



# Development of Tourism Act 1969

## 1969 CHAPTER 51

An Act to provide for the establishment of a British Tourist Authority and Tourist Boards for England, Scotland and Wales with responsibility for promoting the development of tourism to and within Great Britain; to provide for the giving of financial assistance out of public funds for the provision of new hotels and the extension, alteration and improvement of existing hotels; to enable provision to be made for the registration of hotels and other establishments at which sleeping accommodation is provided by way of trade or business and for securing that the prices charged there for such accommodation are brought to the notice of persons seeking to avail themselves of it; and for connected purposes. [25th July 1969]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### PART I

#### THE TOURIST AUTHORITY AND THE TOURIST BOARDS

#### **1 Establishment of British Tourist Authority, Tourist Board, Scottish Tourist Board and Wales Board**

- (1) For the purposes of this Act there shall be established four bodies to be known respectively as the British Tourist Authority, the English Tourist Board, the Scottish Tourist Board and the Wales Tourist Board.
- (2) The British Tourist Authority shall consist of—
  - (a) a chairman and not more than five other members appointed by the Board of Trade; and
  - (b) the chairman of the English Tourist Board, the chairman of the Scottish Tourist Board and the chairman of the Wales Tourist Board.

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- (3) The English Tourist Board shall consist of a chairman and not more than six other members appointed by the Board of Trade, the Scottish Tourist Board shall consist of a chairman and not more than six other members appointed by the Secretary of State for Scotland, and the Wales Tourist Board shall consist of a chairman and not more than six other members appointed by the Secretary of State for Wales.
- (4) In Part III of Schedule 1 to the House of Commons Disqualification Act 1957 (offices the holders of which are disqualified under that Act), in its application to the House of Commons of the Parliament of the United Kingdom, there shall be inserted at the appropriate point in alphabetical order the words " Any member in receipt of remuneration of the British Tourist Authority, the English Tourist Board, the Scottish Tourist Board or the Wales Tourist Board ".
- (5) Schedule 1 to this Act shall have effect in relation to each of the bodies established by this section.
- (6) In this Act " Tourist Board " means any of the bodies established by this section, and " the relevant Minister " means, in relation to the British Tourist Authority and the English Tourist Board, the Board of Trade, in relation to the Scottish Tourist Board, the Secretary of State for Scotland and, in relation to the Wales Tourist Board, the Secretary of State for Wales.

## **2 General functions and powers**

- (1) It shall be the function of the British Tourist Authority—
  - (a) to encourage people to visit Great Britain and people living in Great Britain to take their holidays there; and
  - (b) to encourage the provision and improvement of tourist amenities and facilities in Great Britain ;

and the English Tourist Board, the Scottish Tourist Board and the Wales Tourist Board shall have the like functions as respects England, Scotland and Wales respectively.
- (2) In addition to the specific powers conferred on it by or under the subsequent provisions of this Act but subject to subsections (3) and (4) of this section, each Tourist Board shall have power to do anything for the purpose of discharging the functions conferred on it by this section or which is incidental or conducive to the discharge of those functions and in particular (but without prejudice to the generality of the foregoing provisions) for that purpose—
  - (a) to promote or undertake publicity in any form ;
  - (b) to provide advisory and information services ;
  - (c) to promote or undertake research;
  - (d) to establish committees to advise them in the performance of their functions;
  - (e) to contribute to or reimburse expenditure incurred by any other person or organisation in carrying on any activity which the Board has power to carry on under paragraph (a), (b) or (c) of this subsection.
- (3) Only the British Tourist Authority shall have power by virtue of subsection (2) of this section to carry on any activities outside the United Kingdom for the purpose of encouraging people to visit Great Britain or any part of it but this subsection shall not prevent the other Tourist Boards engaging in such activities on behalf of the Authority.

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- (4) None of the Tourist Boards shall have power, except as provided by sections 3 and 4 of this Act, to give financial assistance for the carrying out of, or itself to carry out, any project for providing or improving tourist amenities and facilities in Great Britain.
- (5) In discharging their functions under this section the English Tourist Board, the Scottish Tourist Board and the Wales Tourist Board shall have regard to the desirability of fostering and, in appropriate cases, co-operating with organisations discharging functions corresponding to those of the Boards in relation to particular areas within the countries for which the Boards are respectively responsible; and, without prejudice to the foregoing provisions of this section, each of those Boards shall have power to provide such organisations with financial or other assistance.
- (6) In discharging its functions under this section each Tourist Board shall have regard to the desirability of undertaking appropriate consultation with the other Tourist Boards and with persons and organisations, including those mentioned in the last foregoing subsection, who have knowledge of, or are interested in, any matters affecting the discharge of those functions.
- (7) A Tourist Board may charge for its services and receive contributions towards its expenses in carrying out any of its functions.
- (8) A Tourist Board shall not borrow money except with the consent of the relevant Minister and the Treasury.
- (9) In this Part of this Act "tourist amenities and facilities" means, in relation to any country, amenities and facilities for visitors to that country and for other people travelling within it on business or pleasure.

