

## OBJECTS AND REASONS

This Bill would provide for

- (a) the establishment of a regulatory framework to facilitate and encourage the sustainable growth and development of cultural industries;
- (b) funding for cultural projects; and
- (c) duty free concessions and income tax benefits in respect of cultural projects.

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SCHEDULE

BARBADOS

A Bill entitled

An Act to provide for

- (a) the establishment of a regulatory framework to facilitate and encourage the sustainable growth and development of cultural industries;
- (b) funding for cultural projects; and
- (c) duty free concessions and income tax benefits in respect of cultural projects.

ENACTED by the Parliament of Barbados as follows:

## Part I

*Preliminary*

Short title. **1.** This Act may be cited as the *Cultural Industries Development Act, 2011*.

Interpretation. **2.** In this Act,

"approved cultural agency" means

(a) the National Cultural Foundation, the Barbados Museum and Historical Society, the Barbados National Trust, the National Art Gallery, the Film and **Digital** Media Commission; and

(b) any other entity approved by the Minister for the purposes of registering cultural practitioners and governmental entities who wish to obtain concessions under this Act;

"approved cultural project" means a cultural industries project that has been declared to be an approved cultural project by the Minister under section 5(2);

Cap. 308. "approved film producer" means a film production company incorporated under the *Companies Act*, that is controlled by a resident of Barbados;

"arts and heritage facilities" means **any building, service or equipment utilised for the purpose of the arts or identified as having heritage value;**

"Committee" means the Cultural Industries Committee established under section 3;

"Comptroller" means the Comptroller of Customs;

**"conservation" means the maintenance, preservation, restoration or reconstruction of heritage buildings, structures and areas of historic or aesthetic, architectural, cultural or environmental significance according to guidelines established by the local World Heritage Committee in collaboration with the Town and Country Planning Department;**

"cultural goods and services" means goods which result from individual or collective creativity and activities aimed at satisfying cultural interests or needs;

**"cultural heritage" encompasses several main categories of heritage and includes**

- (a) immovable cultural heritage such as buildings, monuments and archaeological sites;**
- (b) intangible cultural heritage such as oral traditions, performing arts and rituals;**
- (c) natural heritage such as natural sites with cultural aspects - cultural landscapes, physical, biological or geological formations;**
- (d) underwater cultural heritage such as shipwrecks, underwater ruins and cities;**

"cultural industries" include those enterprises which provide the general public with commercially viable cultural goods and services that are developed for reproduction and distribution to mass audiences and include products and services like films, videos, television programmes, musical instruments, sound recordings, commercial theatre, dance, books, magazines, newspapers, journals, popular music performance, software, CD-ROMs and other related products;

"cultural practitioner" means an individual, company, partnership or unincorporated body that

- (a) is involved in the business of enhancing the arts and cultural industries;
- (b) has been issued with a licence under section 12; and
- (c) is registered with a cultural agency;

"cultural project" means a cultural industries project undertaken by a cultural practitioner or governmental entity that assists in the development of cultural industries;

"Fund" means the Cultural Industries Development Fund established under section 25;

Cap. 308. "governmental entity" means an agency of government established by statute or incorporated under the *Companies Act* for the purposes of developing culture, cultural industries or the arts;

**"heritage building" means a building that possesses architectural, aesthetic, historical or cultural values and which is listed as such with the local World Heritage Committee, the Town and Country Planning Department, the Barbados Museum and Historical Society or the Barbados National Trust;**

"interim approval" means the approval of a cultural industries project by the Minister under section 7;

"licence" means the licence issued by the Minister under section 12 in respect of an approved cultural project;

"supplies" means

- (a) goods that are imported, purchased from a bonded warehouse or that are locally manufactured for the construction, development and operation of an approved cultural project; and
- (b) the provision of services that directly relate to the construction of an approved cultural project.

