



## ST. CHRISTOPHER AND NEVIS

### CHAPTER 6.10 (N)

## NEVIS CULTURAL DEVELOPMENT FOUNDATION ORDINANCE

### Revised Edition

showing the law as at 31 December 2009

This is a revised edition of the law, prepared by the Law Revision Commission under the authority of the Law Revision Act, Cap. 1.03.

This edition contains a consolidation of the following laws—

### NEVIS CULTURAL DEVELOPMENT FOUNDATION ORDINANCE

Ordinance 2 of 2007 ... in force

Page

3



**CHAPTER 6.10 (N)**  
**NEVIS CULTURAL DEVELOPMENT  
FOUNDATION ORDINANCE**

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY MATTERS

1. Short title
2. Interpretation
3. Establishment of Foundation
4. Objects of Foundation

PART II

STRUCTURE

5. Membership
6. Privileges
7. Subscription fee

PART III

MANAGEMENT

8. Board of Directors
9. Term of office
10. Absent members
11. Officers
12. Resignation of members of Board
13. Special meetings
14. Quorum
15. Voting
16. General meetings
17. Minutes
18. Disclosure
19. Procedures
20. Chairperson
21. Co-opting
22. Remuneration

PART IV

STAFF

23. Executive Director
24. Other employees

PART V

FINANCIAL

25. Funds of the foundation
26. Application of funds
27. Reserve funds
28. Accounts
29. Audit
30. Right of Access
31. Reports

PART VI

MISCELLANEOUS

32. Directions
33. Offences
34. Tax exemption
35. Regulations

**CHAPTER 6.10 (N)**  
**NEVIS CULTURAL DEVELOPMENT  
FOUNDATION ORDINANCE**

AN ORDINANCE TO ESTABLISH A FOUNDATION FOR THE PROMOTION, DEVELOPMENT  
AND MANAGEMENT OF THE ARTS AND CULTURE.

PART I  
PRELIMINARY MATTERS

**Short title.**

1. This Ordinance may be cited as The Nevis Cultural Development Foundation Ordinance.

**Interpretation.**

2. In this Ordinance—

“Board” means the Board of Directors appointed under section 8;

“Foundation” means the Nevis Cultural Development Foundation established under section 3;

“Fund” means the reserve fund established under section 27;

“Minister” means the Minister responsible for Culture.

**Establishment of Foundation.**

3. (1) There is hereby established a body corporate to be known as the Nevis Cultural Development Foundation.

(2) The Foundation is the principal public body responsible for execution of the national cultural activities on behalf of the Nevis Island Administration.

**Objects of Foundation.**

4. (1) The objects of the Foundations are—

- (a) the implementation of a national cultural policy;
- (b) the advancement of the arts and culture in the society.

(2) For the advancement of the objects described under section (1) the Foundation shall—

- (a) prepare periodic action plans using arts and culture to affirm a Nevisian identity within a national, regional and international context;
- (b) undertake research into various aspects of the arts and culture;
- (c) ensure that training opportunities are made available in all aspects of the arts and culture;

- (d) market, promote and co-ordinate artistic and cultural activities including Culturama, other festivals, overseas exchanges, celebrations, products and services;
- (e) liaise with relevant Government Ministries and Departments, non-governmental organisation, community based organisations and the private sector;
- (f) make recommendations regarding policy, public funding, technical and institutional support for the promotion of the arts and culture;
- (g) establish funds to be used for the objects of the Foundation;
- (h) mobilise public and private resources for the benefit of the sector;
- (i) develop and manage venues for artistic and cultural activities;
- (j) undertake pro-active programmes promoting indigenous cultural and artistic goods and services;
- (k) assist and support community based activities designed to promote and arts and culture;
- (l) solicit and accept financial assistance, subscriptions, donation, gifts and loans on behalf of the Foundation;
- (m) publish, produce in print, audio visual and multimedia form, material of an artistic or cultural nature;
- (n) promote any activity which will assist in the furtherance or artistic cultural expression;
- (o) carry on any activity which appears to be Foundation to be requisite, advantageous or convenient for or in connection with the discharge of its functions under this Ordinance.

(3) The Foundation may contract with or establish agencies to assist in carrying out its functions under this Ordinance.

## PART II

### STRUCTURE

#### **Membership.**

5. (1) The Foundation consists of honorary, ordinary, associate and corporate membership.

(2) Ordinary membership is open to any individual who is an artistic or cultural practitioner.

