

CHAPTER 130E
GRENADA NATIONAL STADIUM AUTHORITY ACT

• Act • Subsidiary Legislation •

ACT

Act No. 24 of 1999

Amended by

Act No. 17 of 2008

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CHAPTER 130E

GRENADA NATIONAL STADIUM AUTHORITY ACT

An Act to provide for the establishment of the Grenada National Stadium Authority, and for matters incidental thereto and connected therewith.

[Act No. 24 of 1999 amended by Act No. 17 of 2008.]

[10th September, 1999.]

PART I

Preliminary

1. Short title

This Act may be cited as the Grenada National Stadium Authority Act.

2. Interpretation

In this Act—

“Authority” means the Grenada National Stadium Authority established by section 3;

“Board” means the Board of the Grenada National Stadium Authority establishment by section 5;

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

- (a) the business plan approved under section 26; and
- (b) all amendments to the business plan approved under that section,

for the financial year;

“Chairperson” means the Chairperson of the Board of the Grenada National Stadium Authority and “Deputy Chairperson” shall be construed accordingly;

“financial year” means the financial year referred to in section 25;

“member” means a member of the Board of the Grenada National Stadium Authority;

“Minister” means the Minister responsible for sports;

“national stadium” or “stadium” means that area of land known as Queen’s Park situate in St. George’s and containing by admeasurement 29.43 acres with buildings thereon.

PART II

Establishment of Grenada National Stadium Authority

3. Establishment of the Authority

There is hereby established a body to be known as the Grenada National Stadium Authority, hereinafter known as “the Authority” 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 Authority

Subject to section 39, the functions of the Authority shall be to—

- (a) promote the maximum commercial utilisation of the national stadium;
- (b) maintain and further develop the national stadium subject to any existing agreement regarding the stadium;
- (c) ensure that the stadium is fully utilised in the promotion of sports tourism in Grenada;
- (d) collaborate with other organisations for the development of sports throughout Grenada; and
- (e) render such assistance as may be necessary to other organisations engaged in holding sporting and other events at the stadium.

5. Board of the Authority

(1) The Authority shall have a Board which shall be constituted in accordance with subsection (2).

(2) The Board shall consist of not less than five and not more than nine members appointed by the Minister by instrument in writing from among persons with qualifications and experience in sports generally, sports administration, sports medicine, sports tourism, marketing, legal practice, banking, international financing, accounting, commerce, civil engineering and any other related fields.

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

6. Removal of members of the Board

The Minister may at any time, by instrument in writing, remove any member of the Board if he or she is of the opinion that it is in the interest of the Authority to do so.

7. Duties of the Board

Subject to this Act, the Board shall be responsible for the implementation of policy regarding the use and management of the national stadium as determined by the Minister.

8. Chairperson and Deputy Chairperson

(1) The Minister shall designate a member of the Board to be the Chairperson of the Board and another to be the Deputy Chairperson.

(2) Where the Chairperson and Deputy Chairperson is absent from or is unable to act at a meeting the members present shall elect one of their members to act as Chairperson of that meeting.

9. Tenure and resignation 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 Chairperson may resign his or her office by giving the Minister not less than three months written notice.

(3) The Deputy Chairperson or any other member of the Board may resign his or her office by giving the Minister one month's written notice.

10. Absence of Chairperson and other members of the Board

(1) A member of the Board who is unable to attend a meeting of the Board on account of illness or other temporary cause or who will be out of Grenada shall inform the Chairperson in writing.

(2) Where the Chairperson is unable to attend a meeting of the Board on account of illness or other temporary cause or who will be out of Grenada he or she shall inform the Minister in writing.

(3) A member of the Board who is absent from three consecutive meetings of the Board without informing the Minister or Chairperson as the case requires, shall cease to be a member.

11. Committees of the Board

(1) The Board may establish such number of Committees, consisting of not less than three nor more than five persons, as it deems appropriate for the purpose of assisting it in carrying out its functions under this Act.

(2) The Board may delegate any of its functions under this Act to a Committee or the Board may request such a Committee to give advice on any matter arising out of or connected with its functions under this Act.

(3) A Committee for the purposes of this section may include persons who are not members of the Board but must include at least one member of the Board.

(4) A delegation by the Board to a Committee under subsection (2) is revocable in whole or in part by the Board.

(5) Upon completion of the performance of any function or a request for advice under subsection (2), the Committee shall prepare a report within a reasonable time thereafter and submit same to the board.

