

CHAPTER 128C GRENADA CRAFT CENTRE ACT

• Act • Subsidiary Legislation •

ACT

Act No. 21 of 1999

Amended by

Act No. 11 of 2008

ARRANGEMENT OF SECTIONS

PART I

Preliminary

1. Short title.
2. Interpretation.

PART II

Establishment of Grenada Craft Centre

3. Establishment of the Grenada Craft Centre.
4. Functions of the Grenada Craft Centre.
5. Board of the Grenada Craft Centre.
6. Tenure, remuneration, etc., of members of the Board.
7. Secretary to the Board.
8. Seal and authentication.
9. Directions by the Minister.
10. Conflict of interest.

PART III

Funds of the Grenada Craft Centre

11. Funds of the Craft Centre.
12. Financial powers of the Craft Centre.
13. Power to borrow.
14. Application of funds.
15. Reserve Fund.
16. Consolidated Fund.
17. Financial year.
18. Annual business plan.
19. Board obligated to implement business plan.
20. Accounts.
21. Audit by Director of Audit and report to the House of Representatives.

PART IV

Officers and Staff of the Craft Centre

22. Manager.

- 23. Other staff.
- 24. Pension plan and medical insurance.

PART V

Miscellaneous

- 25. Rules and regulations.
- 26. Dissolution of the Grenada Craft Centre Limited, etc.
- 27. Existing employees.
- 28. Order of the Minister.
- 29. Savings of legal actions.
- 30. Commencement.
- Schedule Procedure of the Board of the Craft Centre

CHAPTER 128C GRENADA CRAFT CENTRE ACT

An Act to provide for the establishment of the Grenada Craft Centre, and for matters incidental thereto and connected therewith.

[Act No. 21 of 1999 amended by Act No. 11 of 2008.]

[10th September, 1999.]

PART I

Preliminary

1. Short title

This Act may be cited as the Grenada Craft Centre Act.

2. Interpretation

In this Act—

“business plan”, for a financial year, means—

- (a) the business plan approved under section 17; and
- (b) all amendments to the business plan approved under that section,

for the financial year;

“Craft Centre” or “Centre” means the Grenada Craft Centre established by section 3;

“financial year” means the financial year referred to in section 17;

“Minister” means the Minister of Finance.

PART II

Establishment of the Grenada Craft Centre

3. Establishment of the Grenada Craft Centre

There is hereby established a body to be known as the Grenada Craft Centre, hereinafter referred to as “the Craft Centre”, which shall be a body corporate and to which sections 47 and 49 of the Interpretation and General Provisions Act, Chapter 153, shall apply.

4. Functions of the Grenada Craft Centre

(1) The functions of the Craft Centre are to—

- (a) establish and maintain a handicraft development centre;
- (b) carry on business as manufacturers and processors of and dealers in, various types of local crafts;
- (c) purchase crafts from local producers for sale at outlets, locally, regionally and internationally;
- (d) purchase raw materials sourced in an environmentally sensitive manner, to the extent possible;
- (e) commission local producers to supply craft and to purchase the same;
- (f) undertake research and adopt new business opportunities for the production and processing of raw materials;
- (g) access technical assistance through appropriate Government institutions;
- (h) facilitate the import of necessary accessories at a reasonable cost to producers;
- (i) make its machinery available to producers to assist in the production of selected craft-component;
- (j) provide training to prepare craft producers for efficient cottage industry production; and
- (k) encourage the development of outreach production centres.

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

5. Board of the Grenada Craft Centre

(1) The Craft Centre shall have a Board which shall be responsible for the formulation of general policy, as approved by the Minister, regarding the functions of the Centre and shall perform such other functions as prescribed by this Act.

(2) The Board shall consist of not less than five and not more than nine members appointed by the Minister by instrument in writing to represent the following—

- (a) the Grenada Handicraft Association;
- (b) the business sector;
- (c) cultural groups and organisations;
- (d) the accounting profession;
- (e) the handicraft retailers;
- (f) the tourism sector;
- (g) the Ministry of Education; and
- (h) the Ministry of Finance and Trade.

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

(4) The Schedule shall have effect in relation to the procedure of the meetings of the Board.

6. Tenure, remuneration, etc., of members of the Board

(1) The members of the Board shall hold office for a period of two years and shall be eligible for re-appointment.

(2) The Minister may at any time remove any member of the Board if in his or her opinion it is in the interest of the Craft Centre to do so.