### **3 General schemes of assistance for tourist projects**

- (1) The British Tourist Authority may, after consultation with the English Tourist Board, the Scottish Tourist Board and the Wales Tourist Board, prepare schemes providing for the giving of financial assistance by those Boards for the carrying out of projects of such classes as may be specified in the schemes, being projects which in the opinion of the Authority will provide or improve tourist amenities and facilities in Great Britain.
- (2) Any scheme prepared under subsection (1) of this section shall be submitted to the Board of Trade who may, subject to subsection (6) of this section, by order confirm it with or without modification; and if a scheme is so confirmed it shall thereupon have effect.
- (3) A scheme under this section may provide for financial assistance to be given by way of grant or loan or by any combination of those methods.
- (4) In making a grant or loan under any scheme made by virtue of this section a Tourist Board may, subject to the provisions of the scheme and to any directions under section 19 of this Act, impose such terms and conditions as it thinks fit, including conditions for the repayment of a grant in specified circumstances; and Schedule 2 to this Act shall have effect for securing compliance with conditions subject to which any such grant is made.
- (5) A scheme which has effect under this section may be varied or revoked by a subsequent scheme prepared, submitted and confirmed in like manner or, subject to subsection (6) of this section, by an order made by the Board of Trade after consultation with the

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British Tourist Authority, the English Tourist Board, the Scottish Tourist Board and the Wales Tourist Board.

- (6) Any power of the Board of Trade to make orders under this section shall be exercisable by statutory instrument and any order under subsection (2) of this section shall set out the scheme which the order confirms; and no order shall be made under this section except with the consent of the Treasury and unless a draft of it has been laid before Parliament and approved by a resolution of each House.

#### **4 Execution of particular tourist projects**

- (1) A Tourist Board shall have power—
- (a) in accordance with arrangements approved by the relevant Minister and the Treasury, to give financial assistance for the carrying out of any project which in the opinion of the Board will provide or improve tourist amenities and facilities in the country for which the Board is responsible ;
  - (b) with the approval of the relevant Minister and the Treasury, to carry out any such project as aforesaid.
- (2) Financial assistance under subsection (1)(a) of this section may be given by way of grant or loan or, if the project is being or is to be carried out by a company incorporated in Great Britain, by subscribing for or otherwise acquiring shares or stock in the company, or by any combination of those methods.
- (3) In making a grant or loan in accordance with arrangements approved under subsection (1)(a) of this section a Tourist Board may, subject to the arrangements, impose such terms and conditions as it thinks fit, including conditions for the repayment of a grant in specified circumstances; and Schedule 2 to this Act shall have effect for securing compliance with conditions subject to which any such grant is made.
- (4) A Tourist Board shall not dispose of any shares or stock acquired by it by virtue of this section except—
- (a) after consultation with the company in which the shares or stock are held ; and
  - (b) with the approval of the relevant Minister and the Treasury.

#### **5 Miscellaneous duties and powers**

- (1) It shall be the duty of the British Tourist Authority to advise any Minister or public body on such matters relating to tourism in Great Britain as a whole as the Minister or body may refer to it or as the Authority may think fit; and the English Tourist Board, the Scottish Tourist Board and the Wales Tourist Board shall have the like duty as respects matters relating to tourism in England, Scotland and Wales respectively.
- (2) In the last foregoing subsection " public body " includes any local authority or statutory undertaker, and any trustees, commissioners, board or other persons, who, as a public body and not for their own profit, act under any enactment for the improvement of any place or the production or supply of any commodity or service.
- (3) The British Tourist Authority shall have power to carry on, at the request of any corresponding body established under the law of Northern Ireland, any of the Channel Islands or the Isle of Man and on such terms as may be agreed upon between the Authority and that body, activities outside the United Kingdom and those Islands for encouraging people to visit Northern Ireland or those Islands.

