

SAINT VINCENT AND THE GRENADINES

ACT NO. 6 OF 2001

IN ASSENT

CHARLES J. ANTROBUS
Governor-General
12th March, 2001.

[L.S.]

AN ACT to provide for the establishment of a Cultural Foundation for St. Vincent and the Grenadines.

[By Proclamation]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly of Saint Vincent and the Grenadines and by the authority of the same, as follows:

1. This Act may be cited as the National Cultural Foundation Act, 2001, and shall come into operation on such date as the Governor-General may by Proclamation appoint. Short title and commencement

Part I - Preliminary

2. In this Act -- Interpretation

“Foundation” means the National Cultural Foundation established under section 3;

“Fund” means the Reserve Fund established under section 7;

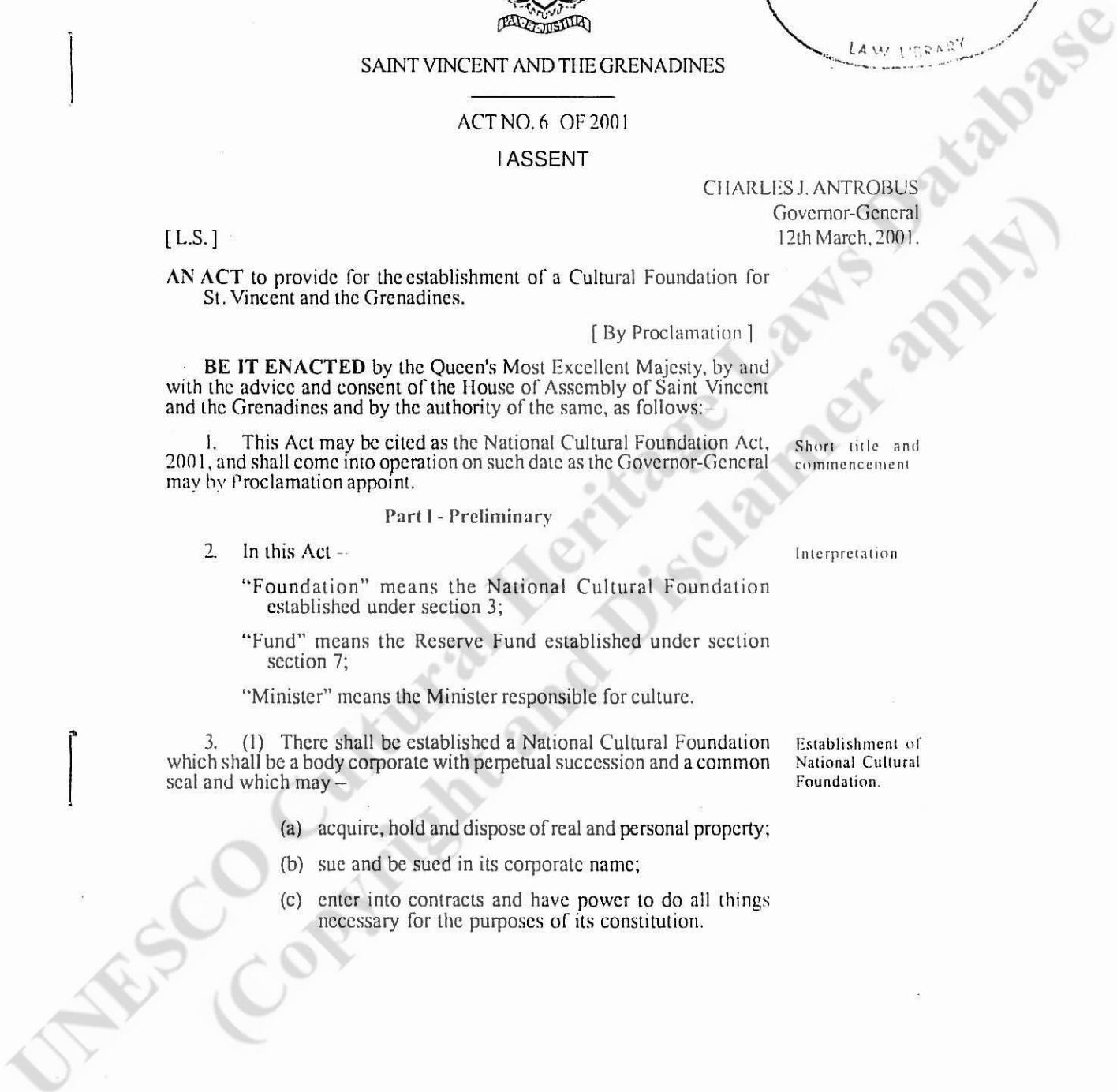
“Minister” means the Minister responsible for culture.

