

Numbering of sections

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Nil

CHAPTER 297

SAINT VINCENT AND THE GRENADINES CENTRE FOR THE PERFORMING ARTS ACT

Arrangement of sections

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AN ACT to provide for the establishment, operation and function of a body to manage, care, control and maintain the Saint Vincent and the Grenadines Centre for the Performing Arts and for matters incidental thereto and connected therewith.

Commencement: 15th April 1986

1. This Act may be cited as the Saint Vincent and the Grenadines Centre for the Performing Arts Act. *Short title.*
2. In this Act, unless the context otherwise requires: *Interpretation.*
"Board" means the Board for the Centre for the Performing Arts established under section 3;

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"Centre" means the Centre for the Performing Arts specified in section 8;

"chairman" and "deputy chairman" mean the chairman and deputy chairman of the Board appointed under section 4 (2);

"director" means director of the Centre appointed pursuant to section 6 (1);

"donation" includes bequests, annuities and gifts as specified in section 16;

"Minister" means the Minister with responsibility for culture.

Establishment of Board.

3. (1) There is hereby established for the purposes of this Act a body, to be called the Board for the Centre for the Performing Arts, which shall be a body corporate having perpetual succession and a common seal with powers to acquire and hold land and other property of whatever kind.

(2) The seal of the Board shall be kept in the custody of the director and may be affixed to instruments by the director, but shall not be so affixed in respect of any matter for which power or authority is vested under this Act in the Board, save and except in accordance with the directions of the Board.

(3) The seal of the Board affixed to any instrument under subsection (2) shall be authenticated by the signature of the director and of the chairman or deputy chairman.

(4) The Board may sue and be sued in its corporate name and may for all purposes be described by that name, and service upon the Board of any notice, order or other document shall be executed by delivering the same or by sending it by registered post addressed to the director at the office of the Board.

Constitution of Board.

4. (1) The Board shall consist of seven members appointed by the Minister as follows—

- (a) one representative of the International Friends of the Centre established in the United States of America;
- (b) three representatives of the theatre, music or the arts;
- (c) two representatives of the private sector; and
- (d) one other person with experience in the arts or cultural affairs.

(2) The Minister shall appoint a chairman and a deputy chairman of the Board from amongst the members.

(3) The chairman, deputy chairman and other members of the Board shall hold office for a period which, in the case of each of the members first appointed and of any member appointed to fill a casual vacancy shall be of such duration not exceeding two years as may be determined by the Minister, and in any other case members shall be appointed for a term of two years. Any member of the Board is eligible for re-appointment.

(4) The Minister may appoint a person appearing to him to have the qualifications for appointment under subsection (1) as a member of the Board to act temporarily in the place of any member of the Board in the case of absence or inability to act as such member.

(5) A member of the Board, other than the chairman and deputy chairman, may, at any time, resign his office by notice in writing addressed to the chairman who shall forthwith cause such notice to be forwarded to the Minister.

(6) The chairman or deputy chairman may, at any time, resign his office by notice in writing addressed to the Minister.

(7) Upon the receipt by the chairman or the Minister, as the case may be, of notice of resignation under subsections (5) and (6) respectively, the respective office shall fall vacant.

(8) The Minister may at any time revoke the appointment of any member of the Board if he thinks it expedient so to do.

(9) The appointment of any member of the Board and the termination of office of any such member, whether by death, resignation, revocation, effluxion of time or otherwise, shall be notified in the Gazette.

5. (1) The Board shall manage, care, control and maintain the Centre and may do all things in furtherance of, or consistent with, the purposes and provisions of this Act as it deems expedient.

(2) The Board may sell, dispose of or exchange equipment or removable property within the Centre.

(3) The Board shall promote the development of the arts.

(4) The Board shall promote international cultural exchange.

6. (1) The Board, with the approval of the Minister, may appoint on terms and conditions of service as it thinks fit, a suitable person to be the director of the Centre who shall be the secretary to the Board and the administrative head of the Centre.

Functions of Board.

Appointment of officers and servants of Board.

(2) The director shall:

- (a) be present at every meeting of the Board unless he is incapacitated by illness or other cause or has obtained leave of absence from the chairman;
- (b) perform such functions as may be conferred upon him by the Board under this Act;
- (c) act in accordance with any special or general directions that the Board may give him.

(3) In the event of incapacity or inability of the director, the Board shall, with the prior approval of the Minister, appoint a suitable person to act as director.

Meetings and procedure at meetings.

7. The meetings, and procedure at meetings, of the Board shall be governed by the provisions of the Schedule.

Appointment of trustees and vesting of property.

8. (1) Cabinet may appoint three trustees in whom the Centre, during its construction, and the land upon which it is being constructed shall be vested.

