



ST. CHRISTOPHER AND NEVIS

CHAPTER 20.29

NATIONAL HANDICRAFT AND COTTAGE INDUSTRIES DEVELOPMENT BOARD ACT

Revised Edition

showing the law as at 31 December 2002

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NATIONAL HANDICRAFT AND COTTAGE INDUSTRIES DEVELOPMENT BOARD ACT

Act 7 of 1982 ... in force 1st August 1982

Amended by: Act 6 of 2000

Act 9 of 2002

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NATIONAL HANDICRAFT AND COTTAGE INDUSTRIES DEVELOPMENT BOARD ACT

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CHAPTER 20.29

NATIONAL HANDICRAFT AND COTTAGE INDUSTRIES DEVELOPMENT BOARD ACT

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A NATIONAL HANDICRAFT AND COTTAGE INDUSTRIES DEVELOPMENT BOARD FOR THE DEVELOPMENT, ENCOURAGEMENT AND MANAGEMENT OF HANDICRAFT AND COTTAGE INDUSTRIES; TO REGULATE THE POWERS AND FUNCTIONS OF SUCH BOARD; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the National Handicraft and Cottage Industries Development Board Act.

Interpretation.

2. In this Act, unless the context otherwise requires—

“Board” means the National Handicraft and Cottage Industries Development Board established by section 3;

“CARICOM Countries” means the members of the Caribbean Community as established under the Treaty of Chaguramas;

“Comptroller” means the person for the time being holding the post of Comptroller of Customs;

“Minister” means the Minister responsible for Culture.

(Amended by Act 6 of 2000)

PART II

ESTABLISHMENT OF THE BOARD

Establishment and incorporation of the Board.

3. (1) There is hereby established a body to be called the National Handicraft and Cottage Industries Development Board.

(2) The Board shall be a body corporate having perpetual succession and shall have power to acquire, hold and dispose of property, to enter into contracts and to sue and to be sued in its corporate name.

Common Seal.

4. The Board shall have a common seal and the fixing of the seal shall be authenticated by the signature of the Chairperson or any other member of the Board authorised for that purpose.

Governing Board.

5. (1) The National Handicraft and Cottage Industries Development Board shall have a Board of management comprising of not less than seven nor more than nine persons appointed by the Minister, of whom—

- (a) one is to be a representative of the Ministry responsible for Culture;
- (b) one is to be a person representing the craft industry;
- (c) one is to be the General Manager of the National Handicraft and Cottage Industries Development Board, (who shall be an *ex-officio* member).

(2) In making appointments under subsection (1), the Minister may have regard to—

- (a) persons in the hospitality industry;
- (b) persons in the legal profession;
- (c) persons with qualification or experience in the field of education; and
- (d) persons with qualification or experience in sales, marketing or quality control.

(3) The Minister shall appoint a Chairperson and a Deputy Chairperson from the membership of the Board.

(4) A person appointed under subsection (1)(b) shall be appointed by the Minister after consultation with such associations of craftpersons or bodies as are likely to have representation for the craft industry throughout the State.

(5) A member of the Board shall hold office for a term not exceeding three years but shall be eligible for reappointment.

(6) The Minister may at any time terminate the appointment of a member on the ground that it is not in the best interest of the Board that the member continues in office.

(Substituted by Act 9 of 2002)

Procedure at meetings of the Board.

6. (1) A member of the Board who cannot attend a meeting of the Board on account of illness or other temporary cause or who will be temporarily absent from the State shall inform the Chairperson.

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

(3) Where a member is absent on account of illness or other temporary cause from the State, the Minister may appoint another person to be a temporary member for the period such illness or absence continues.

(4) The Chairperson shall preside over all meetings of the Board and in the absence of the Chairperson, the Deputy Chairperson shall preside.

(5) The Board may meet at such times as may be necessary or expedient for the transaction of its business but shall meet at least once every two months, and such meetings shall be held at such place and time and on such days as the Board determines.

(6) The Chairperson may at any time call a special meeting of the Board and shall call a special meeting of the Board within seven days of a requisition for that purpose addressed to him or her by any three members to consider the matters contained in such requisition.

(7) The Chairperson shall call a special meeting of the Board if directed to do so by the Minister or his or her representative.

(8) Five members shall form a quorum at any meeting of the Board, but where any member is disqualified from taking part in any deliberation or decision of the Board with respect to any matter, he or she shall be disregarded for the purpose of constituting a quorum for deliberation on or deciding that matter.

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

(10) The Board may co-opt any one or more persons to attend any particular meeting of the Board for the purpose of assisting or advising the Board, but no such co-opted person shall have any right to vote.

(11) Minutes of the proceedings of each meeting of the Board shall be kept in such manner as the Chairperson determines and must be confirmed by the Board at a subsequent meeting or as soon as practicable thereafter.

(12) No act or proceedings of the Board shall be invalid by reason only of the existence of a vacancy among its members or any defect in the appointment of a member.

(13) The Chairperson shall submit quarterly reports to the Minister, within two weeks after every quarter, in such form and containing such matters as the Minister shall determine.

(14) The Minister shall designate an employee of the Board to be the Secretary to the Board.

(15) The Secretary shall perform such duties in relation to meetings of the Board as the Chairperson determines.

(16) Subject to this Act, the Board shall regulate its procedure.

(Substituted by Act 9 of 2002)

Disclosure of interest.

7. Where any member of the Board has any personal interest, whether pecuniary or otherwise in any company or concern with which the Board proposes to make any contract, the member shall disclose to the Board such interest and the nature thereof and shall take no part in any deliberation or decision of the Board relating to such contract.