(3) Associate membership is open to any club, group or association which was previously registered with the Ministry of Culture or whose principal activity falls within the realm of the arts and culture.

(4) Corporate membership is open to corporations, firms and institutions interested in the promotion of the arts or culture.

(5) The Minister may appoint any person to be an honorary member of the Foundation.

**Privileges.**

6. (1) A member shall be entitled to attend general meetings of the Foundation but only ordinary and associate members have the right to vote at such meetings.

(2) A member of the Foundation entitled to vote has one vote except in the event of an equality of votes when the chairperson has a casting vote.

**Subscription Fee.**

7. The annual subscription fee is such as the Foundation shall determine.

## PART III

## MANAGEMENT

**Board of Directors.**

8. The affairs of the Foundation is administered by a Board of Directors comprising 9 members to be appointed as follows—

- (a) three members appointed by the Deputy Governor-General from the major art disciplines of visual arts, literature, music, and the performing arts, after consultation with the appropriate representing bodies;
- (b) six members appointed by the Minister as follows—
  - (i) two members representing the private sector;
  - (ii) one member representing the Nevis National Trust;
  - (iii) three members representing the Ministries responsible for Culture, Education and Tourism.

**Term of office.**

9. A member of the Board shall hold office for a period of 3 years and is entitled to re-appointment.

**Absent Members.**

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

(2) The chairperson may grant leave of absence to a member of the Board who is ill or temporarily out of the Island and may request the relevant organisation to nominate a person to act temporarily in the place of that member.

(3) A member who absents himself or herself without the leave of the chairperson from 3 consecutive meetings ceases to be a member.

**Officers.**

11. (1) The officers of the Board shall consist of—

- (a) a chairperson appointed by the Minister;

(b) a deputy chairperson; and

(c) a secretary appointed by the Board who shall also be the Treasurer.

(2) The chairperson shall designate an employee of the Foundation to be the recording secretary to the Board.

(3) The recording secretary shall perform such duties in relation to meetings of the Board as the chairperson determines.

#### **Resignation of Members of Board.**

**12.** (1) A member of the Board, other than the chairperson may resign his or her office by instrument in writing addressed to the chairperson and from the date of the receipt of the instrument the member ceases to be a member of the Board.

(2) The chairperson may at any time resign his or her office by instrument in writing addressed to the Minister and from the date of the receipt of the instrument by the Minister, the chairperson ceases to be chairperson.

#### **Special meetings.**

**13.** The chairperson or, in the event of the chairperson being absent from Nevis or for any reason unable to act, the deputy chairperson may at any time call a special meeting of the Board and shall call such meeting within 7 days after receiving a request to do so by any 5 members of the Board.

#### **Quorum.**

**14.** The quorum for meetings of the Board is five members.

#### **Voting.**

**15.** Decisions of the Board are by a majority of votes and where the voting is equal the chairperson has, in addition to his or her original vote, a casting vote.

#### **General Meetings.**

**16.** (1) Despite section 13, the Board shall hold a minimum of 4 quarterly meetings each calendar year.

(2) A quarterly meeting of the Board shall be held at such place and on such day as the Board determines.

#### **Minutes.**

**17.** Minutes of each meeting shall be duly kept by the Secretary or other person appointed by the Board for that purpose, and shall be confirmed by the Board at its next meeting and signed by the chairperson or other person presiding at that meeting.

#### **Disclosure.**

**18.** A member of the Board who has any interest in a contract proposed to be made with the Foundation or any matter for discussion by the Board, shall disclose the nature of his or her interest to the Board and shall not participate in any deliberations in respect of that contract or matter and shall, in any case, be disqualified from voting on any decision on that contract or matter.



**Procedures.**

19. Subject to the provisions of Part 4, the Board shall regulate its own proceedings.

**Chairperson.**

20. The chairperson shall, if present, preside at all meetings of the Board and sign all instruments which require his or her signature.

**Co-opting.**

21. The Board may co-opt any person to act as an adviser at its meetings but no co-opted person is entitled to vote at the meeting.

**Remuneration.**

22. A member of the Board is entitled to such remuneration and allowances, if any, as the Minister may determine.

PART IV

STAFF

**Executive Director.**

23. (1) The Board shall, subject to the approval of the Minister and upon such terms and conditions as it may determine, appoint an Executive Director.

(2) The Executive Director is the chief executive officer of the Board and shall exercise all the functions entrusted to him or her by the Board.

(3) The Executive Director shall attend all meetings of the Board.

(4) The Executive Director has full authority to manage and direct the business and affairs of the Foundation.