- (4) Each Tourist Board shall have power, with the consent of the relevant Minister, to enter into and carry out agreements with the Minister of Overseas Development whereunder the Board acts, at the expense of that Minister, as the instrument by means of which technical assistance is furnished by him in exercise of the power conferred on him by section 1(1) of the Overseas Aid Act 1966.

## **6 Accounts and information**

- (1) Each Tourist Board shall keep proper accounts and other records in relation to the accounts and shall prepare in respect of each of its financial years a statement of account in such form as the relevant Minister may, with the approval of the Treasury, determine.
- (2) The statement of account prepared by each Tourist Board for each financial year shall be submitted to the relevant Minister at such time as he may, with the approval of the Treasury, direct.
- (3) The relevant Minister shall, on or before 30th November in any year, transmit to the Comptroller and Auditor General the statement of account prepared by each Tourist Board under this section for the financial year last ended.
- (4) The Comptroller and Auditor General shall examine and certify each statement of account transmitted to him under this section and lay before Parliament copies of the statement of account together with his report thereon.
- (5) Each Tourist Board shall provide the relevant Minister with such information relating to the activities or proposed activities of the Board as the Minister may from time to time require, and for that purpose shall permit any person authorised in that behalf by the Minister to inspect and make copies of its accounts, books, documents or papers and shall afford to that person such explanation thereof as he may reasonably require.
- (6) Each Tourist Board shall as soon as possible after the end of each financial year make to the relevant Minister a report dealing with the activities of the Board during that year, and the Minister shall lay a copy of the report before each House of Parliament.
- (7) In this section "financial year " means the period beginning with the commencement of this Act and ending with 31st March 1970, and each subsequent period of twelve months ending with 31st March.

## **PART II**

### **FINANCIAL ASSISTANCE FOR HOTEL DEVELOPMENT**

#### *Hotel development grants*

## **7 Grants for provision of new hotels**

- (1) Subject to the provisions of this Act, a person who has incurred eligible expenditure in providing a new hotel in Great Britain shall be entitled to receive from the appropriate Tourist Board, after the completion of the hotel, a grant in respect of the eligible expenditure which he has so incurred.

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- (2) No grant shall be payable under this section unless the appropriate Tourist Board is satisfied that the hotel in question complies, or as from its opening will comply, with the following requirements, that is to say—
- (a) that it has not less than ten (or, if it is in Greater London, twenty-five) letting bedrooms and that the sleeping accommodation offered at the hotel consists wholly or mainly of letting bedrooms ;
  - (b) that breakfast and an evening meal are provided at reasonable times on the premises for persons staying at the hotel;
  - (c) that there is on the premises a lounge (whether a room or part of a room) for the common use at all reasonable times of persons staying at the hotel;
  - (d) that hotel services appropriate to the establishment (but including in every case the cleaning of rooms and making of beds) are provided for persons staying at the hotel;
  - (e) that the accommodation is in a building or buildings of a permanent nature.
- (3) For the purposes of this Part of this Act, a hotel shall be treated as complying with the requirements specified in subsection (2) of this section if it complies with them throughout the period in each year between 1st April and 31st October (or throughout every part of that period for which the premises are open) even though it does not comply with them at other times.
- (4) The expenditure eligible for grant under this section is approved capital expenditure on constructional work and on the purchase and installation of fixed equipment.

## **8 Grants for extension or alteration of existing hotels**

- (1) Subject to the provisions of this Act, a person who has incurred eligible expenditure in extending or altering an existing hotel in Great Britain shall, if the extension or alteration consists of or includes the provision of not less than five additional letting bedrooms, be entitled to receive from the appropriate Tourist Board, after the completion of the extension or alteration, a grant in respect of the eligible expenditure which he has so incurred.
- (2) No grant shall be payable under this section unless the appropriate Tourist Board is satisfied that on the completion of the extension or alteration the hotel in question complies, or as from its opening thereafter will comply, with the requirements specified in section 7(2) of this Act.
- (3) Where the extension or alteration of a hotel includes, but is not confined to, the provision of letting bedrooms and any such bedroom is provided by the alteration (as distinct from the extension) of existing accommodation in the hotel, no grant shall be payable under this section, unless the appropriate Tourist Board in any case otherwise determines, in respect of expenditure which is not attributable to the provision of the bedrooms and any bathroom or bathrooms appearing to the Board to be provided in association with the bedrooms.
- (4) The expenditure eligible for grant under this section is approved capital expenditure on constructional work and on the purchase and installation of fixed equipment.