(2) One of the trustees appointed under sub-section (1) shall be a member of the International Friends of the Centre established in the United States of America.

(3) Upon the completion of the construction of the Centre, the Centre and the land on which it stands shall vest absolutely in the Board.

Funds and resources of Board.

9. The funds and resources of the Board shall consist of—

- (a) such sums as may—
 - (i) be placed at the disposal of the Board from whatever source;
 - (ii) accrue to the Board from its operations under this Act;
- (b) such sums or property as may become payable to or, as the case may be, vested in the Board;
- (c) such sums as the Board borrows; and
- (d) such amounts as may be voted by the House of Assembly for the purpose.

Application of funds.

10. The funds of the Board may be applied—

- (a) to finance anything consequential upon or incidental to the carrying out of the purposes of this Act, including the purchase of land or building for use in connection with the purposes of this Act, the cost of construction and reconstruction and upkeep of buildings and grounds, the cost and maintenance of equipment, fees, dues, performances

and all other activities appropriate to purposes of the Centre;

(b) to pay—

- (i) salaries and allowances of members of the Board and staff of the Board and any other sums payable by virtue of this Act;
- (ii) expenses of or in connection with the performance of any of the functions of the Board;
- (iii) any other expenses or outgoings authorised by the Board and incidental to the performance of the functions of the Board.

11. (1) Receipts for sums of money paid to the Board shall be signed by the director or his designate. Management of funds.

(2) Payments out of the funds of the Board, to be made by the director upon voucher or cheques, shall be signed by the director and the chairman or deputy chairman or, in their absence, one other member of the Board.

(3) The funds of the Board shall be paid into a bank approved by resolution of the Board and published in the Gazette.

12. (1) The Board may borrow sums of money required by it to meet any of its obligations or to discharge any of its obligations or to discharge any of its functions under this Act. Borrowing powers.

(2) The power of the Board to borrow is exercisable only with the prior written approval of the Minister as to the amount, as to the source of the borrowing and as to the terms on which the borrowing is to be effected.

13. (1) The Board shall keep accounts of its transactions in such form and in such manner as the Accountant General may approve. Accounts and audit.

(2) The account kept under subsection (1) shall be audited annually by an auditor or auditors appointed by the Board.

(3) A copy of the audited accounts and any auditor's report thereon shall be forwarded by the director to the Minister as soon as is reasonably practicable after completion of the audit and in any event on or before the 31st December in each year.

14. (1) The Board shall, not later than two months after the end of each financial year, cause to be submitted to the Minister— Report.

- (a) a report containing a summary of the operations of the Board during the previous financial year; and
- (b) a statement of its audited accounts.

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

Remuneration of Board members.

15. The chairman, deputy chairman and other members of the Board shall be paid such remuneration as Cabinet may determine.

Exemption from income tax.

16. Notwithstanding the provisions of any other written law in force in Saint Vincent and the Grenadines the donations made to the Centre are exempt from income tax.

Offences.

17. Any person who is guilty of an offence under this Act or any regulations made hereunder, is liable to a fine of five hundred dollars and to imprisonment for six months.

Regulations.

18. The Board, with the approval of the Minister, may make regulations generally for the better carrying into effect of the provisions of this Act and, without prejudice to the generality of the foregoing, may make regulations for—

- (a) the control of the Centre and other possessions, and for the terms and conditions, time, manner, conduct and the like of performances and other functions and activities taking place at the Centre;
- (b) the preservation of order and prevention of nuisances to the Centre;
- (c) the conduct, frequency and other aspects of the Board's own meetings;
- (d) the raising of funds, fixing and charging of fees for carrying out the purposes of the Centre and the provisions of this Act.

SCHEDULE

Section 7

Meetings of the Board.

1. The Board shall meet at such time, date and place and with such frequency, as the Board may deem to be necessary for the due transaction of its business, but at least one Board meeting shall be held in each year.

Quorum.

2. Subject to paragraph 4, the chairman or, if he is not present, the deputy chairman, and three other members of the Board shall form a quorum.

3. The chairman or, if he is not present, the deputy chairman, shall preside at every Board meeting and shall, in the event of equality of votes, have a casting vote. Attendance and voting.

4. The chairman shall convene a special Board meeting within seven days after receipt by him of a written requisition for that purpose, signed by four members of the Board, and four members shall form a quorum thereat. Special Board Meeting.

Provided that, if the chairman does not so convene the meeting, the signatories to the requisition may themselves convene the meeting.

5. Minutes of the proceedings of every meeting of the Board shall be properly recorded thereat and shall be confirmed by the signature of the person presiding at the next subsequent general meeting after they have been so recorded. Minutes.