

ARRANGEMENT OF CLAUSES

PART I

PRELIMINARY

1. Short title
2. Interpretation

PART II

FESTIVALS BOARD

3. Festivals Board
4. Functions of the Festivals Board
5. Power of the Festivals Board to appoint staff
6. Composition of the Festivals Board
7. Appointment, attendance, resignation and removal of member
8. National Festivals
9. Grand Festivals

PART III

PUBLIC FESTIVALS ACTIVITIES

10. Requirements for selling prepared food
11. Requirements for selling drinks
12. Alcoholic beverages not to be sold outside specified hours
13. Awarding space and booths
14. Fees
15. Enforcing prevention
16. Directions under instructions to persons attending festivals and persons selling goods or providing services at festivals
17. Instructions may be oral and may be varied during festival
18. Site or sites of festivals
19. Penalty for violating directions
20. No general restriction on use of private real property
21. Duty on Minister to consult Festivals Board

PART IV

MISCELLANEOUS

- 22. Powers of the Minister
- 23. Minister may make regulations

FIRST SCHEDULE — NATIONAL FESTIVALS

SECOND SCHEDULE — GRAND FESTIVALS



GRENADA

ACT NO. 14 OF 2015

I assent,



CÉCILE E. F. LA GRENADE
Governor-General.

19th May, 2015.

AN ACT to regulate Public Festivals in Carriacou and Petite Martinique.

[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 of Grenada, and by the authority of the same as follows—

PART I

PRELIMINARY

1. This Act may be cited as the

Short title.

**CARRIACOU AND PETITE MARTINIQUE
FESTIVALS ACT, 2015.**

(2) This Act shall come into force on a date to be fixed by the Minister by Order published in the *Gazette*.

Interpretation.

2. In this Act—

“component of carnival” includes calypso, mas and steelband associations;

“cultural activity” means any event, show or other activity in conjunction with or in furtherance of a public festival;

“designated person” means any person designated in writing by the Festivals Board to give directions for the purposes of this Act;

“Executive Director” means the Executive Director appointed in accordance with section 5;

“Festivals Board” means the Carriacou and Petite Martinique Festivals Board appointed in accordance with section 3;

“Minister” means the Minister responsible for Carriacou and Petite Martinique Affairs;

“public festival” means a public festival designated as a National Festival under section 8 or a Grand Festival under section 9;

“Spicemas Corporation” means the Spicemas Corporation established pursuant to section 3 of the Spicemas Corporation Act No. 10 of 2011.

PART II

FESTIVALS BOARD

3.—(1) There is hereby established and appointed a body Festivals Board. to be known as the Carriacou and Petite Martinique Festivals Board which shall be the sole body responsible for the management and control of public festivals in, within and unique to Carriacou and Petite Martinique.

(2) The Festivals Board shall be a body corporate to which section 49 of the Interpretation and General Provisions Act, Chapter 153 shall apply.

4.—(1) The functions of the Festivals Board shall Functions of the Festivals Board. include—

- (a) organising and controlling the operation and management of all public festivals;
- (b) coordinating, promoting and facilitating all public festivals;
- (c) conducting any activity or business related to the promotion of public festivals that may be approved by the Festivals Board from time to time;
- (d) advising the Minister on the development of public festivals and cultural activities; and
- (e) engaging in any activity which it thinks necessary for the proper discharge of its functions.

(2) Notwithstanding the generality of subsection (1), the functions of the Festivals Board shall also include—

- (a) appointing sub-committees as may be necessary for the production and staging of cultural activities;
- (b) developing and implementing marketing strategies for the promotion of public festivals;
- (c) securing financial and other sponsorship for public festivals;
- (d) preparing and issuing guidelines for the organisation of and participation in cultural activities in conjunction with or in furtherance of Carriacou Carnival;
- (e) organising and managing cultural activities in conjunction with or in furtherance of Carriacou Carnival;
- (f) preparing an annual budget for approval by the Minister;
- (g) providing prizes for competitions in cultural activities;
- (h) consulting with the various components of carnival to improve the quality of cultural activities in conjunction with or in furtherance of Carriacou Carnival;
- (i) approving the content of cultural activities relating to calypso and pageantry to ensure compliance with the laws of the State of Grenada;

- (j) preparing and enforcing rules governing the participation in and judging of cultural activities and which shall be issued to all relevant persons prior to the finalisation of the respective cultural activities;
- (k) submitting quarterly reports on the activities of the Festivals Board to the Minister.