## Part II

*Establishment and Composition of the Committee*

- Establishment of the Committee. **3.** (1) There is established an advisory Committee to be known as the Cultural Industries Committee.
- Schedule. (2) The *Schedule* has effect with respect to the constitution of the Committee and otherwise in relation thereto.
- Functions of the Committee. **4.** The Committee established under section 3 shall be responsible for
- (a) maintaining a registry of the applications of cultural practitioners submitted to the Minister and the approvals granted in respect of those applications;
  - (b) determining the eligibility of cultural projects for funding;
  - (c) processing the applications for concessions and benefits to be derived under this Act;
  - (d) monitoring and inspecting each approved cultural project to ensure the compliance of the cultural practitioner or governmental entity with the terms and conditions governing the project and for this purpose may
    - (i) cause the books, records and accounts of the cultural practitioner or governmental entity to be inspected;
    - (ii) request such information from the cultural practitioner or governmental entity as the Committee considers necessary to enable the inspection to be carried out; and
  - (e) such other functions as are conferred on the Committee by the Minister.

## Part III

*Approval of Cultural Project*

**5.** (1) A cultural practitioner or governmental entity who wishes to develop a cultural project may apply to the Minister to have the cultural project approved for the purposes of this Act.

Application  
for  
approval of  
cultural  
project.

(2) For the purposes of this Act, a cultural project includes

(a) work in

- (i) film production;
- (ii) the performing arts;
- (iii) literary arts;
- (iv) visual arts; and
- (v) cultural heritage

aimed at stimulating economic activity and development;

- (b) the use of new technologies and the development of data bases for the purpose of enhancing the operation and management of the cultural industries sector;
- (c) the training and professional development of artists and students of the arts;
- (d) product design and the marketing and distribution of cultural goods and services;
- (e) product design with respect to cultural goods and services;

- (f) the construction or renovation of arts and heritage facilities and the acquisition of specialised equipment for those purposes;
- (g) the promotion and presentation of programmes in the area of cultural heritage and artistic expression;
- (h) the restoration, preservation and conservation of natural sites;
- (i) the establishment, restoration, preservation and conservation of monuments, museums and other historical structures and sites; and
- (j) research work on **culture and** cultural industries.

(2) The Minister may, with the approval of the Cabinet, declare by Order any cultural project that meets the requirements of this Act to be an approved cultural project for the purposes of this Act.

Further information to be furnished by the applicant.

**6.** Upon receipt of an application under section 5, the Minister may require that further information be submitted to him with respect to any matter relevant to the applicant including

- (a) the estimated expenditure on the cultural project and the source of funds to be used;
- (b) a project feasibility study forecasting the economic impact of the cultural project on the development of cultural industries in Barbados;
- (c) evidence of ownership of the cultural project, that is, the copyright, patent, trade mark, industrial design, or other such ownership of the cultural project;
- (d) a proposed marketing plan relevant to the completed cultural project;
- (e) where the applicant is not an individual, evidence of the legal status of the entity in respect of its authority to carry on its business;

- (f) the nature of the business carried on by the cultural practitioner;
- (g) information on the project such as the name and nature of the project and expected duration of the project together with a description of the project;
- (h) estimated projected cash flow of the cultural project;
- (i) estimated capital cost of the project;
- (j) an estimated annual operational budget of the project; and
- (k) any other information including comments from the National Cultural Foundation or any other cultural agency, that may be required by the Minister.

7. (1) Where the Minister is satisfied that the cultural project would assist in the development of culture and cultural industries, the Minister may with the approval of the Cabinet, grant to the cultural practitioner an interim approval of the cultural project as the first stage in a two-stage authorisation procedure which would include

Interim approval of a cultural project.

- (a) an interim approval of the cultural project based on the information submitted in accordance with section 6 and the registration of the cultural practitioner with an approved cultural agency; and
- (b) a licence issued to the cultural practitioner under section 12 on the recommendation the Committee where the Committee is satisfied that all of the relevant procedures, requisitions and statutes have been complied with, and that the cultural project is in a suitable form and is of a standard acceptable to the Committee.

