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GRENADA

ACT NO. 9 OF 2017**I assent,***12th May, 2017.*CÉCILE E. F. LA GRENADE
Governor-General.

AN ACT to provide for the establishment of a cultural foundation for Grenada, and for matters connected therewith.

[By Order].

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—

PART I**PRELIMINARY**

1.—(1) This Act may be cited as the—

CULTURAL CORPORATIONS ACT, 2017.

Short title and commencement.

(2) This Act shall come into force on such date as may be appointed by the Minister by Order published in the *Gazette*.

Interpretation.

2. In this Act, unless the context otherwise requires—

“Board” means the Board of the Foundation constituted in accordance with section 5;

“Cultural Corporation” means a body corporate designated as a Cultural Corporation under section 11 and Schedule II, and includes the Foundation;

“Foundation” means the Grenada Cultural Foundation established by section 3;

“Minister” means the Minister responsible for culture;

“public festival” means a public festival designated under the Public Festivals Regulation Act, Chapter 262A.

PART II

ESTABLISHMENT OF THE FOUNDATION AND RELATED MATTERS

Establishment
of the Grenada
Cultural
Foundation.

3. There is hereby established a body to be known as the Grenada Cultural Foundation which shall be a body corporate to which sections 47 and 49 of the Interpretation and General Provisions Act, Chapter 153, apply.

Objectives of the
Foundation.

4. The objectives of the Foundation are to—

- (a) assist in the formulation of a national cultural policy;
- (b) stimulate, develop and promote cultural and artistic capabilities and expressions of the Grenadian people;

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- (c) provide the necessary managerial and organisational infrastructure for the efficient and effective development, presentation and marketing of Grenada's cultural industries and products;
 - (d) develop, maintain and manage all cultural facilities and equipment provided by the Government;
 - (e) be responsible for the oversight of activities of other Cultural Corporations, including public festivals and the annual carnival festival with the objective of making them viable, national, cultural and commercial enterprises;
 - (f) organise and produce other festivals, celebrations and events;
 - (g) assist in the setting up of a cultural information system;
 - (h) facilitate ongoing research and documentation of cultural history of Grenada with the objective of preserving and conserving the cultural heritage; and
 - (i) provide the necessary support and facilities to assist persons interested in the development of Cultural expression.

5.—(1) The executive powers of the Foundation shall be exercised by a Board which shall be constituted in the manner prescribed by subsection (2).

Board of the
Foundation.

(2) The Board shall consist of not less than seven and not more than eleven members appointed by the Minister representing—

- (a) the Grenada Tourism Authority established under the Grenada Tourism Authority Act, 2013;
- (b) the Spicemas Corporation;
- (c) the Grenada Conference of Churches;
- (d) the creative industry;
- (e) the Ministry of Education;
- (f) the Ministry of Finance;
- (g) the Ministry of Youth or Sport;
- (h) the Carriacou and Petite Martinique Festivals Board;
- (i) the Chief Cultural Officer; and
- (j) such other entities as the Minister considers appropriate, which may include other Cultural Corporations and Management Committees of public festivals.

(3) The Minister shall appoint a Chairperson and a Deputy Chairperson from amongst the persons appointed pursuant to subsection (2).

(4) The Minister may designate a public officer to be Secretary to the Board.

(5) Schedule I shall have effect with respect to the tenure of the members of the Board and matters connected therewith.

6. The Board shall formulate policy and goals in order to achieve the objectives of the Foundation and as such shall perform such other functions as prescribed by this Act.

Functions of the Board.

7.—(1) The Board may establish committees for the purpose of assisting it in the carrying out of its functions.

Committees of the Board.

(2) A committee established under subsection (1) shall have at least one member of the Board.

8.—(1) The Foundation shall have such staff as the Board determines after consultation with the Minister.

Staff of the Foundation.

(2) No person holding a senior management position with the Foundation shall be paid a salary exceeding thirty thousand dollars per annum without the approval of the Minister.

(3) The Minister may by Order amend the amount specified in subsection (2).

9.—(1) Members of the Board and members of a committee of the Board shall receive such remuneration and allowances as the Minister determines.

Remuneration of the Board members and committees thereof.

(2) A member of the Board who is also a member of a committee of the Board shall not be paid any remuneration or allowance with respect to his or her membership of the committee.

10.—(1) The Foundation shall have a common seal.

Seal of the Foundation.

(2) The seal shall be authenticated by the Chairperson and one other member of the Board authorised by the Board to do so.

(3) In the absence of the Chairperson the Board shall authorise another member of the Board to perform the function of authentication.

(4) When the seal is authenticated it shall be officially and judicially noted.

