

CHAPTER 224

CEYLON TOURIST BOARD

Alts AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A PUBLIC AUTHORITY KNOWN AS THE
 Nos. 10 of 1966, CEYLON TOURIST BOARD FOR THE ENCOURAGEMENT, PROMOTION AND
 14 of 1968 DEVELOPMENT OF TOURIST TRAVEL TO OR IN OR FROM SRI LANKA, AND OF
 ADFQL'ATF. EFFICIENT AND ATTRACTIVE TOURIST SERVICES, AND FOR MATTERS
 CONNEDIED IHEREWITH OR INCIDENTAL THERETO.

[1st May. 1966.]

Short title. **1.** This Act may be cited as the Ceylon Tourist Board Act. **6.** (1) The Board shall consist of seven members appointed by the Minister— Constitution of the Board

PART I

CEYLON TOURIST BOARD

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

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

The objects of the Board. **4.** The objects of the Board shall be—
 (a) the encouragement, promotion and development of tourist travel;
 (b) the encouragement, promotion and development of adequate, efficient and attractive tourist services; and
 (c) the doing of all such acts or things as may be necessary for, or conducive to, the attainment of the objects specified in paragraphs (a) and (b) of this section.

The manner in which objects of the board are to be attained. **5.** For the purpose of the attainment of its objects, the Board may exercise, discharge and perform the powers, functions and duties conferred or imposed on the Board by or under this Act or any other written law.

- (a) one of whom shall be a public officer nominated, by name or by office, by the Minister in charge of the subject of Finance ; and
- (b) another of whom shall be a public officer nominated, by name or by office, by the Minister to whom the subject or function of Local Government is assigned by the President; and
- (c) the other five of whom shall be persons so appointed by the Minister.

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

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

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

(4) Any person who is appointed by the Minister, or whom the Minister proposes to appoint, as a member of the Board shall,

whenever requested so to do, furnish to the Minister such information as the Minister considers necessary for ensuring compliance with the provisions of subsection (3) (b).

(5) A member of the Board who is in any way, directly or indirectly, interested in any contract made or proposed to be made by the Board shall disclose the nature of his interest at a meeting of the Board, and such disclosure shall be recorded in the minutes of the Board, and the member shall not take part in any deliberation or decision of the Board with regard to that contract.

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

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

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

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

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

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

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

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

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

Remuneration of members of the Board.

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

The Chairman of the Board.

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

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

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

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

10. The Chairman of the Board shall preside at all meetings of the Board. In the absence of the Chairman from any meeting

Presidency at meetings

Application of the seal of the Board.

of the Board, the members present shall elect one of their number to preside at the meeting.

Meetings of the Board,

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

Head office of the Board.

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

Branches and agencies.

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

Minister's directions to the Board.

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

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

Members of the Board deemed to be public servants.

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

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

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

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

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

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

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

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

PART II

STAFF AND DEPARTMENTS OF THE BOARD

Staff of the Board.

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

- (a) a Director-General of Tourism; and
- (b) such other officers and servants as the Board may deem necessary for the proper and efficient conduct of the business of the Board.

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

- (a) may appoint, dismiss, and exercise disciplinary control over, the staff of the Board;
- (b) may fix the wages or salary or other remuneration of such staff;

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

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

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

* Repealed by Law No. 19 of 1978.

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

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

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

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

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

PART III

FINANCE AND ACCOUNTS

The Fund of the Board.

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

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

- (a) all such sums of money as may be voted by Parliament for the use of the Board;
- (b) all sums of money received by the Board in the carrying on of its business or in the exercise, discharge and performance of its powers, functions and duties under this Act or any other written law; and

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

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

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

Accounts of the Board and financial year.

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

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

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

22. (1) The accounts of the Board shall be audited annually by a qualified auditor (hereinafter referred to as "the auditor") appointed by the Minister on the advice of the Auditor-General. The auditor shall receive such remuneration from the Fund of the Board as the Minister may determine with the concurrence of the Minister in charge of the subject of Finance.