(2) Where the Minister grants an interim approval in accordance with subsection (1) a notice to that effect shall be made by the Minister and published in the *Official Gazette*.

- Notification.
- 8.** Where the Minister receives an application under section 5 the Minister shall, within 90 days of the date of its receipt,
- (a) notify the applicant in writing of the approval or refusal of the application; or
  - (b) request that additional information be submitted in accordance with section 6.
- Form of interim approval.
- 9.** The interim approval granted under section 7(1) shall
- (a) be in such form and contain such particulars as may be prescribed;
  - (b) specify the benefits that may be granted to the applicant in respect of the project; and
  - (c) be subject to such conditions or terms as the Minister may attach.
- Suspension or revocation of interim approval.
- 10.** (1) An interim approval may be revoked or suspended by the Minister at any time where
- (a) any information submitted with respect to the application is false or misleading; or
  - (b) the applicant to whom the interim approval was granted has failed to comply with any condition or term of the interim approval.
- (2) Where the Minister suspends or revokes an interim approval, the Minister shall in writing inform the person to whom the approval was granted of the reasons for suspension or revocation.

**11.** (1) Where a cultural project has been developed in accordance with the conditions of an interim approval, the Minister shall by Order, declare the resulting project to be an approved cultural project for the purpose of this Act.

Order  
declaring  
approved  
cultural  
project.

(2) An Order made under subsection (1)

(a) shall be in such form and contain such particulars as may be prescribed by the Minister;

(b) shall specify the benefits to be granted to the applicant; and

(c) may impose conditions or terms to be observed by the applicant.

(3) Where an Order is made pursuant to subsection (1) and the applicant fails to comply with the conditions or terms imposed in the Order, the Minister may revoke the Order by a notice published in the *Official Gazette*.

**12.** (1) Where a cultural project has been reviewed and assessed by the Committee and has met the standards and requirements of the relevant cultural agency, the Minister shall issue to the cultural practitioner a licence in respect of the approved cultural project.

Licensing  
of cultural  
project.

(2) A licence issued under subsection (1)

(a) shall be in such form and contain such particulars as may be prescribed by the Minister by Order; and

(b) may impose conditions to be observed by the cultural practitioner or governmental entity.

(3) Where conditions are imposed in a licence issued under subsection (1) and those conditions are not observed by the cultural practitioner or governmental entity the Minister shall revoke the licence by a notice published in the *Official Gazette*.

Effective  
date of  
licensing.

**13.** (1) Where a licence is issued under section 12, the licence shall specify the effective date from which the cultural practitioner will receive any tax benefit granted to the practitioner or governmental entity pursuant to this Act.

(2) The date specified in the licence under subsection (1) shall mark the beginning of the initial year of assessment for the purpose of computing tax benefits.

## Part IV

*Duty Free Concessions*

**14.** (1) Where a cultural practitioner has been granted an interim approval in respect of a cultural project, the Minister may grant to that cultural practitioner a permit for the importation of the items set out in the *Second Schedule*.

Permit and exemption from duties and taxes. *Second Schedule*.

(2) A cultural practitioner of an approved cultural project shall be exempt from the payment of import duty, stamp duty, consumption tax and value added tax on

(a) imports of equipment listed in Part I of the *Second Schedule*;

*Second Schedule*.

(b) imports of operating non-capital supplies necessary for preparing for national festivals listed in Part II of the *Second Schedule*;

(c) **building materials purchased locally; and**

(d) other capital assets.

(3) For the purposes of subsection (2),

(a) "capital assets" refer to items such as musical instruments, recording equipment and similar items used as "tools of trade"; and

(b) "imports of operating non-capital supplies" means **goods used in the preparation of costumes**.

