

ARRANGEMENT OF CLAUSES

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GRENADA

ACT NO. 8 OF 2017

I assent,



8th May, 2017.

CÉCILE E. F. LA GRENADÉ
Governor-General.AN ACT to amend the Spicemas Corporation Act No. 10
of 2011.

[By Notice].

BE IT ENACTED by the Queen's Most Excellent
Majesty, by and with the advice and consent of the Senate
and the House of Representatives, and by the authority of
the same as follows—

1.—(1) This Act may be cited as the—

Short title and
commencement.SPICEMAS CORPORATION (AMENDMENT)
ACT, 2017and shall be read as one with the Spicemas Corporation Act
No. 10 of 2011 hereinafter referred to as the “principal Act”.

(2) This Act shall come into force on a date to be fixed by the Minister by Notice published in the *Gazette* and different dates may be fixed in respect of the various provisions.

Amendment
to section 2 of
principal Act.

2. Section 2 of the principal Act is amended in subsection (1) as follows—

(a) by inserting the following new definition—

““carnival festival or activity” means a public event conducted during the carnival period;”;

(b) by inserting the following new definition—

““carnival period” means the period that commences on the date of the launch of carnival by the Corporation and ends on the Sunday after the second Tuesday in August;”;

(c) by repealing the definition “component of carnival” and substituting therefor the following new definition—

““component of carnival” includes calypso associations, mas associations, steelband associations, Parish Carnival Committees or any other association recognised by the Corporation as representing a stakeholder of Carnival, excluding the Carriacou and Petite Martinique Festivals Board;”;

(d) by inserting the following new definition—

““publication” includes all written and printed matter, and any record, tape, disc, wire, perforated roll, film or other contrivance, by means of which any word, image or idea may be mechanically, electrically or otherwise produced, reproduced, represented, transmitted or conveyed, and everything, whether of a nature similar to the foregoing or not, containing any visible representation, or by its form, shape or in any manner being capable of producing, reproducing, representing or conveying words, images or ideas, and every copy and reproduction of any publication;”.

3. Section 4 of the principal Act is amended by repealing subsections (2) and (3) and substituting therefor the following new subsections—

Amendment
to section 4 of
principal Act.

“(2) Notwithstanding the generality of subsection (1), the Corporation shall—

- (a) organise, promote, conduct and manage the operations of carnival, either independently or in conjunction with any other company or organisation concerned with the development and promotion of carnival;
- (b) organise, promote, conduct and manage carnival shows;
- (c) co-ordinate all of the carnival festivals and activities and carry on any

form of activity and business related to carnival that may from time to time be approved by the Board;

- (d) develop and implement marketing strategies to carnival and carnival festivals and activities;
- (e) make arrangements for the proper and prompt payment of the prize monies for carnival competitions organised and conducted by the Corporation;
- (f) promote and oversee public education related to and development of calypso, mas and pan development in collaboration with the Foundation and other relevant government or non-governmental organisations;
- (g) advise the Minister on the development of all forms of carnival festivals or activities in Grenada; and
- (h) engage in any activity which it deems to be necessary or conducive to the proper discharge of its functions.

(3) The powers of the Corporation shall include—

- (a) creating adequate sub-committees which shall be responsible for producing carnival shows under the auspices of the Corporation;

- (b) securing financial and other sponsorship for carnival;
- (c) preparing and issuing guidelines for the organisation of and participation in carnival shows;
- (d) consulting with the various components of carnival in order to improve the content of shows;
- (e) approving the material contents of calypso and pageant shows in order to ensure compliance with the laws of the State;
- (f) preparing and enforcing rules governing the participation in and judging of shows which shall be issued to the relevant persons prior to the finalisation of the programme to which they relate;
- (g) ensuring that the components of carnival are allowed to conduct their internal affairs without interference, save and except that where irreconcilable differences arise within and between any component of carnival, the Corporation shall have the authority to make final determinations in order to safeguard the integrity of carnival;
- (h) managing vending at all carnival festivals or activities, including entering

into contracts on terms and conditions, including at such fees, as the Board may determine.”.

Amendment
to section 5 of
principal Act.

4. The principal Act is amended by repealing section 5 and substituting therefor the following new section—

“Holding carnival festival without a licence

5.—(1) No person shall hold a carnival festival or activity—

- (a) in an area declared under section 20 to be the location for a carnival festival or activity operated by the Corporation; or
- (b) at any time during the carnival period,

unless the person obtains a licence under section 6.