(3) The Chairperson may resign his or her membership of the Board by giving the Minister three months' written notice.

(4) A member of the Board, other than the Chairperson, may resign his or her membership of the Board by giving the Chairperson one month written notice and the Chairperson shall inform the Minister accordingly.

(5) A member of the Board, including the Chairperson, who absents himself or herself without leave of the Minister, from three consecutive meetings of the Board shall cease to be a member.

(6) The members of the Board shall be entitled to such remuneration and allowances, if any, as the Minister determines.

7. Secretary to the Board

(1) The Chairperson shall designate any employee or other suitably qualified person to be Secretary to the Board.

(2) The Secretary shall perform such duties as the Board determines from time to time.

8. Seal and authentication

(1) The Craft Centre shall have an official seal which shall be in the custody of the Chairperson or the other member of the Board or Secretary to the Board, as determined by the Board.

(2) The seal of the Centre shall be authenticated by the signatures of the Chairperson or one other member duly authorised by the Board to sign and the Secretary; and such seal shall be officially and judicially noticed.

9. Directions by the Minister

Notwithstanding anything contained in this Act, the Minister may give written directions to the Board on matters of general policy and the Board shall give effect to such directions.

10. Conflict of interest

A member of the Board or a member of staff of the Craft Centre who has a direct or indirect interest in a contract made or proposed by the Centre—

- (a) shall disclose the nature of his or her interest to the Board immediately after he or she becomes aware of such interest; and
- (b) shall not, in case of a member of the Board participate in any deliberation or decision of the Board with respect to that contract.

Funds of the Grenada Craft Centre

11. Funds of the Craft Centre

(1) The funds and resources of the Craft Centre shall consist of—

- (a) such sums as accrue from the operations of the Centre;
- (b) such sums as may become payable to the Centre;
- (c) any loan made to the Centre by the Government or other person or organisation;
- (d) such sums received by the Centre by way of grant, gift or donation from lawful sources;
- (e) such sums as may be voted by Parliament for the purpose.

(2) The sums referred to in subsection (1) shall on receipt thereof be placed to the credit of the Centre at a bank approved by the Board.

12. Financial powers of the Craft Centre

Subject to the approval of the Minister, the Craft Centre may for the purpose of carrying out its functions under this Act—

- (a) charge fees for its products and services;
- (b) invest its funds in such securities as the Board considers fit;
- (c) engage in activities for the purpose of fund raising; and
- (d) receive grants, gifts and donations.

13. Power to borrow

(1) Subject to this Act, the Centre may, with the approval of the Minister, borrow money that is required to meet its obligations or to discharge its functions under this Act.

(2) The Minister may, with the approval of Parliament, guarantee on such terms and conditions as he or she considers appropriate, the repayment of the principal, interest and other charges with respect to any authorised borrowing.

14. Application of funds

The funds of the Craft Centre shall be applied towards the following purposes—

- (a) the remuneration of its officers and staff;
- (b) the capital and operating expenses, including the maintenance and insurance of property;
- (c) the making and maintenance of investments by the Centre;
- (d) any other expenditures authorised by the Board which are consistent with the functions of the Centre.

15. Reserve Fund

(1) The Craft Centre may, with the written approval of the Minister, out of its funds, establish a fund to be known as the Reserve Fund.

(2) Subject to subsection (3), the Board shall—

- (a) have control over the management of the Fund;
- (b) determine what amounts shall be credited to the Fund;

(c) determine the purposes for which the Fund may be applied.

(3) No part of the Fund shall be applied otherwise than for the purposes of the Centre.

16. Consolidated Fund

The Craft Centre shall in each quarter pay into the Consolidated Fund such amounts as the Minister directs in writing.

17. Financial year

The financial year of the Craft Centre is the twelve months period beginning on the first day of January and ending on the thirty-first day of December.

18. Annual business plan

(1) The Board shall, no later than four months before commencement of each financial year and in such form as the Minister requires, prepare in respect of the financial year, and submit to the Minister, a proposal for a business plan for the financial year that must contain—

- (a) a statement of the Craft Centre's objectives and priorities in carrying out its responsibilities for the financial year and the following two financial years;
- (b) a comprehensive business plan that—
 - (i) shows how resources, including but not limited to financial resources, will be allocated to meeting the objectives and priorities of the Craft Centre for the financial year, and
 - (ii) includes *pro forma* financial statements as required by the Minister;
- (c) a comparison of the *pro forma* financial statements with the actual financial statements for the previous financial year;
- (d) a statement as to how the Board proposes to measure its performance in carrying out its responsibilities in the financial year; and
- (e) any other information required by the Minister by written notice to the Board.