(4) Where a governmental entity is a cultural practitioner it shall be exempt from the payment of all duties and taxes on imports used for the construction and furnishing of new buildings or for the renovation and furnishing of existing building where such buildings are to be used primarily for cultural activities.

(5) The exemption from the payment of duties and taxes referred to in subsection (2) shall be for a period of 15 years from the date of the importation of the imports or capital assets.

(6) A permit granted under subsection (1) shall be in such form and subject to such terms and conditions as the Minister may prescribe.

Suspension  
or revoca-  
tion of  
permit.

**15.** Where the Minister is satisfied that the holder of a permit granted under section 14(1) has

- (a) obtained the permit by any false statement;
- (b) abused or misused the permit; or
- (c) breached or failed to comply with any condition stipulated in the permit,

the Minister may by written notice to the holder of the permit, either suspend the operation of the permit or revoke the permit.

Incentives.

**16.** A cultural practitioner or governmental entity is entitled to anyone or more of the following incentives in respect of an approved cultural project:

- (a) the payment of tax at the rate of 15 per cent on the profits of the project;
- (b) exemption from withholding tax on dividends and interest earned on investment in an approved cultural project;

Cap. 91.

- (c) exemption from the payment of stamp duty under the *Stamp Duty Act* on all documents related to the project where the registration of these documents is required by law;
- (d) a deduction of tax of an amount equal to 20 per cent of the actual expenditure incurred in respect of the use of technology, market research and any other activity that is in the opinion of the Committee directly related to the development of the approved cultural project.

**17.** Every cultural practitioner and where the cultural practitioner is a government entity, every officer of the governmental entity, who imports building material, equipment and supplies without payment of duties and taxes and who without the authorisation of the Minister, disposes of the equipment and supplies other than as provided for in the permit is guilty of an offence and is liable on conviction on indictment to

Prohibited  
uses.

- (a) a fine of 3 times the value of the equipment and supplies in respect of the disposal; or
- (b) repayment of the duties and taxes refunded on the equipment and supplies or both.

**18.** (1) The Comptroller shall require every cultural practitioner or governmental entity who imports equipment, building material and supplies or purchases equipment, building material and supplies locally to

Keeping of  
records of  
equipment,  
building  
material  
and  
supplies.

- (a) keep records in such form and containing such particulars as may be specified by the Comptroller in respect of the use or disposal of the equipment, building materials and supplies; and
- (b) permit the Comptroller or any person authorised by him in writing, at all reasonable times, to inspect the records and to have access to any premises for the purposes of examining any equipment, building material and supplies which the Comptroller may believe to be therein, and of satisfying himself in respect of the accuracy of the particulars in relation to the equipment, building materials and supplies contained in the records.

(2) The conditions imposed under paragraphs (a) and (b) of subsection (1) shall apply for a period of 5 years from

- (a) the date of the importation of the equipment, building material and supplies without payment of the duties and taxes; or
- (b) the date of payment of the duties and taxes,

as the case may be.

(3) A person who wilfully delays, hinders or obstructs the Comptroller or any person authorised by him in writing from inspecting the equipment, building material and supplies or any records relating to the equipment, building material or supplies is guilty of an offence and is liable on conviction on indictment to a fine of \$50 000 or 5 times the value of the equipment, building material and supplies, whichever is greater.

## Part V

*Income Tax Concessions*

**19.** (1) Where a cultural practitioner or a governmental entity responsible for a cultural project

- (a) secures a loan from a private sector lending institution for the purpose of constructing and furnishing a new building or refurbishing an existing building, where the building will be primarily used for cultural activities; and
- (b) has in an income year incurred expenditure in relation to that construction, furnishing or refurbishment,

Constructing and furnishing of a new building or refurbishment and furnishing of an existing building.

then in calculating the assessable income of the cultural practitioner or governmental entity for an income year, there shall be deducted an amount equal to 150 per cent of the interest paid on the loan in the income year.

