

CULTURE ACT

CHAPTER 30:01

Act
22 of 1981
Amended by
12 of 1990

Current Authorised Pages

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**Note
on
Subsidiary Legislation**

This Chapter contains no Subsidiary Legislation.

CHAPTER 30:01

CULTURE ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 30:01**CULTURE ACT**

22 of 1981. **AN ACT to make provision for the further development of culture in the Commonwealth of Dominica and for purposes connected therewith.**

Commencement. [25th June 1981]

Short title. **1. This Act may be cited as the –**

CULTURE ACT.

Interpretation. **2. In this Act –**

“Council” means the National Culture Council established under Section 4;

“Chairman” means the Chairman of the Council;

“functions” includes powers and duties;

“Minister” means the Minister responsible for culture;

“cultural association” includes any association which is required by its constitution to apply its income from any source solely in promoting culture;

“training” means a course of instruction whether in Dominica or elsewhere.

General functions of Minister as to culture. **3. It shall be the duty of the Minister to provide such training services and facilities as he considers necessary for the development and promotion of cultural activities in Dominica.**

Establishment of Culture Council. **4. (1) There is hereby established a body known as the “National Culture Council” hereinafter referred to as the Council which shall be constituted and managed in the manner hereinafter provided and shall be authorised to develop and promote culture and cultural events in Dominica.**

(2) The Council shall be a body corporate with perpetual succession and common seal and shall have power to enter into contracts and to acquire, hold, lease, exchange and otherwise deal with

in Dominica of all property, whether movable or immovable.

5. (1) The Council shall consist of the cultural officer attached to the Ministry having responsibility for culture, or such other person as may from time to time be appointed by the Minister who shall be the Chairman and eight other members who shall be appointed by the Minister.

Membership of Council.

(2) The Minister shall appoint a fit and proper person from among its members to be the Deputy Chairman of the Council.

(3) The name of every person appointed as a member of the Council shall, as soon as practicable after appointment, be published in the *Gazette*.

(4) In the event of the absence or incapacity of the Chairman the Deputy Chairman shall preside over meetings of the Council; and in the event of the absence or incapacity of both the Chairman and Deputy Chairman, the Minister shall appoint a person from the remaining members to preside at any meeting.

(5) If at any time it appears that any member of the Council will be unavoidably absent from a meeting of the Council due to illness or any other cause, the Minister may appoint some other person to occupy the place of such member during his absence.

6. (1) Every member of the Council shall hold office for a period of two years from the date of his appointment to the Council unless his appointment is revoked or he sooner resigns from the Council, or his place on the Council is declared vacant in accordance with this section.

Tenure of office.

(2) If any member absents himself from three consecutive meetings of the Council without leave of the Chairman, the Chairman shall declare his place on the Council to be vacant and shall report the fact in the *Gazette*.

(3) If a vacancy occurs by death, resignation or otherwise in the office of any member of the Council, the vacancy shall be filled by the Minister in keeping with section 5, but any person appointed to fill such a vacancy shall hold office for so long only as the member in whose place he was appointed would have held office.

(4) Members are eligible for re-appointment to the Council.

(5) Any member of the Council may resign from the Council by letter addressed to the Minister.

Proceedings and
quorum of the
Council.

7. (1) The Council shall meet at such times as may be necessary or expedient for the transaction of business and such meetings shall be held at such places and times on such days as the Council may determine, and the Council shall meet at least once in every calendar month.

(2) Minutes of the proceedings of each meeting of the Council shall be kept in such manner as the Council shall determine and shall be confirmed by the Chairman at the next meeting, or at a meeting as soon thereafter as is practicable.

(3) The quorum of the Council shall be the Chairman or Deputy Chairman or any person appointed by the Minister to preside at any meeting and two other members. The Council may act notwithstanding any vacancy in their number.

(4) All questions proposed for decision by the Council shall be determined by a majority vote of those members present and voting. The Chairman shall, in addition to his original vote as a member of the Council, have a casting vote upon any question where the votes are equally divided.

