

CHAPTER 66 - HOTELS AND TOURISM BOARD
A LAW TO MAKE PROVISION FOR THE ESTABLISHMENT OF THE STATE HOTELS
AND TOURISM BOARD

[1 February 1980]

PART I—PRELIMINARY

- 1.** This Law may be cited as the State Hotels and Tourism Board Law.
- 2.** In this Law, unless the context otherwise requires:-
 - "the Board" means the State Hotels and Tourism Board established under section 3 of this Law;
 - "the Commissioner" means the Commissioner for the time being charged with the responsibility of parastatals in the State;
 - "the Director of Audit" means the Director of Audit of the Gongola State of Nigeria;
 - "the Government" means the Government of the State;
 - "member" means a member of the Board and includes the Chairman;
 - "the Governor" means the Governor of the State;
 - "the State" means the Gongola State of Nigeria.

PART II—ESTABLISHMENT CONSTITUTION AND FUNCTIONS OF THE BOARD

- 3.** There is hereby established a body called the State Hotels and Tourism Board which shall be a body corporate with perpetual succession and a common seal, and which shall have power to sue and be sued in its corporate name.
- 4.**—(1) The Board shall consist of a Chairman and not more than seven other members who shall be appointed by the Governor.
(2) One representative each from State Ministries of Justice and Finance shall attend the meeting of the Board in an advisory capacity only and will have no right of casting a vote.
(3) The Governor shall decide whether the Chairman's appointment is on full time basis or part time.
- 5.** The Governor may direct that whereas upon any occasion the advice of any person is necessary on any particular matter, the Board may co-opt such person to be a member for such meeting as may be required and such person whilst so co-opted shall have all the rights and privileges of a member except the right to vote on any question.
- 6.** The Chairman and every member of the Board shall hold office for a period of four years and shall be eligible for re-appointment.
- 7.** A member may resign his office by notice in writing to the Governor and notwithstanding the provision of Section 4(1) above the Governor may, also by notice, terminate the appointment of any member and in particular for the following reasons:-
 - (a) if the Governor is satisfied that such a member:-
 - (i) has absented himself from three consecutive meetings of the Board in respect of each of which he did not obtain the prior consent of the Commissioner;
 - (ii) has become bankrupt or made an arrangement with creditors with intention to deceive;
 - (iii) has been convicted of an offence involving or necessarily implying fraud or dishonesty and

has undergone a sentence of imprisonment or fine therefrom;
(iv) is incapacitated by physical or mental illness from performing his functions as a member;
(v) has such financial or interest in the operations of the Board or otherwise as in the opinion of the Governor is likely to affect prejudicially the discharge by him of his functions as a member;
or
(vi) is otherwise unable or unfit to discharge the functions of a member.

8.—(1) No act or proceedings of the Board shall be questioned on account of any vacancy among its members or on account of the appointment of any member having been defective.

(2) Where any member of the Board is temporarily incapacitated by illness from performing the functions of his office or is temporarily absent from Nigeria, the Governor may appoint any person to hold temporarily the office held by such incapacitated or absent member during the period of such incapacitation or absence and all the functions of a member under this law shall devolve upon the person so temporarily appointed.

(3) For the avoidance of any doubt, a "member" under this Section includes the Chairman of the Board.

9. There shall be paid out of the funds of the Board to each member not being an officer in the Civil Service of the State, such remuneration as the Governor may determine.

10. A member shall not be personally liable for any act or default of the Board so long as such act or default is in the lawful course of the operations.

11. The Board with approval of the Governor shall appoint an Operation Manager who shall be charged with the responsibility of overseeing the operation of Hotels and the promotion of Tourism and shall be responsible to the Chairman.

12. The Governor shall appoint by name or office a Secretary to the Board who shall, subject to the provisions of this Law perform such functions and duties as the Board may from time to time direct or which are placed upon him under the provisions of this Law or any other written law.

13. The Board shall, subject to any general direction of the Governor have power to exercise disciplinary control over the and Chairman or the Secretary and to determine his terms and Secretary conditions of service.

14. The Board shall have power to appoint and exercise disciplinary control over such other officers and employees of the Board as it may consider necessary for the proper efficient conduct of its business upon such terms and conditions as to remunerations or otherwise as it may determine.

15. The Board may perform any of its functions through or by any of its officers, servants or agents duly authorised in that behalf.

16. The Board may with the approval of the Governor:-

- (a) grant pensions, gratuities or retiring allowances to any officer or employee and may require officers or employees to contribute to any pension or contributory scheme;
- (b) grant loans to officers and employees for such purpose as the Board may approve;
- (c) make rules and regulations with respect to the appointments, promotion, transfer, dismissal, exercise of disciplinary control and payment of retiring benefits to its staff.

17. The Board may establish one or more Committees with such membership and on such terms

as the Board thinks fit to advise the Board on any matter falling within the functions and powers of the Board.