(2) The cultural project referred to in subsection (1) shall not have a value that is less than [\$15 000], and the portion of the loan on which the concession at subsection (1) is granted shall be no more than 50 per cent of the value of the cultural project to be constructed or refurbished.

**20.** Where a cultural practitioner or a governmental entity is desirous of constructing and furnishing a new building or of renovating and furnishing an existing building and the building is to be used primarily for cultural activities, the cultural practitioner or governmental entity shall be

- (a) allowed to set off approved capital expenditure against income derived from cultural activities over a period of 10 years commencing in the year following completion of the project;
- (b) exempt from the payment of property transfer tax on the initial purchase of any property acquired for the specific purpose of providing facilities for use in the cultural sector.

Set-off capital expenditure and exemption from property transfer tax.

Allowance  
in respect  
of artistic  
work.

**21. (1)** Where in an income year a cultural practitioner or a governmental entity incurs expenditure in respect of an artistic work, however defined, there shall be allowed as a deduction, in ascertaining the chargeable profit derived from the cultural activities of the cultural practitioner or the governmental entity for that year of income, an allowance equal to 150 per cent of the actual expenditure up to a maximum of \$250 000.

(2) The deduction referred to in subsection (1) may only be claimed in respect of the initial acquisition of the work and where the work is done by a resident of Barbados.

(3) The allowance referred to in subsection (1) shall apply in total to all purchases of artistic work in the income year.

Marketing.

**22.** Where a cultural practitioner or governmental entity has an income year incurred expenditure for marketing, product development and research related to marketing and product development, then in calculating the assessable income derived from the cultural activities of that cultural practitioner or governmental entity for an income year, there shall be deducted an amount equal to 150 per cent of the expenditure incurred.

Training.

**23. (1)** Where a cultural practitioner or governmental entity has in an income year incurred for the purpose of training persons employed by the cultural practitioner or governmental entity, expenditure for marketing, product development and research related to marketing and product development, then in calculating the assessable income derived from the cultural activities of that cultural practitioner or governmental entity for an income year, there shall be deducted an amount equal to 150 per cent of the expenditure incurred.

(2) The cultural practitioner or governmental entity referred to in subsection (1) may claim an additional 50 per cent of the expenditure where the cultural project involves an employee share ownership scheme that meets the criteria prescribed by the Minister.

(3) For the purposes of this section "employee share ownership scheme" means **a reward scheme or package in which employees are offered shares in a company**

**(a) at a full or discounted price or free of cost;**

**(b) as equity in a publicly traded company;**

**(c) to facilitate the acquisition and distribution of a company's share to its employees.**

**24.** Dividends paid to a shareholder by a corporate entity in respect of a cultural project shall not be subject to withholding tax and the provisions of sections 65(4) and 65(4A) of the *Income Tax Act* shall not apply. Dividends. Cap. 73.

## Part VI

*Cultural Industries Development Fund*

- Establishment and resources of Fund.
- 25.** (1) There is established a *Cultural Industries Development Fund*.
- (2) The resources of the Fund shall consist of
- Cap. 39. (a) any money transferred to the Fund from the *Arts and Sports Promotion Fund*;
- (b) any money voted by Parliament for the Fund;
- (c) any money received from the private sector;
- (d) moneys arising from gifts, grants or donations; and
- (e) any other money received from such other sources as the Minister may determine.
- Purposes of the Fund.
- 26.** The purposes of the Fund are to
- (a) finance cultural projects and programmes that are designed to develop the cultural industries sector and train cultural practitioners and administrations;
- (b) provide cultural practitioners with non-repayable grants to enable them to participate in local and overseas workshops and seminars, and allow for training, marketing, export and product development;
- (c) provide repayable grants to support cultural projects on the condition that the grants be repaid out of the future business revenues;
- (d) provide loans which allow for easy and flexible repayment together with interest;

- (e) provide equity financing to allow investors to inject funds into cultural businesses and in return to take an equity share in the capital of such businesses; and
- (f) to defray the costs incurred in the administration of this Act.

