

THE STATUTES OF THE REPUBLIC OF SINGAPORE

TOURIST PROMOTION BOARD ACT
(CHAPTER 328)

1970 Ed. Cap. 205
Ordinance
35 of 1963

Amended by
55 of 1966
4 of 1970
1 of 1972
4 of 1972
33 of 1975

REVISED EDITION 1985

Tourist Promotion Board Act

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An Act for the establishment of the Singapore Tourist Promotion Board and of the Tourist Promotion Fund and for matters connected therewith.

[1st January 1964]

1. This Act may be cited as the Tourist Promotion Board Act. Short title.

Inter-
pretation.
4/72
33/75.

2. In this Act —

“associate member” means an associate member of the Board appointed under section 6;

“Board” means the Singapore Tourist Promotion Board established under section 3;

“financial year” means a period of 12 months beginning on 1st April;

“member” means a member of the Board appointed under section 5;

“tourist enterprise” means —

(a) any business which provides national or international carriage for passengers;

(b) any business which, either wholly or in part, provides or arranges services for visitors to Singapore or other places outside Singapore, by way of transport, accommodation, tours or guides, whether or not such services are provided within or outside Singapore;

(c) any business which, either wholly or in part, retails goods for sale to visitors to Singapore; or

(d) any association of such businesses,

and includes any exhibition, show, fair, publicity campaign or other undertaking intended wholly or in part for the benefit of, or for the purpose of attracting, visitors to Singapore.

Establish-
ment of
Tourist
Promotion
Board.
33/75.

3.—(1) There shall be established in accordance with the provisions of this Act a body to be called the Singapore Tourist Promotion Board.

(2) The Board shall be a body corporate with perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire and dispose of property, both movable and immovable, and may sue and be sued in its corporate name and perform such other acts as bodies corporate may by law perform.

Chairman
of Board.

4. The Minister shall appoint a Chairman of the Board (referred to in this Act as the Chairman) who shall, subject to the provisions of this Act, hold office for such period and on such terms as the Minister may determine.

5.—(1) The Board shall consist of —

- (a) the Chairman;
- (b) the Director of the Board appointed under section 8;
- (c) two members to be appointed by the Minister from amongst the associate members; and
- (d) 8 other members to be appointed by the Minister.

Constitution
of Board.
4/72.

(2) The members of the Board appointed by the Minister under subsection (1) (d) shall, unless their appointment is revoked by the Minister under subsection (6), or unless they resign during their period of office, hold office for a term of 3 years or for such shorter period as the Minister may in any case determine.

(3) The Minister may appoint a member of the Board to be Deputy Chairman of the Board. The Deputy Chairman may preside at meetings of the Board in the absence of the Chairman.

(4) A member of the Board shall not, in any meeting of the Board, participate in any discussion relating to, and shall not vote in respect of, any contract, business or other matter in which he is interested, and if he does so his vote shall not be counted.

(5) The members of the Board shall be paid out of the funds of the Board such salaries, fees or allowances as the Minister may determine.

(6) The Minister may at any time revoke the appointment of the Chairman or of any other member of the Board.

6.—(1) The Board may appoint a person carrying on any business in Singapore to be an associate member of the Board.

Associate
members.
4/72.

(2) An associate member shall —

- (a) be granted an emblem and a certificate to be prescribed by the Board in recognition of his associate membership;
- (b) maintain high standards at all times in the conduct of his business for the promotion of the tourist trade in Singapore;
- (c) comply with all regulations made by the Board; and

(d) pay such fee to the Board as may be prescribed by the Board.

(3) The Board may at any time revoke the appointment of a person as an associate member.

(4) No person other than an associate member shall use the emblem and certificate referred to in subsection (2) (a).

(5) No person shall use any emblem, title or description reasonably calculated to suggest that he is an associate member unless he is in fact an associate member.

(6) Any person who contravenes subsection (4) or (5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both. [5A

Directions
by Minister.

7.—(1) The Minister may, after consultation with the Board or otherwise, give to the Board such directions, not inconsistent with the provisions of this Act, as he may think fit, as to the exercise and performance by the Board of its powers, duties and functions under this Act, and the Board shall give effect to all such directions.

(2) The Board shall furnish the Minister with such information with respect to its property and activities as he may from time to time require. [6

Director
of Board.

8.—(1) The Board shall, with the approval of the Minister, appoint a Director of the Board who shall perform such duties as the Board may entrust or delegate to him:

Provided that the first Director of the Board shall be appointed by the Minister.