(2) The Minister may, on request of the Board, extend the time for submitting a proposal for a business plan.

(3) The Minister shall, as soon as practicable, consider the proposal for a business plan and may—

- (a) approve the proposal as submitted;
- (b) with the approval of the Board, amend the proposal and approve it as amended; or
- (c) refer the proposal back to the Board with directions that the Board take any further action with respect to it that the Minister considers appropriate.

(4) Where the Minister refers the proposal for a business plan back to the Board under subsection (3)(c), he or she shall provide the Board with his or her reasons for not approving it.

(5) A proposal for a business plan that is referred back to the Board under subsection (3)(c) shall be resubmitted to the Minister as directed by the Minister and, when it is resubmitted, subsections (3) and (4) apply.

(6) When a proposal in relation to a financial year is approved by the Minister, it becomes the business plan for that financial year.

(7) The Board—

- (a) may, of its own motion, submit to the Minister a proposal to amend an approved business plan; and
- (b) shall on request of the Minister and within the time required by the Minister, submit to the Minister a proposal to amend an approved business plan.

(8) Subsections (3), (4), (5) and (6) apply to a proposal submitted to the Minister under subsection (7).

19. Board obligated to implement business plan

The Board shall—

- (a) in each financial year implement the business plan for the financial year; and
- (b) establish a mechanism for monitoring the implementation of the business plan.

20. Accounts

(1) The Board shall—

- (a) keep proper books of account of its income and other receipts and expenditures; and
- (b) ensure that—
 - (i) all monies received are promptly brought to account,
 - (ii) all payments out of its money are correctly made and properly authorised, and
 - (iii) adequate control is maintained over its property and over the incurring of liabilities by the Craft Centre.

(2) The books of account kept under subsection (1) shall—

- (a) be sufficient to record and explain the Craft Centre's transactions;
- (b) enable the Craft Centre's financial position to be determined with reasonable accuracy at any time; and
- (c) be sufficient to enable financial statements to be prepared and audited in accordance with this section.

(3) Within three months after the end of each financial year, the Board shall cause to be prepared—

- (a) the following financial statements together with proper and adequate explanatory notes—
 - (i) a statement of the assets and liabilities of the Craft Centre at the end of the financial year,
 - (ii) a statement of the revenue and expenditure of the Craft Centre during the financial year,
 - (iii) such other financial statements for the financial year as may be specified in writing by the Minister; and
- (b) an annual report of the Craft Centre on the implementation of the business plan and such other matters as the Board considers advisable or the Minister directs.

(4) Without delay after the completion of the financial statements and the annual report, the Board shall furnish a copy of each to the Director of Audit.

21. Audit by Director of Audit and report to the House of Representatives

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

(2) Without delay after the completion of his or her audit of the Craft Centre, the Director of Audit shall submit a copy of his or her report together with the financial statements and annual report to the Minister and the Board.

(3) The Minister shall, not later than seven days after the House of Representatives first meets after he or she has received the report together with the financial statements and the annual report of the Craft Centre, lay it before the House of Representatives.

(4) If the Minister fails to lay the report together with the financial statements and the annual report of the Craft Centre before the House of Representatives in accordance with subsection (3), the Director of Audit shall transmit the report, the financial statements and the annual report to the Speaker who shall, as soon as practicable, present them to the House of Representatives.

(5) As soon as reasonably practicable after the report together with the financial statements and the annual report of the Craft Centre have been laid before the House of Representatives, the Board shall cause the report, the financial statements and the annual report of the Craft Centre to be published in the *Gazette*.

PART IV

Officers and Staff of the Craft Centre

22. Manager

(1) There shall be a Manager of the Craft Centre who shall perform such duties as determined by the Board from time to time.

(2) The Manager shall be appointed by the Board, with the approval of the Minister, on such terms and conditions as the Board determines.

(3) The person to be appointed manager shall possess qualifications that are in alignment with his or her duties as determined by the Board.

23. Other staff

(1) Subject to this Act, the Board may—

- (a) appoint such employees as it considers necessary for the due performance of its functions;
- (b) prescribe qualifications and fix terms and conditions of service, except that terms and conditions with respect to any management post must be approved by the Minister.

