

Legal Alert **Tourism & Hospitality Regulations in Nigeria**

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The objective of tourism and hospitality development and promotion in Nigeria continues to meet with minimal success due to lack of basic infrastructure and enlightenment on the economic, social, political and health benefits of tourism and the hospitality industries. Nigerians prefer to travel overseas for their vacation and health care needs to the disadvantage of the very large tourism potential in Nigeria. To address this problem, the Nigerian government enacted another Tourism Law to promote, develop and regulate tourism and hospitality businesses in Nigeria.

Nigerian Tourism Development Act, 1992

The Nigerian Tourism Development Corporation Act established the Nigerian Tourism Development Corporation (NTDC) as the statutory authority empowered to promote, develop and regulate tourism and hospitality businesses in Nigeria. NTDC is also required by statute to among other things encourage people living within and outside Nigeria to take their holidays in Nigeria, in addition to encouraging the provision and improvement of tourism amenities and facilities in Nigeria. The latter responsibility includes the encouragement of the development of Hotels and their ancillary facilities necessary to promote tourism.

It is also the statutory responsibility of NTDC to register, classify and grade tourism, hospitality, travel agencies and tour operators' establishments in Nigeria. The Hotel Inspectorate Division of NTDC is charged with this responsibility of registering, classifying, grading and monitoring Hotels and other Hospitality businesses in Nigeria. Annexed to the NTDC Act is the Hospitality and Tourism Establishments (Registration, Grading and Classification) Regulations. NTDC has the power to suspend or revoke a certificate of registration. The exercise of this power can however be appealed against, administratively and judicially.

States & Local Governments Tourism

All the thirty-six (36) States in the Federal Republic of Nigeria are required to have a State Tourism Board. Each State Tourism Board has the responsibility of assisting NTDC in the implementation of the promotion and development of tourism, in its entirety in that State, to the benefit of the entire Federation of Nigeria.

Each Local Government Area in each of the thirty-six (36) States of the Federal Republic of

Nigeria also has established for them, statutorily, a Local Government Tourism Committee (LGT Committee) which has the responsibility of recommending to the NTDC Tourism Board, tourism projects in that local government area for the enhancement of tourist attractions, the preservation and maintenance of monuments and museums, among other functions.

NTDC Inspectors & Cooperation of Hospitality Establishments

All proprietors and managers of hospitality and tourism establishments are required by the NTDC Act to provide full cooperation to NTDC Inspectors in the discharge of their statutory duties.

Where any person, whether a proprietor, proprietress, owner, manager, agent, employee or howsoever described delays or obstructs an inspector or fails to provide the required information or cooperation in the execution of the Inspectors statutory duties under the NTDC Act, such a person commits an offence which on conviction carries a fine of N1,000 or a term of imprisonment of one month, or to both the term of imprisonment and the fine.

Hospitality & Tourism Establishments (Registration, Grading & Classification) Regulations, 1995

No person is authorised, under any circumstances, to operate a hospitality or tourism establishment unless he or she has applied for and obtained and remains in possession of a current NTDC certificate of registration specifying the owner of the establishment where the hospitality or tourism business is carried on, the premises, etc. The only exception to this NTDC registration rule are premises used exclusively for boarding persons in religious, educational or charitable institutions, charitable places for the handicapped persons and children, private houses, furnished apartments used for residential periods not exceeding one month, government guest houses and lodges, etc.

The owner of a hospitality and tourism establishment must within sixty (60) days from the date of its commencing business operations apply to NTDC for an annual renewable registration, classification or re-classification of its hospitality or tourism establishment. The application for registration, classification or re-classification must be accompanied by the prescribed NTDC fees and such other documents as may be reasonably required by NTDC.

Every NTDC certificate of registration expires on the 31st day of December of the year in which the NTDC certificate was issued.

The Owner of every hospitality or tourism establishment is mandatorily required to display its NTDC certificate of registration in a prominent place at its reception desk. The owner of such an establishment is also required to display outside its premises, the sign provided by NTDC indicating the name of the establishment, its classification and grading status. Any owner or manager who uses a star or crown sign other than as classified or graded by NTDC commits an offence which on conviction attracts a fine of N5,000.

Also, any owner or manager who fails to apply for NTDC registration within sixty (60) days of its commencement of operation is liable on conviction to a fine of N5,000 in the first instance and a further penalty ranging from N1,000 to N2,000 for every week, after the period of registration has expired and registration is not effected.

All owners of every tourism and hospitality establishment involved in charter or tour services are also required to register their establishment with NTDC in addition to obtaining from a reputable insurance company a business guarantee bond in the minimum amount of N500,000 against all fiduciary liabilities of such an establishment.

Checklist for NTDC Hospitality & Tourism Establishments Registration

Subject to such additional requirements as NTDC may prescribe, the following must be presented for registration to be considered: -

- (a) NTDC Application form and fees;
- (b) Completed registration documents;
- (c) Evidence of good character and capability of operating or managing a hospitality or tourism establishment;
- (d) The Hospitality or tourism premises is structurally adapted to the Hospitality or Tourism business;
- (e) Proper sanitation is provided in the designated premises;
- (f) Uninterrupted electricity, portable water, proper fire fighting equipment and adequate security must be provided;
- (g) Proper provision is made for the storage, preparation and serving of food;
- (h) The premises complies with health requirements in force in Nigeria;
- (i) The establishment will be conducted in an efficient manner;
- (j) The premises will not harbour criminals.

Conclusion

NTDC continues to publish the advantages of tourism to the people living within and outside Nigeria. The infrastructure deficiencies in Nigeria however remain a great challenge in reversing an otherwise deteriorating culture and apathy to tourism generally in Nigeria. The State and Local Government areas tourism bodies are not visibly functional to assist NTDC in covering a country with a vast land mass as Nigeria. The efforts of NTDC and private investors will be greatly enhanced if these problems are resolved.

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