

**CREATIVE INDUSTRIES AND NATIONAL EVENTS
AGENCY ACT, 2016**

(Act 17 of 2016)

ARRANGEMENT OF SECTIONS

PART I - PRELIMINARY

Sections

1. Short title and commencement
2. Interpretation

**PART II - CREATIVE INDUSTRIES AND NATIONAL
EVENTS AGENCY**

3. Establishment of Agency
4. Functions of the Agency
5. Financial help to persons engaged in creative industry
6. Directions by Minister
7. Powers of Agency
8. Conduct of National events

PART III - BOARD

9. Board of Agency
10. Functions of Board
11. Termination of appointment of Members
12. Meeting of Board
13. Chief Executive Officer of Agency
14. Employees of Agency

PART IV - FINANCE, ACCOUNTS AND REPORT

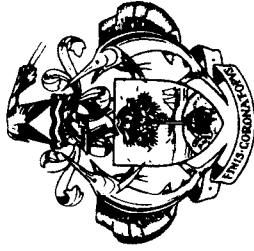
15. Funds of Agency
16. Account, audit and report

PART V - MISCELLANEOUS

17. Protection against legal proceedings
18. Application of provisions of the Penal Code

19. Plan of Activities
20. Request for information
21. Regulations

Schedule



CREATIVE INDUSTRIES AND NATIONAL EVENTS AGENCY ACT, 2016

(Act 17 of 2016)

I assent



J. A. Michel
President

20th August, 2016

AN ACT to establish an agency to be known as the Creative Industries and National Events Agency to promote the development of creativity, skills and talents in individuals and collectively in the fields of visual, performing and literature, arts and for organising national events in a planned and coordinated manner and to provide for matters connected therewith or incidental thereto.

ENACTED by the President and the National Assembly.

PART I - PRELIMINARY

1. This Act may be cited as the Creative Industries and National Events Agency Act, 2016 and shall come into operation on such date as the Minister may, by Notice published in the *Gazette*, appoint.

Short title and
commencement

Interpretation

2. In this Act, unless the context otherwise requires —

“Agency” means the Agency established by section 3;

“Board” means the Board of the Agency referred to in section 9;

“creative industry” means an activity that combines the creation, production and commercialisation of products and services which —

(a) are intangible, tangible and cultural in nature and protected under the Copyright Act, 2014; and

(b) take the form of *inter alia* goods or services such as arts, dance, crafts, music, film video and literature;

“Member” means a member of the Board;

“Minister” means the Minister responsible for Culture;

“National event” means an event which the Minister may by order declare to be a national event.

PART II - CREATIVE INDUSTRIES AND NATIONAL EVENTS AGENCY

Establishment of Agency

3. There is hereby established for the purpose of this Act, an agency to be known as the Creative Industries and National Events Agency, which shall be a body corporate.

Functions of Agency

4. The functions of the Agency are to —

(a) identify and support the skills and

opportunities that capacitate the thriving of the creative industries;

(b) prepare and implement programmes giving incentives, provide opportunities for the export of creative products and services, facilitate the availability of credits and loans and develop human resources for the creative industries;

(c) develop economically viable artistic programmes, cultural festivals and other activities in partnership with other organisations having an interest in the creative industries;

(d) promote and develop opportunities for artistic and cultural expression including products and services, by conducting training workshops and providing training in creative business;

(e) lay down and monitor the standards in the creative industries;

(f) develop public education and awareness programmes to improve understanding amongst public about the international trends in the creative industries and its impact on the growth of the Seychellois culture and society;

(g) encourage enterprises for the manufacturing and sale of artistic creations and related materials;

(h) facilitate access to services related to intellectual property;

(i) prepare and submit to the government, a plan

for setting up an arts village in order to develop a market for creative industries and operate it in accordance with the terms and conditions specified by the government;

- (j) plan and organise the national events and other programmes in an effective and efficient manner in accordance with Government policy;
- (k) work in close collaboration with the departments and other agencies of the government and industry and arts associations to design and develop programmes with a view to provide exposure to persons engaged in creative industries and national events;
- (l) raise funds for and from the events and to bring in other ministries, departments, agencies and organisations to contribute to the economic development of the country; and
- (m) perform such other functions as may be prescribed by regulations.

Financial help to persons engaged in creative industry

5.(1) The Agency shall prepare and implement with the approval of the government, a plan for providing financial help by way of grants to such persons engaged in a creative industry with a view to promote creativity.

(2) The criteria and the manner for providing the financial help shall be such as may be prescribed by regulations.

Directions by Minister

6. The Minister may give directions in writing to the Agency on matters of policy and general administration and the Agency shall be bound by such directions.