5.—(1) Subject to subsection (2), the Festivals Board may appoint, on such terms and conditions as it thinks fit, an Executive Director and such other officers of the Festivals Board as it considers necessary or appropriate for the efficient performance of the functions of the Festivals Board. Power of the Festivals Board to appoint staff.

(2) The appointment of and salaries of the Executive Director and any other such officers shall be subject to prior written approval of the Minister.

6.—(1) The Festivals Board shall consist of the following members— Composition of Festivals Board.

- (a) a Chairperson;
- (b) a Police Officer not below the rank of Inspector;
- (c) an Attorney-at-Law with no less than five years standing;
- (d) one person nominated from each appointed committee responsible for a public festival;
- (e) three persons qualified in one or more of the following areas—
 - (i) business and financial management;

- (ii) human resource management;
- (iii) marketing and advertising; and
- (iv) public relations;
- (f) a representative of the Grenada Cultural Foundation;
- (g) a representative of the Grenada Tourism Authority; and
- (h) the Executive Director, who shall be an *ex-officio* member and the secretary to the Festivals Board.

(2) The Executive Director, the representative of the Grenada Cultural Foundation and the representative of the Grenada Tourism Authority shall not have an original vote or any voting power in the proceedings of the Festivals Board.

(3) A person shall not be nominated under subsection (1) (d) if that person is—

- (a) the leader of or is actively involved in the management or organisation of a mas association;
- (b) an existing management committee member for any public festival;
- (c) the leader of or is actively involved in the management or organisation of a component of carnival; or
- (d) the leader of or is actively involved in the management or organisation of the sailing or yachting association.

(4) At the first meeting of the Festivals Board, a Deputy Chairperson shall be elected from among their number.

7.—(1) Every member of the Festivals Board, other than the Executive Director, the representative of the Grenada Cultural Foundation and the representative of the Grenada Tourism Authority shall be appointed by the Minister upon prior approval of the Cabinet. Appointment, attendance, resignation and removal of member.

(2) A member shall be appointed for a term not exceeding two years, after which the member shall be eligible for re-appointment.

(3) Where a member, other than the Executive Director, the representative of the Grenada Cultural Foundation and the representative of the Grenada Tourism Authority, is absent on account of illness or any temporary cause or is temporarily absent from the State, the Minister shall, for a period not exceeding three months, appoint some other person to act as a temporary member.

(4) A member may, at any time by notice in writing to the Chairperson, resign his or her office and the Chairperson shall immediately cause the notice to be forwarded to the Minister and the resignation of that member shall take effect from the date of receipt of the notice by the Minister.

(5) The Chairperson may at any time resign his or her office by notice in writing to the Minister and the resignation of the Chairperson shall take effect from the date of receipt of the notice by the Minister.

(6) A member, other than the Chairperson, the Executive Director, the representative of the Grenada Cultural Foundation and the representative of the Grenada Tourism Authority, shall be deemed to have resigned his or her office, if the member is absent from three consecutive meetings of the Festivals Board without the leave of the Chairperson.

(7) Where a person ceases to be a member of the Festivals Board, the Minister may appoint another person in his or her place for the duration of time of the remaining tenure of the former member.

(8) The Chairperson, or in the absence or inability of the Chairperson, the Deputy Chairperson or the person elected to act as Chairperson shall preside at the meetings of the Festivals Board, and when so presiding the Chairperson, Deputy Chairperson or Chairperson *pro tempore*, as the case may be, shall in addition to an original vote have a casting vote in the event of an equality of votes.

(9) The Minister may at any time revoke the appointment of any member if it is expedient to do so.

National
Festivals.

8. The public festivals listed in the First Schedule to this Act are National Festivals and shall apply to Carriacou and Petite Martinique exclusively.

