

TURKS AND CAICOS ISLANDS

TURKS AND CAICOS ISLANDS TOURISM AUTHORITY BILL 2026

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TURKS AND CAICOS ISLANDS

**A
PROPOSAL
FOR
A
BILL
FOR**

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A TOURISM AUTHORITY RESPONSIBLE FOR MARKETING AND MANAGING THE TOURISM PRODUCT AND PROMOTING THE TURKS AND CAICOS ISLANDS AS A DESTINATION FOR TOURISM, TO PROVIDE FOR THE GOVERNANCE, MANAGEMENT AND FINANCING OF THE AUTHORITY, TO DEFINE THE FUNCTIONS AND POWERS OF THE AUTHORITY; AND CONSEQUENTLY, TO DISSOLVE THE TURKS AND CAICOS ISLANDS TOURISM DESTINATION MARKETING AND MANAGEMENT ORGANISATION; AND FOR CONNECTED PURPOSES.

ENACTED by the Parliament of the Turks and Caicos Islands.

PART I

PRELIMINARY

Short title and commencement

1. This Act may be cited as the Turks and Caicos Islands Tourism Authority Act 2026 and shall come into operation on such day as the Governor may appoint by Notice published in the *Gazette*, and different dates may be appointed for different provisions and different purposes.

Interpretation

2. In this Act—

“Authority” means the Turks and Caicos Islands Tourism Authority established under section 3;

“Board” means the Board of the Authority that is established under section 11;

“Chairperson” means the Chairperson of the Board appointed under section 11(3);

“Chief Executive Officer” means the Chief Executive Officer of the Authority appointed under section 27;

“committee” means a committee appointed by the Board under section 17;

“Director” means a Director of the Board appointed under section 11;

“Executive Management Team” means the Executive Management Team referred to in section 26;

“Islander” has the same meaning assigned under the Turks and Caicos Islander Status Act;

“member” means a member of a committee established under section 17;

“Minister” means the Minister responsible for tourism.

PART II

ESTABLISHMENT OF TURKS AND CAICOS ISLANDS TOURISM AUTHORITY

Establishment of Authority

3. (1) There is established for the purpose of this Act the Turks and Caicos Islands Tourism Authority.

(2) The Authority shall be a body corporate with perpetual succession and a common seal, capable of suing and being sued in its own name and subject to the provisions of this Act, shall do or perform such acts or things as bodies corporate may, by law, do or perform.

Seal of Authority

4. (1) The seal of the Authority shall be such device as shall be determined by the Authority and shall be kept in the custody of the Chief Executive Officer.

(2) The seal of the Authority shall be authenticated by the signature of the Chairperson and the Chief Executive Officer or any other person authorised in that behalf by a resolution of the Board.

(3) A document not required by law to be executed under seal shall be deemed duly executed if signed by the Chairperson

and the Chief Executive Officer, or by any person authorised by the Board in that behalf.

Objects of the Authority

5. The objects of the Authority are—

- (a) to market and promote the Islands as a competitive tourism destination;
- (b) to promote the sustainable development of the tourism industry;
- (c) to ensure that destination marketing and management are carried out efficiently, professionally and in alignment with Government policy;
- (d) to promote public understanding and interest in the tourism industry; and
- (e) to promote, coordination and cooperation between the public sector agencies and the private sector organisations engaged in the tourism industry.

Functions of Authority

6. (1) The functions of the Authority are—

- (a) to promote the Islands as a tourist destination and design, implement and coordinate marketing strategies across domestic, regional and international markets;
- (b) to develop tourism policies and strategies and advise the Government and industry stakeholders on tourism development and governance;
- (c) to encourage and facilitate the development of the tourism industry, including attracting local and international investment;
- (d) to foster collaboration and coordination among public, private and non-governmental stakeholders to ensure a unified and integrated tourism approach;
- (e) to promote sustainable tourism development, including environmental protection and the preservation and valorisation of natural and cultural heritage.
- (f) to support community tourism initiatives and ensure equitable distribution of tourism benefits across the Islands;

- (g) to assist in establishing governance frameworks, performance systems and effective management structures for the tourism sector;
- (h) to conduct research, promote innovation, utilise smart technologies and provide training and technical support for the tourism ecosystem;
- (i) to promote awareness of tourism's value, support certification and quality standards and facilitate dialogue and knowledge-sharing among stakeholders;
- (j) to develop internal standard operations procedures and policies to discharge its functions; and
- (k) to discharge such other functions as may be assigned to it under this or any other Act.

(2) In the discharge of its functions, the Authority shall be guided by the following principles—

- (a) transparency, fiscal responsibility and accountability to the Government and the public;
- (b) sustainability and responsible stewardship of the natural and cultural assets on which tourism depends; and
- (c) inclusion, equitable participation and empowerment of Islanders in the tourism industry.

Powers of Authority

7. (1) Subject to the other provisions of this Act, the Authority has power to do anything for the purpose of discharging its functions under this Act or any other law, or which is incidental or conducive to the discharge of those functions.

(2) Without prejudice to the generality of subsection (1), but subject to this Act, the Authority has power—

- (a) for purposes of the Authority, to acquire, take on lease, hire, hold and enjoy movable and immovable property and to convey, assign, surrender, charge, mortgage, demise, transfer or otherwise dispose of, or deal with any movable or immovable property belonging to the Authority upon such terms as the Board considers fit;
- (b) to enter into any contract or agreement for carrying out the purposes of this Act;

- (c) to carry on any activities which are requisite, advantageous, or convenient for or in connection with the discharge of its functions under this Act;
- (d) to appoint such agents or enter into such arrangements with suppliers it may consider necessary for the proper discharge of its functions; and
- (e) generally, to do all such matters and things as may be incidental to or consequential upon the exercise of the Authority's powers or the discharge of its functions under this Act.

Stakeholder consultation and partnerships

8. (1) The Authority shall maintain mechanisms for ongoing consultation with private-sector associations, community organisations and civil society.

(2) The Authority may enter into memorandum of understanding or framework agreements with industry associations and stakeholders to advance tourism initiatives.

Research, data and tourism intelligence

9. (1) The Authority shall establish and maintain a national tourism database and ensure systematic collection, storage and analysis of data relevant to tourism performance and impacts.