(5) The Chairman shall preside at all meetings of the Council unless he is incapacitated by sickness or other cause.

Non-liability of
member of the
Council.

8. The Council shall indemnify any member who incurs any civil liability arising out of any act or omission which occurs in the *bona fide* discharge of his functions as a member of the Council, in respect of the whole of the said liability together with any legitimate legal costs and expenses connected therewith or occasioned thereby.

Officers and
servants of the
Council.

9. (1) The Council may with the prior approval of the Minister engage such officers and servants for the proper conduct of its functions and business under this Act.

(2) Subject to the preceding subsection persons so engaged shall be employed on such terms and conditions as the Council may determine, and shall perform such duties as may be assigned to them by the Council.

Expenses of
administration.

10. The allowances, if any, of the members of the Council, the salaries of officers and servants employed by the Council and all other expenditure incurred by the Council shall be paid out of its funds.

11. All deeds, instruments, contracts, cheques and other documents shall be deemed to be duly executed or signed by or on behalf of the Council, if they are signed by the Chairman and one other member of the Council duly authorised by the Council in that behalf.

Execution of documents and signing of cheques.

12. The Minister may give to the Council directions as to policy or otherwise to be followed by the Council in the exercise of its functions under this Act, which may appear to the Minister to affect the public welfare, and the Council shall comply with all such directions.

Ministerial directions to the Council.

13. (1) The Minister may make Regulations –

Power of Minister to make Regulations.

- (a) prescribing the procedures to be adopted by the Council, and requiring returns and reports to be made by the Council;
- (b) prescribing the principles to be followed by the Council in the exercise of its powers and functions;
- (c) placing restrictions or limitations on the exercise of the powers of the Council;
- (d) providing for training of persons in any chosen field of culture;
- (e) generally for the better carrying out of the duties, powers and functions of the Council under this Act.

(2) Subject to any such Regulations, the Council may make standing orders regulating its own procedures.

14. Subject to this Act the functions and duties of the Council shall be –

Functions and duties of Council.

- (a) to undertake the development and promotion of culture in Dominica;
- (b) to consult with the Ministers of Government, public authorities, education authorities, cultural associations, the business community and other groups on measures necessary for the improvement of culture in Dominica;
- (c) to make provisions for and undertake the administration of funds provided by Government or realised from projects for the development of culture in Dominica;
- (d) to assist cultural associations and other cultural organisations affiliated to the Council.

- (e) to make provisions regarding the fees to be charged for cultural events and for the collection and accounting of moneys from fund raising or other activities undertaken by the Council;
- (f) to recommend measures necessary for the development and enhancement of culture in Dominica including matters relating to the location, orientation and establishment of arts centres and other cultural facilities;
- (g) to promote competitions and cultural events of all kinds and to provide prizes and trophies therefor.

Affiliation of
association to the
Council.

15. (1) The Council may upon application made to it by any cultural association and, on being satisfied that –

- (a) the constitution of the association is such as to ensure that all its members have the right to participate directly or indirectly in the election or appointment of its governing body; and
- (b) the association has as its principal object the furtherance of the cultural interests of its members,

declare the association to be an affiliate member of the Council.

(2) The Council may decline to accept an application for affiliation and shall not be obliged to assign reasons in this regard.

Power of Council
to make Rules.

16. The Council may, with the approval of the Minister, make Rules –

- (a) prescribing the procedure to be followed and the conditions to be fulfilled by the association and other organisations desirous of affiliation with the Council;
- (b) prescribing the fees to be paid to the Council in respect of affiliations;
- (c) prescribing the levy to be paid to the Council in respect of gate receipts collected at cultural events approved by it;
- (d) prescribing the conditions and arrangements governing the use of arts centres and other related facilities owned by or ~~entrusted to the Council~~

17. The funds of the Council shall consist of –

Funds of the
Council.

