

No. 4 of 2005

VIRGIN ISLANDS

VIRGIN ISLANDS FESTIVALS AND FAIRS COMMITTEE ACT, 2005

ARRANGEMENT OF SECTIONS

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I Assent,

THOMAS TOWNLEY MACAN
Governor.
28th March, 2005

VIRGIN ISLANDS

No. 4 of 2005

An Act to provide for the establishment and constitution of a committee to manage national festivals and fairs within the Territory and for other matters connected therewith.

[Gazetted 14th April, 2005]

ENACTED by the Legislature of the Virgin Islands as follows:

Short title.

1. This Act may be cited as the Virgin Islands Festivals and Fairs Committee Act, 2005.

Establishment of
Virgin Islands
Festivals and
Fairs Committee.

2. (1) There is established a body to be known as the Virgin Islands Festivals and Fairs Committee (referred to in this Act as “the Committee”).

(2) The Committee shall be a body corporate with perpetual succession and a common seal and it may sue and be sued in its own name and enter into such contracts as are by law recognised.

Composition of
the Committee.

3. (1) The Committee shall consist of

- (a) a Chairman;
- (b) a Vice Chairman;
- (c) a Treasurer;
- (d) a Public Relations Officer;

- (e) the Permanent Secretary, Ministry of Education and Culture, *ex officio*; and
- (f) not more than fifteen persons with interest in cultural and entertainment activities.

(2) The persons referred to in subsection (1)(a), (b),(c),(d) and (f) shall be appointed by the Minister on the advice of Executive Council.

(3) In making appointments under subsection (1) (f) the Minister shall ensure that the islands of Anegada, Jost Van Dyke and Virgin Gorda are each represented by no more than three members who are resident in these islands.

(4) The Cultural Officer in the Ministry of Education and Culture shall serve as Secretary to the Committee and shall perform such functions as the Committee may determine.

4. (1) The functions of the Committee are

Functions of the Committee.

- (a) to prepare, conduct and manage annual festivals and other entertainment activities designated under subsection (2);
- (b) to initiate cultural and recreational activities and encourage public participation in those activities;
- (c) to undertake and assist in the development of projects that will generate funds for the Committee and for the purpose of providing financial support to any organisation that is engaged in social, cultural or charitable activities for the benefit of members of the public;
- (d) to advise the Minister on policy issues relating to the conduct of festivals and other cultural activities in the Territory;
- (e) to advise the Minister on such other matters as may be referred to the Committee by the Minister; and
- (f) to perform such other acts or things as the Committee may consider necessary for the effective development and promotion of festivals and other cultural activities in the Territory.

(2) The Minister may, on the advice of the Committee, designate by Order the festivals and other events in relation to which the Committee shall perform its functions under this Act.

(3) Where the Minister designates a festival or other event under subsection (1), the Committee shall have the exclusive jurisdiction to organise, conduct, promote and manage that festival or other event.

Meetings of the Committee.

5. (1) The Committee shall meet at least once in every three months at such place and time as the Chairman shall decide.

(2) At every meeting of the Committee the Chairman shall preside, and in his absence the Vice Chairman shall preside.

(3) The Chairman may at any time, and shall at the written request of at least seven members, convene a special meeting of the Committee.

(4) The quorum at every meeting of the Committee shall be a majority of the total membership of the Committee.

(5) The Committee shall take its decisions by a majority vote of the members present and where there is an equality of votes the Chairman, or where the Vice Chairman is presiding, the Vice Chairman, shall have a casting vote.

(6) In the conduct of its meetings the Committee shall adopt its own rules of procedure.

(7) No act or proceeding of the Committee shall be invalid by reason only of the existence of a vacancy in its membership or of a defect in the appointment of a member.

Tenure of office.

6. (1) Subject to this section and section 9(3), a member of the Committee, other than an *ex officio* member, shall hold office for a period not exceeding three years from the date of his appointment and shall be eligible for re-appointment.

(2) In the case of members of the Committee who are not *ex officio* members, the Minister shall specify such periods of appointment so that the periods of appointment of not more than one-third of the members shall expire in any one year.

(3) A member of the Committee may, by writing under his hand addressed to the Minister, resign his office.

(4) A member ceases to be a member of the committee if

(a) he resigns or is removed pursuant to section 9(4)(a);

(b) he is adjudged a bankrupt and has not been discharged;

- (c) he is of unsound mind or is certified by a medical practitioner to be so ill as not to be able to properly discharge his functions under this Act; or
- (d) the Minister, for any good reason stated by him in writing, removes such member.

