



ST. CHRISTOPHER AND NEVIS

CHAPTER 23.19

NATIONAL RECORDS AND ARCHIVES ACT

Revised Edition

showing the law as at 31 December 2002

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NATIONAL RECORDS AND ARCHIVES ACT

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CHAPTER 23.19

NATIONAL RECORDS AND ARCHIVES ACT

AN ACT TO ESTABLISH THE NATIONAL RECORDS AND ARCHIVES AUTHORITY, TO PROVIDE FOR THE BETTER MANAGEMENT OF PUBLIC RECORDS AND ARCHIVES THROUGHOUT THEIR LIFE CYCLE, AND FOR RELATED OR INCIDENTAL MATTERS.

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the National Records and Archives Act.

Interpretation.

2. In this Act—

“archival repository” means a building or part of a building in which archives are preserved and made available for consultation;

“archives” mean records of enduring value selected for permanent preservation;

“current records” mean records regularly used for the conduct of the current business of an institution or individual;

“head of a public office” means the Permanent Secretary, chief executive or the chief accounting officer responsible for directing the public office;

“Minister” means the Minister responsible for the civil service;

“National Archives” means the archival repository in which archives of the central institutions of Saint Christopher and Nevis are preserved and made available for consultation;

“private records” mean records other than public records as specified in the First Schedule;

“public office” means any institution, body or individual which creates, receives or maintains public records;

“public records” mean the records specified in the First Schedule;

“records” mean recorded information regardless of form or medium, created, received and maintained by any body or individual in the pursuance of its legal obligations or in the transaction of its business and providing evidence of the performance of those obligations or that business;

“records centre” means a building designated for the low-cost storage of and provision of official access to semi-current records pending their eventual disposal;

“retention and disposal schedule” means a document describing the recurring records of an institution or an administrative unit of an institution, specifying which records should be preserved permanently as having enduring value as archives and authorising on a continuing basis and after the lapse of retention periods or

the occurrence of specified actions or events, the disposal by destruction or other means, of the remaining records;

“semi-current records” means records required only infrequently for the conduct of current business; or files and other assemblies of records on which no action has been recorded for five years.

Reckoning of time.

3. (1) Any period of time specified by this Act shall run from the 1st day of January in the next year after that in which the records were created.

(2) Where records created on different dates are for administrative purposes kept together on one file or other assembly, all the records on that file or assembly shall be treated for the purposes of this Act as having been created when the latest of those records was created.

PART II

NATIONAL RECORDS AND ARCHIVES AUTHORITY

Establishment of the Authority.

4. There is established for the purposes of this Act, a National Records and Archives Authority (in this Act referred to as “the Authority”).

Functions of the Authority.

5. (1) The Authority shall contribute to the efficiency, effectiveness and economy of the government by—

- (a) ensuring that public offices follow good record-keeping practices;
- (b) establishing and implementing procedures for the controlled and timely disposal of public records of no continuing value;
- (c) advising on best practices and established standards in record keeping in the public service;
- (d) establishing and implementing procedures for the transfer of public records of enduring value for preservation in the National Archives or such other archival repository established under this Act.

(2) The Authority shall preserve and make available for consultation, public records selected for preservation in the National Archives or any other archival repository under the control of the Director.

Board of the Authority.

6. (1) The governing body of the Authority shall be the Board of the National Records and Archives Authority (in this Act referred to as “the Board”).

(2) The Second Schedule shall have effect with respect to the constitution and operations of the Board.

Functions of the Board.

7. The Board shall be responsible for the following—

- (a) advising the Minister generally on matters relating to the management of public records of Saint Christopher and Nevis;
- (b) advising and supporting the Director of the National Records and Archives Authority;
- (c) such other matters as this Act may specifically assign to it or the Minister may direct.

Director of the Authority.

8. (1) There shall be a Director of the National Records and Archives Authority (in this Act referred to as “the Director”) appointed by the Governor-General on the recommendation of the Public Service Commission.

(2) The office of Director and of the other staff of the Authority shall be offices in the public service of Saint Christopher and Nevis.

(3) The Director shall be responsible for—

- (a) implementing the general policy established by the Minister;
- (b) management of the day-to-day activities of the Authority; and
- (c) such other matters as this Act may specifically assign to him or her or the Minister may direct.

PART III

RESPONSIBILITIES FOR PUBLIC RECORDS

Responsibility of the head of a public office for records.