(6) Subject to any direction by the Board, a Committee shall regulate its own procedure.

12. Secretary to the Board

(1) The Chairperson shall designate an employee of the Authority to be Secretary to the Board.

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

13. Remuneration of members of the Board

(1) The members of the Board shall receive such remuneration by way of allowances as the Minister determines, after consultation with the Minister of Finance.

(2) The members of a Committee shall receive such remuneration by way of allowances as the Minister determines after consultation with the Minister of Finance.

(3) No member of the Board who is also a member of a Committee shall be entitled to receive remuneration in both such capacities.

14. 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.

15. Seal and authentication thereof

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

(2) The Seal of the Authority 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.

(3) All documents, other than those documents required by law to be under the seal of the Authority, and all decisions of the Board shall be signified under the hand of the Chairperson or any other member duly authorised to sign by the Board and the Secretary.

16. Service on the Authority

Service on the Authority of any notice, order or other document shall be executed by delivering the same by hand or sending it by registered post to the Chairperson or the General Manager of the Authority.

PART III

Funds of the Authority and Accounting Matters Generally

17. Funds of the Authority

(1) The funds of the Authority shall consist of—

- (a) such sums that accrue from the operations of the stadium generally;
- (b) any money received by the Authority by way of a grant, gift or donation;
- (c) any loan made to the Authority by the Government or any other person or authority;
- (d) money voted by Parliament for the purpose;
- (e) money derived from any fund-raising activity conducted by the Authority.

(2) The funds of the Authority shall be placed to the credit of the Authority at a bank approved by the Board.

18. Financial powers of the Authority

The Authority may for the purposes of carrying out its functions under this Act with the approval of the Minister—

- (a) charge such fees or commissions for use of the stadium as the Board determines;
- (b) engage in any activities for the purpose of fund-raising;
- (c) invest surplus funds in such manner as the Board determines;
- (d) receive grants, gifts or donations and be a beneficiary under covenants.

19. Vesting of property

(1) The Governor-General may from time to time, vest property in the Authority so as to enable it to carry out its functions under this Act.

(2) A vesting under this section shall be by order subject to affirmative resolution of Parliament.

20. Application of funds of the Authority

The funds of the Authority shall be applied towards the following—

- (a) operating expenses of all kinds in connection with the stadium including insurance of the property of the Authority;
- (b) the remuneration of its officers and staff;
- (c) the payment of benefits on behalf of its officers and staff;
- (d) the remuneration of members of the Board and members of the Committees established by the Board;
- (e) the training and development of staff of the Authority;
- (f) payment for professional services rendered to the Authority;
- (g) the making and maintenance of investments by the Authority in the discharge of its functions;
- (h) any other expenditure connected with the obligations of the Authority and the discharge of its functions under this Act and any other expenditure incidental to such obligations and functions.

21. Conflict of interest

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

- (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 the case of a member of the Board, participate in any deliberation or decision of the Board with respect to that contract.

22. Power to borrow and guarantee thereof

(1) Subject to this Act, the Authority may with the prior consent of the Minister, after he or she has consulted the Minister of Finance, borrow money that is required to meet its obligations or to discharge any of its functions, under this Act.

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

(3) The Authority shall make payment to the Accountant General at such time and in such manner as the Minister of Finance may direct, of the amount so directed towards the repayment of a sum debited to the Consolidated Fund in fulfillment of a guarantee under this section and towards the payment of interest on what is outstanding for the time being in respect of the sum so debited at such rate as the Minister of Finance may direct.

23. Reserve Fund

(1) Subject to section 24, the Authority shall establish and maintain a Reserve Fund which shall be utilised in such manner as the Board determines.

(2) The Reserve Fund shall be derived from the surplus, if any, of the Authority and shall be in such amount as the Board, after consultation with the Minister of Finance, determines.

24. Consolidated Fund

The Authority shall in each quarter pay into the Consolidated Fund such amounts as the Minister of Finance directs in writing.

25. Financial year

The financial year of the National Stadium Authority is the twelve months period beginning on the 1st day of January and ending on the 31st day of December.

26. Annual business plan

(1) The Board shall, not later than four months before the 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 Authority'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 Authority 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 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) must 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 the 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 proposal submitted to the Minister under subsection (7).

27. 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.

28. 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 is 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 Authority.