3. (1) There shall be established a National Cultural Foundation which shall be a body corporate with perpetual succession and a common seal and which may -- Establishment of National Cultural Foundation.

(a) acquire, hold and dispose of real and personal property;

(b) sue and be sued in its corporate name;

(c) enter into contracts and have power to do all things necessary for the purposes of its constitution.



Schedule (2) The Schedule has effect with respect to the Constitution of the Foundation and otherwise in relation thereto.

Functions of Foundation 4. (1) The functions of the Foundation are -
(a) to stimulate and facilitate the development of dance, literature, music, drama, fine arts and culture generally;
(b) to develop, maintain and manage theatres, libraries and other cultural facilities and equipment provided by the Government;
(c) to organise cultural festivals; and
(d) to do anything necessary or desirable to assist persons interested in developing cultural expression.

(2) Subject to this Act, the Foundation may carry on any activity that appears to be requisite, advantageous or convenient for or in connection with the discharge of its functions under this Act.

(3) The Foundation may establish agencies to assist it in carrying out its functions.

Remuneration of members. 5. A member of the Foundation is entitled, in respect of the office he holds, to such remuneration and allowances, if any, as the Minister determines.

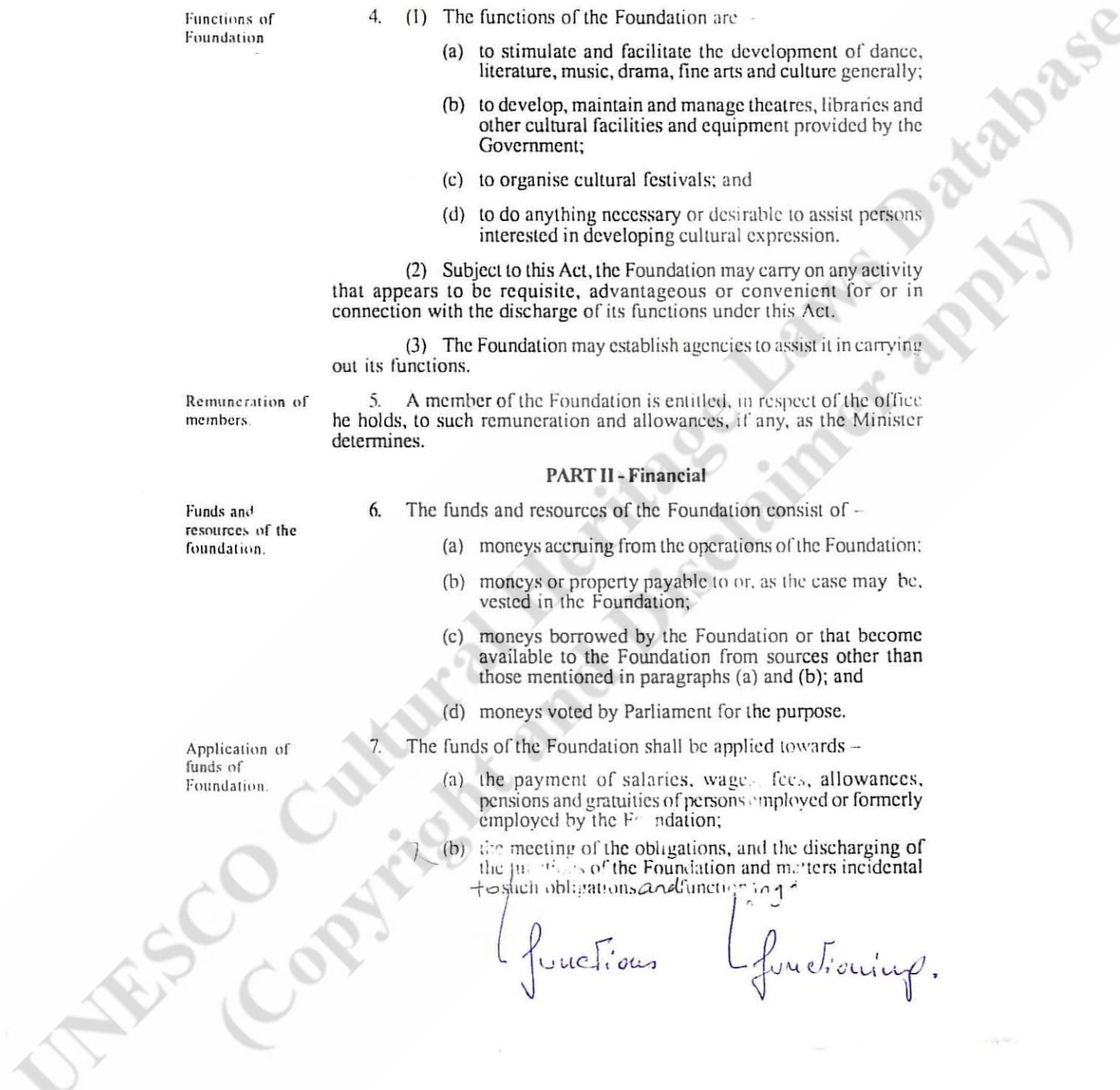
PART II - Financial

Funds and resources of the foundation. 6. The funds and resources of the Foundation consist of -
(a) moneys accruing from the operations of the Foundation;
(b) moneys or property payable to or, as the case may be, vested in the Foundation;
(c) moneys borrowed by the Foundation or that become available to the Foundation from sources other than those mentioned in paragraphs (a) and (b); and
(d) moneys voted by Parliament for the purpose.

Application of funds of Foundation. 7. The funds of the Foundation shall be applied towards -
(a) the payment of salaries, wages, fees, allowances, pensions and gratuities of persons employed or formerly employed by the Foundation;

