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for the Development of Tourism Act 1969. (See end of Document for details)*

SCHEDULES

SCHEDULE 1

Section 1.

THE TOURIST BOARDS

Incorporation and status

- 1 Each of the Tourist Boards (in this Schedule referred to as “the Board”) shall be a body corporate having perpetual succession and a common seal.
- 2 The Board shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown or as exempt from any tax, duty, levy or other charge whatsoever, and its property shall not be regarded as the property of, or property held on behalf of, the Crown.

Membership

- 3 A member of the Board shall hold and vacate his office in accordance with the terms of his appointment.
- 4 Any member of the Board may at any time by notice in writing to the relevant Minister resign his office.
- 5 (1) If the relevant Minister is satisfied that a member of the Board—
 - (a) has been absent from meetings of the Board for a period longer than three consecutive months without the permission of the Board; or
 - (b) has become bankrupt or made an arrangement with his creditors; or
 - [^{F1}(ba) has had a debt relief order made in respect of him (under Part 7A of the Insolvency Act 1986); or]
 - (c) is incapacitated by physical or mental illness; or
 - (d) is otherwise unable or unfit to discharge the functions of a member,the relevant Minister may declare his office as a member of the Board to be vacant and shall notify the fact in such manner as he thinks fit; and thereupon the office shall become vacant.
- (2) In the application of this paragraph to Scotland, for the references in the last foregoing sub-paragraph to a member’s having become bankrupt and to a member’s having made an arrangement with his creditors there shall be substituted respectively references to sequestration of a member’s estate having been awarded and to a member’s having made a trust deed for behoof of his creditors or a composition contract.
- [^{F2}(3) In this paragraph, references to a member of the Board do not, in so far as sub-paragraph (1)(ba) applies, include persons who are members of VisitScotland.]

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Textual Amendments

- F1** Sch. 1 para. 5(1)(ba) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 4(2)** (with art. 5)
- F2** Sch. 1 para. 5(3) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 4(3)** (with art. 5)

Remuneration

- 6 The Board shall pay to its members such salaries, fees or allowances as the relevant Minister may determine.
- 7 The Board shall, as regards any members in whose case the relevant Minister may so determine, make provision for, or pay to or in respect of them, such pensions or gratuities as may be so determined.
- 8 If a person ceases to be a member of the Board and it appears to the relevant Minister that there are special circumstances which make it right that that person should receive compensation, the Minister may require the Board to pay to that person a sum of such amount as the Minister may determine.
- 9 The relevant Minister shall, as soon as possible after the first appointment of any person as a member of the Board, lay before each House of Parliament a statement of the sums that are or will be payable to or in respect of that member under paragraph 6 of this Schedule; and if any subsequent determination by the relevant Minister under that paragraph involves a departure from the terms of that statement, or if the relevant Minister makes a determination under paragraph 7 or 8 of this Schedule, he shall, as soon as possible after the determination, lay a statement before each House of Parliament of the sums that are or will be payable in consequence of that determination.

Staff

- 10 The Board may appoint such officers and servants as it may, with the consent of the relevant Minister as to numbers and remuneration, determine.
- 11 The Board shall, in the case of such of its officers and servants as the relevant Minister may determine, pay such pensions or gratuities to or in respect of them as may be so determined, make such payments towards the provision of such pensions or gratuities as may be so determined or provide and maintain such schemes (whether contributory or not) for the payment of such pensions or gratuities as may be so determined.

Proceedings

- 12 The validity of any proceedings of the Board shall not be affected by any vacancy among the members or by any defect in the appointment of any member.
- 13 The quorum of the Board and the arrangements relating to meetings of the Board shall be such as the Board may determine.
- 14 A member of the Board who is in any way directly or indirectly interested in a transaction or project of the Board shall disclose the nature of his interest at a meeting of the Board; and the disclosure shall be recorded in the minutes of the

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Board, and the member shall not take any part in any deliberation or decision of the Board with respect to that transaction or project.

- 15 The fixing of the seal of the Board shall be authenticated by the signature of the secretary of the Board or of some other person authorised either generally or specially by the Board to act for that purpose.
- 16 Any document purporting to be a document duly executed under the seal of the Board shall be received in evidence and shall, unless the contrary is proved, be deemed to be a document so executed.

Requirement of approval of Minister for the Civil Service

- 17 The approval of [^{F3}the Treasury] shall be required for the making by the relevant Minister of any determination under paragraph 6, 7, 8 or 11 of this Schedule, for the imposition by him of any requirement under the said paragraph 8 and for the giving by him of any consent under paragraph 10 of this Schedule.

Textual Amendments

F3 Words substituted by virtue of S.I. 1981/1670, arts. 2, 3(5)

Modifications etc. (not altering text)

C1 Sch. 1 para. 17: certain functions continued (1.7.1999) by S.I. 1999/672, art. 2, Sch. 1

Interpretation

- 18 In paragraphs 3 to 9 of this Schedule, references to a member of the Board do not include, in the case of the British Tourist Authority, references to persons who are members thereof by virtue of section 1(2)(b) of this Act.

SCHEDULE 2

Sections 3, 4 and 12.

