

## CHAPTER 39

### ARTS AND SPORT PROMOTION FUND 2004-5

This Act came into operation on 1st March, 2006 by Proclamation (S.I. 2006 No. 7).

#### **Amended by:**

2005-29

2008-9

#### **Law Revision Orders**

*The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:*

1985

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#### **Guide to symbols in historical notes:**

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument



## CHAPTER 39

### ARTS AND SPORT PROMOTION FUND 2004-5

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#### SCHEDULE

#### *Constitution, Procedure and Functions of the Arts and Sport Promotion Fund Committee*



**BARBADOS****ARTS AND SPORT PROMOTION FUND  
2004-5**

*An Act to provide for the establishment of a Fund, to be known as the Arts and Sport Promotion Fund, to assist in the financing of the practice of the arts and sport in Barbados.*

[Commencement: 1st March, 2006]

**Short title**

1. This Act may be cited as the *Arts and Sport Promotion Fund Act*.

**Interpretation**

2. In this Act,

“approved national organisation” means a national organisation specified in an order made under section 2 of the *Gambling Act*, Cap. 134 by the Minister responsible for Sports;

“arts organisation” means an organisation registered as such with the National Cultural Foundation;

“Committee” means the Arts and Sport Promotion Fund Committee established by this Act;

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“financial year” means the period beginning with the date on which this Act commences and ending with the next following 31st March, and each successive period of 12 months; and “quarter” means the quarter of a financial year;

“the Fund” means the Arts and Sport Promotion Fund established by this Act;

“lotteries” includes any game, method or device whereby money or money’s worth is distributed or allotted in any manner depending upon or to be determined by chance or lot, being a game, method or device that is

(a) operated by the Barbados Cricket Association, a company incorporated under the *Companies Act*, Cap. 308 and an approved national organisation;

(b) managed by the Sports Lotteries (Barbados) Inc., a company incorporated under the *Companies Act* to manage the lotteries formerly operated by the following approved national organisations:

(i) the Barbados Olympic Association;

(ii) the Barbados Turf Club; or

(c) operated by any other approved national organisation;

“the Minister” means the Minister responsible for Finance;

“the National Cultural Foundation” means the National Cultural Foundation established by section 2(1) of the *National Cultural Foundation Act*, Cap. 380B;

“sporting organisation” means an organisation registered as such with the National Sports Council.

**Establishment of the Arts and Sport Promotion Fund**

- 3.(1) There is hereby established the Arts and Sport Promotion Fund.
- (2) The resources of the Fund shall consist of
- (a) an amount of not more than 60 per cent of the moneys derived from the revenue generated by the duties charged on lotteries pursuant to section 3 of the *Betting and Gaming Duties Act*, Cap. 60;
  - (b) any moneys voted by Parliament for the Fund; and
  - (c) any other moneys or property given to, or otherwise acquired by, the Fund.

**Purposes of the Fund**

4. The purposes of the Fund are, in accordance with the prescribed criteria, to help finance
- (a) programmes and activities conducted by arts organisations and sporting organisations for the development of the arts and sport; and
  - (b) the practice of the arts and sport generally,
- in Barbados.

**Allocation of resources of the Fund**

- 4A. The Minister shall determine the allocation of the resources of the Fund.

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**Keeping, administration and management of the Fund**

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

(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 under subsection (3) shall as soon as possible be repaid to the Consolidated Fund out of the resources of the Arts and Sport Promotion Fund.

### **Establishment of the Arts and Sport Promotion Fund Committee**

**5A.(1)** There is established the Arts and Sport Promotion Fund Committee, which shall advise the Minister in respect of matters relating to the eligibility and selection of candidates to receive financing for programmes and activities related to the development of the arts and sport.

(2) The *Schedule* has effect with respect to the constitution of the Committee and otherwise in relation thereto.

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### **Accounts**

**6.(1)** The Accountant-General shall

- (a) keep proper accounts of the Fund, and proper records in relation to those accounts;
- (b) prepare a statement of the Fund's accounts in respect of each financial year; and
- (c) prepare a statement of the Fund's accounts in respect of each quarter.

(2) The Accountant-General shall send copies of each statement prepared by him under subsection (1)(b) to the Minister and the Auditor-General before the

end of the month of August next following the financial year to which the statement relates.

(3) The Accountant-General shall send copies of each statement prepared by him under subsection (1)(c) to the Minister and the Auditor-General not later than 21 days after the end of the quarter to which the statement relates.

### **Reports by Auditor-General**

7. The Auditor-General shall
- (a) examine, certify and prepare a report on each statement received by him under subsection (2) or (3) of section 6; and
  - (b) send a copy of each such report to the Minister.

### **Reports to Parliament**

8. The Minister shall, within 2 months after receiving a statement under subsection (2) or (3) of section 6, or a report under paragraph (b) of section 7, cause a copy to be laid before each House of Parliament.

### **Regulations**

- 9.(1) The Minister
- (a) shall make regulations prescribing the criteria mentioned in section 4; and
  - (b) subject to paragraph (a), may make regulations for carrying out or facilitating the purposes of this Act.
- (2) Regulations under paragraph (a) of subsection (1) are subject to affirmative resolution.

**SCHEDULE***(Section 5A)**Constitution, Procedure and Functions of the Arts and Sport Promotion Fund  
Committee***Composition of Committee**

1.(1) The Committee shall comprise the Permanent Secretary, Ministry responsible for Finance, who shall be the Chairman, and 6 other members, who shall be:

- (a) the Permanent Secretary, Ministry responsible for Culture;
- (b) the Permanent Secretary, Ministry responsible for Sports;
- (c) a representative of the National Cultural Foundation;
- (d) a representative of the National Sports Council;
- (e) a person engaged in the arts in Barbados; and
- (f) a person engaged in sport in Barbados.

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

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**Meetings**

2.(1) The Committee shall meet at least every 3 months and at such other times as may be necessary or expedient for the transaction of its business, and such meetings shall be held at such places and times and on such days as the Committee determines.

(2) The Chairman shall preside at all meetings of the Committee and, in the case of the absence of the Chairman, the members present and constituting a

quorum may elect a Chairman from among the members present, who shall preside at the meeting.

### **Quorum**

3. The quorum of the Committee at any meeting is the majority of the total membership of the Committee.

### **Decisions**

4. The decisions of the Committee are to be by a majority of votes and, in any case in which the voting is equal, the Chairman or other member presiding at the meeting has, in addition to an original vote, a second or casting vote.

### **Minutes**

5. Minutes of each meeting are to be kept by a Secretary or other person appointed by the Committee for that purpose, and are to be confirmed by the Committee at its next meeting and signed by the Chairman or other person presiding at that meeting.

### **Attendance of persons at meetings**

6.(1) The Chairman may invite any person to attend a meeting of the Committee where the Committee considers it necessary to do so.

(2) A person referred to in paragraph (1) may take part in the deliberations of the Committee but shall not vote on any matter.

### **Procedure**

7. Subject to the provisions of this *Schedule*, the Committee may regulate its own procedure.

[2005-29; 2008-9]