(b) the meeting of the obligations, and the discharging of the functions of the Foundation and matters incidental to such obligations and functioning.

functions functioning.



(c) the creation and maintenance of the Reserve Fund established under section 8.

8. (1) The Foundation may, out of its funds, establish a fund to be known as the Reserve Fund. Reserve Fund

(2) Subject to subsection (3) and section 12(2), the Foundation –

- (a) shall have control over the management of the Fund;
- (b) shall determine what amounts shall be credited to the Fund; and
- (c) shall determine the purposes for which the Fund may be applied.

(3) The Fund may only be applied for the purposes of the Foundation.

9. (1) The Foundation shall keep accounts of its transactions in such form and in such manner as the Minister approves, being a form which shall conform with established accounting principles. Accounts and audit

(2) The accounts of the Foundation shall be audited annually by an auditor appointed by the Foundation with the approval of the Minister.

(3) The Director of Audit may at the request of the Minister carry out at any time an investigation into, or special audit of, the accounts of the Foundation.

10. (1) The members, officers and other employees of the Foundation shall allow the Director of Audit or, as the case may be, the auditor appointed pursuant to section 8(2), to have access to all books and documents relating to accounts, cash and securities of the Foundation and, on request supply to him all information within their knowledge that relates to the operation of the Foundation. Right of access by Director of Audit or auditor

(2) A person who fails to comply with this section commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

11. (1) The Foundation shall as soon as possible after the expiration of each financial year and in any case not later than 30th day of June in each year, submit to the Minister a report containing -- Reports

- (a) a detailed account of its activities for the preceding financial year; and
- (b) a statement of its audited accounts.

(2) A copy of the report referred to in subsection (1) shall, together with a copy of the auditor's report on the accounts, be laid on the Table of the House of Assembly and published in the Gazette.

Financial year.