(2) A person who promotes or conducts any carnival festival or activity in contravention of subsection (1)—

- (a) is liable to a fine in the amount of forty percent of the proceeds of the carnival festival or activity payable to the Corporation, no later than seven days after the conclusion of the carnival festival or activity; and
- (b) shall not be entitled to any assistance, financial or otherwise from the Board.

(3) Where a person contravenes subsection (1) and fails to pay the fine under subsection (2) (a) within the specified time, the person commits an

offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars or to a term of imprisonment not exceeding one year, or both.

(4) A person who issues a publication in respect of a carnival festival or activity for which the person purports to be conducting and for which no licence has been granted under section 6 commits an offence and is liable on summary conviction to a fine of five hundred dollars for each incident of the publication which shall in no case exceed an aggregate of fifty thousand dollars.

(5) Where an offence under subsection (3) or (4) is committed by a body corporate, every director or promoter of the body corporate, unless he or she proves on a balance of probability that the offence was not committed, shall be liable upon summary conviction, to a fine not exceeding seventy-five thousand dollars or to a term of imprisonment not exceeding two years, or both.”.

5. The principal Act is amended by repealing section 6 and substituting therefor the following new section—

Insertion of
new section 6 to
principal Act.

“Carnival festival licence

6.—(1) A person who is desirous of holding a carnival festival or activity may, no later than two months before the proposed date of the carnival festival or activity, make an application in writing to the Board for a licence.

(2) An application under subsection (1) shall be in the form prescribed and shall be accompanied by a prescribed fee.

(3) If the Board, in consultation with the Minister, is satisfied that the application is complete and the person making the application is eligible to operate a carnival festival or activity, it may grant the application and issue to the applicant a licence subject to such terms and conditions as it considers necessary.

(4) Notwithstanding subsection (1), the Board may consider an application made outside of the prescribed period, if the Board determines that the carnival festival or activity is likely to enhance carnival.

(5) Notwithstanding subsection (3), the Board shall attach the following conditions to every licence granted to hold a carnival festival or activity for which an admission fee would be charged—

- (a) one ticket shall be issued for each admission to the carnival festival or activity;
- (b) no later than seven days after the conclusion of the carnival festival or activity, the holder of the licence shall pay to the Corporation a licence fee amounting to five percent of the admission fee in respect of every individual admitted to the carnival festival or activity; and
- (c) no later than seven days after the conclusion of the carnival festival or activity, the holder of the licence

shall file returns in the prescribed form to account for the admission of every individual admitted to the carnival festival or activity.

(6) For the purposes of subsection (5), every ticketed admission shall constitute an admission notwithstanding the admission was granted at a reduced rate or free of charge.

(7) Notwithstanding subsection (3), the Board shall attach the following condition to every licence granted to a person resident outside of Grenada—

- (a) the person shall pay a deposit as may be determined by the Corporation, or the person shall have at least one guarantor resident in Grenada for the sum determined by the Corporation;
- (b) the person or an agent identified as such shall be present in Grenada for the conduct of the carnival festival or activity; and
- (c) the person or the identified agent thereof shall give an undertaking that all outstanding fees will be paid to the Corporation before his or her departure from Grenada or no later than seven days after the conclusion of the carnival festival or activity, whichever first occurs.

(8) A person to whom a licence has been granted who contravenes a condition attached to the licence commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars or to a term of imprisonment not exceeding one year, or both.

(9) In respect of an application under subsection (1), the Minister, in consultation with the Board, may as he or she deems fit, waive the requirement to pay any fee under this section or regulations made for the purposes of this section.”.

Insertion of new section 6A to principal Act.

6. The principal Act is amended by inserting after section 6 the following new section—

“Appeal against decision involving licence

6A.—(1) Any person who is aggrieved by a decision of the Board under section 6 may appeal to the Minister against the decision, in the prescribed form accompanied by the prescribed fees.

(2) Every appeal under subsection (1) shall be made to the Minister within fourteen days of the date of the notice of the decision appealed against and shall set out the ground for appeal and where applicable be submitted with a copy of the decision appealed against.

(3) A person who applies to the Minister for a review of the decision and who is aggrieved by the decision of the Minister may, in the prescribed form accompanied by the prescribed fees, appeal against

the Minister's decision to a tribunal, appointed for the purpose of an appeal under this Act.

