

CHAPTER 380B

NATIONAL CULTURAL FOUNDATION

ARRANGEMENT OF SECTIONS

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1. Short title.

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CHAPTER 380B

NATIONAL CULTURAL FOUNDATION

An Act to provide for the establishment of a cultural foundation for Barbados. 1983-8.
1996-23.

[30th January, 1984] Commence-
ment.
1984/15.

Citation

1. This Act may be cited as the *National Cultural Foundation Act*. Short title.

PART I

Establishment, Status and Functions of the Foundation

2. (1) The National Cultural Foundation, in this Act referred to as the "Foundation", is established by this Act. Establishment of Foundation.

(2) The Foundation is a body corporate and section 21 of the *Interpretation Act* applies thereto. Cap. 1.

(3) The *Schedule* has effect with respect to the constitution of the Foundation and otherwise in relation thereto. Schedule.

3. (1) The functions of the Foundation are Functions of Foundation.

(a) to stimulate and facilitate the development of culture generally;

(b) to develop, maintain and manage theatres and other cultural facilities and equipment provided by the Government;

(c) to organise cultural festivals; and

(d) to do anything necessary or desirable to assist persons interested in developing cultural expression.

(2) Subject to this Act, the Foundation 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.

(3) The Foundation may establish agencies to assist it in carrying out its functions under this Act.

Remunera-
tion of
members.

4. A member of the Foundation is entitled, in respect of the office he holds, to such remuneration and allowances, if any, as the Minister determines.

Savings of
pension etc.
1996-23.

4A. Where a public officer who has pensionable service is transferred to or becomes employed in the service of the Foundation, his service with the Foundation shall, whether or not there was a break in service, be aggregated with his service in the public service and his pension shall be calculated in accordance with the *Pensions Act* and the *Pensions Regulations, 1947* as if all of his service was service in the public service.

Cap. 25.
L.N. 1947
No. 20.

PART II

Financial

Funds and
resources of
the
Foundation.

5. The funds and resources of the Foundation consist of
- (a) moneys accruing from the operations of the Foundation;
 - (b) moneys or property payable to or, as the case may be, vested in the Foundation;
 - (c) moneys borrowed by the Foundation or that become available to the Foundation from sources other than those mentioned in paragraphs (a) and (b); and
 - (d) moneys voted by Parliament for the purpose.

Application
of funds of
Foundation.

6. The Funds of the Foundation shall be applied towards
- (a) the payment of the salaries, wages, fees, allowances, pensions and gratuities of persons employed or formerly employed by the Foundation;
 - (b) the meeting of the obligations, and the discharging of the functions of the Foundation and matters incidental to such obligations and functions; and
 - (c) the creation and maintenance of the Reserve Fund established under section 7.

7. (1) The Foundation may, out of its funds, establish a fund to be known as the Reserve Fund, in this Act referred to as the "Fund". Reserve Fund.

(2) Subject to subsection (3) and section 12(2), the Foundation

(a) has control over the management of the Fund;

(b) shall determine what amounts shall be credited to the Fund; and

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

(3) The Fund may only be applied for the purposes of the Foundation.

8. (1) The Foundation shall keep accounts of its transactions in such form and in such manner as the Minister approves. Accounts and audit.

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

(3) The Auditor-General 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.

9. (1) The members, officers and servants of the Foundation shall allow the Auditor-General or, as the case may be, the auditor appointed pursuant to section 8(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, supply to him all information within their knowledge that relates to the operation of the Foundation. Right of access by Auditor-General or auditor.

(2) Any person who fails to comply with this section is guilty of an offence and liable on summary conviction to a fine of \$1 000 or imprisonment for 12 months or both.

10. (1) The Foundation shall as soon as possible after the expiration of each financial year and in any case not later than the 30th June in each year, submit to the Minister a report containing Reports.

- (a) a detailed account of its activities for the preceding financial year; and
- (b) a statement of its audited accounts.