## **9 Grants for provision of certain fixed equipment**

- (1) Subject to the provisions of this Act, a person who has incurred approved capital expenditure in purchasing and installing in an existing hotel in Great Britain fixed

equipment of a description specified in Schedule 3 to this Act, not being expenditure in respect of which he is entitled to a grant under the foregoing provisions of this Part of this Act, shall be entitled to receive from the appropriate Tourist Board, after the completion of the installation, a grant in respect of the approved capital expenditure which he has so incurred.

- (2) No grant shall be payable under this section unless the appropriate Tourist Board is satisfied that on the completion of the installation of the equipment the hotel in question complies, or as from its opening thereafter will comply, with the requirements specified in section 7(2) of this Act.
- (3) Any grant under this section shall be in respect of the total expenditure eligible for grant under this section which the applicant has incurred in a complete financial year, and no such grant shall be payable to any applicant in respect of any hotel unless the total expenditure eligible for grant under this section which the applicant has incurred in that year in respect of that hotel is £1,000 or more.
- (4) In subsection (3) of this section " financial year " means the period of twelve months ending with 31st March but, in relation to an applicant who so elects, the period beginning with 1st April 1969 and ending with the date of the commencement of this Act shall be treated as if it formed part of the preceding financial year and not of the financial year ending with 31st March 1970.

## **10 Recipient of grant to be occupier or lessor of hotel**

- (1) No grant shall be payable under the foregoing provisions of this Part of this Act to any person who, at the relevant time, is not either—
  - (a) the occupier of the hotel in question, that is to say the person in possession of it; or
  - (b) a lessor of the hotel, that is to say a person who is entitled to an interest in reversion (whether freehold or leasehold) expectant, whether immediately or not, on the termination of a leasehold interest by virtue of which the occupier is in possession.
- (2) Schedule 4 to this Act shall have effect in relation to cases where some or all of the expenditure eligible for a grant under the foregoing provisions of this Part of this Act has been incurred by a predecessor in title of a person who is the occupier or a lessor of the hotel at the relevant time or by a lessor of the hotel who grants a lease for a capital consideration.
- (3) In this section " the relevant time " means—
  - (a) in relation to a grant under section 7 of this Act, the time when the hotel in respect of which the grant is to be made is first opened after completion ;
  - (b) in relation to a grant under section 8 or 9 of this Act, the time when the extension, alteration or installation of equipment, as the case may be, in respect of which the grant is to be made is completed or, if the hotel in question is then closed, when it is first opened thereafter,except that the relevant time shall be the date of the commencement of this Act in any case in which the time mentioned in paragraph (a) or (b) of this subsection falls before that date.
- (4) In the application of this section to Scotland, for paragraph (b) of subsection (1) there shall be substituted the following paragraph:—

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“(b) a lessor of the hotel, that is to say, in a case where the occupier is in possession of the hotel by virtue of a lease, a person holding the interest of landlord under any lease under which the hotel is let.”

## **11 Rates of grant**

- (1) Subject to subsection (2) of this section, the grant payable under section 7 or 8 of this Act in respect of any expenditure shall be of an amount equal to—
  - (a) twenty per cent, of that expenditure; or
  - (b) £1,000 for each letting bedroom in the new hotel or, as the case may be, each additional letting bedroom provided by the alteration or extension of the existing hotel,

whichever is the less; and the grant payable under section 9 of this Act in respect of any expenditure shall be of an amount equal to twenty per cent, of that expenditure.
- (2) In relation to a grant in respect of a new or existing hotel in an area which is a development area—
  - (a) at the time of the making of the contract or contracts under which the expenditure (or the main part of the expenditure) eligible for grant was incurred ; or
  - (b) at the time when the relevant work was begun,

subsection (1) of this section shall have effect with the substitution for the references to twenty per cent, and £1,000 of references to twenty-five per cent, and £1,250 respectively.
- (3) In subsection (2) of this section " development area" means an area specified as such under subsection (2) of section 15 of the Industrial Development Act 1966 and includes any such locality outside that area as is specified in subsection (6) of that section.
- (4) In paragraph (b) of subsection (2) of this section " the relevant work " means work on the site in question for the purpose of providing the new hotel, extending or altering the existing hotel or installing fixed equipment in the existing hotel, as the case may be ; and for the purposes of that paragraph no account shall be taken of work for the purpose of clearing the site or erecting temporary fencing for it.
- (5) Where a grant has been paid under section 7 or 8 of this Act in respect of the provision of a new hotel or the extension or alteration of an existing hotel, no grant shall be payable under section 9 of this Act in respect of the purchase and installation of any equipment if the appropriate Tourist Board considers that the purchase and installation of that equipment ought properly to be regarded as part of the provision of the hotel or of that extension or alteration, as the case may be.
- (6) Where two or more persons are entitled to grants under section 7 or 8 of this Act in respect of expenditure incurred by them in providing a particular new hotel or in carrying out a particular alteration or extension of an existing hotel, the total amount of the grants shall be calculated as for a single grant in respect of the total of the expenditure incurred by those persons and that total shall be apportioned between the grants by reference to the amount of the expenditure which each recipient has incurred.