12. The financial year of the Foundation shall coincide with the calendar year.

Directions

13. (1) The Minister may after consultation with the chairman of the Foundation give to the Foundation directions of a general or specific character respecting the policy to be followed in the exercise and performance of its functions affecting matters that appear to the Minister to be of public interest, and the Foundation shall give effect to such directions.

(2) Notwithstanding subsection (1), the Foundation shall not, except with the prior approval of the Minister –

- (a) invest any of its funds in any securities;
- (b) dispose of any of its securities;
- (c) acquire or dispose of any real property;
- (d) enter any contract for the purpose of raising loans;
- (e) assign, in respect of any office established by the Foundation, a salary in excess of such amount as the Minister determines;
- (f) appoint a person to an office established by the Foundation to which a salary is assigned with the approval of the Minister under paragraph (e); or
- (g) make provision for payment of pensions, gratuities or similar benefits to officers, members or employees of the Foundation in respect of services to the Foundation.

Regulations

14. The Foundation may, with the approval of the Minister, make regulations –

- (a) respecting the maintenance of order on premises under the control of the Foundation;
- (b) respecting the conditions under which premises under the control of the Foundation may be let or used;
- (c) respecting the powers and duties of officers appointed by the Foundation to assist in the administration of this Act and the regulations; and
- (d) prescribing anything that may be required to be prescribed.

SCHEDULE (section 3)

1. (1) The Foundation shall consist of not less than seven persons no more than eleven persons appointed by the Minister by instrument in writing from among persons appearing to him to have the necessary expertise and interest in the development of culture. Constitution
- (2) The Minister shall appoint a chairman, and deputy chairman from among the members of the Foundation.
- (3) In the case of the inability of any member of the Foundation to act, the Minister may appoint a person to act temporarily in the place of such member.
2. A member of the Foundation holds office for a term of three years unless he dies, resigns or has his appointment revoked before the end of that term, but - Tenure of office
- (a) a person who is appointed to fill a vacancy created by the death, resignation or removal from office of a former member holds office only for the unexpired portion of the term of the former member; and
- (b) every member is, on the expiration of the term of his appointment, eligible for reappointment for a further term.
3. The Minister may grant leave of absence to a member of the Foundation and may appoint a person to act temporarily in the place of that member. Leave of Absence
4. A member of the Foundation, other than the chairman may resign his office by instrument in writing addressed to the Minister, transmitted through the Chairman and from the date of the receipt of the instrument by the Minister the member ceases to be a member of the Foundation. Resignation of Member.
5. The Chairman may at any time resign his office by instrument in writing addressed to the Minister and from the date of the receipt of the instrument by the Minister the Chairman ceases to be Chairman, and if the instrument so specifies, ceases to be a member of the Foundation. Resignation of Chairman
6. The Chairman or, in the event of his being absent from Saint Vincent and the Grenadines or for any reason unable to act, the Deputy Chairman, may at any time call a special meeting of the Foundation and shall call such a meeting within seven days after receiving a requisition to do so by any five members of the Foundation. Special Meeting
7. Five members of the Foundation shall form a quorum. Quorum
8. The decisions of the Foundation are by a majority of votes and where the voting is equal the Chairman has, in addition to his original vote, a casting vote. Voting

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- Meeting 9. The Foundation shall meet at such places and times for the transaction of business as the Foundation determines.
- Minutes of Meeting 10. Minutes of each meeting shall be duly kept by the Secretary or other person appointed by the Foundation for the purpose, and shall be confirmed by the Foundation at its next meeting and signed by the Chairman or other person presiding at that meeting.
- Co-opting of persons 11. The Foundation may co-opt persons to attend any of its meetings for the purpose of assisting or advising it respecting any matters with which it is dealing, but a co-opted member does not have a right to vote.
- Signature of documents 12. All documents made by, and all decisions of, the Foundation shall be signified under the hand of the Chairman or any member authorised to act in that behalf or by the Secretary.
- Power to regulate proceeding 13. Subject to this Schedule, the Foundation may regulate its own proceedings.

Passed in the House of Assembly this 11th day of January 2001.

J. THERESA ADAMS
Clerk of the House of Assembly

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