**27.** (1) The Fund shall be kept, administered and managed by the Accountant General under the general control and direction of the Minister.

Administra-  
tion and  
manage-  
ment of  
Fund.

(2) The initial expenditure required for, or in connection with, the establishment of the Fund shall be defrayed out of moneys provided by Parliament.

(3) Any temporary insufficiency of the Fund to discharge its liabilities shall be defrayed out of such moneys as each House of Parliament may by resolution approve by way of advance for this purpose to the Fund.

(4) Every advance referred to in subsection (3) shall as soon as possible be repaid to the Consolidated Fund out of the resources of the Cultural Industries Development Fund.

**28.** (1) The Accountant-General shall prepare quarterly reports of the accounts and economic activity of the Fund and shall deliver those reports to the Minister not later than 21 days following the end of each quarter.

Reports.

(2) The Minister responsible for Culture shall, as soon as practicable after receiving a report referred to in subsection (1), cause a copy to be laid in both Houses of Parliament.

**29.** The accounts of the Fund shall be audited at least once every financial year by the Auditor-General.

Auditing of  
the Fund.

Investment  
in the Fund.

**30.** (1) Where a cultural practitioner or governmental entity has in any income year invested an amount of money in the Fund, then in calculating the assessable income of that cultural practitioner or governmental entity for that income year, there shall be deducted an amount equal to 150 per cent of the actual amount invested.

(2) The benefit described in subsection (1) may only be granted on the certificate of the Accountant-General to the effect that the cultural practitioner or governmental entity claiming the benefit has contributed that amount of money in respect of the Fund.

## PART VII

*Incentives for Film and Motion Pictures*

- 31.** (1) Where a cultural practitioner who is a film producer imports Exemption from taxes.
- (a) equipment, machinery and materials for the construction of facilities for use in film and motion picture production; and
  - (b) equipment for use in film and motion picture production,

the film producer shall be exempt from the payment of all duties and taxes payable on such imports of equipment, machinery and materials referred to in paragraphs (a) and (b).

(2) Where a film producer referred to under subsection (1) is desirous of establishing facilities for the production of film and motion pictures, that person shall be

- (a) allowed to set off approved capital expenditure incurred on such facilities against income derived from the film and motion industry over a period of 10 years commencing in the year following completion of the facilities;
- (b) exempt from the payment of property transfer tax on the initial purchase of any property acquired for the specific purpose of providing such facilities;
- (c) eligible for interest rate subsidies on funds borrowed from private sector lending institutions for the establishment of such facilities.

(3) Where a film producer referred to in subsection (1) has in an income year incurred expenditure for the purpose of the production and acquisition in respect of local films, then in calculating the assessable income of the approved film producer for an income year, there shall be a write-off of 100 per cent.

(4) Where a film producer referred to under subsection (1) has in an income year incurred expenditure for the purpose of training persons employed by the film producer, then in calculating the assessable income of the film producer for an income year, there shall be deducted an amount equal to 150 per cent of the expenditure incurred.

(5) Where a film producer referred to under subsection (1) has in an income year incurred expenditure for marketing, product development and research related to an approved cultural project, then in calculating the assessable income of the film producer for an income year, there shall be deducted an amount equal to 150 per cent of the expenditure incurred.

(6) Where in connection with an approved cultural project, a film producer requires the services of a specially qualified individual to carry out its business effectively from within Barbados and it is unable to acquire those services in Barbados; and it is unable to retain those services from outside Barbados without special tax concessions, the Minister may grant a tax concession in respect of the specially qualified individual retained from outside Barbados.

