary of the last-mentioned premises to intersect its eastern boundary; thence south-easterly in a straight line to the north-western corner of premises known as No. 2 Grosett Road; thence generally easterly along the southern boundary of Grosett Road to its intersection with the western boundary of Love Lane; thence north-easterly in a straight line across Love Lane to the north-western corner of premises known as No. 11 Love Lane; thence easterly along the northern boundary of the last-mentioned premises to its intersection with the western boundary of the Old Cemetery lands, thence northerly, easterly and southerly along the western, northern and eastern boundaries of the Old Cemetery lands to its intersection with the northern boundary of premises known as No. 12 Richmond Hill Road; thence north-easterly and south-easterly along the northern and eastern boundaries respectively of the last-mentioned premises to intersect the northern boundary of the last-mentioned road; thence easterly in a straight line to the northernmost corner of premises known as No. 10 Sommers Town Road; thence south-easterly along the northern boundary of the last-mentioned premises to its intersection with the western boundary of the last-mentioned road; thence generally southerly and easterly along the western and southern boundaries respectively of Sommers Town Road to intersect the eastern boundary of premises known as No. 52 Sommers Town Road; thence easterly in a straight line to the southernmost corner of premises known as No. 69 Sommers Town Road; thence north-easterly along the western boundary of the last-mentioned premises to its intersection with the southern boundary of French Avenue; thence generally easterly along the southern boundary of French Avenue to its intersection with the

western boundary of Smatt Road thence southerly along the western boundary of Smatt Road to a point due west of the southernmost corner of Oliver Park lands; thence due east to the last-mentioned corner; thence easterly along the entire length of the southern boundary of the Oliver Park lands and continuing in the same direction to its intersection with the eastern bank of Caneside River; thence generally northerly along the eastern bank of Caneside River to its intersection with the high water mark of the Caribbean Sea; thence due north for a distance of 6,000 feet into the Caribbean Sea; thence due west for a distance of approximately 4,840 feet to a point due north of the point where the western boundary of the main road leading from St. Margaret's Bay to Port Antonio intersects the centre-line of an Earth Drain (this latter point being located at approximate grid reference 736785 E, 465600N); thence due south to the last-mentioned point; thence southerly along the western boundary of the said main road leading from St. Margaret's Bay to Port Antonio to intersect the northern boundary of the Jamaica Railway Corporation's lands; thence southerly in a sleight line back to the starting point

Unity Bay

Starting at a point where the southern boundary of the main road leading from Priestman's River to Port Antonio intersects the eastern boundary of the main road leading from Fairy Hill to Sherwood Forest; thence southerly along the eastern boundary of the last-mentioned main road to a point 400 yards from the southern boundary of the Priestman's River to Port Antonio main road; thence generally north-westerly and south-westerly along a line parallel to, and maintaining a distance of 400 yards from the southern boundary of the last-mentioned main road to a point due south of a point on the southern boundary of the last-mentioned main road at the entrance road to the San San Police Station; thence due north to the last-mentioned point; thence continuing due north to a point in the Caribbean Sea 400 yards from the coastline; thence generally easterly along a line parallel to, and maintaining a distance of 400 yards from the coastline to a point due north of the starting point; thence due south back to the starting point.

Boston Beach

Starting at a point on the southern boundary of the main road leading from Port Antonio to Priestman's River 750 feet east of the point where the eastern boundary of Fairy Hill property meets the southern boundary of the said main road aforementioned; thence due east to a point in the Caribbean Sea 400 yards from the coastline, thence generally south-easterly along a line parallel to, and maintaining a distance of 400 yards from the coastline to a point due north of a point on the southern boundary of the aforementioned main road 3,000 feet east of its intersection with the parochial road leading to Friendship; thence generally north-westerly along the southern boundary and then the western boundary of the said main road leading from Priestman's River to Port Antonio back to the starting point.

SECOND SCHEDULE (Regulation 4 (2))

The Agricultural Produce Act
The Licences on Trades and Business Act
The Parochial Markets Law

The Spirit Licence Act
The Tourist (Duty- Free) Shopping System Act

THE TOURIST BOARD (LICENSING OF RESORT COTTAGE) (SPECIFIED DATE) NOTICE, 1985

(Made by the Minister on the 13th day of December, 1985.)

1. This Notice may be cited as the Tourist Board (Licensing of Resort Cottage) (Specified Date) Notice, 1985.
2. The 2nd day of January, 1986, is hereby specified as the date from and after which no person shall operate a resort cottage unless there is in force in respect of such resort cottage a licence granted under the Act.

THE TOURIST BOARD (LICENSING OF TOURIST ACCOMMODATION) (PRESCRIBED DATE) NOTICE, 1985

(Made by the Minister on the 13th day of December, 1985.)

1. This Notice may be cited as the Tourist Board (Licensing of Tourist Accommodation) (Prescribed Date) Notice, 1985.
2. The 2nd day of January, 1986, is hereby prescribed as the date from and after which no person shall operate a tourist accommodation (not being a hotel or resort cottage) unless there is in force in respect of such accommodation a licence granted under the Act.

THE TOURIST BOARD (LICENSING OF TOURISM ENTERPRISE) PRESCRIBED DATE) NOTICE, 1985

(Made by the Minister on the 13th day of December, 1985.)

1. This Notice may be cited as the Tourist Board (Licensing of Tourism Enterprise) (Prescribed Date) Notice, 1985.
2. The 2nd day of January, 1986, is hereby prescribed as the date from and after which no person shall operate or maintain any tourism enterprise unless such person is the holder of a licence granted under section 23B of the Act.