Remuneration of members.

8. The Board shall pay to the members such remuneration fees or allowances as may be determined by the Minister.

PART III**POWERS AND FUNCTIONS OF THE BOARD****Functions of the Board.**

9. The functions of the Board shall be—
- (a) to plan the operation of craft development in the State and to set guidelines for the operation of all such centres;
 - (b) to provide common facilities to craft producers at a nominal service charge;
 - (c) to conduct courses for craftsmen, teachers and interested groups;
 - (d) to promote product development, research and to provide improved techniques available to producers;
 - (e) to establish local sales outlets;
 - (f) to train or assist financially in the training of personnel in craft development and cottage industry;
 - (g) to do all other acts, such acts or things necessary for or connected or conducive to the aforesaid functions.

Powers of the Board.

10. The powers of the Board shall be—
- (a) to establish craft extension centres in the State;
 - (b) to establish a raw material depot with the object of large scale procurement, processing and redistribution of such raw material to the craftsmen at a nominal charge by terms of cash payment or by adjustments against the items that may be sold to the Board by the producers;
 - (c) to buy and sell handicraft on behalf of the craft producers;
 - (d) to acquire, hold, take or give on lease, mortgage or hire, pledge or sell any immovable or movable property;
 - (e) to provide finance in the form of loans to craft producers;
 - (f) to establish for purposes of this Act quality control and minimum standards;
 - (g) to do all such acts that are conducive to the attainment of the aforesaid powers.

Delegation of powers and functions.

11. The Board may delegate to any member or committee of the Board any of the powers or functions as specified in this Act.

PART IV

OFFICERS AND SERVANTS OF THE BOARD

General Manager of the Board.

12. (1) There shall be an officer of the Board to be known as the General Manager who shall be the chief executive officer and shall be responsible for the execution of the policy of the Board and the transaction of its day to day business.

(2) The General Manager shall be appointed by the Minister.

(3) The Board may delegate to the General Manager power to exercise supervision and control of all servants and officers of the Board in matters of executive administration.

Appointment of Officers, Servants and Agents.

13. The Board may appoint such officers, servants and agents as it considers necessary for the efficient exercise, discharge and performance of its powers and functions.

PART V

FINANCE AND ACCOUNTS, ETC.

Initial Capital of the Board.

14. The capital of the Board shall include—

- (a) such sums as provided by the Government of Saint Christopher and Nevis for handicraft development;
- (b) loans or funds granted to the Board;
- (c) properties, movable or immovable, as may be granted to the Board by the Government of Saint Christopher and Nevis.

Borrowing powers of the Board.

15. The Board may, with the consent of the Minister, borrow money for the provision of working capital or for meeting the current obligations of the Board or for discharging its powers and functions under this Act.

Craft Development Fund.

16. (1) There shall be established a Fund to be known as the Craft Development Fund for the encouragement, promotion and development of handicraft and cottage industries in the State.

- (2) There shall be credited to the Fund—
- (a) all such sums of money as may be voted by the National Assembly for the use of the Board;
 - (b) all such sums of money as may be received by the Board by way of profits or otherwise in the exercise of its powers and functions;
 - (c) all such sums of money as may be received by the Board by way of loans, donations, gifts or grants from any sources, whether in or out of Saint Christopher and Nevis.

Levy of a cess on imports and exports.

17. (1) Except in the case of craft goods produced in CARICOM countries and imported into the State, there shall be levied and paid a cess at such rates, as may be determined by the Minister from time to time, by Order published in the *Gazette*, on such imports and exports specified in the Order relating to handicraft and cottage industries.

(2) This section shall have effect as though it formed part of the Customs Tariff Act, Cap. 20.06 and the provisions of that Act shall apply accordingly.

(3) The proceeds of the cess recovered under this section shall be paid monthly by the Comptroller to the credit of the Fund.

(4) The cess imposed under this section shall be in addition to any import or export duty or any other cess imposed under any other law.

Accounts and audit.

18. (1) The Board shall keep proper accounts and other records in relation to the business of the Board and shall prepare in respect of each financial year of the Board a Statement of Account in a form which shall conform to the best commercial standards.

(2) The accounts of the Board shall be audited by the Director of Audit or such independent auditors who shall be appointed by or on his or her behalf.

(3) The Minister shall cause a copy of every such financial statement to be laid before the National Assembly.

Transfer and vesting of property.

19. With effect from the appointed date—

- (a) all public officers transferred or seconded to the Board shall be employed, as nearly as may be, upon the same terms and conditions held by such officers prior to the secondment from the Government;
- (b) all immovable property including the Craft Houses in the State is hereby transferred to and vested in the Board;
- (c) all equipment, installations and other movable property of the Craft Houses in the State are hereby transferred and vested in the Board.

Service of documents.

20. Any summons, notice or other documents required or authorised to be served on the Board shall be served by delivering the same or sending it by post addressed to the General Manager.

Exemption from Income Tax.

21. Notwithstanding anything contained in the Income Tax Act, Cap. 20.22 the income of the Board shall not be liable to Income Tax.

Regulations.

22. (1) The Minister may make regulations for the purpose of carrying out or giving effect to the provisions of this Act.

(2) In particular, but without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations in respect of the following matters—

- (a) to determine the terms and conditions under which the officers and servants of the Board are employed;
 - (b) to determine standards for quality control and packaging of such craft products;
 - (c) to provide for any matter which is required to be prescribed or in respect of which regulations are required to be made.
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