(2) If the Director of the Board is temporarily absent from Singapore or temporarily incapacitated through illness or for any other sufficient reason from the performance of his duties, another person may be appointed in the manner provided by subsection (1) to be the Director of the Board during such temporary absence or other incapacity. [7

Appointment
of officers
and
employees.

9.—(1) The Board may from time to time appoint such agents and appoint and employ such officers and employees as may be necessary for the purposes of this Act and may from time to time dismiss them.

(2) All officers and employees of the Board shall be under the administrative control of the Board. [8

10.—(1) No person shall be eligible for employment as an officer or employee of the Board who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, for or on behalf of the Board. Ineligibility for employment as officers of Board.

(2) Any officer or employee of the Board who has or acquires any such share or interest shall be liable in the discretion of the Board to summary dismissal without notice. [9

11. For the purpose of enabling the Board to carry out its functions under this Act, the Minister may, from time to time, authorise the payment to the Board of such sums as he may determine. Payments to Board. [10

12.—(1) There shall be established a fund to be called the Tourist Promotion Fund (referred to in this Act as the Fund) which shall be controlled and administered by the Board, subject to the directions of the Minister. Establishment and administration of Tourist Promotion Fund.

(2) All moneys collected under section 14 (f) and all moneys received by the Board from any source whatsoever shall be paid into the Fund. [13*

13. The Fund shall be devoted to the following purposes: Purpose of Fund.

(a) the payment of the expenses of, or connected with, the administration of the Board; and

(b) the payment of all expenses necessary for carrying out the purposes of this Act. [14

14. The Board shall have power — Powers of Board. 4/72.

(a) to act as agent for the Government or, with the approval of the Government, for any person, body or organisation for the transaction of any business connected with any tourist enterprise;

(b) to engage in, assist or promote the improvement of facilities for visitors to Singapore and the development of Singapore as a holiday resort;

(c) to secure overseas publicity for the tourist attractions of Singapore;

*Sections 11 and 12 in the 1970 Edition were repealed by Act 1/72.

- (d) to co-ordinate the activities of persons providing services for visitors to Singapore;
- (e) to regulate, with the approval of the Minister, standards to be maintained by tourist enterprises;
- (f) with the approval of the Minister, to license any class or classes of tourist enterprises, to prescribe the conditions under which such licences may be granted and the fees which may be levied therefor, and to collect such fees;
- (g) to acquire, purchase, take on lease, hire, hold and enjoy movable and immovable property of every description and to convey, assign, surrender, and yield up, charge, mortgage, demise, reassign, transfer or otherwise dispose of, or deal with, any movable or immovable property belonging to the Board upon such terms as to the Board seem fit;
- (h) to enter into any contract;
- (i) to receive, in consideration of the services rendered by it, such commission or payment as may be agreed upon;
- (j) to make recommendations to the Government in relation to any measures which may be taken with a view to increasing the number of visitors to Singapore;
- (k) to exercise all functions and powers and perform all duties which, under any other written law, are or may be or become vested or delegated to it;
- (l) subject to the approval of the Minister, to make rules for the establishment of a scheme or schemes for the payment of pensions, gratuities, provident fund or other superannuation benefits to such employees or classes of employees of the Board as it may determine, on their death or retirement from the service of the Board or on their otherwise leaving the service of the Board;
- (m) with the approval of the Minister, to carry on the business of providing transport facilities for persons visiting a tourist resort;

- (n) with the approval of the Minister, to take, or otherwise acquire, and hold shares, debentures or other security in any company carrying on the business of a tourist enterprise, food establishment or public house;
- (o) with the approval of the Minister, to invest any money of the Board in any business which will promote or be conducive to the tourist trade in Singapore; and
- (p) generally to do all such matters and things as may be incidental to or consequential upon the exercise of its powers or the discharge of its duties under this Act. [15]

15. The following provisions shall apply to any scheme established under any of the rules made under section 14 (l) —

- (a) no assurance on the life of any contributor under any such scheme, and no moneys or other benefits payable under any such assurance, and no payment made under any such scheme to any person who has been employed by the Board, shall be assignable or transferable, or liable to be garnished, attached, sequestered or levied upon for or in respect of any debt or claim whatsoever, other than a debt due to the Board or to the Government;
- (b) no donation by the Board or contribution by its officers made under any such scheme and no interest thereon shall be assignable or transferable or liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatsoever other than a debt due to the Board or to the Government;
- (c) no such donation, contribution or interest shall be subject to the debts of the contributor, nor shall such donation, contribution or interest pass to the Official Assignee on the bankruptcy of such contributor, but, if such contributor is adjudicated a bankrupt or is declared insolvent by a court, such donation, contribution or interest shall, subject to the provisions of this Act, be deemed to be subject to a trust in favour of the

