

Seychelles

## National Arts Council of Seychelles Act Act 5 of 1990

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# National Arts Council of Seychelles Act

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## National Arts Council of Seychelles Act

### Act 5 of 1990

Commenced on 15 October 1990

*[This is the version of this document at 30 June 2012 and includes any amendments published up to 30 June 2014.]*

*[Act 5 of 1990; S.I. 30 of 2000]*

### Part I – Preliminary

#### 1. Short title

This Act may be cited as the National Arts Council of Seychelles Act.

#### 2. Interpretation

In this Act—

"**Chairman**" means the Chairman of the Council in terms of the Schedule;

"**Council**" means the National Arts Council of Seychelles established under this Act;

"**member**" means a member of the Council and includes the Chairman;

"**Secretary**" means the person appointed as Secretary of the Council under [section 6](#);

"**arts association**" means a registered association of Seychelles for any artistic activity such as dance, literature, music, the plastic arts, theatre, visual arts of any kind and any other art activity approved by the Council.

### Part II – The Council

#### 3. National Arts Council of Seychelles

- (1) There is established by this Act the National Arts Council of Seychelles which shall be a body corporate.
- (2) The Schedule applies with respect to the membership of the Council.

#### 4. Functions

- (1) The Council is the supreme body for coordinating the arts of all levels for all persons in Seychelles with the following functions—
  - (a) to organise, develop and promote the arts in Seychelles;
  - (b) to encourage the continuous participation in the arts in Seychelles;
  - (c) to encourage and foster a spirit of cooperation and the attainment of high standards in the arts;
  - (d) to encourage the appreciation and the development of the arts;
  - (e) to coordinate calendars and programmes proposed by arts associations;

- (f) to encourage and support participation in arts events abroad by persons and associations from Seychelles;
  - (g) to encourage and support participation in arts events in Seychelles by persons and association from abroad;
  - (h) to enter into and maintain relations with international organisations likely to grant financial, material or technical assistance for the development of the arts in Seychelles;
  - (i) to cooperate with international bodies and institute which are specialised in the arts, artistic research, education, or other artistic or related activities; and
  - (j) to provide advisory and information services to the Government and district authorities on any matters concerned with the foregoing objects.
- (2) The Council may do anything which a body corporate may lawfully do and perform which is necessary or helpful to carry out its functions and, without prejudice to the foregoing and subject to this Act, may—
- (a) provide advisory, information and educational services;
  - (b) provide assistance to persons association promoting or developing the arts in Seychelles;
  - (c) assist arts activities by providing facilities training, guidance and service to all *bona fide* artists of Seychelles;
  - (d) make grants for the promotion of the arts in Seychelles;
  - (e) establish committees to advise or assist it in performing its functions and to assist and coordinate arts associations in the performance of their functions;
  - (f) run enterprises for the manufacturing and sale of arts objects or to sell arts work and related materials;
  - (g) acquire, buy, sell, dispose of, rent or hire, exchange, pledge or mortgage any movable or immovable property or interest therein;
  - (h) subject to the approval of the Minister responsible for Finance, borrow money;
  - (i) accept gifts and donations;
  - (j) subject to the approval of the Minister responsible for Finance, make investments of money;
  - (k) subject to section 170 (lotteries) of the Penal Code, promote and run lotteries or other competitions to raise funds for the Council;
  - (l) make such charges for its services under this Act as it thinks fit; and
  - (m) undertake such other activities in furtherance of its functions as the Minister may allow.

### Part III – Procedure of Council

#### 5. Meetings of Council

- (1) The Chairman shall preside at all meetings of the Council.
- (2) The Council shall meet at such intervals as the members may decide, but not less frequently than once every 3 months.
- (3) The Chairman may at any time and shall at the request in writing of 3 of the members and without delay, convene a special meeting of the Council.
- (4) A notice convening a special meeting of the Council shall state the purposes for which it is convened.

- (5) Except for a special meeting convened by the Chairman on his own initiatives, not less than 7 days notice of a meeting shall be given to members.
- (6) 5 members who must include the Chairman, constitute a quorum.
- (7) Questions before the Council shall be decided by a majority of votes of the members present and voting at the meeting, at which meeting each member shall have one vote.
- (8) The Chairman has a deliberative vote and in the event of an equality of votes also has a casting vote.
- (9) Subject to this Act, the Council shall regulate its meetings, proceedings and conduct as it thinks fit.

## **Part IV – The Secretariat**

### **6. Secretariat**

- (1) The administration and work of the Council shall be carried out by a Secretariat directed by the Secretary.
- (2) The Secretary and staff of the Secretariat shall be appointed by the Council on such terms and at such remuneration as may be determined by the Council.
- (3) Remuneration payable under this section shall be paid by the Council.
- (4) The Secretary shall be responsible to the Council for—
  - (a) subject to the general direction of the Council, the furtherance of the objects of the Council;
  - (b) the effective operation of the day to day activities of the Council;
  - (c) representing the Council in correspondence and in national and international contracts;
  - (d) drafting, communicating and filing minutes and all other documents of the Council;
  - (e) attending meetings of the Council;
  - (f) keeping the Council informed of the activities of the Secretariat particularly by presenting an activity report at each meeting of the Council and a financial report and statement of accounts prepared for each period of 3 months immediately preceding the date of the report.
- (5) In exercise of its functions under the Act the Secretariat shall act in accordance with such directions as it may from time to time receive from the Council, it shall neither request nor accept instructions from any other person or body.
- (6) The Council may provide for the training, development and discipline of the Secretariat.