## 12 Conditions of grant

- (1) In making a grant under this Part of this Act a Tourist Board may, subject to any directions under section 19 of this Act, impose such conditions as it thinks fit.
- (2) Conditions imposed under this section may provide for the repayment of a grant in specified circumstances and, in particular, if the number of letting bedrooms in the hotel in question is reduced or the hotel ceases to comply with the requirements mentioned in section 7(2) of this Act before the expiration of such period as may be specified in the conditions; and different periods may be so specified in different classes of case.
- (3) Schedule 2 to this Act shall have effect for securing compliance with conditions imposed under this section.

### *Loans for hotel development*

## 13 Power to make loans

- (1) Subject to the provisions of this Act and to any directions under section 19 thereof, the appropriate Tourist Board may, if it thinks fit, make a loan or loans to any person for assisting him—
  - (a) to provide a new hotel in Great Britain ; or
  - (b) to extend or alter an existing hotel in Great Britain or to provide and install fixed equipment in any such hotel,where it appears to the Board that the total eligible expenditure incurred or to be incurred by him in carrying out the project in question exceeds, in a case within paragraph (a) of this subsection, £20,000 or, in a case within paragraph (b) of this subsection, £10,000.
- (2) No loan shall be made under this section unless the appropriate Tourist Board is satisfied that the hotel in question complies or will comply, on the completion of the project or as from its opening thereafter, with the requirements specified in section 7(2) of this Act.
- (3) Subject to subsection (4) of this section, the total amount lent under this section in respect of any project shall not exceed—
  - (a) the following percentage of the eligible expenditure incurred or to be incurred on the project, that is to say—
    - (i) in the case of a project within subsection (1)(a) of this section, thirty per cent.;
    - (ii) in any other case, fifty per cent.; or
  - (b) £500,000,whichever is the less.
- (4) If the relevant Minister is satisfied by the appropriate Tourist Board that a particular project within subsection (1)(a) of this section will not be carried out unless the total amount lent exceeds the amount permitted by subsection (3) of this section, he may, with the consent of the Treasury, authorise the Board to make loans in respect of that project to such total amount in excess of the amount so permitted as may be specified by him, but the total amount so specified shall not exceed what would be permitted by the said subsection (3) if the percentage mentioned in paragraph (a)(i) thereof were forty per cent.

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- (5) Subject to any directions under section 19 of this Act, a loan under this section shall be made on such terms and conditions as the Tourist Board concerned may determine, but the period within which any such loan is to be repaid shall not exceed twenty years in a case within subsection (1)(a) of this section or fifteen years in any other case.
- (6) In this section " eligible expenditure " means approved capital expenditure on constructional work and on the purchase and installation of fixed equipment.

*Supplementary provisions*

**14 General restrictions on the making of grants and loans**

- (1) No grant or loan shall be made under this Part of this Act to a local authority, and no loan shall be so made to, or to a subsidiary of, any body 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.
- (2) In the foregoing subsection " local authority " means—
  - (a) in relation to England and Wales, any authority being, within the meaning of the Local Loans Act 1875, an authority having power to levy a rate, and includes a joint board or joint committee of such authorities;
  - (b) in relation to Scotland, any county council, town council or district council, and any statutory authority, commissioners or trustees having power to levy a rate as defined in section 379 of the Local Government (Scotland) Act 1947 or to issue a requisition for payment of money to be raised out of such a rate and includes any joint board or joint committee of such authorities appointed under any enactment, order or scheme;
 and " subsidiary " means a subsidiary as defined by section 154 of the Companies Act 1948.
- (3) A Tourist Board shall not without the consent of the relevant Minister and the Treasury make a grant or loan under this Part of this Act in respect of any project if it appears to the Board that financial assistance from public funds (whether by way of grant or loan) otherwise than under this Part of this Act has already been accepted in respect of capital expenditure incurred or to be incurred in the execution of that project or of any larger project of which it forms part.
- (4) Where it appears to the appropriate Tourist Board that any expenditure has been incurred—
  - (a) partly for the purpose of providing a new hotel or for any other purpose in relation to which a grant or loan can be made under this Part of this Act; and
  - (b) partly for other purposes,
 so much of the expenditure as, in the opinion of the Board, is attributable to those other purposes shall be disregarded for the purposes of any such grant or loan and the Board shall make all such apportionments as may be required for giving effect to this subsection.