Protection
of super-
annuation
scheme.
4/72.

persons entitled thereto on the death of the contributor;

- (d) the bankruptcy of a contributor shall not affect the making of deductions from the salary of the contributor in accordance with any such scheme, but such deductions shall continue to be made notwithstanding the provisions of any written law, and the portion of salary so deducted shall not be deemed to form part of his after-acquired property;
- (e) subject to the provisions of any such scheme, all moneys paid or payable under any such scheme on the death of a contributor shall be deemed to be subject to a trust in favour of the persons entitled thereto under the will or intestacy of such deceased contributor, or under a nomination in such form as may be prescribed in such scheme, and shall not be deemed to form part of his estate or be subject to the payment of his debts but shall be deemed to be property passing on his death for the purposes of the Estate Duty Act;
- (f) any contributor may by a memorandum under his hand appoint a trustee or trustees of the moneys payable on his death out of any such scheme and may make provision for the appointment of a new trustee or new trustees of such moneys and for the investment thereof; such memorandum shall be in the form prescribed in such scheme and shall be deposited with the Board;
- (g) if at the time of the death of any contributor or at any time afterwards, there is no trustee of such moneys or it is expedient to appoint a new trustee or new trustees, then and in any such case a trustee or trustees or a new trustee or new trustees may be appointed by the High Court or a Judge thereof; and
- (h) the receipt of a trustee or trustees duly appointed, or in default of any such appointment and of written notice thereof to the Board, the receipt of the legal personal representative of a deceased contributor shall be a discharge to the

Board for any moneys payable on his death out of any such scheme. [15B*

16.—(1) No person shall use the word “travel” or “tourist” in any language in any business name except with the permission of the Board.

Restriction on the use of the words “travel” and “tourist”. 4/72.

(2) The permission of the Board shall not be unreasonably withheld from any person who is carrying on the business of a tourist enterprise.

(3) Any person who has been refused permission by the Board to use the word “travel” or “tourist” in any business name may appeal to the Minister whose decision shall be final.

(4) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding one year or to both, and to a further fine not exceeding \$500 for every day during which the offence continues after conviction.

(5) A Magistrate’s Court may, on the application of an officer of the Board, make a prohibition order against a person who has been convicted of an offence under subsection (1) to prohibit him from using the word “travel” or “tourist” in any business name.

(6) Any person to whom a prohibition order is addressed who fails to comply with the prohibition order shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 for every day during which he fails to comply with the order.

(7) In this section, “business name” means the name, title or description under which any business is carried on whether in partnership or otherwise.

17.—(1) No person shall describe or cause to be described any business or activity as a tourist or travel service, or as a tourist or travel agency, except with the permission of the Board.

Business not to be described as tourist service, etc. 4/72.

(2) The permission of the Board shall not be unreasonably withheld from any person who is carrying on the business of a tourist enterprise.

*Section 15A in the 1970 Edition was repealed by Act 33/75.

(3) Any person who has been refused permission by the Board to describe his business or activity as a tourist or travel service, or as a tourist or travel agency, may appeal to the Minister whose decision shall be final.

(4) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding one year or to both, and to a further fine not exceeding \$500 for every day during which the offence continues after conviction.

(5) A Magistrate's Court may, on the application of an officer of the Board, make a prohibition order against a person who has been convicted of an offence under subsection (1) to prohibit him from describing any activity or business as a tourist or travel service, or as a tourist or travel agency.

(6) Any person to whom a prohibition order is addressed who fails to comply with the prohibition order shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 for every day during which he fails to comply with the order. [15D

Financial provisions.
33/75.

18. The financial provisions set out in the Second Schedule shall have effect with respect to the Board. [16

Annual report.

19. So soon as may be after 1st April in every year but not later than 31st July in every year, unless otherwise expressly authorised in writing by the Minister, the Board shall prepare a report of its activities in the preceding year and shall send a copy of the report to the Minister who shall present a copy of every such report to Parliament. [17

Annual estimates.

20. The Board shall obtain in advance the approval of the Minister for its annual estimates of expenditure and for any supplementary estimates of such expenditure. [18

Protection of members of Board.

21.—(1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Board in respect of any act done bona fide in pursuance or execution or intended execution of this Act.