(4) For the purposes of an appeal, the Tribunal shall consist of three trained mediators within the court system, currently on the court's roster of mediators.

(5) For the purposes of an appeal—

- (a) an aggrieved person shall appoint a mediator;
- (b) the Corporation shall appoint a mediator; and
- (c) the court shall designate and appoint a mediator who shall be the umpire mediator.

(6) The appeal tribunal may regulate its own procedure.

(7) The appeal tribunal may, after making such enquiry as it thinks fit and after giving the appellant a reasonable opportunity to present his or her case—

- (a) allow or dismiss the appeal;
- (b) uphold the decision of the Board;
or
- (c) reserve or vary the decision of the Board.

(8) The decision of the tribunal, on an appeal shall be final.”.

Amendment
to section 7 of
principal Act.

7.—(1) Section 7 of the principal Act is amended in subsection (1) by repealing paragraphs (d), (e) and (f) and substituting therefor the following new paragraphs—

“(d) subject to subsection (2), a person nominated from each of the following—

- (i) the Grenada Mass Bands Association;
- (ii) the Grenada Steel Band Association; and
- (iii) the Calypso fraternity; and

(e) two other persons qualified in one or more of the following areas—

- (i) business and financial management;
- (ii) human resource management;
- (iii) marketing and advertising;
- (iv) public relations;
- (v) creative industry; and

(f) a representative of the Ministry of Culture;

(g) a representative of the National Lotteries Authority;

(h) the Chief Executive Officer, who shall be an *ex officio* member and the secretary to the Board.”.

(2) Notwithstanding subsection (1), the members of the Board appointed under the repealed paragraphs (d), (e)

and (f) of section 7 (1) of the principal Act shall be deemed to have been appointed respectively under the new paragraph (d), (e), or (h) of section 7 (1) of the principal Act, as the case may be.

8. Section 13 of the principal Act is amended by deleting the word “Chairman” and substituting therefor the word “Chairperson” wherever it appears. Amendment to section 13 of principal Act.

9. The principal Act is amended by repealing Part III. Repeal of Part III.

10. The principal Act is amended by inserting after section 21 the following section— Insertion of new section 22 to principal Act.

“No general restriction on use of private real property

22.—(1) Nothing in this Act shall be construed as—

- (a) restricting or authorising the restricting of a person in the private use and enjoyment of private real property owned, occupied or used by him;
- (b) requiring or authorising the requiring of a person to pay a fee for the use and enjoyment of private real property owned, occupied or used by him privately,

Provided that the property is not used for a carnival festival or activity open to the public and requiring persons to pay an admission fee.

(2) The provisions of this Act authorising the controlling of music, sounds or other noise shall

apply to persons owning, occupying or using private real property situated within the actual site or sites of a public festival or activity within any area declared under section 20 to be the location for a carnival festival or activity operated by the Corporation.”.

Insertion of new section 23 to principal Act.

11. The principal Act is amended by inserting after the new section 22 the following section—

“Noise control

23.—(1) For the purposes of this Act, no person shall conduct a carnival festival or activity without the approval of the Commissioner of Police, where there is the use of any instrument, equipment or other means which is likely to cause any noise.

(2) A person who contravenes subsection (1) commits a summary offence and is liable on conviction to a fine not exceeding twenty thousand dollars.”.

Insertion of new section 24 to principal Act.

12. The principal Act is amended by inserting after the new section 23 the following section—

“Application of Cultural Corporations Act, 2017

24. Subject to section 11 of the Cultural Corporations Act, 2017, Part III of the Cultural Corporations Act shall apply to the Corporation.”.

Amendment to section 37 of principal Act.

13. Section 37 of the principal Act is amended in paragraph (d) by deleting the “full stop” and substituting therefor a “semi-colon” then inserting after paragraph (d) the following new paragraph—

“(e) prescribing forms and fees in relation to licences under this Act.”.

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Passed by the House of Representatives this 28th day of March, 2017.

WILLAN A. THOMPSON
Clerk to the House of Representatives.

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Passed by the Senate this 19th day of April, 2017.

WILLAN A. THOMPSON
Clerk to the Senate.

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GRENADA

PRINTED BY THE GOVERNMENT PRINTER, AT THE GOVERNMENT
PRINTING OFFICE, ST. GEORGE'S

19/5/2017.