



MONTSERRAT

## CHAPTER 16.05

# MONTSERRAT ARTS COUNCIL ACT

### Revised Edition

showing the law as at 1 January 2013

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

### MONTSERRAT ARTS COUNCIL ACT

Act 3 of 1999 .. in force 17 August 1999

Amended by Act 9 of 2011 .. in force 27 September 2011 (S.R.O. 40/2011)

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**CHAPTER 16.05**  
**MONTSERRAT ARTS COUNCIL ACT**  
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**CHAPTER 16.05**

**MONTSERRAT ARTS COUNCIL ACT**  
*(Acts 3 of 1999 and 9 of 2011)*

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF AN ARTS COUNCIL.

**Commencement**

*[17 August 1999]*

**Short title**

1. This Act may be cited as the Montserrat Arts Council Act.

**Interpretation**

2. In this Act unless the context otherwise requires—  
“**Minister**” means the Minister of Finance and Economic Development.

### Establishment of Montserrat Arts Council

3. There is hereby established a body corporate with perpetual succession under the name and style of Montserrat Arts Council (hereinafter referred as the (“**Arts Council**”)) and by that name shall and may sue and be sued in all courts, with full power and authority to have and use a common seal and alter same at its pleasure.

### Aims and objects

4. The general aims and objects for which the Arts Council is constituted are hereby declared to be to—

- (a) foster the development of art;
- (b) uplift the condition of arts and artists;
- (c) advise the Minister on art and cultural matters;
- (d) ensure the implementation of the government’s cultural policy;
- (e) implement government’s regional and international cultural commitments;
- (f) co-ordinate the activities of the agencies in Montserrat responsible for cultural activities; and
- (g) take all other steps that are necessary to and desirable for the promotion of the above mentioned aims and objects.

### Board of management of the Arts Council

5. (1) The affairs of the Arts Council shall be managed by a Board of Management (hereinafter referred to as “**the Board**”) consisting of such number of members as may be appointed by the Governor acting on the advice of Cabinet on the recommendation of the Minister but in no case the number of members shall exceed thirteen.

(2) The Governor acting on the advice of Cabinet shall appoint the Chairman, the Deputy Chairman, Secretary and Treasurer from among the members of the Board.

*(Amended by Act 9 of 2011)*

### Period of service on the Board

6. (1) A person appointed to the Board shall serve for a period of three years and is eligible for re-appointment.

(2) The Governor acting on the advice of Cabinet, for cause shown shall have the power to remove any member from the Board. *(Amended by Act 9 of 2011)*

(3) A member of the Board may resign from the Board by submitting a letter of resignation addressed to the Minister.

### Rules

7. It shall be lawful for the Board from time to time, at any general meetings of the members and by majority votes, to make rules of the conduct of the duties of the Board, for the procedure in the transaction of business and otherwise generally for the management of the affairs of the Board and the accomplishment of the aims and objects.

### Seal

8. (1) The seal of the Board shall be in the custody of the Chairman and shall be affixed to any instrument by the Chairman as provided in subsection (2).

(2) The seal of the Board shall not be affixed to any instrument except in the presence of two members of the Board who sign their names to the instrument in token of their presence, and such signing shall be independent of the signing of any person as a witness.

### Arts Council to hold property

9. The Arts Council shall be able and capable in law to take and hold any property movable or immovable which may become vested in it or by virtue of any purchase, grant, gift, testamentary disposition or otherwise and all such property shall be held by the Arts Council for the purpose of this Act and subject to the rules of the Board in force for the time being with full power to sell, mortgage, lease, exchange or otherwise dispose of the same.

### Fund

10. (1) There shall be an “**Arts Council Fund**” hereinafter referred to as the “**Fund**”.

(2) There shall be paid into the fund—

- (a) all donations, gifts and grants made to the fund;
- (b) moneys voted by the Legislative Assembly;
- (c) proceeds from all theatrical performances organized by the Board.

*(Amended by Act 9 of 2011)*

(3) There shall be paid out of the Fund all expenses incurred by the Board in furthering the aims and objects of the Board.

### **Borrowing powers**

**11.** It shall be lawful for the board to raise funds for the accomplishment of the objects of the Arts Council and for such purposes to create, execute, grant or issue any charge, mortgage or bonds:

Provided that, the Board shall not create, execute, grant or issue any charge, mortgage or bond without the approval of the Governor acting on the advice of Cabinet, given after consultation with a Secretary of State.

*(Amended by Act 9 of 2011)*

### **Accounts and audit**

**12. (1)** The financial year of the Arts Council shall be the calendar year.

**(2)** The Secretary and Treasurer of the Board shall keep proper books of accounts of the income and expenditure.

**(3)** The accounts of the Arts Council shall be audited by the Auditor General. *(Amended by Act 9 of 2011)*

### **Annual Reports**

**13. (1)** It shall be the duty of the Chairman to prepare an annual report within three months of the end of each calendar year and submit it to the Minister along with the income and expenditure accounts.

**(2)** It shall be the duty of the Chairman to prepare income and expenditure accounts within three months of the end of each financial year and thereupon to submit the financial accounts to the Auditor General.

**(3)** The Minister shall submit the annual report and the income and expenditure accounts to the Speaker of the Legislative Assembly to be laid before the Legislative Assembly.

*(Amended by Act 9 of 2011)*

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