Grand Festivals.

9. The public festivals listed in the Second Schedule to this Act are Grand Festivals and shall apply to Carriacou and Petite Martinique exclusively.

PART III

PUBLIC FESTIVALS ACTIVITIES

10.—(1) It shall be an offence for any person to sell prepared food at a public festival without procuring a certificate from the Ministry of Health certifying that such person is in a state of health fit for selling prepared food. Requirements for selling prepared food.

(2) Any person who sells prepared food at a public festival may at any time during and at the public festival be required by any police officer or any designated person to produce to such police officer or designated person the certificate referred to in subsection (1).

(3) Failure by a relevant person to produce a certificate under subsection (1) when so required to do so shall be an offence.

11.—(1) Any person who sells alcoholic beverages at a public festival may at any time during and at the public festival be required by any police officer or any designated person to produce to such police officer or designated person the licence issued to such person under the Liquor Dealers' Licences Act, Chapter 174, authorising such person to sell alcoholic beverages at the public festival. Requirements for selling drinks.

(2) Any person who fails to produce a licence as required under subsection (1), may at the discretion of the Festivals Board or a designated person be prevented from selling alcoholic beverages at the public festival, without prejudice to proceedings being taken against him or her under the Liquor Dealers' Licences Act, Chapter 174.

(3) Any person who sells or delivers or supplies, or who knowingly permits to be sold or delivered or supplied, alcoholic beverage to any person under the age of sixteen years at the public festival shall be guilty of an offence.

Alcoholic beverages not to be sold outside specified hours.

12. It shall be an offence for a person on any day of the public festival to sell alcoholic beverages outside such hours as may be specified by the Festivals Board.

Awarding space and booths.

13.—(1) Space, stalls or booths to be rented by the Festivals Board for the sale of goods or the providing of services at a public festival will be awarded by the Festivals Board on such basis as the Festivals Board sees fit.

(2) The fees payable for space or booths so rented, set out in section 14, shall be payable to the Festivals Board in advance.

(3) It shall be an offence for a person to sell goods or provide services at a public festival without first procuring from the Festivals Board a written allotment of space or a booth at the public festival to sell such goods or provide such services and without paying in advance the fees payable for renting such space or booth set out in section 14.

(4) In addition to any other penalty prescribed under this Act, any person who violates this sub-section may be required by the Festivals Board or any police officer or any designated person to leave the public festival, and any such requirement may be enforced by any police officer.

(5) Any person who sells goods or provides services at a public festival may be required by the Festivals Board or

any police officer or any designated person to produce to the Festivals Board or such police officer or designated person the written allotment referred to in subsection (3) and the receipt evidencing payment in advance of the fees referred to in subsection (3).

(6) Any person who fails to produce a written allotment and a receipt when required to do so under subsection (5) may at the discretion of the Festivals Board or a designated person be prevented from selling goods or providing services at the public festival.

14.—(1) Persons who sell goods or provide services at ^{Fees.} open bar spaces, stalls or booths at any public festival shall, for the duration of the public festival, pay to the Festivals Board—

- (a) for the sale of food and drinks, one hundred dollars;
- (b) for the sale of food, one hundred dollars;
- (c) for the sale of drinks, one hundred dollars; and
- (d) for the sale of barbecue food, fifty dollars.

(2) A refundable cleaning deposit of one hundred dollars shall be payable on the rental of all bar space and booths except barbecue bars.

(3) All rented bar space and booths must be cleaned by the renter by midnight following the closing of the public festival or else the cleaning deposit will be liable to forfeiture at the discretion of the Festivals Board.

(4) The cleaning deposit shall be refunded if the Public Health Department of the Ministry of Health certifies that the bar space or booth has been satisfactorily cleaned by the renter.

Enforcing prevention.

15. Without prejudice to any provision of this Act, when the Festivals Board or a designated person is empowered by this Act to prevent a person from doing anything at the public festival, and such prevention is ordered, such prevention may be enforced by any police officer.

Directions under instructions to persons attending public festivals and persons selling goods or providing services at public festivals.