9. (1) The head of a public office shall be responsible for creating and maintaining adequate documentation of the functions and activities of the public office through the establishment of good record keeping practices, including—

- (a) creating and managing current records within appropriate filing systems;
- (b) drafting with the Director retention and disposal schedules relating to records, specific to each public office;
- (c) implementing retention and disposal schedules issued in accordance with paragraph (b);
- (d) transferring semi-current records which have not been classified as confidential or secret on grounds of—
 - (i) national security;
 - (ii) maintenance of public order;
 - (iii) safeguarding revenue; or
 - (iv) protection of personal privacy into the custody of the Director.

(2) Where semi-current records are classified as confidential or secret, their transfer to the custody of the Director shall be deferred for a further period specified under Regulations made under section 32.

Responsibility of the head of a public office for semi-current records.

10. The head of a public office shall be responsible for co-operation with the Director in the management of semi-current records and in particular for—

- (a) maintaining the integrity of all semi-current records returned temporarily under section 12(b);
- (b) approving access by third parties, other than authorised personnel of the Authority and of the public office which created them or its successor in function, or as provided for in section 17(4), to semi-current records in the custody of the Director;
- (c) maintaining semi-current records whose transfer has been deferred under section 9(2) in conditions comparable to those provided by the Director in records centres under his or her control;
- (d) implementing retention and disposal schedules relating to semi-current records whose transfer has been deferred under section 9(2) and transferring records of enduring value into the custody of the Director or to such other place of deposit appointed under section 15 not later than twenty years from their creation, unless further deferment to transfer for a specified period is approved in Regulations made under section 32.

Responsibility of the Director, for records.

11. The Director shall be responsible for the oversight of record-keeping practice within public offices, with powers of inspection, and, in particular, for the following—

- (a) providing professional assistance, advice and guidance on the establishment and management of filing and registry systems;
- (b) establishing and ensuring compliance with standards for the management of public records;
- (c) making arrangements for the necessary training of records staff in public offices;
- (d) drawing up general retention and disposal schedules for approval and issue by the Minister, which schedules shall be sufficient authority for taking an action specified at the due date;
- (e) agreeing with the heads of public offices on retention and disposal schedules relating to records specific to each such office for approval and issue by the Minister, which schedules shall be sufficient authority for taking an action specified at the due date;
- (f) ensuring that retention and disposal schedules are implemented;
- (g) authorising the disposal of public records other than as provided for by retention and disposal schedules.

Responsibility of the Director, for semi-current records.

12. The Director shall accept custody of semi-current records which have been scheduled for further retention and shall, in particular—

- (a) maintain such records at a records centre and provide at the records centre—

- (i) separate and secure storage accommodation for the maintenance of semi-current records which are classified as confidential or secret; and
- (ii) facilities for the consultation of semi-current records by duly authorised officers of the public office which created them or its successor in function;
- (b) return semi-current records temporarily from his or her custody to the public office which created them or to its successor in function for the purpose of current administration;
- (c) implement retention and disposal schedules in respect of semi-current records in his or her custody;
- (d) appraise and dispose appropriately of semi-current records which are in his or her custody and are not covered by retention and disposal schedules;
- (e) arrange the transfer of records of enduring value into his or her custody or to such other place of deposit as may have been appointed under section 15 not later than twenty years from their creation;
- (f) inspect and advise the Minister on the suitability of premises in which it is proposed that records whose transfer have been deferred under section 9(2) should be held.

Responsibility of the Director for archives.

13. (1) The Director shall be responsible for the preservation of all public records of enduring value other than any whose transfer may have been deferred under subsection 9(2) or which are held in a place of deposit appointed under section 15, and shall, in particular—

- (a) take charge of the National Archives;
- (b) provide therein and in any other archival repositories under his or her control suitable conditions for the preservation and consultation of their holding;
- (c) arrange and describe those holdings and provide appropriate guides, lists, indexes and other finding aids to facilitate access to them;
- (d) ensure that reasonable facilities are available to the public for inspecting and obtaining copies of public records in the National Archives or any other archival repository under his or her control, insofar as such records are open to inspection under section 17;
- (e) ensure that reasonable facilities are available to duly authorised officers of the public office which created them or its successor in function for inspecting and obtaining copies of public records in the National Archives or any other archival repository under his or her control.

