



BERMUDA

BERMUDA ARTS COUNCIL ACT 1969

1969 : 224

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[preamble and words of enactment omitted]

Interpretation

- 1 In this Act, unless the context otherwise requires—
- “the Chairman” means the Chairman of the Council appointed under section 4;
- “the Council” means the Bermuda Arts Council established pursuant to section 2;
- “the Minister” means the Minister for the time being responsible for culture.

[“the Minister” amended by BR 5/2011 para.5 effective 25 February 2011]

Bermuda Arts Council established

- 2 (1) There shall be established a Council to be known as “The Bermuda Arts Council”.

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(2) The Council shall be a body corporate having perpetual succession and a common seal having power, subject to this Act, to acquire, hold and dispose of moveable and immovable property of whatever kind, to enter into contracts and to do all things necessary for the purposes of its functions:

Provided that the Council may only acquire and hold, with the prior sanction of the Minister in each case, a freehold interest in land to a maximum of 2 acres unless such acquisition is by virtue of a gift, devise or any other means which is not within the control of the Council but provided nevertheless that if as a result of such acquisition the land held by the Council exceeds 2 acres the Council shall as soon as may be divest itself of such freehold interest in land as will reduce the total amount of freehold land held by the Council to 2 acres.

(3) Without prejudice to the generality of subsection (2) the Council may take on lease or letting agreement such premises as the Council may from time to time bona fide require for its purposes.

(4) The Council may sue and be sued in its corporate name and may for all purposes be described by that name.

(5) The seal of the Council shall be authenticated by the signature of the Chairman and one other member of the Council authorized to act in that behalf and shall be judicially and officially noticed.

(6) All documents, other than those required by law to be under seal, made by, and all decisions of the Council may be signified under the hand of the Chairman or any member of the Council or officer authorized to act in that behalf.

[Section 2 subsection (2) amended by 2019 : 56 s. 3 effective 20 July 2020]

Principal objects

3 The principal objects of the Council shall be—

- (a) to develop and improve the knowledge, understanding and practice of the arts;
- (b) to increase the accessibility of the arts whether by means of Festivals of the Arts, or otherwise, to the public throughout Bermuda;
- (c) to advise and cooperate with Government Departments, art groups and societies in Bermuda and other bodies on any matters concerned whether directly or indirectly with the foregoing objects,

Constitution of Council

4 (1) The Council shall consist of such number of persons appointed annually by the Minister being not less than five nor more than eleven as the Minister may decide.

(2) There shall be—

- (a) a Chairman appointed annually by the Minister from amongst the members of the Council who shall hold office during the Minister's pleasure; and

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(b) a Deputy Chairman elected annually by the members of the Council from amongst the members of the Council.

(3) The Council shall be deemed to be properly constituted notwithstanding that there is a vacancy in the office of Chairman or Deputy Chairman or a member.

(4) *[Repealed by 2019 : 56 s. 3]*

[Section 4 subsections (1) and (2) amended, and subsection (4) repealed by 2019 : 56 s. 3 effective 20 July 2020]

Notice of resignation from Council

5 Resignations from the Council shall be made in the manner hereinafter set out:

(a) in the case of the Chairman or of any member of the Council by notice in writing to the Minister;

(b) in the case of the Deputy Chairman by notice in writing to the Chairman who shall forward such notice to the Minister.

[Section 5 amended by 2019 : 56 s. 3 effective 20 July 2020]

Meetings

6 (1) The Council shall meet as often as they deem necessary or expedient for the due performance of their functions and meetings shall be held at such places, on such days, and at such times as the Chairman or three other members acting together may determine.

(2) Any meeting of the Council shall be presided over by—

(a) the Chairman; or

(b) in the absence of the Chairman, the Deputy Chairman; or

(c) in the absence of both the Chairman and Deputy Chairman, such member of the Council as the members present elect to act as Chairman at that meeting and, in the event of an equality of votes, the person presiding at the meeting shall have a further and casting vote.

(3) The quorum of the Council shall be five members including the Chairman, Deputy Chairman or other member presiding at the meeting.

(4) Subject to this Act, the Council may regulate its own procedure, and, without prejudice to the generality of the foregoing, may appoint such committees and panels to exercise such functions and to have such membership as the Council may determine:

Provided that a member of the Council shall be appointed as Chairman of any such committee or panel.

Returns to Minister

7 (1) The Council shall furnish the Minister with such returns, accounts and other information with respect to the exercise and performance by them of their functions as the Minister may require.

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(2) Without prejudice to subsection (1), the Council shall, as soon as possible after the end of each financial year of the Council, make to the Minister a report on the exercise and performance by them of their functions during that year and as to their policy and programme and the Minister shall lay a copy of every such report before each House of the Legislature.

(3) The report for any year made under subsection (2) shall—

- (a) set out any directions given by the Minister to the Council during the year pursuant to section 8; and
- (b) contain a copy of the accounts of the Council for that year certified by the Auditor as being a true and correct statement of the financial affairs of the Council.

Minister may give general directions

8 The Minister may give to the Council such general directions as to the policy to be followed by the Council in the exercise of its functions as appear to the Minister to be necessary in the public interest, and the Council shall give effect to such directions.

Moneys received must be applied to objects; audit

9 (1) All moneys and property of the Council, however received, including moneys received from the Government, shall be applied towards the promotion of the objects of the Council and, except as other-wise provided in this Act, shall be used for no other purpose.

(2) Members of the Council and any committee or panel appointed by the Council, shall not be entitled to any remuneration for their service thereon but the Council may, in its discretion, reimburse any member of the Council or such committee or panel for any expenses reasonably incurred by the member in the performance of his duties:

Provided that no member of the Council, committee or panel shall be reimbursed as aforesaid for any expenses incurred in attending meetings of the Council, committee or panel.

(3) The accounts of the Council shall be audited annually by the Auditor.

Officers of Council

10 (1) The Council may appoint and employ, on such remuneration, and on such terms and conditions as they think fit, a Secretary and a Treasurer, or one person to fill both such offices, as the Council may determine.

(2) The Governor acting on the advice of the Minister, may either—

- (a) approve of the appointment of any public officer by way of secondment to any office under the Council; or
- (b) authorize any public officer to exercise any function or class of function under the directions and control of the Council as he may think fit,

and, a public officer so appointed or authorized shall, when acting within the scope of his appointment or authorization, be deemed to be an officer of the Council.

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[Assent Date: 27 May 1969]

Amended by

BR 5 / 1984

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2019 56]