PART III
FINANCIAL AND OTHER MATTERS FOR
CULTURAL CORPORATIONS

Designation
of Cultural
Corporations.

11.—(1) In addition to the Foundation, every statutory body specified in Schedule II shall be a Cultural Corporation for the purposes of this Act.

(2) The Minister may by Order subject to negative resolution amend Schedule II to add or remove a statutory body to or from the list of Cultural Corporations for the purposes of this Act.

(3) Subject to section 20, this Part shall apply to every Cultural Corporation and, any enactment establishing or governing a Cultural Corporation shall be read in conformity with this Part.

Vesting of
property in the
Foundation.

12. The Governor-General may by Order vest property in the Foundation to enable it to better attain its objectives under this Act.

Funds and
resources.

13.—(1) The funds and resources of a Cultural Corporation shall consist of—

- (a) money allocated to the Cultural Corporation by Parliament from time to time;

- (b) funds and donations given by way of gifts, grant or otherwise, in accordance with section 62 of the Public Finance Management Act;
- (c) property vested in or granted to the Cultural Corporation;
- (d) funds accruing from operations;
- (e) funds arising from the sale, lease or other disposition of property vested in the Cultural Corporation;
- (f) funds arising from any source consequential upon the performance of its functions under this Act or the enactment by which it is established;
- (g) sums borrowed by the Cultural Corporation for the purposes of meeting any of its obligations or discharging its functions; and
- (h) all other sums or property which may be payable or vested in the Cultural Corporation in respect of any matter incidental to its powers and duties.

(2) The money referred to in subsection (1) shall on receipt thereof be placed to the credit of the Cultural Corporation at a bank determined by the Board.

14.—(1) Subject to subsection (2), the Board of a Cultural Corporation may invest the funds of the Board in a prudent manner for the benefit of the Foundation. Investment of funds.

(2) The Board of a Cultural Corporation may not without the consent of the Minister—

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- (a) invest the funds of the Cultural Corporation in any securities;
 - (b) dispose of any securities;
 - (c) acquire or dispose of any real property; or
 - (d) make provision for the payment of persons, gratuities or similar benefits to employees of the Cultural Corporation in respect of services rendered.

Procurement
of goods and
services.

15.—(1) The procurement of goods, works and services on behalf of a Cultural Corporation shall be conducted in accordance with the Public Procurement and Disposal of Public Property Act, unless the goods, works or services are excluded from application under section 4 of the Public Procurement and Disposal of Public Property Act.

(2) The procurement of goods, works and services on behalf of a Cultural Corporation, where the goods, works and services are excluded from the application of the Public Procurement and Disposal of Public Property Act, shall be carried out in accordance with guidelines established by the Board of the Cultural Corporation.

(3) In this section, “Public Procurement and Disposal of Public Property Act” means the Public Procurement and Disposal of Public Property Act No. 39 of 2014.

Borrowing
power.

16.—(1) Subject to subsection (2), a Cultural Corporation may borrow money for the purpose of discharging any of its functions and for meeting any of its obligations under this Act or any other Act.

(2) The power of a Cultural Corporation to borrow shall be exercisable only with the approval of the Minister and the Minister with responsibility for Finance in accordance with the Public Finance Management Act as to the amount, as to the source of the borrowing, and as to the terms on which the borrowing is to be effected.

(3) The Minister with responsibility for Finance may, after approval by resolution of the House of Representatives, advance for the use of a Cultural Corporation out of the Consolidated Fund such sums as may be required for the performance of its functions under this Act or any other Act.

(4) The Cultural Corporation shall make to the Accountant-General, at such times and in such manner as the Minister with responsibility for Finance may direct, payments of such amounts as may be so directed in or towards—

- (a) repayments of such amounts as have been advanced under subsection (3); and
- (b) payments of interest on what is outstanding for the time being (in respect of any sums so advanced) at such rates as the Minister with responsibility for Finance may direct, and different rates of interest may be directed as regards different sums and as regards interest for different periods.

17.—(1) Upon the request of the Minister and in accordance with section 58 of the Public Finance Management Act, the Minister with responsibility for Finance may guarantee, in such manner and on such conditions as he or she may

Guarantee of borrowing.

think fit, the repayment of the principal and the payment of interest in respect of any authorised borrowing of a Cultural Corporation.

(2) Where the Minister, in consultation with the Minister with responsibility for Finance, is satisfied that there has been default in the repayment of any principal monies or payment of interest guaranteed under the provisions of this section he or she shall direct the repayment or payment, as the case may be, out of the Consolidated Fund of the amount in respect of which there has been such default.