7.(1) The Agency may do all things necessary for, relating to or incidental to, the performance of its functions and, in particular—

Powers of Agency

- (a) hire such professionals as may be necessary to plan and organise a national event, set up and oversee the activities of the events;
- (b) liaise and enter into agreements with other stakeholders within or outside Seychelles for the purpose of organising national events or setting up training programmes for persons engaged in a creative industry; and
- (c) acquire, sell, dispose of, rent, hire, exchange or mortgage movable or immovable property or an interest therein for the purpose of furthering the functions of the Agency.

(2) Without prejudice to subsection (1), the Agency may, with the approval of the Minister responsible for finance,—

- (a) seek sponsorships, donations or carry out such other activities;
- (b) enter into partnerships or joint ventures;
- (c) open and operate a commercial bank account and deposit therein the funds of the Agency in accordance with the Public Finance Management Act, 2012; and
- (d) exercise such other powers as may be necessary or prescribed by regulations.

8.(1) The Minister may by Order published in the Gazette, declare an event to be a national event.

Conduct of National events

- (2) The Agency shall —
- (a) within a reasonable time before an event, advertise the activities thereof and request suggestions from the public regarding the nature of the activities;
 - (b) set goals and ensure that all activities are carried out in an effective and time bound manner;
 - (c) ensure that the place where a national event is held is safe and secure;
 - (d) ensure in consultation with the Commissioner of Police that a sufficient number of security personnel are deployed for the duration of the events at the place where the events are to take place; and
 - (e) set up committees to facilitate the proper conduct of national events.

PART III - BOARD

9.(1) The affairs of the Agency shall be managed by the Board of the Agency consisting of the following Members —

- (a) a representative of the Mayor of Victoria;
- (b) one person each from the Ministry responsible for —
 - (i) Finance;
 - (ii) Culture; and
 - (iii) Education;

Board of
Agency

- (c) one person from the Seychelles Tourism Board established under the Seychelles Tourism Board Act, 2005;
 - (d) one person from the Attorney General's Office; and
 - (e) one person from the business sector;
- (2) The Members shall be appointed by the President on nomination by the Minister for such terms and on such conditions as the President may determine.
- (3) The President shall appoint a Chairperson and a Vice Chairperson from amongst Members.
- (4) A Member shall hold office for a period of three years and is eligible for re-appointment.
- (5) The President shall cause a notice of the names of the Chairperson, Vice Chairperson and Members of the Board to be published in the *Gazette*.

(6) The Vice Chairperson, shall, in the absence of the Chairperson, assume all the responsibilities of the Chairperson.

10. The Board shall, in the performance of functions or exercise of the powers of the Agency —

- (a) set goals, strategies and plans for the Agency;
- (b) monitor budget spending of the Agency;
- (c) support and evaluate the work of the Chief Executive Officer;
- (d) monitor the Agency's activities as outlined in its action plan;

Functions
of Board

- (e) discuss plans concerning events; and
- (f) perform such other functions as may be prescribed by regulations.

11.(1) The President may at any time terminate the appointment of a Member who —

- (a) has been found guilty of misconduct, default or breach of trust in the discharge of duty;
- (b) has been convicted of an offence and sentenced to imprisonment for a term of three months or more;
- (c) is mentally or physically incapable of carrying out the functions under this Act;
- (d) has been absent from three consecutive meetings without the prior permission of —
 - (i) the Chairperson;
 - (ii) the Vice Chairperson, where the Chairperson is absent; or
 - (iii) the Minister; where the Chairperson and Vice Chairperson are absent.

(2) The Chairperson or a Member whose appointment has been terminated under subsection (1) shall not be eligible for re-appointment.

12.(1) The Board shall meet at such time and place and shall observe such rules and procedures in regard to the transaction of business at its meetings including the quorum at the meetings as may be prescribed.

Meeting of
Board

Termination
of
appointment
of Members

(2) There shall be not less than six meetings every year and not more than two months shall intervene between one meeting and the next.

(3) The Chairperson may, by written notice, convene a special meeting of the Board for the purpose specified in the notice.

(4) The Chairperson or in the absence of the Chairperson and the Vice Chairperson, a Member elected by the Members present, shall preside at the meeting of the Board.

(5) A Member who has a direct or indirect financial, personal or other interest in a matter which is to be discussed at a meeting of the Board —

- (a) shall disclose the nature of the interest before or at a meeting of the Board;
- (b) shall not take part in the deliberations in respect of that matter; and
- (c) shall not vote for a decision in such deliberations.

(6) A member may, at any time, resign from office by giving a letter addressed to the President and such member shall cease to be a member of the Board from the date on which the President receives the letter.

(7) A Member is deemed to have vacated office if he or she has been absent without leave for three consecutive meetings of the Board.

(8) Where a Member resigns or vacates office, the President may appoint another person to hold office for the remaining period for which the Member would have otherwise held office.

(5) The Deputy Chief Executive Officer shall discharge the functions of the Chief Executive Officer when the office of the Chief Executive Officer is vacant or when he or she is absent from office or when he or she delegates any of the functions to the Deputy Chief Executive Officer.”