(2) The Board may in writing delegate its powers under subsection (1)(a) to the Manager.

24. Pension plan and medical insurance

(1) Subject to the National Insurance Act, Chapter 205, the Board may with the approval of and subject to general policy directions by, the Minister provide for the establishment and maintenance of a pension plan and medical insurance for the benefit of its officers and staff.

(2) Without prejudice to the generality of subsection (1), a pension plan may empower the Centre to—

- (a) pay gratuities, pensions or super-annuation allowances to the officers, and staff of the Centre;
- (b) establish contributory and super-annuation funds for the benefit of its officers and staff;
- (c) enter into and carry into effect agreements with a general insurance company with respect to a pension scheme.

PART V

Miscellaneous

25. Rules and regulations

(1) The Minister may make rules and regulations for the purpose of giving effect to the provisions of this Act.

(2) A fine not exceeding five thousand dollars or a term of imprisonment of one year, or both such fine and imprisonment may be attached to any rules and regulations made pursuant to subsection (1).

26. Dissolution of the Grenada Craft Centre Limited, etc.

(1) Notwithstanding anything contained in the Companies Act, Chapter 58A, the Company registered under the name of Grenada Craft Centre Limited (hereinafter referred to as “the said Company”) is hereby dissolved.

(2) All property, including rights vested in the said company immediately before the commencement of this Act shall, as from that date, be transferred to and vested in the Craft Centre.

(3) All liabilities that have been incurred by or on behalf of the said company in giving effect to its objects and are substituting immediately before the commencement of this Act shall, as from that date, have effect as if they had been incurred by the Craft Centre.

27. Existing employees

Subject to any decision of the Board regarding the existing employees of the said company, such employees shall continue as employees of the Craft Centre as if there was no break in their employment.

28. Order of the Minister

(1) Without prejudice to anything contained in sections 26 and 27, the Minister may make such orders as may be necessary or required to give effect to the intent of the said sections 26 and 27.

(2) An order under subsection (1) shall be subject to affirmative resolution of Parliament.

29. Savings of legal actions

Notwithstanding anything contained in section 26, any legal action by or against the said company shall continue as if that company had not been dissolved.

30. Commencement

This Act comes into force on the 10th day of September, 1999.

Schedule

GRENADA CRAFT CENTRE ACT

Procedure of the Board of the Craft Centre

[Section (4).]

1. Meetings generally

(1) The Chairperson shall preside over all meetings of the Board.

(2) The Board shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such place and time and on such days as the Chairperson determines.

(3) A period of not more than two months shall elapse between meetings unless there are extenuating circumstances.

(4) Where at least a majority of the members of the Board by written notice signed by them and addressed to the Chairperson request that a meeting of the Board be held for the purpose specified in the notice, the Chairperson shall within seven days of the receipt of such notice, convene such a meeting.

(5) Without prejudice to anything contained in subparagraph (4), the Chairperson shall convene a meeting of the Board if requested to do so in writing by the Minister.

2. Quorum

(1) The quorum necessary for transacting business of the Board shall be—

(a) where the Board consists of five persons, three;

(b) where the Board consists of seven persons, four;

(c) where the Board consists of nine persons, five.

(2) For the purpose of determining whether there is a quorum a person who attends a meeting shall be treated as being present notwithstanding that, under paragraph 3, he or she is disqualified from voting at that meeting.

3. Withdrawal from meeting

Where the Chairperson or another member has any direct or indirect pecuniary or perusal interest in a contract or proposed contract or another matter and is present at a meeting of the Board at which such contract or matter is the subject of consideration he or she shall at the meeting and as soon as practicable after the commencement thereof disclose that fact and shall withdraw from the meeting until such time as the contract or matter has been discussed and a vote taken thereon.

4. Voting and related matters

(1) All members of the Board shall be entitled to cast a single vote on any matter that requires a decision.

(2) A decision of the Board with regard to any question shall be determined by a majority of all members present at that meeting; but in any case where the votes of the members are equally divided, the Chairperson presiding at the meeting shall have a casting vote in addition to his or her own vote.

5. Minutes

The minutes of the proceedings of each meeting shall be kept in such manner by the Secretary as the Board determines and the minutes of any meeting must be confirmed at the next meeting of the Board.

6. Power to regulate procedure

The Board may regulate its own proceedings.

**CHAPTER 128C
GRENADA CRAFT CENTRE ACT**

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