(2) Where any member of the Board is exempt from liability by reason only of this section, the Board shall be

liable to the extent that it would be if that member were an employee or agent of the Board. [19

22. Proceedings in respect of any offence under the provisions of this Act, or of any of the regulations made thereunder, may be conducted by any officer of the Board authorised in writing in that behalf by the Director. [19A

Conduct
of legal
proceedings.
4/72.

23. No court shall take cognizance of any offence under this Act or any regulations made thereunder except with the sanction of the Public Prosecutor. [19B

Sanction.
4/72.

24.—(1) The Board shall have the exclusive right to the use of the symbol a representation of which is set out in the First Schedule.

Symbol
of Board.
4/72
33/75.

(2) Any person who without the permission of the Board uses the Board's symbol shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

(3) Any person who uses a symbol so nearly resembling the Board's symbol so as to cause confusion in relation to the Board's symbol shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000. [19c

25.—(1) The Board may, with the prior approval of the Minister, make regulations generally for carrying out the provisions of this Act.

Regulations.

(2) In particular and without prejudice to the generality of subsection (1), such regulations may provide for —

- (a) the convening of meetings of the Board and the procedure to be followed at the meetings;
- (b) the appointment or establishment of committees of the members of the Board, and the co-opting of persons other than members of the Board to such committees; and
- (c) the manner in which documents, cheques and instruments of any description shall be signed or executed on behalf of the Board.

(3) Such regulations —

- (a) may prescribe that any act or omission in contravention of any regulation shall be an offence;
- (b) may provide for the imposition of penalties not exceeding a fine of \$5,000 for such offences; and

4/72.

(c) in the case of any licence granted under section 14 (f), may provide that in addition to such fine, the penalty may extend to the cancellation or suspension of the licence.

(4) All regulations made under this Act shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after publication. [20

Winding up. 26. The Board or the Fund shall not be wound up except by or under the authority of an Act. [21

Section 24.
4/72.

FIRST SCHEDULE

BOARD'S SYMBOL



Section 18.
33/75.

SECOND SCHEDULE

FINANCIAL PROVISIONS

1. The Board shall keep proper accounts and records of its transactions and affairs and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Board and over the expenditure incurred by the Board.

2. The accounts of the Board shall be audited by the Auditor-General or by an auditor appointed annually by the Minister in consultation with the Auditor-General (referred to in this Act as the auditor).

3. The fees of the auditor shall be paid by the Board.

4. The Board shall, as soon as practicable after the close of the financial year, prepare and submit the financial statements in respect of that year to the auditor who shall audit and report on them.

5. The auditor shall report —

- (a) whether the financial statements show fairly the financial transactions and the state of affairs of the Board; and
- (b) such other matters arising from the audit as he considers should be reported.

SECOND SCHEDULE — *continued*

6. The auditor shall state in his report whether —
 - (a) proper accounting and other records have been kept; and
 - (b) the receipt, expenditure and investment of moneys and the acquisition and disposal of assets by the Board during the year have been in accordance with the provisions of this Act.
7. The auditor may at any other time report to the Minister through the Board upon any matter arising out of the performance of his audit.
8. The auditor or any person authorised by him is entitled at all reasonable times to full and free access to all accounting and other records relating directly or indirectly to the financial transactions of the Board.
9. The auditor or any person authorised by him may make copies of, or make extracts from, any such accounting and other records.
10. The auditor or any person authorised by him may require any person to furnish him with such information which that person possesses or has access as the auditor or any duly authorised person considers necessary for the purposes of the functions of the auditor under this Act.
11. Any officer of the Board who refuses or fails without any reasonable cause to allow the auditor access to any accounting and other records of the Board in his custody or power or to give any information possessed by him as and when required or who otherwise hinders, obstructs or delays the auditor in the performance of his duties or the exercise of his powers shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500, and in the case of a continuing offence to a further fine not exceeding \$100 for every day or part thereof during which the offence continues after conviction.
12. As soon as the accounts of the Board and the financial statements have been audited in accordance with the provisions of this Act, a copy of the audited financial statements signed by the Chairman, together with a copy of any report made by the auditor, shall be submitted to the Minister.
13. Where the Auditor-General has not been appointed to be the auditor a copy of the audited financial statements and any report made by the auditor shall be forwarded to the Auditor-General at the same time they are submitted to the Board.
14. The Minister shall cause a copy of the audited financial statements and of the auditor's report to be presented to Parliament.