(3) The Cultural Corporation shall make to the Accountant-General, at the time and in the manner directed by the Minister—

- (a) payments of the amounts toward repayment of any sums issued in fulfillment of any guarantee given under this section; and
- (b) payments of interest on what is outstanding for the time being in respect of any sums so issued at a rate that the Minister may direct, and different rates of interest may be directed as regards different sums and as regards interest for difficult periods.

Reserve Fund.

18.—(1) The Board of a Cultural Corporation may, with the consent of the Minister, establish a fund to be known as a Reserve Fund, which may only be used for the objectives of the Cultural Corporation.

(2) Subject to section 14 (2), the Board of a Cultural Corporation—

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- (a) shall have control and management of the Reserve Fund;
 - (b) shall determine what amounts of the monies of the Cultural Corporation shall be placed in the Reserve Fund;
 - (c) shall determine the purposes for which the Reserve Fund may be applied.

19.—(1) Every Cultural Corporation shall, in accordance with section 74 of the Public Finance Management Act— Accounts and audit.

- (a) keep proper books of accounts in such form which would conform to generally accepted accounting standards;
- (b) record its transactions to the satisfaction of the Minister; and
- (c) prepare and retain financial statements in respect of each financial year,

and, in accordance with section 74 of the Public Finance Management Act, submit the annual financial accounts to the Director of Audit.

(2) Not later than three months after receipt of the financial statements and annual report from the Cultural Corporation, the Director of Audit shall audit the financial statements in accordance with the Audit Act, Chapter 22A.

(3) Without delay after the completion of his or her audit of a Cultural Corporation, the Director of Audit shall submit a copy of his or her report together with the financial statements and annual report to the Minister with

responsibility for Finance, the Minister and the Cultural Corporation.

(4) The Director of Audit is entitled, on being required by the Minister or the Minister with responsibility for Finance, to carry out at any time an investigation into, or special audit of, the accounts of a Cultural Corporation in accordance with section 76 of the Public Finance Management Act.

(5) The Director of Audit may require any person holding or accountable for a document to appear before him and make a signed statement in relation to the document and may require from that person any necessary information regarding same.

(6) A person who, when required to do so for the purposes of subsection (3) or (4) fails without reasonable cause to—

- (a) produce a document;
- (b) appear before the auditor;
- (c) make and sign a statement; or
- (d) furnish information,

commits an offence and shall be liable upon summary conviction to a fine not exceeding one thousand dollars or to a term of imprisonment not exceeding one month.

Application of
Public Finance
Management
Act.

20.—(1) In this Part, “Public Finance Management Act” means the Public Finance Management Act No. 17 of 2015.

(2) Part XII of the Public Finance Management Act shall apply to every Cultural Corporation and, this Act shall

be read in conformity with Part XII of the Public Finance Management Act.

21. Notwithstanding the provisions of any law providing for the registration of documents or the payment of stamp duty, no certificate, receipt, instrument, or other document issued by a Cultural Corporation shall be subject to stamp duty, registration fee for charges of a similar nature, nor shall the Cultural Corporation be liable for the payment of any search or inspection fee in any registration office.

Exemption from stamp duty and other charges.

22. Notwithstanding the provisions of any law providing for the payment of customs duties, all equipment, software, advertising and promotional material, stationery and ticket supplies imported by a Cultural Corporation for the conduct of its activities shall not be liable to customs duty.

Exemption from import duties.

23.—(1) Without prejudice to sections 71 and 72 of the Public Finance Management Act, every Cultural Corporation shall, no later than four months before the beginning of the financial year, prepare an annual budget that shall be submitted to the Foundation and to the Minister for approval.

Reporting to and directions by Minister.

(2) Without prejudice to section 72 of the Public Finance Management Act, every Cultural Corporation, other than the Foundation, shall submit quarterly reports to the Foundation and the Minister, no later than fourteen days after the beginning of the following quarter.

(3) Without prejudice to section 72 of the Public Finance Management Act, the Foundation shall submit quarterly reports to the Minister, no later than fourteen days after the beginning of the following quarter.

(4) The Minister may, in consultation with the Chairperson, give to the Board of a Cultural Corporation, directions of a general nature as to the policy to be followed in the performance of its functions and in relation to matters appearing to the Minister to be of public interest and the Board shall give effect to directions by the Minister.

Membership of Board to be published.

24. The names of all members of the Board of a Cultural Corporation as first constituted and every change in membership thereof shall be published in the *Gazette*.

Minutes received in evidence.

25. Minutes of a meeting of the Board of a Cultural Corporation signed by the Chairperson or Deputy Chairperson are receivable in legal proceedings without further proof that the meeting was duly convened and held and that all members were duly qualified to act.

Offences and penalties.