(2) The Authority shall conduct continuous analysis of the tourism offer and demand in the Islands, through the establishment of a tourism intelligence unit to collect, compile, collate, analyse, abstract tourism data using both traditional and smart data.

(3) The Authority may collaborate with the Statistical Authority of the Turks and Caicos Islands established under the Statistics Act and regional or international bodies to support data quality, standardisation and comparability.

(4) The Authority shall publish periodic tourism performance and market intelligence reports.

Business plan and annual programmes, etc.

10. (1) The Authority shall, in addition to the statutory obligation under the Public Finance Management Act, prepare and submit to the Minister by the end of the financial year in each year, a business plan for the development of tourism in the Islands with a programme of the projects and activities which the Authority intends to undertake during that financial year.

(2) The annual business plan shall—

- (a) serve as a guide for structuring the programme of tourism promotion for the succeeding year; and
- (b) specify the aims of the programme and outline the methods to be employed to accomplish those aims.

(3) The Authority shall prepare and submit to the Minister by the end of the financial year in each year, a “State of the Tourism Industry report” which shall highlight the achievement, the status of the sector, the projections and risk analysis, and other related matters.

(4) The Minister shall, as soon as possible after receiving a report in accordance with subsection (3), lay a copy of the report before the Parliament.

Board of Directors

11. (1) The Authority shall be governed by a Board of Directors.

(2) The Board shall consist of—

- (a) a Chairperson;
- (b) the President of the Turks and Caicos Hotel and Tourism Association;
- (c) five other persons from the private sector;
- (d) the Permanent Secretary responsible for Tourism, or nominee, *ex officio*; and
- (e) the Permanent Secretary responsible for Finance, or nominee, *ex officio*.

(3) The Chairperson shall be appointed by the Minister, with the approval of the Cabinet, from amongst persons from the private sector holding a recognised qualification or demonstrable knowledge and at least five years’ experience in the field of tourism, hospitality and travel.

(4) The other Directors of the Authority shall be appointed by the Minister, with the approval of the Cabinet, from amongst persons from the private sector having the requisite knowledge and at least five years’ experience relevant to tourism in fields such as—

- (a) tourism and hospitality;
- (b) hotel and resort operations;
- (c) villas and short-term rentals;
- (d) aviation and transportation;

- (e) attractions and tour operations;
- (f) marine and water-based tourism;
- (g) taxi, VIP and ground transportation;
- (h) small and medium enterprises development,
- (i) cultural and heritage tourism;
- (j) finance, accounting, banking or investment;
- (k) marketing, branding and destination promotion;
- (l) business operations and management; and
- (m) civil society or community engagement.

(5) In making appointments under subsection (4), the Minister shall have regard to balanced representation from across the Islands and subsectors.

(6) The Minister shall appoint a Deputy Chairperson of the Board from amongst the Directors.

(7) Appointments made under this section shall be published in the *Gazette*.

(8) A Director, not being an *ex officio* Director, shall hold office for a term not exceeding three years and shall be eligible for re-appointment.

Responsibilities of the Board

12. The Board shall be responsible for the execution of the policy and the general administration of the Authority and in particular shall be responsible for—

- (a) the governance, policy and performance of the Authority and the general conduct of its affairs and business;
- (b) securing the effective implementation of the functions and duties of the Authority;
- (c) monitoring and evaluating the implementation of strategies, policies, management performance and business plans;
- (d) performing such other duties as required for the efficient management of the Authority; and
- (e) making such rules as it thinks fit for the regulation of the internal management of the Authority.

Disqualification, removal and resignation of Directors

13. (1) A person shall not be appointed as a Director of the Board who—

- (a) has in terms of any law in force in any country or in the Islands—
 - (i) been adjudged or otherwise declared bankrupt or insolvent and has not been rehabilitated or discharged; or
 - (ii) made an assignment, arrangement or composition with his creditors, which has not been rescinded or set aside;
- (b) within a period of ten years immediately preceding the date of his proposed appointment, has been convicted—
 - (i) in the Islands, of a criminal offence; or
 - (ii) outside the Islands, of an offence which if committed in the Islands would have been a criminal offence,
and sentenced by a court of competent jurisdiction to imprisonment for six months or more without the option of a fine, whether that sentence has been suspended or not and for which he has not received a free pardon;
- (c) has been sentenced by a court of competent jurisdiction to a fine of \$500 or more and the fine has not been paid for a period of three months or more; or
- (d) has been certified as being mentally ill or disordered.

(2) The Minister may—

- (a) at any time revoke the appointment of a Director as the Minister may think is expedient to do so; or
- (b) may by notice in writing remove a Director from office—
 - (i) in the event of the occurrence of anything which would render the Director ineligible for appointment as Director in terms of subsection (1);
 - (ii) where the Director is absent without leave from the Chairperson from three consecutive meetings of which he has been given notice;

(iii) where the Director contravenes the provisions of this Act or otherwise misconducts himself to the detriment of the objectives of the Board and of the Authority, or of the public interest; or

(iv) where the Director fails to comply with sections 23, 24 or 47.

(3) A Director may, at any time, resign his office by writing to the Chairperson, who shall, without delay, cause the written resignation to be forwarded to the Minister.

(4) For purposes of subsection (2)(b)(iii), “misconduct” includes any act done without reasonable excuse by a Director which—

(a) amounts to failure to perform in a proper manner any duty imposed on the Director;

(b) is prejudicial to the efficient conduct of the Board; or

(c) tends to bring the Board into disrepute.

Vacation of office of Director

14. The office of a Director shall become vacant—

(a) in the event of the occurrence of anything which would render the Director ineligible for appointment as Director in terms of section 13(1);

(b) upon the death of a Director;

(c) if the appointment of a Director is revoked by the Minister, or the Director has been removed from office in terms of section 13(2);

(d) upon delivery of written resignation by the Director in terms of section 13(3); or

(e) if the Director has contravened any provision of the Integrity Commission Act.

Filling of vacancy

15. (1) Where the Minister is satisfied that a Director is temporarily incapacitated by illness, absence or other cause from satisfactorily performing the duties of his office, the Minister may in terms of section 13(1), appoint another person to act temporarily in his place for a period not exceeding six months, as the Minister may specify.