Audit of accounts of the Board. [§106, 14 of 1968.]

(2) The Auditor-General shall have the power—

- (a) to direct the manner in which the Board's accounts shall be audited by the auditor and to give the auditor instructions in regard to any matter relating to the performance of his functions as the auditor;
- (b) to conduct a supplementary or additional audit of the Board's accounts by such person or persons as the Auditor-General may authorize in that behalf, and for the purpose of such audit, to require

information or additional information to be furnished to any person so authorized, on such matters, by such person or persons, and in such form, as the Auditor-General may, by special order, direct.

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

- (a) an individual who, being a member of the Institute of Chartered Accountants of Sri Lanka, or of any other Institute established by law, possesses a certificate to practise as an Accountant issued by the Council of such Institute; or
- (b) a firm of Accountants each of the resident partners of which, being a member of the Institute of Chartered Accountants of Sri Lanka or of any other Institute established by law, possesses a certificate to practise as an Accountant issued by the Council of such Institute.

Auditor's report, [§106, 14 of 1968.]

23. (1) The auditor shall examine the accounts of the Board and furnish a report stating—

- (a) whether he has or has not obtained all the information and explanations required by him;
- (b) whether the balance sheet and accounts referred to in the report are properly drawn up so as to exhibit a true and fair view of the affairs of the Board.

(2) The auditor shall submit a copy of his audit report to the Auditor-General who shall have the right to comment upon, or supplement, the auditor's report in such manner as the Auditor-General may think fit.

(3) The Auditor-General shall transmit the audit report, together with his comments upon, or supplement to, such report to the Board.

23A. The Auditor-General and the auditor shall have access to all such books, deeds, contracts, accounts, vouchers and other documents of the Board as the Auditor-General may consider necessary for the purpose of the audit and shall be furnished by the members or officers of the Board with such information within their knowledge as may be required for such purpose.

Powers of the Auditor-General and the auditor. [§106, 14 of 1968.]

24. The Board shall, on the receipt of the auditor's report each year, transmit such report together with the profit and loss account and the balance sheet to which the report relates, together with the Auditor-General's comments (if any) upon, and his supplements (if any) to, the auditor's report, and a statement by the Board of its activities during the financial year to which such report relates, to the Minister who shall cause copies thereof to be laid before Parliament before the end of the year next following the year to which such report and accounts relate.

Annual accounts with the auditor's report and a report of the annual activities of the Board to be transmitted to the Minister. [§106, 14 of 1968.]

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

Exemptions from customs duty.

25A. Notwithstanding anything in any other written law, the Board shall be exempt from the payment of income tax upon the profits and income of the Board.

Exemption from income tax. [§106, 14 of 1968.]

PART IV

SPECIAL POWERS AND DUTIES OF THE BOARD

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

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

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

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

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

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

(2) Financial assistance may be given by the Board, with the prior approval of the

Minister, by way of grant, loan or otherwise and subject to such terms or conditions as may be determined by the Board.

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

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

(2) A tourist scheme prepared by the Board under this Act may contain all such provisions as may be necessary for, or

conducive to, the attainment of the objects of the Board in regard to the matters to which such scheme relates.

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

Power of the Board to make Orders.

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

- (a) all matters necessary for, or incidental to, or connected with, the introduction, operation and enforcement of schemes for the regulation and control of the rates of fees or charges that may be levied and recovered in respect of tourist services generally, or tourist services of any class or description, or particular tourist services of any class or description;
- (b) all matters necessary for, or incidental to, or connected with, the introduction, operation and enforcement of schemes for the registration of tourist services generally, or tourist services of any class or description, so long as such services are established, maintained and operated in conformity or compliance with the minimum standards or provisions specified or contained in the Order for the purpose of ensuring that any such services are adequate, efficient and attractive, and in particular, but without prejudice to the generality of the preceding provisions of this paragraph, the circumstances in which such registration may be granted or refused, or suspended or cancelled ; or
- (c) all matters necessary for, or incidental to, or connected with, the introduction, operation and enforcement of schemes for the registration by the Board of persons who are fit and suitable for employment in tourist services generally, or tourist services of any