## **15 Period of eligibility**

- (1) Subject to the provisions of this section, a Tourist Board shall not make a grant or loan under this Part of this Act except on an application received by it before 1st April 1973 and unless satisfied that the relevant work—
  - (a) was begun not earlier than 1st April 1968 and not later than 31st March 1971 ;  
and
  - (b) has been, or in the case of a loan has been or will be, completed not later than 31st March 1973.
- (2) Paragraph (b) of subsection (1) of this section shall not prevent the making of a grant or loan in any case in which the Tourist Board is satisfied that the relevant work would have been completed as required by that paragraph but for circumstances outside the applicant's control and that the work has been, or in the case of a loan has been or will be, completed with reasonable despatch thereafter.
- (3) In this section " the relevant work " means work on the site in question for the purpose of providing the new hotel, extending or altering the existing hotel or installing fixed equipment in the existing hotel, as the case may be; and for the purposes of subsection (1)(a) of this section no account shall be taken of work for the purpose of clearing the site or erecting temporary fencing for it.
- (4) If in any case it appears to the Tourist Board concerned that although the relevant work was not begun before 1st April 1968 other work had then already been carried out on the site in question in the execution of a project to which the relevant work is also referable, this section shall have effect in relation to that case as if the relevant work had been begun before that date.

## **16 Interpretation of Part II**

- (1) In this Part of this Act—
  - " the appropriate Tourist Board " means, in relation to England, the English Tourist Board, in relation to Scotland, the Scottish Tourist Board and, in relation to Wales, the Wales Tourist Board ;
  - " approved capital expenditure ", in relation to any grant or loan, means expenditure appearing to the Tourist Board concerned to be of a capital nature and approved by it for the purposes of the grant or loan ;
  - " building " includes part of a building;
  - " expenditure on constructional work " includes expenditure in respect of professional fees (other than legal fees) and other matters incidental to the carrying out of the work;
  - " fixed equipment " means equipment, including furniture, which in the opinion of the Tourist Board concerned is fixed to, or incorporated in, a building in such a manner as not to be easily detachable therefrom;
  - " letting bedroom " means a private bedroom which—
    - (a) if booked in advance, does not have to be so booked for more than seven consecutive nights; and
    - (b) if not so booked, can be taken, if desired, for a single night; and which is not normally in the same occupation for more than twenty-one consecutive nights ;

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" purchase ", in relation to any equipment, includes purchase under a hire-purchase agreement within the meaning of the Hire-Purchase Act 1965 or, as the case may be, the Hire-Purchase (Scotland) Act 1965.

- (2) For the purposes of this Part of this Act an establishment shall not be treated as a hotel unless its services and facilities are offered to the public generally, that is to say, to any person who wishes to avail himself of, and appears able and willing to pay a reasonable sum for, those services and facilities and is in a fit state to be received.
- (3) In this Part of this Act references to providing a new hotel include references to providing it by converting into a hotel a building or buildings previously used for a different purpose.
- (4) For the purposes of this Part of this Act a person who instead of purchasing any fixed equipment for installation in a hotel manufactures it himself shall be treated as having purchased it for such sum as appears to the Tourist Board concerned to be properly attributable to its manufacture by him.
- (5) For the purposes of this Part of this Act expenditure shall be treated as incurred at the time when the sum of which it consists becomes payable or, in the case of expenditure not consisting of a sum payable to another person, at such time as the Tourist Board concerned considers appropriate having regard to the time when the matters giving rise to the expenditure occurred.