(2) On the death of, or vacating of office by a Director, the Minister shall in terms of section 13(1), appoint another person to be a Director in place of the Director who vacates office, for the remaining period of office of such Director.

Publication of appointment, revocation or filling of vacancy

16. The appointment of, or vacation from office, of a person, either by death, revocation, resignation or otherwise shall be published in the *Gazette*.

Committees of Board

17. (1) The Board may appoint such committees as it considers necessary to assist it in the exercise of its functions, and may delegate to such committees, such functions as it considers necessary or appropriate.

(2) Without limiting the generality of subsection (1), the Board shall appoint the following standing committees—

- (a) the Finance, Audit and Risk Committee, on which the Chief Financial Officer shall serve as an *ex officio* member without voting rights;
- (b) the Human Resource and Talent Management Committee, on which the Director of Human Resources shall serve as an *ex officio* member without voting rights;
- (c) the Airlift and Marketing Committee, on which the Chief Sales and Marketing Officer shall serve as an *ex officio* member without voting rights; and
- (d) the Product Development Committee, on which the Chief Destination Development Officer shall serve as an *ex officio* member without voting rights.

(3) A committee appointed under this section shall be constituted by suitably qualified members of the public selected by the Board, but any such committee shall not exceed five persons and shall include at least one Director of the Board, and such persons shall hold office for such period as the Board may determine.

(4) A committee may be given a specific time within which an assignment shall be completed and a report made to the Board, but the Board may grant an extension of time to a committee for the purpose of completing an assignment.

(5) A simple majority of the members of a committee shall be a quorum for the transaction of business.

(6) Subject to special or general directions of the Board, a committee may regulate its own procedure.

(7) A meeting of a committee shall be held at such place, day and time as a committee may determine, or as the Board may direct.

(8) A committee shall keep records of its meetings and report to the Board on its activities.

(9) The Board may, by resolution, adopt or reject a report made to it by any committee, either wholly or with such modifications, additions or adaptations as the Board may see fit.

Secretary of the Board

18. (1) There shall be a Secretary of the Board who shall be appointed by the Minister, on such terms and conditions as may be specified in the instrument of appointment.

(2) The Secretary shall, in addition to any function that may be assigned to him by the Board, be responsible for—

(a) taking the minutes of the meetings of the Board;
and

(b) keeping the records of all decisions of the Board.

(3) The Secretary shall attend all meetings of the Board, but shall not have a right to vote on any matter before the Board.

(4) In the absence of the Secretary, the Chief Executive Officer may appoint an employee of the Authority to perform the functions of the Secretary until the Secretary resumes office or the vacancy is filled, as the case may be.

(5) In the performance of his duties, the Secretary shall be responsible to the Board.

Remuneration, allowances and expenses

19. A Director, member of a committee or any person co-opted to attend any meeting of the Board or committee, shall be paid such remuneration, allowances and traveling expenses incurred in connection with service on the Board or committee, as the Minister may approve.

Submission of particulars for declaration to Integrity Commission

20. A Director shall comply with the provisions of the Integrity Commission Act, and shall submit to the Integrity Commission all particulars required by that Act to identify the Director's assets, holdings, beneficial income and other relevant interests.

Directions of Minister

21. (1) The Minister may issue to the Authority such general or specific directions of policy as the Minister considers necessary in the public interest and the Authority shall give effect to all such directions.

(2) Any directions issued by the Minister under this section shall be in writing and shall be recorded in the minutes of the next meeting of the Board.

(3) The Board may make written representations to the Minister in relation to a direction, but the decision of the Minister shall be final.

PART III**MEETINGS AND PROCEEDINGS OF BOARD****Meetings of Board**

22. (1) Subject to this Act, the Board shall regulate its own procedure.

(2) The Board shall meet as often as is necessary or expedient for the discharge of its functions, but in any case, at least four times a year, and such meetings shall be held at such place, day and time as the Chairperson may determine.

(3) A meeting shall be called by the Chairperson upon giving written notice of not less than fourteen days.

(4) The Chairperson may call a special meeting—

(a) by giving a shorter notice where the urgency of any matter does not require the giving of notice in terms of subsection (3); or

(b) within seven days on written request addressed to him by any three Directors.

(5) The Chairperson shall preside at a meeting of the Board or in the absence of the Chairperson, the Deputy

Chairperson shall preside, or in the absence of both the Chairperson and Deputy Chairperson, the Directors present at such meeting shall elect one from amongst themselves to preside at such meeting.

(6) At any meeting of the Board, five Directors shall constitute a quorum, two of whom shall be from the private sector, and one of whom shall be from the public sector.

(7) A decision of the Board shall be passed by a simple majority of the Directors present and voting, and in the case of an equality of votes, the person presiding shall cast a vote in addition to his deliberative vote.

(8) The minutes of a meeting of the Board shall be kept in a proper form, and shall be confirmed by the person presiding as soon as practicable after any meeting, and before any subsequent meeting of the Board.

(9) The Board may co-opt any person whose presence it considers necessary to assist or advise at any deliberation of the Board, but such person shall not form part of the quorum or have any right to vote.

Disclosure of interest

23. (1) Where a Director or his nominee, or member is present at a meeting of the Board or committee, at which meeting a matter which is the subject of consideration is one in which the Director or his nominee, or member has any pecuniary interest, directly or indirectly, in a contract, proposed contract or other matter, the Director or his nominee, or member shall as soon as practicable after the commencement of the meeting and before the matter is discussed, disclose his interest and shall not, unless the Board or committee otherwise directs, take part in any consideration or discussion of any question touching upon such matter, but the Director or his nominee, or member shall not be entitled to vote and shall withdraw from the meeting before a vote is taken.

(2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which it is made.

(3) Where a Director or his nominee, or member fails to disclose his interest in terms of subsection (1) and a decision by the Board or committee is made benefiting the Director or his nominee, or member, such decision shall be null and void to the extent to which it benefits that Director, nominee or member.

