

THE JAMAICA CULTURAL DEVELOPMENT
COMMISSION ACT

Acts
32 of 1968,
8 of 1980.

[1st September, 1968.]

1. This Act may be cited as the Jamaica Cultural Development Commission Act. Short title.

2. In this Act—

Interpreta-
tion.

“chairman” means the chairman of the Commission and includes any person for the time being performing the functions of the chairman;

“Commission” means the Jamaica Cultural Development Commission established by section 3;

“deputy chairman” means the deputy chairman of the Commission and includes any person for the time being performing the functions of the deputy chairman;

“financial year” means such period of twelve months as the Commission, with the approval of the Minister, may determine to be its financial year, so, however, that the first financial year shall be the period commencing with the 1st September, 1968, and ending with such day as may be fixed by the Commission with the approval of the Minister;

“functions” includes duties and powers;

“member” means a member of the Commission.

3.—(1) There shall be established for the purposes of this Act a body to be called the Jamaica Cultural Development Commission. Establish-
ment of
Commission.

Schedule.

(2) The provisions of the Schedule shall have effect as to the constitution of the Commission and otherwise in relation thereto.

Functions
of the
Commission.
8/1980
S. 3.

4.—(1) The Commission shall—

- (a) promote cultural programmes and activities in communities throughout the Island;
- (b) encourage and organize each year independence anniversary celebrations and other celebrations marking occasions of national interest;
- (c) stimulate the development of local talents by means of training, workshops, competitions, exhibitions, pageants, parades, displays and such other activities as the Commission may from time to time determine;
- (d) complement the work of other agencies engaged in the carrying out of community development programmes throughout the Island.

(2) Subject to the provisions of this Act, the Commission shall have power, for the purpose of discharging its functions under this Act, to do anything and to enter into any transaction which, in the opinion of the Commission, is necessary to ensure the proper performance of its functions.

Funds of
the Com-
mission.

5.—(1) The funds of the Commission shall consist of such moneys as may from time to time be placed at its disposition for the purposes of this Act by Parliament and such other moneys as may lawfully be paid to the Commission.

(2) Notwithstanding anything contained in any other law—

- (a) any instrument necessary for transferring or vesting any land to or in the Commission upon which or in respect of which stamp duty, registration or recording fees are payable, shall be exempt from

the payment of such stamp duty, registration or recording fees;

- (b) the Commission shall, in relation to all property whatsoever held or dealt with by them for the purposes of this Act, be exempt from the payment of property tax and income tax.

6.—(1) The Commission shall keep proper accounts and other records in relation to the business of the Commission and shall prepare annually a statement of accounts in a form satisfactory to the Minister, being a form which shall conform with the best commercial standards. **Accounts and audit.**

(2) The accounts of the Commission shall be audited by an auditor appointed annually by the Commission and approved by the Minister.

(3) The auditor's fees and any expenses of the audit shall be paid by the Commission.

(4) Within three months after the expiration of each financial year or within such further time as may be allowed by the Minister, the Commission shall send the statement of its accounts referred to in sub-paragraph (1) to the Minister, together with a copy of any report made by the auditor on that statement and on the accounts of the Commission.

(5) The Auditor-General shall be entitled, on the direction of the Minister, at all reasonable times to examine the accounts and other records in relation to the business of the Commission.

7.—(1) The Commission shall, within three months after the expiration of each financial year or within such further time as may be allowed by the Minister, cause to be made and transmitted to the Minister a report dealing generally with the activities of the Commission during that financial year. **Annual report.**

(2) The Minister shall cause a copy of the report together with the annual statement of accounts and the auditor's report thereon and on the accounts to be laid on the Table of the House of Representatives and of the Senate.

Power of
Minister to
issue
general
directions
in matters
of policy.

8. The Minister may, after consultation with the chairman, give to the Commission such directions of a general character as to the policy to be followed by the Commission in the performance of its functions as appear to the Minister to be necessary in the public interest and the Commission shall give effect thereto.

Regula-
tions.

9. The Commission may, with the approval of the Minister, make regulations generally for the better carrying out of the provisions of this Act.