18. The Governor after consultation with the Commissioner, may give the Board such general or specific directives as to the discharge of the Board of its functions under this Law as appear to the Governor to be necessary to ensure conformity by the Board with economic policy of the Government and the Board shall give effect to such direction.

19. It shall be the function of the Board subject to the provisions of this Law:-

- (a) to lay down policies for the effective control and management of all government owned Hotels and Catering Rest Houses;
- (b) to build Hotel and Catering Rest Houses;
- (c) to provide, maintain and manage all services in connection with the operation of such Hotels and Catering Rest Houses;
- (d) to encourage the development and improvement of tourist amenities and facilities in the State;
- (e) to provide advisory and information services;
- (f) to promote and undertake research in the field of tourism;
- (g) to grade or classify hotels in such manner as may be prescribed;
- (h) to assist in the development of:-
 - (i) museums and historic sites;
 - (ii) parks;
 - (iii) game reserves;
 - (iv) beaches;
 - (v) natural beauty spots;
 - (vi) holiday resorts;
 - (vii) souvenir industries;
 - (viii) picnic grounds and camping sites; and
 - (ix) fishing festival villages.
- (i) to advise the appropriate authorities on way of improving facilities for tourists;
- (j) to publicise tourism; and
- (k) to do all such things incidental to these functions which, in its opinion are calculated to facilitate the carrying on of the duties of the Board under this Law.

20.—(1) Subject to the provisions of this Law, the Board shall, of for the purposes of carrying on these functions have powers to execute all activities which are necessary, advantageous or expedient.

(2) Without prejudice to the generality of subsection (1) the powers of the Board shall include powers to:-

- (a) enter into and carry out any agreement with any person or organisation for the development, supervision, maintenance, management or operation of the services of all or any of the Board's Hotels, Catering Rest Houses and tourist facilities;
- (b) provide for the imposition and fixing of charges for hotel, tourist facilities and other charges in respect of any service rendered by the Board;
- (c) make, draw, accept or endorse any negotiable instrument;
- (d) borrow, with the consent of the Commissioner, whether by way of mortgage or otherwise and on such terms and conditions as the Board may determine, such sums of money as may be required in the exercise of the functions conferred on the Board by this

Law or any other written Law provided, a person or organisation lending money to the Board shall not be bound to enquire whether the borrowing of the money is within the power of the Board;

(e) invest moneys standing to its credit and not for the time being required for the purposes of its functions, in securities approved either generally or specifically, by the Commissioner and may from time to time vary or sell such investments;

(f) acquire, purchase, hold, lease, mortgage, sell and dispose of property both movable and immovable.

(3) The Governor may, by order published in the Gazette confer additional powers on the Board for the purpose of carrying out the provisions of this Law.

PART III—FINANCIAL PROVISIONS

21. The funds and resources of the Board shall consist of:-

(a) income derived from the operation and management of all Hotels, Catering Rest Houses and other tourist facilities under the management of the Board;

(b) sums as may be lent or granted to the Board by:-

(i) The Government;

(ii) any Local Government;

(iii) the Federal Government of Nigeria; or

(iv) any person.

(c) all property and investments acquired by, or vested in the Board, including all moneys paid in respect of the purchase of stock of the Board, and all moneys earned or arising therefrom;

(d) all sums received by, or falling due to the Board in respect of the repayment of any loan made by the Board or the interest payable in respect of any such loan;

(e) 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 its powers and duties.

22.—(1) All sums received by the Board shall be credited to the funds of the Board

(2) The Board may apply funds at its disposal to its own expenses including but not restricted to the following:-

(a) the remuneration and expenses of its members;

(b) the salaries, allowances, pensions, gratuities and retiring benefit of its staff and servants;

(c) the payment of suppliers, consultants or other persons or organisations supplying goods or rendering services to the Board;

(d) payment for assets purchased by the Board;

(e) any other payment deemed necessary by the Board for the carrying out of the provisions of this Law.

23. All Hotels, Catering Rest Houses and other tourist facilities which are used or have been constructed by or on behalf of the Government and are the property thereof immediately before the commencement of this Law, shall vest in the Board by virtue this Law, and without further assurances, and such vesting shall extend to the whole of the Hotels, Catering Rest Houses and other tourist facilities including all lands, works, and other property, assets, powers, rights and privileges appertaining thereto or held or enjoyed in connection therewith.

24. All liabilities and obligations of the Government in respect of any transferred Hotel, Catering Rest House or other tourist facilities falling due or to be discharged on or after the commencement of this Law shall become the liabilities and obligations of the Board.

25.—(1) Every deed, bond, agreement, instrument and working arrangement to which the Government was a party for the construction or otherwise or intended construction of any transferred Hotel, Catering Rest House or other tourist facilities shall, subject to the provisions of this section, and unless the circumstances otherwise require, have effect as from the commencement of this Law as if:-

(a) the Board had been a party thereto;

(b) for any reference to the Government therein there were substituted as respects anything falling to be done on or after the commencement of this Law, a reference to the Board.