(4) A Director or his nominee, or member who fails to comply with subsection (1), commits an offence and is liable—

- (a) on summary conviction, to a fine of \$20,000 or to imprisonment for a term of two years, or to both; or
- (b) on conviction on indictment, to a fine of \$50,000 or to imprisonment for a term of three years, or to both.

Pecuniary interest

24. (1) For the purposes of section 23, a Director or his nominee, or member shall be treated as having an indirect pecuniary interest in a contract, proposed contract or other matter if—

- (a) the Director or his nominee, or member is a member of a company or other body which has a direct or indirect pecuniary interest in the contract, proposed contract or other matter under consideration;
- (b) the Director or his nominee, or member is a partner, or in the employment of a person with whom the contract was made or is proposed to be made, or who has a direct or indirect pecuniary interest in a contract, proposed contract or other matter under consideration;
- (c) the Director or his nominee, or member or any partner of his is a professional advisor to a person who has a direct or indirect pecuniary interest in a contract, proposed contract or other matter under consideration; or
- (d) the spouse or child of the Director or his nominee, or member has a direct or indirect pecuniary interest in a contract, proposed contract or other matter under consideration.

(2) Subsection (1) does not apply to membership of, or employment by, any public body.

(3) The Minister may, subject to such conditions as he may determine, appoint persons to act as Directors or members for any specified period, in any case in which the number of Directors or members disabled by section 23 at any one time would be so great a proportion of the whole, as to impede the transaction of business of the Board or committee.

Validity of decisions

25. The validity of any act or proceedings of the Board or committee shall not be affected by any vacancy among its

Directors or members, or by any defect in the appointment of a Director or member.

PART IV

EMPLOYEES OF THE AUTHORITY

Executive Management Team

26. (1) The Authority shall have an Executive Management Team which shall be composed of—

- (a) the Chief Executive Officer;
- (b) the Chief Operating Officer;
- (c) the Chief Financial Officer;
- (d) the Chief Destination Development Officer;
- (e) the Chief Sales and Marketing Officer;
- (f) the Director of Cruise Tourism;
- (g) the Director of Human Resources; and
- (h) the Director of Compliance and Contracting.

(2) The Executive Management Team shall be responsible to the Board for update on areas of their work.

(3) The Executive Management Team shall also be responsible for the preparation of the annual report on the performance of the Authority, including a detailed analysis of all activities carried out by the Authority and funds spent during each financial year (sales and purchases, all sums of money raised through fundraising, non-monetary transactions, records of assets and liabilities and any other matter that the Board may request).

(4) The annual report shall include all key performance indicators of the Authority, clearly showing where and how the Authority has achieved its development and policy objectives.

Chief Executive Officer

27. (1) There shall be a Chief Executive Officer of the Authority who shall be appointed by the Minister on the recommendation of the Board, and with the approval of the Cabinet, and on such terms and conditions as may be determined by the Minister and specified in the instrument of appointment.

(2) A person shall not be appointed as a Chief Executive Officer unless the Minister is satisfied that the person has suitable qualifications and experience in management, finance and the

travel and tourism sectors and the person demonstrates that he is competent to carry out the functions of the Authority.

(3) The Chief Executive Officer shall be a full time officer and employee of the Authority, and shall render his services exclusively to the Authority.

(4) The Chief Executive Officer shall be answerable to the Board for his actions and decisions.

(5) In the Chief Executive Officer's absence, inability to fulfil his functions or vacancy, the Board shall appoint the Chief Operating Officer to discharge the functions of the Chief Executive Officer during the period of absence, disability or vacancy, and in the Chief Operating Officer's absence, inability or vacancy, the Board may instead appoint any senior officer of the Authority.

(6) The Chief Executive Officer shall attend meetings of the Board and the standing committees and take part in discussion of any matter other than such as may concern himself personally, but shall not be entitled to vote.

Functions of Chief Executive Officer

28. (1) Subject to the directions on matters of policy as may be given by the Board, the Chief Executive Officer shall be responsible for—

- (a) the day-to-day management of the affairs of the Authority;
- (b) the discharge of the Board's functions and the exercise of its powers;
- (c) the management and supervision of the Authority's employees; and
- (d) the discharge of such functions and exercise of such powers specified in his employment contract or assigned or conferred upon him by this or any other Act or delegated to him by the Board.

(2) The Chief Executive Officer may delegate to any senior officer of the Authority, any powers that he is authorised to exercise under this Act.

Other employees of Authority

29. (1) The Authority may employ such officers and employees as are necessary for the proper discharge of its functions under this Act.

(2) Without limiting the generality of subsection (1), the Authority shall employ the following senior officers—

- (a) a Chief Operating Officer;
- (b) a Chief Financial Officer;
- (c) a Chief Destination Development Officer;
- (d) a Chief Sales and Marketing Officer;
- (e) a Director of Cruise Tourism; and
- (f) a Director of Human Resources; and
- (g) a Director of Compliance and Contracting.

(3) The senior officers referred to in subsection (2) and other senior officers shall be appointed by the Board on such terms and conditions as the Board may determine.

(4) All other officers and employees of the Authority shall be appointed by the Chief Executive Officer, subject to such terms and conditions as may be determined by the Board.

(5) A person appointed as a senior officer under subsection (2) shall possess suitable academic qualifications and professional experience to satisfactorily undertake the requirements of the position.

Chief Operating Officer

30. The Chief Operating Officer shall, subject to the directions of the Board on matters of policy, be responsible for—

- (a) the day-to-day management of Quality Assurance and Tourism Intelligence;
- (b) overseeing the day-to-day administrative and operational functions of the Authority;
- (c) facilitating access to the necessary information for national and international tourism enterprises to be able to invest in the tourism ecosystem, and especially to comply with the tourism regulations in the Islands;
- (d) strengthening the positioning of the Islands' tourism offer in specific (niche) markets and segments, through the voluntary adoption and implementation of international tourism standards quality labels;
- (e) leading the development and oversight of the Authority's data governance framework, ensuring the systematic collection, management, and

- integrity of tourism-related data across the destination;
- (f) overseeing data analytics, performance monitoring, and forward-looking tourism demand forecasting to support evidence-based strategic planning and policy development;
 - (g) establishing and managing destination intelligence dashboards and reporting systems that provide real-time insights into visitor trends, market performance, visitor experience metrics, and industry capacity;
 - (h) coordinating with industry partners, government agencies, and technology platforms to integrate data sources (visitor arrivals, accommodation performance, visitor sentiment, spending patterns, and other related matters);
 - (i) translating tourism data into actionable insights and strategic recommendations for senior leadership, supporting the Authority's transition to a SMART Organisation driven by data-informed decision making; and
 - (j) carrying out any additional duties specified in his employment contract or assigned or conferred upon him by this or any other Act or the Board.