(2) The Director may do all things as appear to him or her necessary or expedient for maintaining the utility of the National Archives and any other archival repository under his or her control, and may in particular—

- (a) prepare publications, or objects relating to public records, for sale;

- (b) prescribe rules to be observed by those wishing to consult public records in the National Archives or any other archival repository under his or her control;
- (c) arrange exhibitions and lend public records for exhibitions elsewhere subject to conditions which he may specify, except that loans outside Saint Christopher and Nevis shall not be made without the consent of the Minister;
- (d) dispose of public records in his or her custody if it seems to him or her that they are not of enduring value, subject to the arrangement of the head of the public office in which they were created or its successor in function and of the Minister on the advice of the Board;
- (e) accept private records for safekeeping and acquire private records by gift, purchase, bequest or deposit;
- (f) enter into arrangements with other institutions for the joint management of conservation and restoration, reprographic or other technical facilities.

Responsibility for other records.

14. (1) The Director shall establish a network of branch offices of the Authority, in Saint Christopher and Nevis.

(2) The head of each such branch office shall be responsible to the Director for implementing the general policy of the Minister in respect of public records in the place which that branch office serves.

(3) In respect of public records created, received and maintained in public offices in the places served by the branch offices, the responsibilities set out under sections 9 and 10 shall be those of the heads of public offices and the responsibilities set out under sections 11, 12, 13 and this section shall be those of the head of the branch office of the Authority.

(4) Records centres and archival repositories established in the branch offices shall be regarded as being under the control of the Director of the Authority and the public records therein as being in his or her custody for the purposes of this Act.

(5) Where there is no archival repository with the place served by a branch office of the Authority, the Director may direct the transfer of archives to the National Archives or to any other archival repository under his or her control until such time as an archival repository to serve that place is established.

Places of deposit.

15. (1) Where it appears to the Minister on the advice of the Board that a place other than the National Archives or another archival repository under the control of the Director—

- (a) affords suitable facilities for the safekeeping and preservation of public records of permanent value and for their consultation by the public; and
- (b) is adequately and independently funded for those purposes,

he or she may appoint it as a place of deposit for specified public records.

(2) Before the Minister makes an appointment under subsection (1), and periodically thereafter, the Director shall inspect the proposed place of deposit and report to the Minister and the Board on its suitability.

(3) The authority responsible for the public records in a place of deposit shall prepare finding aids to those records and submit copies to the Director.

(4) If a place of deposit fails to maintain suitable facilities or to submit copies of its finding aids or ceases to be adequately funded, the Minister on the advice of the Board may revoke its appointment.

PART IV

ACCESS TO PUBLIC RECORDS

Director's access to classified records.

16. The Director or any person acting on his behalf or under his direction who requires to have access to or custody of public records which are classified as confidential or secret shall satisfy any security requirements applicable to, and take any oath of secrecy required to be taken by persons who normally have access to such public records.

Thirty-year rule.

17. (1) Subject to any written law prohibiting or limiting the disclosure of information in any public record, public records in the National Archives, in any other archival repository under the control of the Director or in a place of deposit appointed under section 15 shall be available for public inspection after the expiration of a period of thirty years from their creation, unless a longer or shorter period is prescribed by the Minister in Regulations made under section 32 at the request of the Minister or head of the public office which created the records.

(2) At the expiration of the period of thirty years prescribed in subsection (1) any records selected for permanent preservation which are still classified as restricted, confidential, secret or top secret shall be examined by a competent authority to ascertain whether their continuing classification is necessary and, if it is not, they shall be de-classified and cease to be subject to any Act dealing with official secrets and shall become open to public inspection under subsection (1).

(3) A longer period than thirty years may be prescribed under subsection (1) only when there is a continuing need to restrict public access on grounds of—

- (a) national security;
- (b) maintenance of public order;
- (c) safeguarding revenue; or
- (d) protection of the privacy of living individuals.

(4) Public records to which members of the public had access before transfer into the custody of the Director or to a place of deposit appointed under section 15 shall continue to be open to public inspection irrespective of their age.

PART V

FINANCIAL PROVISIONS

Administrative Expenses.

18. The administrative expenses of the Authority shall be a charge on the Consolidated Fund.

Finances of Authority.

19. The Funds and resources of the Authority shall consist of—

- (a) monies paid to its accounts out of monies voted by Parliament;
- (b) monies accruing from the operations of the Authority;
- (c) any sums which may be payable to the Authority by way of donations, gifts; or
- (d) other monies available to the Authority from sources approved by the Minister.

Application of funds.

