

CHAPTER 128E
GRENADA CULTURAL FOUNDATION ACT

• Act • Subsidiary Legislation •

ACT

Act No. 23 of 1998

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CHAPTER 128E
GRENADA CULTURAL FOUNDATION ACT

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

[Act No. 23 of 1998.]

[21st August, 1998.]

PART I

Preliminary

1. Short title

This Act may be cited as the Grenada Cultural Foundation Act.

2. Interpretation

In this Act—

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

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

“Minister” means the Minister responsible for culture.

PART II

Establishment of the Grenada Cultural Foundation and Related Matters

3. Establishment of the Grenada Cultural Foundation

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.

4. Objectives of the Foundation

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;
- (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) play a substantial role in the organisation and production of the annual carnival festival with the objective of making it a viable, national, cultural and commercial enterprise;
- (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. Board of the Foundation

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

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

- (a) the tourism section;
- (b) the Carnival Development Committee;
- (c) the Grenada Conference of Churches;
- (d) the Grenada Chamber of Industry and Commerce;
- (e) the Ministry of Education;
- (f) the Ministry of Finance;
- (g) the Ministry of Youth, Sports, Culture and Community Development;
- (h) non-governmental organisations;
- (i) the Chief Cultural Officer; and
- (j) such other persons as the Minister considers appropriate.

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

6. Functions of the Board

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

7. Committees of the Board

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

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

8. Staff of the Foundation

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

(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. Remuneration of the Board members and committees thereof

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

(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. Seal of the Foundation

(1) The Foundation shall have a common seal.

(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

Property and Financial Matters

11. Vesting of property in the Foundation

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

12. Funds and resources of the Foundation

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

- (a) money voted by Parliament from time to time;
- (b) money given to the Foundation by way of gifts, grant or otherwise;
- (c) money accruing from the operations of the Foundation;
- (d) money borrowed by the Foundation; and
- (e) property vested in or granted to the Foundation.

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

13. Investment of funds

(1) Subject to subsection (2), the Board may invest the funds of the Board in prudent manner for the benefit of the Foundation.

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

- (a) invest the funds of the Foundation 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 Foundation in respect of services rendered.

14. Procurement of goods and services

The procurement of goods and services on behalf of the Foundation shall be carried out in accordance with guidelines established by the Board.

15. Borrowing powers of the Foundation

Subject to the approval of the Minister and the Minister of Finance the Foundation may borrow money for the purpose of carrying out its objectives and for meeting any of its obligations under this Act.

16. Reserve Fund

(1) The Board may out of the funds of the Foundation establish a fund to be known as a Reserve Fund, hereinafter referred to as the “Fund”, which may only be used for the objectives of the Foundation.

(2) Subject to section 13(2), the Board—

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

17. Accounts and audit

(1) The Board shall keep proper accounts in such form which would conform to generally accepted accounting standards.

(2) The accounts of the Foundation shall be audited annually by an auditor appointed by the Board with the approval of the Minister.

(3) The Director of Audit is entitled on being required by the Minister, to carry out at any time an investigation into, or special audit of, the accounts of the Foundation.

18. Right of access by the Director of Audit

(1) The members of the Board and the officers and servants of the Foundation shall permit the Director of Audit or as the case require, the auditor appointed pursuant to section 17(2), to have access to all books and documents relating to accounts, and all cash and securities of the Foundation and, on being requested by him or her, supply him or her all information within their knowledge that relates to the operation of the Foundation.

(2) A person mentioned in subsection (1) who fails to permit the Director of Audit to have access to the books, and documents relating to accounts and all cash and securities of the Foundation on being requested to do so commits an offence and shall be liable, on summary conviction, to fine of one thousand dollars or imprisonment for one year, or both such fine and imprisonment.

19. Annual reports and estimates

(1) The Board shall, not later than three months after the end of the financial year, prepare and present to the Minister a report containing its audited accounts as well as a detailed account of the activities of the Foundation of the preceding year.

(2) The Board shall prepare and present to the Minister a copy of its estimates of revenues and expenditure for the following year on or before the end of June, in each year.

(3) Copies of the report referred to in subsection (1) shall be presented to the Minister who in turn shall lay such report before the Senate and House of Representatives and published in the *Gazette*.

20. Financial year

The financial year of the Foundation shall coincide with the calendar year.

PART IV

Miscellaneous

21. Directions by the Minister

(1) The Minister may give directions of a general nature as to the policy to be followed by the Board having regard to the objectives of the Foundation.

(2) The Board shall give effect to directions by the Minister under subsection (1).

22. Rules and regulations

The Board may with the approval of the Minister make rules and 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.

23. Offences

A person who—

- (a) wilfully disrupts any activity sponsored by the Foundation;
- (b) assaults members of the Board or an employee of the Foundation;
- (c) enters or attempts to enter any building or make use of any facilities under the control of the Foundation by any unlawful means, commits an offence and shall be liable, on summary conviction, to a fine of two thousand dollars or imprisonment for twelve months, or both such fine and imprisonment.

(2) 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.

24. Commencement

This Act shall come into force on the 21st day of August, 1998.

Schedule

GRENADA CULTURAL FOUNDATION ACT

Tenure of Office

[Section 5(5).]

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 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.

**CHAPTER 128E
GRENADA CULTURAL FOUNDATION ACT**

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