(5) Where a member of the Committee ceases to be a member under this section before the expiration of his term, the Minister may appoint another person to replace such member for the unexpired period of that member's tenure.

7. The members of the Committee and any sub-committee established under section 8(1)(b), other than *ex officio* members and other public officers, may be paid such allowances as the Minister may determine. Remuneration.

- 8.** (1) The Committee may, in the performance of its functions, Powers and duties of the Committee.
- (a) co-opt any person it deems fit to assist the Committee in the performance of any particular subject or generally in relation to the functions of the Committee;
 - (b) establish such sub-committees and appoint such persons to the sub-committees as it considers fit;
 - (c) delegate any of its functions to a sub-committee established under paragraph (b); and
 - (d) prepare and keep a record of its proceedings.

(2) A person co-opted under subsection (1)(a) shall not have a voting right or exercise any of the powers of a member of the Committee.

9. (1) Where a member of the Committee has a direct or indirect interest, whether financially or otherwise, in any business conducted or proposed to be conducted by the Committee, he shall disclose the nature of that interest to the Committee. Duty to disclose interest.

(2) A member of the Committee who makes a disclosure under subsection (1) shall not take part in any deliberation of the Committee with regard to the business in relation to which the disclosure was made.

(3) Where a member of the Committee fails to comply with subsection (1) or (2), the Committee may after conducting such inquiry as it considers necessary, recommend to the Minister the removal of such member from the Committee.

(4) Where the Minister receives a recommendation under subsection (3), he may, after careful consideration of the recommendation,

- (a) accept the recommendation and remove from the Committee the member concerned;
- (b) reject the recommendation and direct that the member concerned continue in office;
- (c) reprimand the member concerned; or
- (d) suspend the member concerned for such period, not exceeding three months, as the Minister may determine.

(5) Where a member of the Committee is removed under subsection (4)(a), section 6(5) shall apply accordingly.

Virgin Islands
Festivals and
Fairs Fund.

10. (1) There is established a Fund to be known as the Virgin Islands Festivals and Fairs Fund (referred to in this Act as “the Fund”).

(2) The Fund shall consist of

- (a) such monies as may be appropriated by the Legislative Council;
- (b) donations, grants, bequests and gifts made by persons approved by the Committee;
- (c) monies raised from organising such activities as the Committee may be involved in;
- (d) returns realised from any investment made under subsection (4); and
- (e) any other monies that may vest in or accrue to the Fund, whether in terms of this Act or otherwise.

(3) For the purposes of the Fund, the Committee shall open an account with such bank in the Territory as may be approved by the Minister.

(4) Where monies credited to the Fund are not immediately required for the purposes of this Act, those monies may be invested in such manner and for such purpose as the Committee may, with the approval of the Minister, determine.

(5) Any expenses incurred by the Committee in the performance of any function or the exercise of any power under this Act shall be paid out of the Fund.

11. (1) The Committee shall maintain proper books of account in which shall be recorded the financial transactions relating to the fund.

Keeping of accounts and audit.

(2) The Fund shall be audited annually by a qualified auditor appointed for the purpose by the Committee with the approval of the Minister to whom responsibility for finance is assigned.

(3) Until an auditor is appointed under subsection (2), the Auditor General shall be responsible for auditing the Fund.

(4) The Committee shall, within three months of the end of each financial year, prepare and submit a report to the Minister on the performance of its functions for the preceding year and the Minister shall, as soon as practicable, lay the report before the Legislative Council.

(5) Notwithstanding subsection (4), the Ministry may, from time to time, direct the Committee to furnish him in such form as he may require, returns, accounts and other information with respect to the performance of the functions of, and conduct of activities by, the Committee.

12. (1) The Committee may, in the performance of its functions, charge such fees as it considers appropriate for admitting members of the public to such activities or events as may be organised by the Committee.

Power to charge fees.

(2) Any fees charged and collected by virtue of subsection (1) shall be paid into the Fund.

13. (1) The Minister may, after consultation with the Committee, make regulations governing festivals, fairs and other activities managed by the Committee and for the proper carrying out of the provisions of this Act.

Regulations.

(2) Regulations made under subsection (1) may provide for the imposition of criminal and other sanctions.

Passed by the Legislative Council this 8th day of March, 2005.

V. INEZ ARCHIBALD,
Speaker.

ALVA MC CALL,
Ag. Clerk of the Legislative Council.