Chief Financial Officer

31. The Chief Financial Officer shall, subject to the directions of the Board on matters of policy, be responsible for—

- (a) the day-to-day management of the Finance Department;
- (b) optimising the financial resources of the Organisation;
- (c) carrying out fundraising activities that would contribute to the annual budget of the Authority; and
- (d) carrying out any additional duties specified in his employment contract or assigned or conferred upon him by this or any other Act or the Board.

Chief Sales and Marketing Officer

32. The Chief Sales and Marketing Officer shall, subject to the directions of the Board on matters of policy, be responsible for—

- (a) the day-to-day management of the Marketing Department;
- (b) promoting, developing and strengthening the image of the Islands as a luxury tourism destination;
- (c) promoting new tourism products to attract new tourism segments;
- (d) implementing market intelligent activities to enable the Authority to operate as a data-driven smart destination management Authority, with the capacity to profile the tourism demand for the Islands;
- (e) analysing the socio-economic and environmental impacts generated by the tourism ecosystems in the Islands; and
- (f) carrying out any additional duties specified in his employment contract or assigned or conferred upon him by this or any other Act or the Board.

Chief Destination Development Officer

33. The Chief Destination Development Officer shall, subject to the directions of the Board on matters of policy, be responsible for—

- (a) the day-to-day management of the Destination Development Department;
- (b) developing the tourism offers in the Islands;
- (c) making tourism enterprises in the Islands;
- (d) developing new tourism products and services throughout the Islands, consistent with the Government's policies, in collaboration with national and international investors; and
- (e) carrying out any additional duties specified in his employment contract or assigned or conferred upon him by this or any other Act or the Board.

Director of Cruise Tourism

34. The Director of Cruise Tourism shall, subject to the direction of the Board on matters of policy, be responsible for—

- (a) overseeing cruise marketing;

- (b) developing initiatives to attract cruise lines, increase port calls and boost cruise passenger arrivals to the Islands;
- (c) collaborating with port authorities, tour operators and the Government to enhance the visitor experience to the Islands; and
- (d) carrying out any additional duties specified in his employment contract or assigned or conferred upon him by this or any other Act or the Board.

Director of Human Resources

35. The Director of Human Resources shall, subject to the direction of the Board on matters of policy, be responsible for—

- (a) the day-to-day management of the Human Resources Department;
- (b) planning, directing and coordinating human resources activities, policies and programmes for the Authority;
- (c) overseeing recruitment, onboarding and staff retention strategies to ensure proper staffing;
- (d) managing employee issues, conducting investigations and facilitating dispute resolution;
- (e) developing and implementing human resources policies and standard operating procedures for the Authority;
- (f) designing performance evaluation systems, handling disciplinary actions and directing employee training and career development programmes; and
- (g) carrying out any additional duties specified in his employment contract or assigned or conferred upon him by this or any other Act or the Board.

Director of Compliance and Contracting

36. The Director of Compliance and Contracting shall, subject to the direction of the Board on matters of policy, be responsible for—

- (a) developing, implementing, and overseeing compliance, governance, contracting, procurement oversight, and enterprise risk management frameworks for the Authority;

- (b) ensuring the Authority's compliance with applicable laws, regulations, Government policies, procurement requirements, contractual obligations, and internal procedures;
- (c) advising the Chief Executive Officer and Board on matters relating to governance, compliance, procurement integrity, contractual risk, and institutional accountability;
- (d) overseeing the preparation, review, negotiation, administration, monitoring, and management of contracts, agreements, and other legal or commercial arrangements entered into by the Authority;
- (e) developing and maintaining organisational policies, procedures, governance instruments, and compliance frameworks aligned with legislation and best practices;
- (f) promoting a culture of ethics, transparency, accountability, and regulatory compliance throughout the Authority; and
- (g) carrying out any additional duties specified in his employment contract or assigned or conferred upon him by this or any other Act or the Board.

Chief Executive Officer's quarterly report

37. (1) The Chief Executive Officer shall prepare and submit to the Board quarterly reports on the performance and activities of the Authority no later than thirty days after the end of the quarter.

(2) The Board shall within one month of receiving a report under subsection (1) forward a copy of the report to the Minister.

(3) The Minister shall, as soon as possible after receiving a report in accordance with subsection (2), lay a copy of the report before the Parliament.

Chief Executive Officer's annual report

38. (1) The Chief Executive Officer shall, within three months after the end of the financial year, prepare and submit to the Board an annual report on the operation of the Authority for approval including the audit report on the financial statements and the Board shall furnish that report to the Minister not later than 30 September.

(2) The Minister shall, as soon as possible after receiving a report in accordance with subsection (1), lay a copy of the report before the Parliament.

Disclosure by employees of Authority of certain interests

39. (1) Where an officer or employee of the Authority has a material interest, otherwise than in his capacity as such an officer or employee, in any contract, agreement or arrangement, or proposed contract, agreement or arrangement, to which the Authority is a party, that person shall—

- (a) disclose to the Authority his interest and the nature of the interest;
- (b) take no part in the negotiation of the contract, agreement or arrangement or in any deliberation by the Authority or employees of the Authority in relation thereto; or
- (c) neither influence nor seek to influence a decision to be made in the matter nor make any recommendation in relation to the contract, agreement or arrangement.

(2) Subsection (1) does not apply to contracts or proposed contracts of employment of employees of the Authority with the Authority.

(3) Where a person contravenes this section, the Authority may make such alterations to the person's terms and conditions of employment as it considers appropriate or terminate the person's contract of employment.