- (a) such moneys as may accrue to the Council as a result of its operation under this Act;
- (b) such moneys as may be provided from time to time by the Government for the use of the Council;
- (c) such other moneys from any other source as may be granted, loaned or allocated to the Council.

18. (1) The Council shall not, without the prior consent of the Minister, borrow any sum of money, or mortgage or pledge its assets for the repayment of any sum borrowed or owing by the Council.

Loans and
advances.

(2) The Minister responsible for Finance may by warrant under his hand authorise the Accountant General to make advances to the Council in such sums and on such terms and conditions as he may think fit for the purposes of this Act.

(3) The Council may advance sums to any association or individual in order to enable participation in cultural activities in Dominica or elsewhere.

19. The Council shall cause to be kept proper and sufficient books of account and other books in relation to its business. Such books shall be kept at the Council's office, and shall be opened at all times to inspection by the auditor of the Council who shall be appointed by the Minister, and also to inspection by any member of the Council during normal business hours.

Accounts and
books.

20. (1) The Council shall, within three months after the end of each financial year, transmit to the Minister a statement of the assets and liabilities of the Council certified by the auditor of the Council and signed by the Chairman and two members of the Council together with the following accounts relating to the said financial year:

Statement of
accounts and
publication
thereof.

- (a) the amount expended on the establishment and development of arts centres and other cultural facilities;
- (b) the amount received from gate receipts at cultural events held under the control of the Council;
- (c) the amount disbursed by way of assistance to cultural

(d) the income and expenditure account;

(e) the sum appropriated to the reserve fund.

(2) The Minister shall cause every statement transmitted to him in accordance with this section to be published in the *Gazette* and laid before the House of Assembly.

Audit of
accounts.

21. The accounts of the Council shall be audited at such times and in any case not less than once a year and in such manner as the Minister may direct.

Reserve fund.

22. The Council shall maintain a reserve fund which may be used for the general purposes of the business of the Council, but no appropriation or withdrawal shall be made from such fund without the sanction of the Minister.

Purposes to
which profits
may be applied.

23. The net profit made by the Council during the financial year, after setting off such part of that profit as may be necessary to meet any deficit carried forward from the preceding financial year shall, as soon as may be after the end of the said financial year, be applied by the Council –

- (a) to the repayment of advances received by the Council and of other sums borrowed by the Council from other sources, together with any interest that may be payable thereon;
- (b) to the payment of sums in respect of social security for its servants and officers;
- (c) to the reserve fund of an amount equivalent to not less than twenty per cent of the net profit remaining after provision has been made for the repayment specified at paragraph (a);
- (d) to carry forward such amount as the Council may deem necessary for the proper working of the Council during the succeeding financial year;
- (e) to such purposes for the benefit of culture in Dominica as the Council may from time to time determine.

Exemption from
Income Tax Act.
Ch. 67:01.

24. Notwithstanding anything contained in the Income Tax Act the Council shall be wholly exempt from the payment of income tax.

Exemption from
import duty and
wharfage dues.
§ 12 of 1999.

25. All material, equipment and stores required to be purchased by the Council for the purpose of carrying out its functions and duties under this Act and which are imported or taken out of bond by the

Council for the said purposes shall be exempt from the payment of any import duty or wharfage dues under any written law relating to customs or wharfs.

26. (1) Any association or person which is aggrieved by any act or omission of the Council other than an act or omission giving rise to civil or criminal liability may by notice in writing bring the matter to the attention of the Minister. Complaints and grievances.

(2) Every such complaint shall be investigated in such a manner as the Minister may direct, and any decision on any complaint so arrived at shall be final and conclusive, and shall not be questioned in any court of law.

27. Any person who –

Offences.

- (a) makes use of any sum of money entrusted to him for the use of the Council for purposes other than those for which such sum was entrusted to him;
- (b) makes use of any sum of money belonging to the Council for purposes other than those for which such sum was entrusted to him; or
- (c) by means of any false representation obtains money from the Council,

is liable on summary conviction to a fine of one thousand five hundred dollars and to imprisonment for six months.