(7) The tax concession referred to in subsection (6) is one that allows a prescribed percentage of the qualified individual's salary or fees to be

- (a) exempt from income tax in Barbados to an amount that is 60 per cent of his assessable income;
- (b) paid in a foreign currency in a trust account without being liable to the payment of income tax in Barbados as to the amount paid or any interest paid or any interest earned thereon;
- (c) paid in some other prescribed manner in another currency or otherwise without being liable to income tax in Barbados.

## PART VIII

*Incentives for Heritage Building and Conservation*

**32.** (1) A cultural practitioner or a governmental entity that is in receipt of a licence issued under section 12 and which imports supplies for a cultural project in the area of heritage building and conservation shall be exempt from the payment of all duties and taxes on such imports where

Concessions  
in respect  
of heritage  
building and  
conserva-  
tion

- (a) these imports are used for the purposes of heritage building and conservation; and
- (b) the cultural practitioner or governmental entity complies with the provisions of section 18.

(2) Where a cultural practitioner or a governmental entity referred to in subsection (1)

- (a) secures a loan from a private sector lending institution for the purposes of financing a project concerning heritage building and conservation; and
- (b) has in an income year incurred expenditure in relation to the heritage building and conservation

then in calculating the assessable income of the cultural practitioner or governmental entity for an income year, there shall be deducted an amount equal to 150 per cent of the interest paid on the loan in the income year.

(3) Where a cultural practitioner or a governmental entity referred to in subsection (1) expends money on an approved heritage building and conservation project, the cultural practitioner or governmental entity shall be allowed to set off approved capital expenditure against income derived from the heritage building and conservation project over a period of 10 years commencing in the year following the completion of the project.

(4) Where in an income year a cultural practitioner or governmental entity incurs expenditure in respect of a heritage building and conservation project, there shall be allowed as a deduction, in ascertaining the chargeable profits derived from the heritage building and conservation project of the cultural practitioner or governmental entity for that year of income, an allowance equal to 150 per cent of the actual expenditure up to a maximum of [\$250 000].

(5) The deduction referred to in subsection (4) may only be claimed in respect of the initial heritage building and conservation project, and where the project is implemented by a resident of Barbados who is registered with a cultural agency.

## PART IX

*Miscellaneous*

**33.** (1) The Minister may make regulations Regulations.

(a) prescribing

- (i) the form of application for a cultural project;
- (ii) financial forecasts and specifications that are to accompany an application for the approval of a cultural project;
- (iii) the form and content of interim approvals and the conditions to be contained in them;
- (iv) the form and content of the licence to be issued to the cultural practitioner or governmental entity in respect of an approved cultural project;
- (v) the criteria for determining the projects that are to benefit from the Fund; and

(b) generally for the purpose of giving effect to this Act.

(2) A person who contravenes any provision of this Act or the Regulations made pursuant to this Act is guilty of an offence and is liable on summary conviction to a fine of \$2 500 or to imprisonment for a term of 2 years or to both.

**34.** This Act comes into operation on a date to be fixed by proclamation. Commence-  
ment.

## FIRST SCHEDULE

*(Section 3(2))*

## Constitution and Procedure of Committee

Composi-  
tion of the  
Committee.

**1.** (1) The Committee shall consist of a maximum of 7 persons appointed by the Minister by instrument in writing and shall consist of

- (a) the Accountant General, who shall be Chairman;
- (b) the Chief Executive Officer of the National Cultural Foundation or her nominee;
- (c) the Director of the Barbados Museum and Historical Society or her nominee;
- (d) the Director of Cultural Policy and Research, Prime Minister's Office or her nominee;
- [(e) [a representative] of the National Art Gallery;
- (f) the Permanent Secretary, Ministry of Finance;
- (g) the Comptroller of Customs; and
- (h) the Registrar of Corporate Affairs.

(2) The Committee shall appoint a Deputy Chairman from amongst its members.

(3) A reference to any person specified in paragraph (1) includes the nominee of that person where the person specified is unable to attend.

Tenure.