14. The Agency may, on such terms and conditions as may be determined by the Board, employ such persons as may be necessary in the performance of the functions of the Agency.

Employees
of Agency

PART IV - FINANCE, ACCOUNTS AND REPORT

15.(1) The funds of the Agency shall consist of—

Funds of
Agency

- (a) moneys appropriated by the National Assembly for the use by the Agency;
- (b) moneys accruing to the Agency from its operations or other payments; and
- (c) moneys received by the Agency from time to time by way of loans, donations, gifts or grants.

(2) The funds of the Agency shall be applied for—

- (a) the discharge of expenses, debts and other obligations incurred in the performance of the functions of the Agency;
- (b) the remuneration of Members of the Board and other staff of the Agency; and
- (c) other expenses, as may be authorised by the Board, for the purpose of fulfilling the provisions of this Act.

16.(1) The Agency shall maintain proper accounts and other relevant records and prepare an income and expenditure statement in such form and in such manner as approved by the Auditor-General.

Account,
audit and
report

(9) The Board may, subject to such conditions and restrictions as it may impose, delegate to the Chief Executive Officer such of its powers as it deems necessary to enable the Chief Executive officer to transact effectively the day to day affairs of the Agency.

(10) The Board may establish sub-committees on such terms and conditions as it considers appropriate consisting of Members having expertise in organising the events or in creative industries.

13.(1) There shall be a Chief Executive Officer of the Agency appointed by the President on such terms and conditions as the President may determine.

Chief
Executive
Officer of
Agency

(2) The Chief Executive Officer, subject to the direction of the Board—

- (a) shall be responsible for the implementation of the decisions of the Board and for the management of the affairs of the Agency;
- (b) may sign documents on behalf of the Agency;
- (c) may delegate any function of the Chief Executive Officer to an employee of the Agency; and
- (d) perform such other functions as the Board may, from time to time, assign.

(3) The Chief Executive Officer shall attend and participate in the meetings of the Board but shall have no right to vote at meetings.

(4) There shall be a Deputy Chief Executive Officer of the Agency appointed by the President on such terms and conditions as the President may determine.

(2) The accounts of the Agency shall be audited by the Auditor General in accordance with Article 158 of the Constitution.

(3) Where the accounts and statement of accounts of the Agency in respect of any financial year have been audited, the Agency shall furnish to the Minister a copy of the statement together with a copy of the report by the Auditor General on the statement of accounts of the Agency.

(4) The Agency shall, as soon as possible after the expiration of each financial year and in any event not later than the 31st day of March in any year, submit to the Minister, and the Minister responsible for finance, an annual report dealing generally with the administration and its activities during the preceding financial year and the Minister shall cause the report to be tabled in the National Assembly.

(5) The Agency shall at least ninety days prior to the beginning of each financial year, prepare and submit to the Minister and the Minister responsible for finance, an annual financial statement for the next financial year showing separately —

- (a) the expenditure which is proposed to be met from internal sources of the Agency ; and
 - (b) the sum required from the government to meet other expenses distinguishing revenue expenditure from other expenditure.
- (6) The financial year of the Agency shall be the period of 12 months ending on 31st December.

PART V - MISCELLANEOUS

17. A suit or other legal proceeding shall not lie against the Agency, a Member, the Chief Executive Officer or any other person acting under the direction of the Agency in respect

Protection
against legal
proceedings

of anything which is done or purported to be done in good faith in pursuance of this Act.

18. The Members, the Chief Executive Officer or any other person acting under the direction of the Agency shall be deemed to be employed in the public service for the purpose of sections 91 to 96 of the Penal Code.

Application
of provisions
of the Penal
Code

19.(1) The Agency shall prepare and submit a plan of activities to the Minister for approval, at least 30 days before the beginning of each financial year.

Plan of
Activities

(2) The plan of activities shall —

- (a) include a statement of the short and medium term objectives of the Agency;
- (b) outline the strategy of the Agency in order to achieve its objectives; and
- (c) contain, inter alia, an operational plan, financial plan, human resource plan and performance indicators.

Request for
information

20.(1) The Agency may obtain such information from any Interested Institution as it deems necessary to carry out its functions under this Act.

(2) It shall be the duty of every person who is required to furnish information under this section to comply with the request as promptly as is practicable.

Regulations

21.(1) The Minister may, in consultation with the Agency, make regulations for carrying into effect the provisions of this Act.

(2) The regulation made under subsection (1) may provide for the amendment of the Schedule.

SCHEDULE**National Events**

Carnival Internationale de Victoria
Festival Kreol
FetAfrik
Fete de La Francophonie
La fet La Digue
Miss Seychelles
Ocean Festival
Praslin culinary and arts Fiesta
Seychelles-China Day
Seychelles-India Day

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 9th August, 2016.



Ms. Luisa Waye-Hive
Deputy Clerk