26.—(1) A person who—

- (a) obtains any sum of money from a Cultural Corporation by means of any false representation; or
- (b) willfully destroys any document of a Cultural Corporation,

commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to a term of imprisonment not exceeding two years or both.

(2) A person who—

- (a) wilfully disrupts any activity sponsored by a Cultural Corporation;
- (b) assaults a member of the Board, or an employee, of a Cultural Corporation;

- (c) enters or attempts to enter any building or make use of any facilities under the control of a Cultural Corporation by any unlawful means,

commits a summary offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to a term of imprisonment not exceeding twelve months, or both.

(3) A person who commits an offence under subsection (1) may be arrested without warrant by any member of the Police Force in full uniform or who suitably identifies himself or herself.

PART IV

MISCELLANEOUS PROVISIONS

27.—(1) The Minister may make regulations to give Regulations. effect to the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may, in consultation with the Board, make regulations—

- (a) respecting the maintenance of order on premises owned or under the control of the Foundation;
- (b) respecting the conditions under which premises owned or under the control of the Foundation may be let or used;
- (c) respecting the powers and duties of the officers appointed by the Board to assist in the carrying out of its functions;

- (d) prescribing anything that may be necessary to give effect to the provisions of this Act.

Repeal and savings.

28.—(1) The Grenada Cultural Foundation Act, Chapter 128E is hereby repealed.

(2) Notwithstanding subsection (1), the members of the Board of the Foundation appointed under the Grenada Cultural Foundation Act, Chapter 128E shall be deemed to have been appointed under section 5 of this Act.

(3) Upon commencement of this Act—

- (a) the Grenada Cultural Foundation under the Grenada Cultural Foundation Act, Chapter 128E is dissolved and the Foundation becomes the successor;
- (b) the Foundation assumes responsibility for the management and administration of the programs of the Grenada Cultural Foundation under the Grenada Cultural Foundation Act, Chapter 128E; and
- (c) the assets and liabilities of the Grenada Cultural Foundation under the Grenada Cultural Foundation Act, Chapter 128E are transferred to and become the assets and liabilities of the Foundation.

SCHEDULE I

(Section 5 (5))

PROCEDURE OF THE BOARD OF THE FOUNDATION

1. Tenure of member of the Board. (1) A member of the Board holds office for a term not exceeding three years, unless he or she dies, resigns or his or her appointment has been revoked before the completion of his or her term, and he or she may be re-appointed for a further term.

(2) 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.

(3) Every member of the Board is, on the expiration of his or her term of his or her appointment, eligible for re-appointment for a further term.

2. Temporary appointment. Where a member is incapable of performing his or her duties as a member of the Board, the Minister may appoint a person to act temporarily in the place of such member.

3. Leave of absence. The Minister may grant leave of absence to a member of the Board and may appoint a person to act in his or her place.

4. Resignation of Board Member. A member of the Board, other than the Chairperson, may at any time resign from the Board by letter addressed to the Chairperson, but such resignation shall take effect one month after the receipt thereof by the Chairperson.

5. Resignation of Board Chairperson. The Chairperson may at any time resign his or her office by letter addressed to the Minister, but such resignation shall take effect one month after the receipt of such letter by the Minister.

6. Special meeting. The Chairperson or in the event of his or her being absent from Grenada or for any reason unable to act, the Deputy Chairperson, may at any time call a special meeting of the Board and shall call such a meeting within seven days after receiving a requisition to do so by a majority of the total membership of the Board.

7. Quorum. A majority of the total membership of the Board constitutes a quorum.

8. Voting. Decision of the Board shall be by a majority of the votes and where the voting is equal the Chairperson has, in addition to his or her original vote, a casting vote.

9. Meetings. The Board shall meet at such places and times for the transaction of business as the Chairperson determines.

10. Minutes. Minutes of each meeting of the Board shall be duly kept by the Secretary or other person appointed by the Board for the purpose and shall be confirmed by the Board at its next meeting and signed by the Chairperson or other person presiding at that meeting.

11. Power to co-opt. The Board may resolve to 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 person so co-opted does not have a right to vote.

12. Proceedings. Subject to this Schedule, the Board shall regulate its own proceedings.

13. Documents, etc. All documents made by and all decisions of the Board shall be signified under the hand of the Chairperson or any member authorised to act in that behalf or by the Secretary.

SCHEDULE II

(section 11)

DESIGNATED CULTURAL CORPORATIONS

- (a) Spicemas Corporation
- (b) Carriacou and Petite Martinique Festivals Board
- (c) Grenada National Trust
- (d) Grenada National Museum

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

WILLAN A. THOMPSON
Clerk to the House of Representatives.

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

WILLAN A. THOMPSON
Clerk to the Senate.

GRENADA

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