class or description, by reason of the fact that they have had such training, or possess such qualifications, or are not subject to such disabilities or disqualifications as may be specified in the Order with a view to ensuring that the persons so employed in any such services shall be fit and suitable for such employment, and in particular, but without prejudice to the generality of the preceding provisions of this paragraph, the circumstances in which such registration may be granted or refused, or suspended or cancelled.

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

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

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

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

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

PART V

GENERAL POWERS OF THE BOARD

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

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

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

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

- (a) to provide welfare and recreational facilities, houses, hostels and other like accommodation for the members of the staff of the Board ;
- (b) to do anything for the purpose of advancing the skill of members of the staff of the Board or the efficiency of the equipment of the Board or the manner in which that equipment is operated, including the provision by the Board, and the assistance of the provision by others, of facilities for training persons required to carry out the work of the Board ;
- (c) to construct, manufacture, purchase, maintain and repair anything required for the purpose of the business of the Board;
- (d) to delegate to any member of the staff of the Board, or to any member of the Board, any such power, function or duty of the Board as the Board may consider necessary so to delegate for the efficient transaction of business;
- (e) to make rules in respect of the administration of the affairs of the Board; and
- (f) to do all such other acts or things which, in the opinion of the Board, are necessary to facilitate the proper carrying on of its business.

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

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

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

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

Power of the Board to compound claims.

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

Powers to borrow.

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

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

35. (1) The Board may.—

Compounding of offences.

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

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

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

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

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

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

PART VI

GENERAL

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

36. (I) No suit or prosecution shall lie

(a) against the Board for any act which in good faith is done or purports to be done by the Board under this Act, or any Order made thereunder,

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

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

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

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

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

Effect of certain documents.

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

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

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

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

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

Returns and information.

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

Powers of entry, &c.

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

Service of notices, &c.

(a) by delivering it to that person ; or

(b) by leaving it at the usual or last known place of abode of that person, or, in the case of a body corporate, at the office of that body; or

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

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

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

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

Contracts.

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

(a) a contract which if made between private persons would be by law required to be in writing, may be made on behalf of the Board in writing under the common seal of the Board ;

(b) a contract which if made between private persons is by law required to be in writing, signed by the parties to be charged therewith, may be made on behalf of the Board in writing signed by any person or persons duly authorized thereto as hereinafter provided; and

(c) a contract which if made between private persons would by law be valid although made by parol only and not reduced into writing, may be made by parol on behalf of the Board by any person or persons duly authorized thereto as hereinafter provided.

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

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

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

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

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

(b) shall do any act or thing.

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

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

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

(b) do any act or thing,

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

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

Power to make rules-

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

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

Power of Minister to make Orders.

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

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

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

(5) Any Order made under subsection (2) shall have effect notwithstanding anything in the Reshouses Act or any Order made thereunder.

Offences.

49. (1) Every person who—

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

shall be guilty of an offence.

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

Penalties for offences.

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

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

No proceedings except with written sanction of the Board.

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

Offences by bodies of persons.

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

(b) if that body of persons is a firm, every partner of that firm,

shall be deemed to be guilty of that offence :

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

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

Repeal of Guides Ordinance.

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

Interpretation,

" Fund " means the Fund of the Board ;

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

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

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

" resthouse " means a public resthouse, and includes any premises appertaining to any resthouse, and

* See List of enactments omitted from the Revised Edition.

any *ambalama*, *maddum* or other public buildings for the shelter of travellers;

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

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

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

"tourist travel" means tourist travel to, in or from. Sri Lanka.