(2) A copy of the report referred to in subsection (1) shall, together with a copy of the auditor's report on the accounts, be laid on the tables of the Senate and House of Assembly and published in the *Official Gazette*.

Financial
year.

11. The Financial year of the Foundation shall coincide with the calendar year.

PART III

Miscellaneous

Directions.

12. (1) The Minister may, after consultation with the Chairman of the Foundation appointed under paragraph 1(2) of the Schedule, give to the Foundation directions of a general or specific character respecting the policy to be followed in the exercise and performance of its functions affecting matters that appear to the Minister to be of public interest, and the Foundation shall give effect to such directions.

(2) Notwithstanding subsection (1), the Foundation shall not, except with the prior approval of the Minister,

- (a) invest any of its funds in any securities;
- (b) dispose of any of its securities;
- (c) acquire or dispose of any real property;
- (d) enter any contract for the purpose of raising loans;
- (e) assign, in respect of any office established by the Foundation, a salary in excess of such amount as the Minister determines;
- (f) appoint a person to an office established by the Foundation to which a salary is assigned with the approval of the Minister under paragraph (d); or

- (g) make provision for payment of pensions, gratuities or similar benefits to officers, members or employees of the Foundation in respect of services to the Foundation.

13. The Foundation may, with the approval of the Minister make regulations Regulations.

- (a) respecting the maintenance of order on premises under the control of the Foundation;
- (b) respecting the conditions under which premises under the control of the Foundation may be let or used;
- (c) respecting the powers and duties of officers appointed by the Foundation to assist in the administration of this Act and the regulations; and
- (d) prescribing anything that may be prescribed.

14. (1) Any person who Offences.

- (a) wilfully disrupts any activity sponsored by the Foundation;
- (b) assaults any member, officer or servant of the Foundation in the execution of his duty; or
- (c) enters or attempts to enter any building or premises or make use of any facilities under the control of the Foundation by any means other than that provided,

is guilty of an offence and liable on summary conviction to a fine of \$1 000 or imprisonment for 12 months or both.

(2) A person who commits an offence under subsection (1), may be taken into custody without a warrant by any member of the Police Force.

(3) Any person who contravenes any provision of this Act for which no penalty is provided is guilty of an offence and liable on summary conviction to a fine of \$1 000 or imprisonment for 12 months or both.

SCHEDULE

(Section 2(3))

1. (1) The Foundation consists of not less than 7 persons and not more than 11 persons appointed by the Minister.

(2) The Minister shall appoint a member of the Foundation to be Chairman and another member to be Deputy Chairman.

(3) In the case of the inability of any member to act, the Minister may appoint a person to act temporarily in the place of such member.

2. A member of the Foundation holds office for a term of 3 years unless he dies, resigns or has his appointment revoked before the end of that term, but

(a) 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; and

(b) every member is, on the expiration of the term of his appointment, eligible for re-appointment for a further term.

3. The Minister may grant leave of absence to a member of the Foundation and may appoint a person to act temporarily in the place of that member.

4. A member of the Foundation, other than the Chairman may resign his office by instrument in writing addressed to the Minister, transmitted through the Chairman and from the date of the receipt of the instrument by the Minister the member ceases to be a member of the Foundation.

5. The Chairman may at any time resign his office by instrument in writing addressed to the Minister and from the date of the receipt of the instrument by the Minister the Chairman ceases to be Chairman, and if the instrument so specifies, ceases to be a member of the Foundation.

6. The Chairman or, in the event of his being absent from Barbados or for any reason unable to act, the Deputy Chairman may at any time call a special meeting of the Foundation and shall call such a meeting within 7 days after receiving a requisition to do so by any 5 members of the Foundation.

7. Five members of the Foundation form a quorum.

8. Decisions of the Foundation are by a majority of votes and where the voting is equal the Chairman has, in addition to his original vote, a casting vote.

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

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

11. The Foundation may 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 co-opted member does not have a right to vote.

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

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