PART V

FINANCIAL PROVISIONS

Funds of Authority

40. The funds of the Authority shall consist of—

- (a) such sums of moneys as may be appropriated by the Parliament for the purposes of the Authority;
- (b) such grants, approved by the Minister, as the Authority may receive;
- (c) sums payable to the Authority in respect of advertisements, promotions, public relations or any other services rendered by the Authority; and

- (d) any other moneys, other than penalties, to which it may be entitled in terms of this Act.

Application of funds of the Authority

41. The funds of the Authority shall be applied towards—

- (a) the payment of salaries, wages, fees, allowances, gratuities or similar benefits of persons employed by the Authority; and
- (b) the meeting of obligations and the performance of any of the functions of the Authority and matters incidental thereto.

Reserve fund

42. (1) The Authority shall maintain a reserve fund to cover six months of operating expenses of the Authority.

(2) The management of the reserve fund and its application shall be as the Authority may determine, subject to the approval of the Permanent Secretary, Finance.

(3) No part of the reserve fund shall be applied otherwise than for the purposes of the Authority.

Financial year

43. The financial year of the Authority shall be a period of twelve months commencing from 1 April and ending on 31 March.

Accounts and audit

44. The provisions of the Public Finance Management Act in relation to the preparation and submission of annual estimates, accounts, audits and reporting of a statutory body shall apply to the Authority.

Unexpended funds

45. Section 44 of the Public Finance Management Act shall apply in relation to the unexpended balance of moneys appropriated to the Authority for any financial year.

PART VI
MISCELLANEOUS PROVISIONS

Indemnity

46. No matter or thing done or omitted to be done by a Director, member, officer or employee of the Authority shall, if the matter or thing is done or omitted to be done in good faith and without negligence, in the course of the operations of the Authority, render a Director, member, officer or employee of the Authority or any person acting by his direction, personally liable to an action, claim or demand.

Confidentiality

47. (1) A Director or his nominee, member, officer or employee of the Authority, or any person assisting the Board, committee or Authority shall observe and preserve the confidentiality of all matters coming before the Board, committee or Authority and such confidentiality shall subsist even after the termination of the term of office or the mandate.

(2) A Director or his nominee, member, officer or employee of the Authority, or any person to whom confidential information is revealed through working with the Board, committee or Authority shall not disclose that information to any person, unless he is required to do so in terms of any law or for purposes of any judicial proceedings.

(3) A person who contravenes this section, commits an offence and is liable—

- (a) on summary conviction, to a fine of \$20,000 or to imprisonment for a term of two years, or to both; or
- (b) on conviction on indictment, to a fine of \$50,000 or to imprisonment for a term of three years, or to both.

Offences and penalties

48. A person who wilfully obstructs any officer or employee of the Authority in the performance of his functions under this Act, commits an offence and is liable on summary conviction to a fine of \$20,000 or to imprisonment for a term of two years, or to both.

Regulations

49. (1) The Minister may make regulations prescribing anything under this Act which is to be prescribed or which is necessary or convenient to be prescribed for the better carrying out of the objects and purposes of this Act, or to give force and effect to its provisions.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations—

- (a) providing for the imposition of fees or charges for services provided by the Authority in carrying out its functions under this Act; and
- (b) any other thing as may be required for the proper implementation of this Act.

PART VII**TRANSITIONAL PROVISIONS: DISSOLUTION OF ORGANISATION AND OTHERS****Interpretation for this Part**

50. In this Part—

“appointed date” means the date appointed by the Governor pursuant to section 51(4);

“Articles of Incorporation” means the Article of Incorporation of the Organisation;

“Organisation” means the Turks and Caicos Islands Tourism Destination Marketing & Management Organisation, incorporated as a non-profit company under the Companies Act on 23 May 2023 (registration number NP000161);

“Registrar of Companies” means the Registrar of Companies appointed under the Companies Act.

Dissolution and transfer of the Organisation

51. (1) Notwithstanding the Companies Act, any other law or the Articles of Incorporation of the Organisation—

- (a) the Organisation stands dissolved on the appointed date; and
- (b) the provisions of the Companies Act relating to voluntary winding up, compulsory winding up,

dissolution, distribution of assets or member approval shall not apply.

(2) On the appointed date, the Authority shall be deemed to be the successor in law to the Organisation for all purposes.

(3) No resolution, consent or approval of the members or directors of the Organisation shall be required for the purposes of this Part.

(4) When the Governor is satisfied that all necessary arrangements have been made to transfer the Organisation so that it may be dissolved, the Governor shall, by Order published in the *Gazette*, order that the Organisation shall be dissolved on such date as may be specified in the Order.

(5) The Registrar of Companies shall, upon publication of the Notice under subsection (4), record the dissolution of the Organisation.

Vesting of rights, assets and property

52. (1) On the appointed date and by operation of this Act, all rights, assets and property of every description vested in, held by or held on behalf of the Organisation shall, without further act or deed, be transferred to and vested in the Authority.

(2) Any property vested under subsection (1) shall vest free from any restriction on distribution contained in—

(a) the Articles of Incorporation of the Organisation;
or

(b) any law relating to non-profit or charitable asset locks.

(3) Every reference to the Organisation in any deed, contract, instrument or document shall, on and after the appointed date, be construed as a reference to the Authority.

(4) On and after the appointed date, the Authority shall have the right to use the name, logo, slogan and branding of the Organisation, in particular “Experience Turks and Caicos” and “Experience TCI”, for the purposes of carrying out its functions under this Act.

(5) The vesting under subsection (1) shall not—

(a) operate so as to place any creditor in a worse position than that creditor would have been in had the Organisation continued in existence; or

(b) prejudice any existing security, charge or encumbrance.

Members of the Organisation

53. (1) On the dissolution of the Organisation—

- (a) the membership of all members shall cease; and
- (b) no member shall be entitled to receive any distribution of the assets of the Organisation by reason only of its dissolution under this Act.

(2) Nothing in this section shall—

- (a) affect any liability of a member under the Articles of Incorporation arising before the appointed date; or
- (b) prevent a member from enforcing any independent contractual right, if any, against the Authority.