**2.** (1) A member of the Committee shall hold office for a term of [3 years] and shall be eligible for re-appointment.

(2) A vacancy shall arise in the membership of the Committee in the case of

- (a) the death or resignation of a member;
- (b) the revocation by the Minister of the appointment of a member;
- (c) the absence from Barbados of a member without leave of the Minister; or
- (d) the inability of a member to act.

3. The Chairman, Deputy Chairman and other members of the Committee and entitled to such remuneration and allowances as the Minister may determine. Remuneration.
4. (1) The Chairman or Deputy Chairman may at any time resign his office by instrument in writing addressed to the Minister and from the date of the receipt of the instrument by the Minister, the Chairman or Deputy Chairman ceases to be Chairman or Deputy Chairman and a member of the Committee unless some other date is mentioned in the instrument. Resignation of Chairman, Deputy Chairman or member of the Committee..
- (2) A member of the Committee other than the Chairman or Deputy Chairman, may resign his office by instrument in writing addressed to the Minister and from the date of the receipt of the instrument by the Minister the member ceases to be a member of the Committee.
5. The Minister shall terminate the appointment of a member where the member  
 (a) fails without reasonable excuse to attend 3 consecutive meetings of the Committee unless the failure to attend was approved by the Minister; Revocation of appointment.  
 (b) has become bankrupt or has made an arrangement with his creditor;  
 (c) is incapacitated by physical or mental illness;  
 (d) engages in fraudulent or other dishonest behaviour or behaviour conflicting with the discharge of his duties as a member of the Committee; or  
 (e) is otherwise unfit to discharge the functions of a member of the Committee.
6. The names of all members of the Committee as first constituted and every change in the membership shall be published in the *Official Gazette*. Publication in the *Official Gazette*.
7. (1) The Committee shall regulate its own procedure and shall meet at such times as may be necessary or expedient for the transaction of its business, and each meeting shall be held on such days and at such times as the Committee determines. Meetings and presiding at meetings
- (2) The Chairman or in his absence, the Deputy Chairman shall preside at all meetings of the Committee and, in the case of the absence of both, the members present and constituting a quorum shall elect a temporary Chairman from among their members who shall preside at the meeting.
- (3) The Chairman may at any time call a special meeting of the Committee and shall call such a meeting within [14 days] after receiving a request to do so by any [5] members of the Committee.

- Quorum. **8.** [5] members of the Committee shall form a quorum.
- Decisions. **9.** The decisions of the Committee shall be by a majority of votes and where the voting is equal the Chairman has in addition to his original vote, a second or casting vote.
- Minutes. **10.** Minutes of each meeting shall be duly kept in proper form by the Secretary appointed by the Committee for the purpose, and shall be confirmed in writing by the Committee at its next meeting and signed by the Chairman or other person presiding at that meeting.
- Attendance of non-members at meetings. **11.** The Committee may co-opt persons to attend any of its meetings for the purpose of assisting or advising in respect of any matters with which it is dealing, but a co-opted member does not have the right to vote.
- Seal. **12.** (1) The seal of the Committee shall be kept in the custody of the Chairman or Deputy Chairman, and may be affixed to documents or instruments pursuant to a resolution of the members in the presence of the Chairman or Deputy Chairman and the Secretary.
- (2) The seal of the Committee shall be authenticated by the signature of the Chairman or Deputy Chairman and the Secretary.
- (3) All documents or instruments made by the Committee, other than those required by law to be under seal, and all decisions of the Committee may be signified under the hand of the Chairman or Deputy Chairman.
- Disclosure of members interests. **13.** (1) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Committee shall disclose to the Committee the particulars of that interest and the details of the disclosure shall be recorded in the minutes taken at the meeting at which the disclosure is made.
- (2) A member referred to in paragraph (1) shall not take part in any deliberation or discussion of the Committee relating to that contract or business.

SECONDSCHEDULE

*(Section 14(1))*

PART I

Equipment

PART II

Operating non-capital supplies