### PART III

#### MISCELLANEOUS AND GENERAL

#### 17 **Registration of tourist accommodation**

- (1) Her Majesty may by Order in Council make provision for the registration by the Tourist Boards of, or of any class of, hotels and other establishments in Great Britain at which sleeping accommodation is provided by way of trade or business.
- (2) An Order under this section may in particular make provision—
  - (a) as to the form and contents of the register or registers to be maintained under the Order and as to the establishments to be registered therein ;
  - (b) for requiring the person carrying on an establishment which is required to be registered to furnish, at such time or times as may be specified in the Order, to the body responsible for registering it such information as may be so specified ;
  - (c) for the charging of annual or other periodical fees for registration;
  - (d) for the issue and display of certificates of registration and the display of signs indicating that an establishment is registered;
  - (e) for the inspection of establishments and for powers of entry for that purpose ;
  - (f) for exemptions from any of the requirements of the Order;
  - (g) for securing compliance with any requirement of the Order by the imposition of a penalty not exceeding a fine of £200.
- (3) If provision is made by an Order under this section for the classification or grading of the establishments entered in a register, the Order shall also make provision—

- (a) for requiring the criteria in accordance with which the classification or grading is carried out, so far as not prescribed by the Order, to be determined from time to time by the British Tourist Authority after consultation with the English Tourist Board, the Scottish Tourist Board, the Wales Tourist Board and such other organisations as appear to the Authority to be representative of trade and consumer interests likely to be affected;
  - (b) for the publication of any criteria so determined;
  - (c) for enabling the person carrying on an establishment registered with any Tourist Board to make representations to the Board before any classification or grade is accorded to the establishment and before its classification or grade is altered or cancelled.
- (4) An Order under this section may contain such supplementary and incidental provisions as appear to Her Majesty to be necessary or expedient, and may authorise the Board of Trade, the Secretary of State for Scotland and the Secretary of State for Wales to make regulations as respects England, Scotland and Wales respectively for such purposes of the Order as may be specified therein; and the Statutory Instruments Act 1946 shall apply in relation to any such regulations as if they were made under powers conferred by an Act of Parliament.
- (5) An Order under this section and any regulations made thereunder may make different provision for different cases and, in particular, provision may be made for an Order to come into force at different times in relation to, or to different parts of, England, Scotland and Wales respectively.
- (6) Any Order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament and may be revoked or varied by a subsequent Order under this section.
- (7) A Tourist Board maintaining a register by virtue of an Order under this section shall have power to publish, or make available for publication, any information furnished to it by virtue of the Order and any information as to any classification or grade accorded under the Order to any establishment; and such information may be published or made available for publication either gratuitously or for consideration.

## **18 Notification of prices of accommodation**

- (1) Her Majesty may, by an Order in Council applying to, or to any class of, hotels and other establishments in Great Britain at which sleeping accommodation is provided by way of trade or business, make provision for requiring the display at the establishments of information with respect to the prices charged there for such accommodation as aforesaid or otherwise for securing that such information is brought to the notice of persons seeking to avail themselves of the accommodation.
- (2) Subsection (2)(e), (f) and (g) and subsections (4), (5) and (6) of section 17 of this Act shall apply to an Order under this section as they apply to an Order under that section.

## **19 Directions**

- (1) The relevant Minister may, after consultation with a Tourist Board, give to it directions of a general character as to the exercise of its functions.

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- (2) Subject to the provisions of any scheme under section 3 and to the provisions of Part II of this Act, the relevant Minister may, with the approval of the Treasury, give to a Tourist Board directions as to—
- (a) the matters with respect to which that Board must be satisfied before making a loan under the scheme or that Part;
  - (b) the terms on which and the conditions subject to which any such loan is to be made ;
  - (c) the conditions to be imposed in making any grant under the scheme or that Part;
- and such directions may distinguish between different classes of case.
- (3) Without prejudice to the generality of paragraph (a) of subsection (2) of this section, directions given by virtue of that paragraph may require a Tourist Board to be satisfied that the applicant cannot obtain a loan for the purpose in question from any other source, whether on terms which are more or less favourable than those of any loan which might be made by the Board.
- (4) A Tourist Board shall give effect to any directions given to it under this section.

## **20 Financial provisions**

- (1) The relevant Minister may pay to a Tourist Board such sums in respect of its expenditure as he may with the consent of the Treasury determine.
- (2) Any sums required by a relevant Minister for making payments under subsection (1) of this section and any other expenses of a relevant Minister under this Act shall be defrayed out of moneys provided by Parliament.
- (3) Any sums received by a Tourist Board—
- (a) in repayment of, or as interest on, any loan made by it under this Act;
  - (b) in repayment of any grant made by it under this Act; or
  - (c) as dividend on, or otherwise in respect of, any shares or stock acquired by it under this Act,
- shall be paid to the relevant Minister.
- (4) Any sums received by a relevant Minister under subsection (3) of this section shall be paid into the Consolidated Fund.