20. (1) The Authority shall apply its funds towards discharging its obligations or performing its functions under this Act.

(2) The Authority shall not execute a plan in relation to its fund unless prior approval is given by the Minister.

Power to charge fees and sell services.

21. The Minister may, by Order, prescribe fees for—

- (a) entry to or for use of any property under the control of or maintained by the Authority;
- (b) services it may offer to private individuals or organisations.

Accounts and audit.

22. (1) The Authority shall—

- (a) in respect of its functions, keep proper accounts and adequate financial records to the satisfaction of, or in accordance with the direction of the Director of Audit or an auditor appointed under subsection (2) for the purpose of auditing the accounts; and
- (b) prepare a statement of accounts in respect of each financial year.

(2) The Authority shall within three months of the end of each financial year, submit its accounts for audit to the Director of Audit or to an auditor the Minister may appoint.

(3) The Director or the person in charge of the keeping of the accounts of the Authority shall—

- (a) grant to the auditor auditing the accounts under subsection (2), access to all books, documents or cash relating to those accounts; and
- (b) provide at the request of the auditor, all information within his or her knowledge in relation to the operations of the Authority.

Report.

23. (1) The Authority shall within six months of the end of each financial year, submit to the Minister a report containing—

- (a) an account of the activities and transactions of the Authority throughout that financial year in such detail as the Minister may direct; and
- (b) a statement of accounts of the Authority for the financial year audited in accordance with section 22.

(2) A copy of the report under subsection (1), together with a copy of the auditor's report shall be printed, laid before Parliament, and published in the *Gazette* not later than three months from the date of the receipt of the report under subsection (1), by the Minister.

PART VI

OFFENCES AND PENALTIES

Unauthorised removal, destruction or wilful mutilation of public records.

24. (1) Any person who removes any public records from a public office without proper authorisation or who destroys any public record otherwise than as provided for under Part III or who wilfully mutilates any public record in a public office, in a records centre, in the National Archives or any other archival repository under the control of the Director or in a place of deposit appointed under section 15 commits an offence and is liable, on summary conviction, to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding twelve months or both.

(2) Any public record which has been removed without proper authorisation in the past or may be so removed in the future and which remains within the jurisdiction of the courts of Saint Christopher and Nevis may be reclaimed by the public office in which it was created or by its successor in function or, in respect of public records over thirty years old, by the National Records and Archives Authority.

Denial of Access.

25. Any person who, without reasonable cause, denies access to public records to an officer duly authorised by the Director commits an offence and is liable, on summary conviction, to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or both.

Illegal export of historical documents.

26. Any person who contravenes section 31, commits an offence and is liable, on summary conviction, to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding twelve months or to both and the records or documents in question shall be put at the disposal of the Director, who shall take them into his or her custody, and the provisions of this Act relating to public records shall apply to the records or documents, including those which are not yet public records.

PART VII

LEGAL PROVISIONS

Legal validity.

27. (1) The legal validity of any public record shall not be affected by its removal under this Act to the custody of the Director or to a place of deposit appointed under section 15.

(2) A copy of or extract from a public record in the custody of the Director examined and certified as a true and authentic copy by an officer authorised by him or her and bearing the seal of the Authority shall be admissible as evidence in any proceedings without any further proof of it, if the original record would have been admissible as evidence in those proceedings.

Copyright.

28. (1) In making available for inspection or providing copies of public records in his or her custody, the Director shall not be in breach of any private copyrights in the public records.

(2) The provision of copies of public records by the Director shall not transfer any copyrights in the public records to the recipients.

(3) The publication of facsimile copies, verbatim transcripts or literal translation of public records in the custody of the Director in which the copyright of the government of Saint Christopher and Nevis subsists is prohibited except with the consent of the Director and subject to such conditions as he or she may require and to the payment of such fees as may be prescribed by Order made under section 21.

PART VIII

MISCELLANEOUS PROVISIONS

Statutory deposits.

29. (1) Every public office shall deposit in the National Archives two copies of every publication which it issues.

(2) Nothing in this Act shall abrogate any existing right of the Director to receive records under any other provision for statutory deposit.

Private records.

30. (1) Where it appears to the Minister that any private records, or any part of them, are of national importance, and that it is in the public interest that they be acquired, he may, after consultation with the owner of the private records and subject to subsections (2) to (4), acquire them, or any part of them, and declare them to be public records, and the provisions of this Act relating to public records shall apply to them.