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

- (a) be sufficient to record and explain the Corporation's transactions;
- (b) enable the Corporation'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 Authority at the end of the financial year,
 - (ii) a statement of the revenue and expenditure of the Authority 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 Authority 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.

29. 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 Authority, 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 Authority, 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 Authority 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 Authority have been laid before the House of Representatives, the Board shall cause the report, the financial statements and the annual report of the Authority to be published in the *Gazette*.

PART IV

Officers and Staff of the Authority

30. General Manager

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

(2) The General Manager shall attend and participate in all meetings of the Board but may not vote on any matter.

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

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

31. 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) Determine the qualifications and fix terms and conditions of service, except that with respect to any management post the terms and conditions thereof must be approved by the Minister.

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

32. Secondment of public officers

(1) The Public Service Commission may, subject to such conditions as it may impose, approve the secondment of a public officer in the public service to any office in the Authority and an officer so seconded shall, in relation to pension, gratuity or other allowances and in relation to other rights as a public officer, be treated as continued service in the public service of Grenada.

(2) Any secondment under subsection (1) shall be in accordance with the enactment for the time being in force relating to the public service.

(3) A public officer who seeks to be seconded to the Authority shall communicate that fact to the Public Service Commission or the Judicial and Legal Services Commission, as the case requires, through his or her Head of Department.

33. Preservation of post

Notwithstanding anything contained in any other enactment, where an officer is seconded to the Authority his or her post or an equivalent post in the public service shall be deemed to be subsisting during the period of the secondment.

34. Status of seconded public officer

(1) For the avoidance of doubt, it is hereby declared that a public officer seconded to the Authority shall continue to be in the public service of Grenada until such time when he or she resigns, retires or otherwise leaves the public service.

(2) The Authority may enter any arrangement with the Government with respect to a public officer who is seconded.

35. 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 Authority to—

- (a) pay gratuities, pensions or superannuation allowances to the officers and staff of the Authority;
- (b) establish contributory and superannuation 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

36. Exemption from customs service charge

The Minister of Finance may exempt the Authority from the payment of customs service charge as imposed by the Customs Service Charge Act, Chapter 75D.

37. Rules and regulations

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

(2) Without prejudice to anything contained in subject (1), the Minister may make rules and regulations respecting—

- (a) the maintenance of order at the national stadium or other premises under the management of the Authority;
- (b) the conditions under which the national stadium or other premises under the management of the Authority may be let or used; and
- (c) any matter that is necessary to be prescribed for the purposes of this Act.

(3) 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 subsections (1) and (2).

38. Offences

Any person who—

- (a) throws any object or missile in the area of the stadium where a sporting or other event is being held or is in progress;
- (b) wilfully disrupts a sporting event at the stadium by any means, including the use of an electronic device;
- (c) assaults a member of the Board or an officer or servant of the Authority;
- (d) uses any abusive, obscene or insulting language to a member of the Board or an officer or servant of the Authority; or
- (e) enters or attempts to enter the stadium or make use of the facilities under the control of the Authority, by means of any other method than a prescribed or approved method,

commits an offence and shall be liable on summary conviction thereof to a fine of five thousand dollars or imprisonment of one year or both such fine and imprisonment.

(2) Subject to subsection (3), a person who commits an offence under subsection (1) may be arrested without warrant by a police officer or a security officer employed by the Authority.

(3) No arrest may be made—

- (a) by a police officer unless the officer sees the offence being committed or has reasonable suspicion that the person committed the offence;
- (b) by a security officer unless he or she sees the offence being committed.

(4) Where an arrest is made by a security officer, that officer shall hand over the person to a police officer or be taken to the nearest police station within a reasonable time after such arrest.

39. Savings

Nothing contained in this Act shall be construed as derogating or modifying or as authorising the derogation or modification of any existing legal obligations on the part of the Government in relation to the national stadium as contemplated and authorised by the Grenada National Stadium (Development and Financing) Act, Chapter 130F.

40. Commencement

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

Schedule

GRENADA NATIONAL STADIUM AUTHORITY ACT

Procedure of the Board of Authority

[Section 3(1).]

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 the business of the Board shall be—

- (a) where the Board consists of five members, three;
- (b) where the Board consists of seven members, four;
- (c) where the Board consists of nine members, 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 personal interest in 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 before the Board 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 130E
GRENADA NATIONAL STADIUM AUTHORITY ACT**

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