SCHEDULE

(Section 3)

The Jamaica Cultural Development Commission

1. The Commission shall consist of such number of persons, not being less than five nor more than thirty, as the Minister may from time to time appoint. Constitution of Commission.
2. The Minister may appoint any person to act temporarily in the place of any member of the Commission in the case of the absence or inability to act of such member. Temporary appointments.
3. (1) The Minister shall appoint a chairman and a deputy chairman from amongst the members of the Commission. Chairman and deputy chairman.
 - (2) In the case of absence or inability to act of the chairman, the deputy chairman shall perform the functions of chairman.
 - (3) In the case of the absence or inability to act of both the chairman and the deputy chairman, the Minister may appoint any other member of the Commission to perform the functions of the chairman or, as the case may be, the deputy chairman, during such absence or incapacity.
4. (1) The appointment of every member of the Commission shall be evidenced by an instrument in writing, and such instrument shall specify the period of office of the member which shall not exceed three years. Tenure of office.
 - (2) Every member of the Commission shall be eligible for re-appointment.
 - (3) The Minister may at any time revoke the appointment of the chairman, the deputy chairman, or any other member of the Commission if he thinks it expedient so to do.
5. (1) Any member of the Commission other than the chairman may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of the receipt by the Minister of such instrument, such member shall cease to be a member of the Commission. Resignations.
 - (2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt of such instrument by the Minister.
6. The names of the members of the Commission as first constituted and every change in the membership thereof shall be published in the *Gazette*. Publication of membership.
7. (1) The Commission shall be a body corporate having perpetual succession and a common seal and with power to acquire, hold and dispose of land and other property of whatever kind. Incorporation.

(2) The seal of the Commission shall be authenticated by the signatures of the chairman or one member of the Commission authorized to act in that behalf and an officer of the Commission authorized to act in that behalf by the Commission, and shall be judicially and officially noticed.

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

Procedure
and meet-
ings.

8. (1) The Commission 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 and on such days as the Commission may determine.

(2) The chairman may at any time call a special meeting of the Commission and shall call a special meeting to be held within seven days of a written request for that purpose addressed to him by any three members of the Commission.

(3) The chairman or, in the case of absence or inability to act of the chairman, the deputy chairman shall preside at the meetings of the Commission and in the absence of both the chairman and the deputy chairman from any meeting, the members of the Commission present shall elect one of their number to preside at that meeting, and when so presiding the chairman, the deputy chairman, or the person elected as aforesaid, as the case may be, shall have an original and a casting vote.

(4) The quorum of the Commission shall be such number as the Commission may from time to time determine.

(5) Subject to the provisions of this Schedule the Commission may regulate its own proceedings.

(6) The validity of any proceedings of the Commission shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

Remunera-
tion of
members.

9. There shall be paid to the chairman, the deputy chairman, and other members of the Commission such remuneration, if any (whether by way of salaries or travelling or other allowances), as the Minister may determine.

Power to
appoint
officers,
agents and
servants.

10 (1) The Commission may appoint and employ at such remuneration and on such terms and conditions as it thinks fit, a director, and such other officers, agents, and servants as it thinks necessary for the proper carrying out of its functions:

Provided that no director, officer, agent or servant shall be employed by the Commission at a salary in excess of three thousand dollars per annum without the prior approval of the Minister.

(2) The Governor-General may, subject to such conditions as he may impose, approve of the appointment of any public officer in the service of Jamaica to any office with the Commission and any public officer so appointed shall in relation to pension, gratuity or other allowance and to other rights as a public officer, be treated as continuing in the service of the Government.

11. (1) The Commission may, with the approval of the Minister, appoint committees for any such general or special purposes with which the Commission may be concerned as in the opinion of the Commission would be better regulated and managed by means of a committee. Appointment of Committees.

(2) The number of members of a committee appointed under sub-paragraph (1), their functions and term of appointment, the quorum of the committee, and the area, if any, within which the committee is to exercise authority shall be determined by the Commission.

(3) A committee appointed pursuant to this paragraph may include persons who are not members of the Commission :

Provided that at least one of the members of any such committee shall be a member of the Commission.

(4) The provisions of paragraph 13 shall apply to a member of a committee who is not a member of the Commission in like manner as they apply to a member of the Commission.

(5) The validity of the proceedings of a committee appointed pursuant to this paragraph shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

12. (1) Subject to the provisions of this Schedule, the Commission may delegate to any member or committee of the Commission or to any of its officers or servants, the power and authority to carry out such functions as the Commission may determine. Power to delegate

(2) Every delegation under this paragraph shall be revocable by the Commission and no delegation shall prevent the exercise by the Commission of any function delegated.

13. (1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Commission in respect of any act done *bona fide* in pursuance or execution or intended execution of this Act. Protection of members.

(2) Where any member of the Commission is exempt from liability by reason only of the provisions of this paragraph, the Commission shall be liable to the extent that it would be if the said member was a servant or agent of the Commission.

14. The office of chairman, deputy chairman, or member of the Commission shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica. Office of chairman, deputy chairman or member not a public office