(2) Where, by the operation of the provisions of sections 23, 24 and subsection (1) of this section, rights and privileges, are vested in the Board, the Board and all other persons shall, as from the commencement of this Law, have the same rights, powers and remedies (and in particular the same rights and powers as to the taking and resisting of legal proceedings) for ascertaining, perfecting, protecting or enforcing as the circumstances may require, such Hotels, Catering Rest Houses, tourist facilities, lands, works or other properties, assets, powers, rights or privileges of the Board, and any legal proceedings by or against the Government pending on the commencement of this Law in respect of the same shall be continued by, or against the Board.

26.—(1) All persons employed by the Government for the proper operation of any of its Hotels, Catering Rest Houses and other tourist facilities immediately before the commencement of this Law shall on the commencement thereof, become employees of the Board.

(2) The Board may dispense with the services of any such persons whom it considers unsuitable for employment by the Board.

PART IV—ACCOUNTS, AUDIT AND ANNUAL REPORT

27. —(1) The Board shall keep all the usual accounts in relation to its business including an income and expenditure account and balance sheet.

(2) The accounts of the Board for each year shall be audited within ninety days, or such longer period as Commissioner may in any particular case allow, after the end of each financial year.

(3) The accounts shall be the subject of a report by duly qualified auditors appointed annually by the Board with the approval of the Commissioner after consultation with the Director of Audit.

(4) Notwithstanding the provisions of subsection 2 of this section, the Director of Audit of the State shall have the right to audit the accounts of the Board at such times he deems fit.

(5) Any fees and expenses of such auditors shall be payable by the Board.

(6) On completion of the audit report referred to in subsection (3) a copy of the report, income and expenditure account and the balance sheet shall be forwarded to the Commissioner by the Board together with a certified copy of the audited accounts.

(7) The Board shall submit the Commissioner not later than two months before the beginning of each financial year, estimates of its expenditure and income for the forthcoming financial year.

28. —(1) Not later than four months after the end of each financial year, the Board shall forward to the Commissioner a full report on the performance of the Board for that proceeding year and such report to be forwarded to the Director of Audit.

(2) The Director of Audit shall lay a copy of every such annual report together with the audit report and audit accounts before the Governor.

29. The Board may, with the approval of the Governor write off bad debts.

PART IV—MISCELLANEOUS

30.—(1) Any contract or instrument which if entered into or executed by a person not being a body corporate would not require to be under seal may be entered into or executed on behalf of the Board by the Chairman or by any person generally or specifically authorised by the Board for that purpose.

(2) Any document purporting to be a document duly executed or issued under the seal of the Board or on behalf of the Board shall, unless the contrary is proved, be deemed to be a document so executed or issued as the case may be.

31. Service upon the Board of any notice, order or other document may be effected by delivering it or sending it by registered post addressed to the Secretary of the Board at its head office.

32.—(1) No suit shall be commenced against the Board until one month at least after written notice to commence the same shall have been served upon the Board by the intending plaintiff or his agent.

(2) A notice under subsection (1) of this section shall state the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims.

33.—(1) Subject to the provisions of this Law, the Board may, with the approval of the Governor make regulations generally for the purpose of carrying into effect the provisions of this Law.

(2) Without prejudice to the provisions of subsection (1) of this section regulations made by the Board may provide for:-

(a) the registration by the Board of any class of hotels and other similar establishments in the State at which sleeping accommodation is provided by way of trade or business;

(b) the classification or grading of hotels, restaurants and night clubs and prescribing standards for their upkeep;

(c) hotels and other similar establishments to display information with respect to prices charged.

34. —(1) The Board shall hold such and so many meetings as may be necessary for the due fulfilment of its functions so, however, that it shall hold at least four meetings in every year.

(2) At a meeting of the Board:-

(a) the Chairman shall if present preside;

(b) if and so long as the Chairman is not present or if the office of the Chairman is vacant, the members of the Board who are present shall choose one of their number to preside.

(3) Every question at a meeting of the Board shall be determined by a majority of the votes of the members present and voting and in the case of any equal division of votes, the member presiding shall have a second or casting vote.

(4) The Board may act notwithstanding one or more vacancies among its members.

35. Any three members of the Board may, by notice in writing signed by them, request the Chairman to call a special meeting of the Board for the purposes set out in such notice and the Chairman shall thereupon call a special meeting.

36. Five members present at a meeting of the Board shall form a quorum.

37. —(1) Subject to the provisions of this Law, the Board may regulate its own proceedings and may make standing orders for that purpose.

(2) The common seal of the Board shall be authenticated by the signature of the Chairman or some other member authorised by the Board to act in that behalf and the signature of the Secretary of the Board.

(3) Judicial notice shall be taken of the common seal of the Board and every document purporting to be an instrument made by the Board and to be sealed with the common seal of the Board shall be received in evidence and deemed to be such instrument without further proof unless the contrary is shown.