(2) The Minister shall, after consultation with the Minister responsible for Finance, pay full and fair compensation in respect of any private records acquired under subsection (1) after consultation with the owner of the private records acquired.

(3) The amount of compensation shall be payable in such manner and in such instalments as shall be determined by the Minister responsible for Finance after consultation with the person entitled to that compensation.

(4) The compensation shall constitute a charge on and be paid out of the Consolidated Fund.

Prohibition of export of public records and private records of historical value.

31. (1) The export from Saint Christopher and Nevis of public records is prohibited.

(2) The export from Saint Christopher and Nevis of private records which relate to Saint Christopher and Nevis and are of historical value is prohibited except in accordance with the terms of a licence to export issued by the Minister on the advice of the Director.

(3) A licence issued under subsection (2) shall specify each document to which the licence relates and contain such conditions as the Minister may prescribe.

(4) For the purposes of this section the Director may establish a register of private records and archives within Saint Christopher and Nevis.

Regulations.

32. The Minister may on the advice of the Board, make Regulations for carrying the provisions of this Act into effect.

Transitional provisions for records in the National Archives.

33. Records and other materials in the custody of the Government Archivist on the day of the coming into operation of this Act are hereby transferred to the custody of the Director of the National Records and Archives Authority subject to any terms and conditions that were applicable to those records and other materials on that day.

Deferment of transfer.

34. The Director may defer the acceptance of transfers of semi-current records and archives into his or her custody if accommodation for them is not available or other arrangements for their reception cannot be made.

FIRST SCHEDULE*(Section 2)*

The following are public records:

1. The records and archives of an official nature belonging to Saint Christopher and Nevis created, received and maintained—
 - (a) in the office of the Prime Minister and of the Cabinet;
 - (b) by any Ministry, Department, Commission, Committee, office and other body under the government of Saint Christopher and Nevis or Minister or any other officer or employee of the specified institutions;
 - (c) by any post representing the government of Saint Christopher and Nevis outside the country or any officer serving in such a post;
 - (d) by any formation or unit of the St Kitts and Nevis Defence Force or the Royal Saint Christopher and Nevis Police Force or any office of such a formation or unit;
 - (e) by Parliament or Electoral Commission or any committee or officer of Parliament or the Electoral Commission;
 - (f) by the Court of Appeal, High Court or any other Court or tribunal with jurisdiction within Saint Christopher and Nevis or by any Judge, Magistrate or other officer of such a Court;
 - (g) by any regional, district or municipal authority or officer of any regional, district or municipal authority;
 - (h) by any predecessor or successor of any of the institutions, bodies or individuals designated in sub-paragraphs (a) to (g);
 - (i) by any other body or individual so designated by the Minister in Regulations made under section 32.
2. The records created, received and maintained by any public corporation or parastatal organisation.
3. All public archives in the custody of the National Archives of Saint Christopher and Nevis, including any branch offices, at the time of the coming into operation of this Act.
4. Any private records—
 - (a) taken into the custody of the Director under section 26 of this Act;
 - (b) acquired under section 30.

SECOND SCHEDULE*(Section 6(2))*

1. (1) There shall be a governing Board appointed by the Minister by instrument in writing comprising the following persons—
 - (a) the Director (who shall be Secretary to the Board);

- (b) the Chief Secretary or his or her representative;
- (c) the Financial Secretary or his or her representative;
- (d) the Attorney General or his or her representative;
- (e) a representative of the Nevis Island Administration;
- (f) the person in charge of government computer services;
- (g) not more than five persons from the following interest groups—
 - (i) the History Department of the Clarence Fitzroy Bryant College;
 - (ii) the audio-visual media;
 - (iii) the Christian Council and the Evangelical Association;
 - (iv) the St Christopher Heritage Society, and the Brimstone Hill Fortress National Park Society;
 - (v) the National Museum; and
 - (vi) the Nevis Historical and Conservation Society.

(2) The Minister shall appoint a Chairperson and a Deputy Chairperson from among the members.

2. The Board shall be assisted in its work by—

- (a) a Court Records Committee comprising—
 - (i) the Resident High Court Judge or his or her representative (as Chairperson);
 - (ii) the Permanent Secretary of the Legal Department;
 - (iii) the Registrar of the High Court;
 - (iv) the Senior Magistrate or in his or her absence, another Magistrate;
 - (v) a Clerk of the Court; and
 - (vi) the Director (who shall be the Secretary to the Committee); and
- (b) a Legislative Records Committee comprising of the following persons—
 - (i) the Speaker of the National Assembly, (as Chairperson);
 - (ii) the Clerk of the National Assembly;
 - (iii) the Permanent Secretary of the Ministry responsible for Parliamentary Affairs;
 - (iv) the Parliamentary Co-ordinator; and
 - (v) the Director (who shall be the Secretary to the Committee).