**Other Employees.**

24. (1) The Board may appoint and employ at such remuneration and on such terms and conditions as it thinks fit such officers and employees as it considers necessary for the proper carrying out of the functions of the Foundation.

(2) The person appointed under paragraph (1) shall perform such duties as may be assigned to them by the Executive Director.

(3) The Board may engage the services of such consultants, advisers or any person as it may determine.

(4) The Board may delegate to the Executive Director the authority to appoint or dismiss any person employed with the Foundation.

PART V  
FINANCIAL PROVISIONS

**Funds of the Foundation.**

- 25.** (1) The funds of the Foundation shall include—
- (a) monies voted by government for the purpose;
  - (b) loans granted to the Foundations;
  - (c) monies accruing to the Foundation from the operations of the Foundation;
  - (d) monies payable to or vested in the Foundation; and
  - (e) gifts, subscriptions and donations.
- (2) All monies received by the Foundation shall be paid into such banks as may be determined by the Board of Directors to the credit of the Foundation's general, current or deposit account.

**Application of funds.**

- 26.** The funds of the Foundation shall be applied towards—
- (a) the payment of salaries, wages, fees, allowances, pensions and gratuities of persons 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 27.

**Reserve funds.**

- 27.** (1) The Foundation may, out of its funds, establish a fund to be known as the reserve fund.
- (2) Subject to subsection (3) and section 23(2) this Ordinance shall—
- (a) be responsible for the management of the fund;
  - (b) determine what amounts shall be credited to the fund; and
  - (c) determine the purpose for which the fund may be applied.
- (3) The fund may only be applied for the purposes of the Foundation.

**Accounts.**

- 28.** The Foundation shall keep proper books of account of all sums of money received and expended by the Foundation and of the matters in respect of which such receipts and expenditure take place and the property, assets and liabilities of the Foundation.

**Audit.**

- 29.** (1) The accounts of the Foundation shall be examined and audited at least once a year by a qualified auditor appointed by the Board of Directors.

(2) The Minister may require the Office in Charge of Audit in Nevis to carry out, at any time, an investigation into or a special audit of the accounts of the Foundation.

#### **Right of Access.**

**30.** The members, officers and servants of the Foundation shall allow the auditor appointed under section 29(1) or the Office in Charge of Audit in Nevis, full access to all books and documents relating to accounts and all cash and securities of the Foundation and, or request, supply to the auditor or the Office in Charge of Audit in Nevis all information within their knowledge that relates to the operation of the Foundation.

#### **Reports.**

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

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

(2) The Minister shall cause a copy of the reports referred to in subsection (1) to be laid in the Nevis Island Assembly and published in the *Gazette*.

(3) The financial year of the Foundation shall coincide with the financial year of the Government of Nevis.

## PART VI

### MISCELLANEOUS PROVISIONS

#### **Directions.**

**32.** (1) The Minister may give directions of a general nature respecting cultural and artistic policy which appear to the Minister to be in the public interest.

(2) The Foundation shall not, without the prior approval of the Minister, dispose of any assets or property vested in it by the Government.

#### **Offences.**

**33.** (1) A person shall not—

- (a) wilfully disrupt any activity sponsored by the Foundation or any of its agencies;
- (b) assault any officer or servant of the Foundation in the execution of his or her duty;
- (c) enter or attempt to enter any building or premises or to make use of any facilities under the control of the Foundation by any means other than that provided.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding \$2,500 or a term of imprisonment for 12 months or to both.

**Tax Exemption.**

34. Despite any law to the contrary, the Foundation shall not be subject to the payment of—

- (a) taxes on any property owned, occupied or held in trust for the Foundation; or
- (b) taxes payable under any enactment.

**Regulations.**

35. The Minister may, after consultation with the Board, make regulations relating to—

- (a) the maintenance of order on premises under the control of the Foundation;
  - (b) the conditions under which premises under the control of the Foundation are let or used;
  - (c) the powers and duties of officers appointed by the Foundation to assist in carrying out its functions as provided for under this Ordinance and the Regulations;
  - (d) the management of the funds of the Foundation and in what manner they may be invested;
  - (e) the appointment and functions of the employees of the Foundation;
  - (f) the custody and safe keeping of the property of the Foundation;
  - (g) the salary and service conditions of person employed by the Foundation;
  - (h) the doing of any act which Minister considers to be in the interest of the Foundation;
  - (i) for the purpose of giving effect to the provision of this Ordinance.
-