(3) For the avoidance of doubt, no contribution shall be required from any member under any guarantee contained in the Articles of Incorporation by reason only of the dissolution effected by this Act

Exercise of Minister's power between passing and commencement of Act

54. (1) Prior to the coming into force of this Act, and in accordance with section 28 of the Interpretation Act, the Minister may exercise the power conferred on the Minister under section 11.

(2) The Minister may appoint the Board of the Authority and authorise it to undertake all such preliminary, incidental, consequential or administrative measures as may be necessary or expedient to ensure that this Act is fully operational on the date of commencement.

(3) For the avoidance of doubt, any appointment made, decision taken, or action carried out by the Minister or the Board pursuant to this provision before the commencement of this Act shall have effect on the coming into operation of this Act, insofar as such appointment, decision or action is not inconsistent with the provisions of this Act.

Consequential amendment to Tourism Regulation and Licensing Act

55. The Tourism Regulation and Licensing Act 2023 is amended by repealing section 52(1)(e) and substituting the following—

“(e)the Chief Operating Officer of the Turks and Caicos Islands Tourism Authority;”.

Attorney General's Chambers

27th May 2026

PASSED by the Parliament this day of 2026.

.....
Tracey Parker
Clerk to the Parliament

.....
Gordon Burton
Speaker

EXPLANATORY MEMORANDUM

This Bill provides for the establishment of the Turks and Caicos Islands Tourism Authority as a statutory body responsible for the marketing and promotion of tourism and consequently for the dissolution of the Destination Marketing and Management Organisation.

The principal objective of the Authority is to develop the tourism industry efficiently and to promote the Turks and Caicos Islands as a premier tourism destination, with a view to increasing the contribution of the tourism sector to the economic development of the Islands.

THE BILL**PART I – Preliminary**

Clause 1 provides for the short title of the Act and commencement and enables the Governor to commence the Act by Notice published in the *Gazette*. Phased commencement is provided for to facilitate orderly transition.

Clause 2 defines key terms used throughout the Bill, which ensures consistency of interpretation.

PART II – Establishment of Turks and Caicos Islands Tourism Authority

Part II provides for the establishment of the Turks and Caicos Islands Tourism Authority as a body corporate with legal personality; and provides the standard provisions applicable to corporate bodies.

Clauses 5, 6 and 7 provide the objects, functions and powers of the Authority. The Authority aims to reach its goals by creating and putting into action strategies, policies and programmes that are meant to boost and improve the tourism sector. The Authority will also focus on managing outcomes effectively to ensure that this sector makes a significant contribution to the Islands' economy. Additionally, the Authority has the power to carry out any actions that are necessary or related to fulfilling its functions as outlined in the Act.

Clauses 8 sets out a structure for fostering inclusive engagement and building collaborative partnerships as the Authority carries out its objects.

Subclause (1) requires the Authority to have structured and ongoing channels for consultation with private-sector groups, community organisations and civil society. This provision aims to ensure that tourism planning, policy development and programme implementation are shaped by input from stakeholders, promote

transparency and address the needs and interests of those affected.

Subclause (2) gives the Authority the power to formalise partnerships with industry associations and other stakeholders through memoranda of understanding or agreements. These tools offer a flexible, non-legislative way to outline roles, responsibilities and areas of collaboration in promoting tourism initiatives.

Clause 9 sets out a structure for evidence-based planning, monitoring, and strategic decision-making in the tourism sector. To that end, subclause (1) requires the Authority to set up and maintain a national tourism database. This database is designed to ensure that data related to tourism performance and impacts (like visitor arrivals, spending, accommodation stats, employment figures, investment trends) are systematically collected, stored, managed and analysed. The goal here is to support informed policy development, keep an eye on performance and plan for the long term in the tourism sector.

Subclause (2) requires the Authority to continuously analysing tourism supply and demand across the Islands by creating a tourism intelligence unit. This unit will gather, compile and analyse tourism data. This provision boosts the Authority's ability to spot trends, predict market changes, evaluate competitiveness and steer strategic actions.

Subclause (3) provides for collaboration with the Statistical Authority of the Turks and Caicos Islands and relevant regional or international organisations to improve data quality, harmonisation and comparability. This ensures that the data aligns with recognised statistical standards and methodologies, enhancing the credibility and usability of tourism data at national, regional and international levels.

Subclause (4) requires the Authority to regularly publish tourism performance and market intelligence reports. By doing so, it promotes transparency, keeps stakeholders informed and allows for benchmarking the Islands' tourism performance.

Clause 10 sets up a framework for annual planning in how the Authority carries out its functions.

Subclause (1) requires the Authority to prepare and submit an annual business plan to the Minister by March 31 each year, focusing on tourism development in the Islands. This plan should detail the projects and activities planned for the upcoming financial year.

Subclause (2) sets what the annual business plan should achieve and what it needs to include. Paragraph (a) indicates that the plan will act as a structured guide for organising and executing

tourism promotion activities for the following year. While, paragraph (b) emphasises the need for the plan to clearly define the programmes and outline the strategies and methods to reach those goals.

Subclause (3) requires the Authority to prepare and submit to the Minister by the end of the financial year in each year, a “State of the Tourism Industry report” which shall highlight the achievement, the status of the sector, the projections and risk analysis, etc.

Clause 11 sets out the composition of the Board, which will oversee the operations of the Authority.

Clause 11(3) and (4) outline how the Chairperson and other Directors of the Authority are to be appointed, focusing on ensuring that governance is competent, credible and accountable.

Subclause (3) states that the Minister will appoint the Chairperson, but this is subject to Cabinet approval. The Chairperson should come from the private sector and have a recognised qualification or significant knowledge and experience in tourism, hospitality or travel. This requirement is designed to ensure that the Authority's leadership has practical industry insights, a strategic grasp of the tourism sector and professional expertise. The need for Cabinet approval adds another layer of oversight in the appointment process.

Subclause (4) provides that the other Directors will also be appointed by the Minister with Cabinet approval. The Minister must be satisfied that these Directors have relevant experience and expertise related to tourism.

Subclause (5) requires the Minister when making the appointments to the Board to ensure there is balanced representation from across the Turks and Caicos Islands as well as the tourism sector.

This approach allows for a Board that brings together a diverse set of skills, making sure that Directors are qualified or experienced to support the Authority's functions.