## **Part V – Financial provisions**

### **7. Funds and property of Council**

The funds and property of the Council shall consist of—

- (a) money appropriated by an Appropriation Act and paid to the Council;
- (b) rights, interest, assets or liabilities of the Government vested in the Council under [section 8](#);
- (c) money paid to the Council by way of grants subsidies, donations, loans, fees, subscription, rents, repayments of principal, interest and royalties;
- (d) profits from any arts enterprises run by the Council;
- (e) money from arts activities organised under the patronage of or for the benefit of the Council;

- (f) money derived from the sale of property held by or on behalf of the Council;
- (g) sums due on any investment made by the Council;
- (h) other money and property lawfully received by the Council for the purposes of the Council; and
- (i) accumulations of income derived from any money or property of the Council.

## **8. Vesting of Government assets etc in Council**

- (1) The President may authorise the vesting in the Council of any rights, interests, assets or liabilities of the Government.
- (2) The Minister shall thereafter take any further action necessary to vest in or transfer to the Council any rights, interests, assets or liabilities authorised to be vested under subsection (1) and any titles thereto.
- (3) Notwithstanding any law to the contrary, where under subsection (1) the President has authorised the vesting in the Council of a loan to the Government, the Minister shall have power subject to the terms of the loan, to assign the loan to the Council.

## **9. Use of funds**

The funds and property of the Council may be used—

- (a) for the expenses of the Council under this Act;
- (b) for the expenses, inside or outside Seychelles of artists and arts activities approved by the Council;
- (c) for the expenses of arts associations.

## **10. Bank accounts**

- (1) All money belonging to the Council shall, as soon as practicable after it has come into the hands of the Secretary or other person authorised to receive money on behalf of the Council, be paid into a bank account in the name of the Council.
- (2) No money shall be withdrawn from the bank account except on the signature of the Secretary and one member of the Council.

## **11. Financial year**

- (1) The financial year of the Council shall end on 31st December in each year.
- (2) The Minister responsible for Finance may amend subsection (1) by order in the *Gazette*.

## **12. Estimates and accounts**

- (1) For each financial year the Council shall prepare and submit to the Minister and to the Minister responsible for Finance, not later than such date as the Minister directs, estimates of the income and expenditure of the Council including its capital budget for the coming financial year and for any longer period required by the Minister.
- (2) The Council shall cause to be kept proper books and records in account of its income, expenditure, assets and liabilities.
- (3) Where funds have been received by the Council for a specific purpose estimates and accounts of the Council shall show the application of the funds.

### 13. Audit

- (1) At the end of each financial year the accounts of the Council shall be audited by an auditor appointed by the Minister responsible for Finance after consultation with the Council.
- (2) The auditor shall satisfy himself that the accounts of the Council have been properly prepared in accordance with sound accounting principles and he shall either—
  - (a) state in his report that—
    - (i) the accounts have been properly prepared in accordance with the books and records of the Council;
    - (ii) the books and records of the Council have been properly kept and contain information adequate for the purposes of his audit;
    - (iii) the balance sheet and income and expenditure accounts of the Council are a true and fair view of the Council's financial positions; and
    - (iv) the financial affairs of the Council have been properly conducted; or
  - (b) notify the Minister responsible for Finance that he is unable to complete his report as provided in paragraph (a) giving his reasons therefor.
- (3) The auditor shall submit his report to the Minister responsible for Finance and shall forward a copy of his report to the Council.

### 14. Annual Report

- (1) Within 6 months of the end of the financial year the Council shall submit—
  - (a) to the Minister an Annual Report dealing with the activities of the Council during that year; and
  - (b) to the Minister and the Minister responsible for Finance the accounts of the Council for that year audited in terms of [section 13](#).
- (2) The Council shall publish the Annual Report, accounts and auditor's report.

### 15. Exemption, etc.

- (1) Subject to subsection (2), the Council is exempt from
  - (a) tax under the Business Tax Act;
  - (b) all other taxes, duties, fees, rates, or other imposts under any law on its assets, profits, operations and property, or on grants, gifts or other transfers.
- (2) Subsection (1) does not exempt the Council in respect of arts enterprises run by the Council under [section 4\(2\)\(f\)](#) or similar commercial activities.
- (3) The Minister may, whether for the purpose of removing doubt as to the extent of this section or for the purpose of extending the immunities of the Council by order in the *Gazette* specify any tax, duty, fee, rate or other impost as one to which the Council shall not be liable and the law relating thereto shall have effect accordingly.

## **Part VI – Miscellaneous**

### **16. Regulations**

The Minister may make regulations;

- (a) for the better carrying out the objects and purpose of this Act;
- (b) amending the Schedule.

## **Schedule**

### **Membership of Council**

1. The Members of the Council are—
  - (a) The Minister or his delegate (Chairman);
  - (b) 15 other members appointed by the Minister.
2. A member appointed by the Minister is appointed for a term of 2 years and on ceasing to be a member, is eligible for re-appointment.
3. The Council may propose the replacement of a member appointed by the Minister if he is absent without the permission of the Council from 3 consecutive meetings of the Council of which he has had notice in terms of Section 5(5).