3. Subject to paragraphs 5, 6 and 7 a member of the Board shall hold office for a period not exceeding three years as the Minister may direct in the instrument appointing the member, but is eligible for re-appointment.

4. The Minister may appoint, in accordance with paragraph 1, a person to act temporarily in the place of a member of the Board in case of the absence from St Kitts or the inability to act of that member.

5. A member of the Board, other than the Chairperson, may at any time resign that member's office by instrument in writing addressed to the Chairperson who shall

immediately cause the same to be forwarded to the Minister and upon the date of the receipt by the Chairperson of such instrument the member shall cease to be a member of the Board unless some other date is mentioned in the instrument.

6. The Chairperson may, at any time resign his or her office by instrument in writing addressed to the Minister, and upon the date of the receipt by the Minister of the instrument he or she shall cease to be Chairperson unless another date is mentioned in the instrument.

7. A vacancy shall be deemed to arise in the membership of the Board in case of—

- (a) the death of a member;
- (b) the resignation of a member;
- (c) the revocation by the Minister of the appointment of a member;
- (d) the failure of a member to attend three consecutive meetings of the Board, unless the failure to attend was approved by the Minister.

8. A member of the Board is eligible for remuneration by way of fees or travelling or other allowances, as the Minister may determine.

9. The names of all members of the Board as first constituted or a change in the membership of the Board shall be published in the *Gazette*.

10. (1) The Board shall meet at such times as may be necessary or expedient for the transaction of its business and a meeting shall be held on a day and at a time and place as the Chairperson determines.

(2) The Chairperson, or, if the Chairperson is for some reason unable to act, the Deputy Chairperson may at any time call a special meeting of the Board.

(3) The Chairperson or the Deputy Chairperson shall call a special meeting within seven days of the receipt of a requisition for that purpose addressed to the Chairperson in writing by not less than three members of the Board.

11. Four members of the Board present at a meeting constitute a quorum.

12. The Chairperson or, in his or her absence, the Deputy Chairperson, shall preside at all meetings of the Board, and in case of the absence of both the Chairperson and the Deputy Chairperson, the members present and constituting a quorum may elect a temporary Chairperson from among their number, who shall preside at the meeting.

13. The decisions of the Board at a meeting shall be by a majority of votes and in the event of equality of votes the Chairperson or the person presiding at the meeting shall have a casting vote.

14. (1) Subject to this paragraph, a member of the Board who is interested in a decision or acquisition or a proposed decision or acquisition by the Board shall declare the nature of that interest at a meeting of the Board.

(2) In the case of a proposed decision or acquisition, the declaration under sub-paragraph (1) shall be made—

- (a) at the meeting of the Board at which the decision or acquisition is first taken into consideration; or
- (b) if the member was not, at the date of the meeting, interested in the proposed decision or acquisition, at the next meeting of the Board held after that member becomes so interested.

(3) Where the member becomes interested in a decision or acquisition by the Board, after it is made, the declaration shall be made at the first meeting of the Board held after the member acquires that interest or becomes so interested.

(4) For the purpose of this paragraph, a notice given to other members of the Board by a member to the effect that the member is also a member of a specified company or firm and is to be regarded as interested in any decision or acquisition which may, after the date of the notice be made with that company or firm shall be deemed to be sufficient declaration of interest in relation to any decision or acquisition so made.

(5) A notice, as is mentioned in sub-paragraph (4), has no effect unless it is given at a meeting of the Board or the member concerned takes reasonable steps to secure that it is brought up and read at the next meeting of the Board after it is given.

(6) A member of the Board shall at the commencement of a meeting inform the Chairperson of that meeting of any matter on the agenda for the meeting in which he or she has interest, either directly or indirectly by himself, his or her spouse, partner, business associate or company any pecuniary or business interest and that member shall vacate the meeting room upon the relevant matter coming up for discussion, and the vacation of the meeting room by the member shall be noted in the minutes of the meeting of the Board.

(7) A member who contravenes any provision of this paragraph commits an offence and is liable on summary conviction to a fine not exceeding six thousand dollars.