16.—(1) The Minister may in writing in respect of a public festival authorise the Festivals Board to issue instructions to any Member of the Royal Grenada Police Force to give directions—

- (a) to any person attending the public festival or selling goods or providing services at the public festival to lower or turn down the volume of any music, sounds or other noise provided by such person at the public festival and to keep it at such lowered volume as may be stipulated by such Member of the Police Force or designated person;
- (b) to persons selling goods or providing services at such festival regarding—
 - (i) the location at such festival at which goods may be sold or services rendered;
 - (ii) the distance between persons selling goods or providing services at the festival; and

- (iii) the conditions under which goods may be sold or services rendered at such festival not including the fees to be paid by persons selling goods or rendering services.

(2) When the Minister gives an authorisation under subsection (1), he or she shall cause it to be published in the *Gazette*, or in a newspaper circulating regularly within the State.

(3) The music, sounds or other noise referred to in subsection (1) includes music, sounds or other noise emitted from a radio, tape, tape-deck, compact-disc (CD), record-player or other such equipment.

17.—(1) Instructions issued by the Festivals Board under section 16 may be oral, and may be varied by the Festivals Board or a designated person during the respective festival as the Festivals Board or the designated person sees fit; but any instruction given by the Festivals Board or the designated person may at any time be annulled or otherwise revoked or rescinded by order of the Minister in writing.

Instructions may be oral and may be varied during public festival.

(2) The Festivals Board may delegate to any of its members the authority to vary during a public festival such instructions as might have been given by the Festival's Board under section 16.

(3) Instructions issued by such delegate under subsection (2) shall be deemed to be instructions issued by the Festivals Board.

18.—(1) The Minister shall demarcate the place or places which shall constitute the actual site or sites of a public festival.

Site or sites of festivals.

(2) The Minister shall publish such site or sites in the *Gazette* or in a newspaper circulating regularly in the State at least two weeks in advance of the public festival.

(3) The Minister may also provide and similarly publish that the site or sites of a public festival shall be deemed to include such extended protected perimeter not exceeding 150 yards beyond the actual site or sites of the public festival as may be designated by him or her.

Penalty for violating directions.

19.—(1) Any person attending a public festival or selling goods or providing services at a public festival who fails to comply with any direction given him or her under instructions issued under section 16 shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding one thousand dollars.

(2) Unless otherwise specifically provided in this Act, any person contravening any provision of this Act made hereunder or any directions or instructions issued under this Act shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment.

No general restriction on use of private real property.

20.—(1) Nothing in this Act shall be construed as restricting or authorising the restricting of a person in the use and enjoyment of private real property owned, occupied or used by him or her; nor shall anything in this Act be construed as 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 or her.

(2) Notwithstanding sub-section (1) 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 situate within the actual site or sites of a public festival or within any extended protected perimeter referred to in section 18.

21. The Minister may consult with the Festivals Board on matters of culture or policy as it shall appear to him or her to be appropriate to be consulted in exercising his or her powers, functions and duties under this Act generally. Duty on Minister to consult.

PART IV

MISCELLANEOUS

22.—(1) The Minister may by notice published in the *Gazette* amend the Schedules to this Act by adding public festivals thereto or deleting public festivals therefrom. Powers of the Minister.

(2) The Minister may from time to time, by Order, transfer to the Festivals Board the ownership of any Government property to the extent that seems to him or her necessary or desirable to enable the Festivals Board to carry out its functions, and such property shall thereupon vest in the Festivals Board without further assurance.

23. The Minister may make regulations generally for the better functioning and carrying out of the provisions of this Act. Minister may make regulations.

FIRST SCHEDULE

National Festival

Carriacou Regatta

[Section 8.]

SECOND SCHEDULE

Grand Festivals

Carriacou Carnival

Carriacou Parang

Carriacou String Band and Maroon Festival

[Section 9.]

Passed by the House of Representatives this 17th day of April, 2015.

WILLAN A. THOMPSON
Clerk to the House of Representatives.

Passed by the Senate this 29th day of April, 2015.

WILLAN A. THOMPSON
Clerk to the Senate.

GRENADA