## **21 Short title, interpretation, commencement and extent**

- (1) This Act may be cited as the Development of Tourism Act 1969.
- (2) In this Act "Wales" includes Monmouthshire and references to England shall be construed accordingly.
- (3) This Act shall come into force at the expiration of the period of one month beginning with the day on which it is passed.
- (4) This Act, except section 1(4), does not extend to Northern Ireland.

## 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
  - (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.

##### *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.

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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 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 the Minister for the Civil Service 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.



### *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.

- (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 £100 or, on a second or subsequent conviction, £400.

#### *Power to enter and inspect premises*

- 2 (1) Any person duly authorised in that behalf by a Tourist Board 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 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.

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- (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 £50.

*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 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 £400.
- (2) Notwithstanding anything in section 104 of the Magistrates' Courts Act 1952 (time limit for proceedings), summary proceedings in England and Wales for an offence under this paragraph may be taken by the Director of Public Prosecutions at any time within three years after the commission of the offence and within twelve months after the date on which evidence sufficient in the opinion of the Director to justify the proceedings comes to his knowledge.
- (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 section 23 of the Summary Jurisdiction (Scotland) Act 1954, 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 subsection (2) of the said section 23 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 (2) and (3) of this paragraph, a certificate of the Director of Public Prosecutions or the Lord Advocate, as the case may be, as to the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence of that fact.

*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 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

Section 9.

FIXED EQUIPMENT ELIGIBLE FOR GRANT UNDER SECTION 9 OF THIS ACT  
Centrally-installed plant for water heating, space heating, ventilation or air-conditioning.  
Centrally-installed plant for water softening or filtering.  
Plant for the preparation, storage or serving on the premises of food and other refreshment.  
Mechanically-operated lifts, hoists, escalators and luggage-handling equipment.  
Baths, showers, wash-hand basins, bidets and lavatory equipment.

### SCHEDULE 4

Section 10.

#### EXPENDITURE INCURRED BY PREDECESSOR IN TITLE OR LESSOR

##### *Interpretation*

- 1 (1) In this Schedule—  
" lease " includes a sublease and an agreement for a lease or sublease and references to the grant of a lease shall be construed accordingly ;  
" transferred " includes transferred by operation of law ;  
and references to the occupier or a lessor of a hotel and to the relevant time shall be construed in the same manner as in section 10 of this Act.
- (2) Where by virtue of this Schedule expenditure is treated as if it had been incurred by any person it shall be treated as incurred by him to the exclusion of anyone else.

##### *Expenditure incurred by predecessor in title of occupier or lessor*

- 2 Subject to paragraph 3 of this Schedule, where—  
(a) a person has incurred expenditure eligible for a grant under Part II of this Act in respect of a hotel; and  
(b) after the execution of the work which gave rise to the expenditure but before the relevant time his interest in the hotel has been directly or indirectly transferred to a person who at that time is the occupier or a lessor of the hotel,  
the expenditure shall be treated, for the purposes of the grant, as if it had been incurred by the person (whether the occupier or a lessor) in whom the interest is vested at the relevant time.

##### *Expenditure incurred by lessor*

- 3 (1) This paragraph applies where expenditure eligible for a grant under Part II of this Act has been incurred, or would (but for this paragraph) be treated under paragraph 2 of this Schedule as if it had been incurred, by a person who at the relevant time is a lessor (in this paragraph referred to as " the relevant lessor ") of the hotel in respect of which the expenditure was incurred.
- (2) The expenditure shall be treated, for the purposes of the grant, as if it had been incurred by any person (whether the occupier of the hotel at the relevant time or, if

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he holds indirectly under the relevant lessor, an intermediate lessor) in whose case the following requirements are satisfied, that is to say—

- (a) that he (and each intermediate lessor, if any, between himself and the relevant lessor) holds under a lease which—
    - (i) began after the execution of the work which gave rise to the expenditure ; and
    - (ii) was granted for a consideration which consisted of or included a capital sum of an amount not less than the amount of that expenditure ; and
  - (b) in the case of an intermediate lessor, that the expenditure cannot by virtue of the foregoing provisions of this paragraph be treated as if it had been incurred by a person holding under him.
- (3) In the application of the foregoing provisions of this paragraph to a relevant lessor who himself holds under a lease the expenditure mentioned in sub-paragraph (2)(a) (ii) shall include any expenditure which would be treated under those provisions as if it had been incurred by the relevant lessor if he were himself the occupier of the hotel at the relevant time.