Clauses 13, 14 and 15 make provisions for the disqualifications for appointment as Director, the removal and resignation from office, and the filling of vacancies.

Clause 17 provides for the appointment of committees of the Board and stipulates the standing committees of the Board.

Clause 19 makes provision for the remuneration, allowance and expenses to be paid to a Director or member of a committee.

Clause 20 provides for the submission of particulars for declaration by Directors to the Integrity Commission.

Clause 21 provides for the Minister to give directions to the Board.

PART III – Meetings and proceedings of Board

PART III makes provisions for the meetings and proceedings of the Board.

Clause 22 sets out provisions for the meetings of the Board.

Clauses 23 and 24 provide for the disclosure of interest of any Director, member of a committee or any person co-opted to a meeting of the Board or committee, and makes it an offence to fail to disclose.

Clause 25 makes provisions to validate decisions made at any meeting where amongst others, there was a vacancy in the Board or members were absent.

PART IV – Chief Executive Officer and Employees of Authority

Part IV makes provision for the appointment of the Chief Executive Officer and other employees of the Authority and clarifies the respective powers of the Board and the Chief Executive Officer in relation to appointments.

Clauses 27 and 28 make provision for the appointment and functions of the Chief Executive Officer.

Clause 29 confers general powers on the Authority to employ such officers and employees as are necessary for the proper discharge of its functions. It further provides for the mandatory appointment of senior officers, namely the Chief Sales and Marketing Officer, the Chief Destination Development Officer, the Chief Financial Officer and the Chief Operating Officer, the Director of Cruise Tourism, the Director of Human Resources and the Director of Compliance and Contracting. These senior officers are to be appointed by the Board on terms and conditions determined by the Board. Other officers and employees are to be appointed by the Chief Executive Officer, subject to terms and conditions determined by the Board. This clause also requires that senior officers possess appropriate academic qualifications and professional experience.

Clauses 30 to 36 set out the respective roles and responsibilities of the four senior officers.

The Chief Operating Officer is responsible for the management of the Quality Assurance Department, facilitating regulatory compliance and investment within the tourism ecosystem and

strengthening the positioning of the Islands in niche markets through the voluntary adoption of recognised international tourism standards and quality labels.

The Chief Financial Officer is responsible for the management of the Finance and Operations Department, the optimisation of the Authority's financial resources and fundraising activities to support the Authority's annual budget.

The Chief Sales and Marketing Officer is responsible for the management of the Marketing Department, including the promotion and strengthening of the Islands' image as a tourism destination, the development of new tourism segments and the implementation of market intelligence and data-driven strategies.

The Chief Destination Development Officer is responsible for the development and resilience of the Islands' tourism offerings, including the development of new tourism products and services in alignment with Government policy and in collaboration with stakeholders.

The Director of Cruise Tourism is responsible for overseeing cruise marketing and developing initiatives to attract cruise lines, increase port calls and boost cruise passenger arrivals to the Islands.

The Director of Human Resources is responsible for planning, directing and coordinating human resources activities, policies and programmes for the Authority and overseeing recruitment, and managing employee issues.

PART V – Financial Provisions

Part V deals with the financial provisions.

Clauses 40 and 41 provide where the funds of the Authority are derived from and can be applied to. The funds will mainly come from moneys appropriated by the Parliament. The funds will be applied for—

- (a) the payment of salaries, wages, fees, allowances, gratuities or similar benefits of persons employed by the Authority; and
- (b) the meeting of obligations and the performance of any of the functions of the Authority and matters incidental thereto.

Clause 43 states the financial year of the Authority which coincides with the financial year of the Government.

Clause 44 links the accounts and audits and process of reporting to the Public Finance Management Act which sets out the requirements for the keeping of accounts and auditing, including those for statutory bodies.

PART VI - Miscellaneous Provisions

Part VI sets out the general provisions.

Clause 46 indemnifies anyone acting in his or her capacity of employment, in good faith from any liability to an action, claim or demand.

Clause 47 makes provision for confidentiality by any person attending any meeting of the Board and any committee.

Clause 48 provides for the offences and penalties.

Clause 49 makes provision for the making of regulations.

PART VII – Transitional Provisions

Part VI contains transitional provisions and makes provision for the statutory dissolution of the Turks and Caicos Islands Tourism Destination Marketing and Management Organisation, a non-profit company established under the Companies Act.

Clause 51 sets out the process for dissolving the Turks and Caicos Islands Tourism Destination Marketing and Management Organisation (referred to as “the Organisation”) on a date set by the Governor. It also establishes the Turks and Caicos Tourism Authority as the successor to the Organisation. This clause is designed to ensure legal continuity, allowing the Tourism Authority to take over all functions of the Organisation seamlessly. This provision takes precedence over the Companies Act and the Organisation’s Articles of Incorporation, avoiding the usual winding-up procedures that would otherwise apply to a non-profit company under the Companies Act.

Clause 52 provides how property and rights are vested. Essentially, this means that on the appointed date, the Organisation’s assets, property, rights and records will automatically transfer to the Authority by the operation of law. This transfer happens without needing any assignments. Any existing securities and encumbrances remain intact. It’s also important to note that any limitations on distribution found in the Organisation’s Articles of Incorporation won’t prevent or interfere with this statutory vesting.

Clause 53 provides that membership will end when the Organisation is dissolved and makes it clear that members won’t receive any share of the assets just because of the dissolution. This provision reflects the non-profit character of the Organisation and ensures that the assets meant for promoting tourism continue to serve public purposes through the Authority.

Additionally, the clause maintains any existing liabilities of members and any independent contractual rights they may have.

Clause 54 provides that, before the Act comes into force, the Minister is empowered to make preparations. This includes appointing the Board as allowed under section 28 of the Interpretation Act.

The purpose of this provision is to ensure that the necessary administrative arrangements are in place so that the Act may be operational on commencement. It allows for the appointment of members of the Board and the taking of preliminary, incidental, and administrative measures required to get the Authority up and running.

Additionally, the clause makes it clear that any appointments, decisions or actions taken before the Act comes into force will be valid as long as they are consistent with the Act.

Clause 55 makes consequential amendment to the Tourism Regulation and Licensing Act.