ENFORCEMENT OF CONDITIONS OF GRANT

Power to call for information

- 1 (1) A Tourist Board may by notice require any person who has received a grant from the Board under this Act, and any person acting on his behalf, to furnish to the Board such information, or to produce for examination on behalf of the Board such books, records or other documents, as may be specified in the notice for the purpose of enabling the Board to determine whether any condition subject to which the grant was made is satisfied or is being complied with or whether the grant has become repayable in whole or in part in accordance with any such condition.
- [^{F4}(1A) Sub-paragraph (1) applies in relation to the National Assembly for Wales and any person who has received a grant from the Assembly (and any person acting on that person's behalf) as it applies in relation to a Tourist Board and the corresponding persons.]

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- (2) A notice under this paragraph may require the information to which it relates to be furnished within such time as may be specified in the notice, and may require the documents to which it relates to be produced at such time and place as may be so specified:
Provided that the time specified in such a notice for furnishing any information or producing any document shall not be earlier than the end of the period of twenty-eight days beginning with the service of the notice.
- (3) A notice under this paragraph may be served—
- (a) by delivering it to the person on whom it is to be served;
 - (b) by leaving it at the usual or last known place of abode of that person;
 - (c) by sending it in a prepaid registered letter, or by the recorded delivery service, addressed to that person at his usual or last known place of abode; or
 - (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office, or sending it in a prepaid registered letter, or by the recorded delivery service, addressed to the secretary or clerk of the company or body at that office.
- (4) Any person who without reasonable excuse fails to comply with a notice under this paragraph shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F5}£100][^{F5}level 5 on the standard scale] or, on a second or subsequent conviction, [^{F5}£400][^{F5}level 5 on the standard scale].

Textual Amendments

- F4** Sch. 2 para. 1(1A) added (E.W.) (23.11.2005) by [Wales Tourist Board \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3225\)](#), art. 1(1), **Sch. 1 para. 7(1)** (with art. 3(1))
- F5** “level 5 on the standard scale” substituted (S.) for “£100” and “£400” in each case by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289E–289G**

Modifications etc. (not altering text)

- C2** Para. 1(4): [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 35** (in relation to liability on first and subsequent convictions), 38 (increase of fines) and 46 (substitution of references to levels on the standard scale) apply (E.W.)

Power to enter and inspect premises

- 2 (1) Any person duly authorised in that behalf by a Tourist Board^{F6} or the National Assembly for Wales] may, on production (if so required) of written evidence of his authority, at all reasonable times enter and inspect any premises in relation to which a grant has been made by the Board^{F6} or (as the case may be) the Assembly] under this Act for the purpose of determining whether any condition subject to which the grant was made is satisfied or is being complied with or whether the grant has become repayable in whole or in part in accordance with any such condition.
- (2) Any person who wilfully obstructs any person in the exercise of a right of entry conferred by this paragraph shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F7}level 3 on the standard scale].

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Textual Amendments

- F6** Words in Sch. 2 para. 2(1) inserted (E.W.) (23.11.2005) by Wales Tourist Board (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3225), art. 1(1), **Sch. 1 para. 7(2)** (with art. 3(1))
- F7** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38, 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F, 289G**

Failure to comply with condition requiring notification of event on which grant becomes repayable

- 3 (1) Any person who without reasonable excuse fails to comply with any condition subject to which a grant was made to him under this Act requiring him to inform a Tourist Board^[F8] or the National Assembly for Wales of any event whereby the grant becomes repayable in whole or in part shall be guilty of an offence and liable to a fine which, if imposed on summary conviction, shall not exceed ^[F9]level 5 on the standard scale].
- (2) ^{F10}
- (3) Summary proceedings in Scotland for an offence under this paragraph shall not be commenced after the expiration of three years from the commission of the offence, but subject to the foregoing limitation and notwithstanding anything in ^[F11]section 331 of the ^{M1}Criminal Procedure (Scotland) Act 1975], such proceedings may be commenced at any time within twelve months after the date on which evidence sufficient in the opinion of the Lord Advocate to justify the proceedings comes to his knowledge; and ^[F11]subsection (3) of the said section 331] shall apply for the purposes of this sub-paragraph as it applies for the purposes of that section.
- (4) For the purposes of sub-paragraphs . . . ^{F12} (3) of this paragraph, a certificate of . . . ^{F12} the Lord Advocate, . . . ^{F12}, as to the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence of that fact.

Textual Amendments

- F8** Words in Sch. 2 para. 3(1) inserted (E.W.) (23.11.2005) by Wales Tourist Board (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3225), art. 1(1), **Sch. 1 para. 7(3)** (with art. 3(1))
- F9** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38, 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F, 289G**
- F10** Sch. 2 para. 3(2) repealed by Criminal Law Act 1977 (c. 45), **Sch. 13**
- F11** Words substituted by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21), **s. 460(1)(b)**
- F12** Words repealed by Criminal Law Act 1977 (c. 45), **Sch. 13**

Marginal Citations

- M1** 1975 c. 21.

Offences by bodies corporate

- 4 (1) Where an offence under this Schedule committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any

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neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

- (2) In this paragraph “director”, in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or undertaking or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body.

SCHEDULE 3

F13 . . .

Textual Amendments

F13 Sch. 3 repealed (19.11.1998) by 1998 c. 43, s. 1(1), Sch. 1 Pt. IV Group 3

SCHEDULE 4

Textual Amendments

F14 Sch. 4 repealed (19.11.1998) by 1998 c. 43, s. 1(1), Sch. 1 Pt. IV Group 3

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