

Fourth Session Fifth Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 19 of 1999

[L.S.]

AN ACT to establish the Trinidad and Tobago National
Steel Orchestra and for matters incidental thereto

[Assented to 23rd August, 1999]

WHEREAS the Government of the Republic of Trinidad ^{Preamble}
and Tobago is committed to developing and promoting
the culture of Trinidad and Tobago:

And whereas the Government believes that every effort should be made to promote the recognition of the steel pan as the national instrument of Trinidad and Tobago:

And whereas to give effect to the foregoing the Government has undertaken to establish a National Steel Orchestra the activities of which shall be national, regional and international, with the intention of enabling the steel orchestra to take its place alongside renowned orchestras of the world:

Enactment ENACTED by the Parliament of Trinidad and Tobago as follows:—

PART I

PRELIMINARY

Short title 1. This Act may be cited as the Trinidad and Tobago National Steel Orchestra Act, 1999.

Commencement 2. This Act comes into operation on such day as is fixed by the President by Proclamation.

Interpretation 3. In this Act—

“Board” means the Trinidad and Tobago National Steel Orchestra Board established under section 4;

“Chairman” means the Chairman of the Board;

“Minister” means the Minister to whom responsibility for culture is assigned;

“Orchestra” means the Trinidad and Tobago National Steel Orchestra established by section 21;

“Secretary” means the Secretary appointed under section 10(2).

PART II

THE BOARD OF MANAGEMENT

4. There is hereby established for the purposes set forth in this Act, a body corporate to be known as the Trinidad and Tobago National Steel Orchestra Board. Board established and incorporated

5. (1) The Board shall be comprised of seven members appointed by the President as follows: Constitution and appointment of the Board

- (a) two persons nominated by Pan Trinbago;
- (b) four others who have displayed an empathy for indigenous music and possess professional qualifications or at least three years knowledge and experience in the following:
 - (i) music arts;
 - (ii) the international music business;
 - (iii) the history and development of the steel band; and
 - (iv) the commercial or marketing aspects of culture and carnival;
- (c) a representative from the Ministry with responsibility for culture; and
- (d) the musical director or conductor who shall be an *ex officio* member of the Board.

(2) Subject to the provisions of subsections (3) and (4), the members of the Board shall hold office for a period of three years and are eligible for re-appointment.

(3) The President may terminate the appointment of a member of the Board where that member—

- (a) is guilty of misconduct or is unable by reason of physical or mental incapacity to perform his duties;

(b) becomes bankrupt or compounds with his creditors; or

(c) being, the member nominated by Pan Trinbago has been requested in writing by Pan Trinbago to resign.

(4) A member may resign from his office by instrument in writing addressed to the President and forwarded through the Minister.

(5) A member of the Board shall be deemed to have vacated his office if without leave of absence from the Board, he fails to attend three consecutive statutory meetings of the Board or without leave of absence from the Board fails to attend a minimum of eight statutory meetings of the Board in any year.

(6) The appointment of any person as a member and the termination of appointment of any person as a member whether by death, resignation or otherwise shall be published in the *Gazette*.

(7) If any member of the Board is temporarily prevented by illness or other cause from exercising his functions as a member of the Board, the President may appoint some other person to act in his stead for the period of such illness or incapacity.

(8) An appointment of a person as a member to fill the vacancy occurring under subsections (3) and (4) shall be for the unexpired portion of the term of the member to whose office he has been appointed.

Remuneration of the
members of the
Board

6. The members of the Board may be paid such remuneration and allowances in respect of their offices as the President may determine.

7. The Board may appoint on such terms and conditions as it thinks fit and subject to such maximum limit of remuneration as the Minister may determine, staff and employees as it considers necessary—

Appointment of staff
and employees

- (a) for the due and efficient exercise and performance of its functions under this Act; and
- (b) for the efficient functioning of the Orchestra.

8. The functions of the Board shall be to—

Functions of the
Board

- (a) appoint members of the Orchestra in accordance with section 22;
- (b) administer the operations of the Orchestra;
- (c) ensure training of the members of the Orchestra, in music, literacy, diplomacy, public speaking, self presentation and history and development of Trinidad and Tobago;
- (d) give effect to the objects of the Orchestra as specified in section 23; and
- (e) perform such other functions that may be required to achieve the objects of the Orchestra.

9. (1) The seal of the Board shall be kept in the custody of the Secretary.

Custody of and use of
seal

(2) The seal of the Board shall be attested by the signature of the Chairman or a member of the Board duly authorised by the Board to act in that behalf and the Secretary.

(3) All documents, other than those required by any written law to be under seal, made by, and all decisions of the Board may be signified under the hand

of the Chairman or a member duly authorised or the Secretary or the Manager if so authorised by the Board.

Appointment of the
Chairman and the
Secretary

10. (1) There shall be a Chairman of the Board who shall be appointed by the President for a period of three years.

(2) The Board shall elect at its first meeting in every term from among its members, a Secretary for a period of three years.

(3) The Chairman may at any time resign as Chairman by instrument in writing addressed to the President.

Procedure and
meetings of the
Board

11. (1) The Board shall meet at least once a month and at such other times as may be necessary or expedient for the transaction of business and such meetings shall be held at such place and time and on such days as the Board may determine.

(2) The Chairman may at any time call a special meeting, and shall call a special meeting within seven days of receipt of a requisition for that purpose addressed to him by any three members.

(3) The Chairman shall preside at all meetings.

(4) Where the Chairman is absent, the Board shall appoint a Chairman from amongst its members present to preside at that meeting.

(5) Four members of the Board shall constitute a quorum.

(6) The Board shall be deemed to be properly constituted for all purposes notwithstanding any vacancy in its membership or any defect in the appointment of its members.

(7) The Chairman shall have an original vote and in any case in which the voting is equal, the Chairman shall have a casting vote.

(8) Minutes of the meeting shall be kept by the Secretary in proper form and shall be confirmed by the Chairman or the Chairman presiding at the subsequent meeting.

(9) Certified copies of the minutes when so confirmed shall be forwarded to the Minister.

(10) The Board may co-opt any one or more persons to attend any particular meeting of the Board for the purpose of assisting or advising the Board, but no such co-opted person shall have the right to vote.

(11) Subject to this section the Board may regulate its own proceedings.

12. In the exercise and performance of its functions, powers and duties under this Act or any other written law the Board shall act in accordance with any special or general direction given to it by the Minister. Direction as to policy

PART III

FINANCE

13. (1) There is established by this section, a Steel The Fund Orchestra Fund hereinafter called "the Fund".

(2) The Fund shall comprise—

- (a) such sums of money as are appropriated to the Fund by Parliament;
- (b) funds provided from such sources as the Minister responsible for Finance may approve;
- (c) such sums of money arising from grants, covenants or donations;
- (d) revenue from performances;
- (e) receipts from royalties;
- (f) loans raised by the Board; and
- (g) any other monies.

Application of the
Fund

14. (1) The money in the Fund shall be applied in defraying the following expenditure:

- (a) acquisition of material or other property real and personal, in accordance with the functions of the Orchestra;
- (b) the remuneration of the members of the Board;
- (c) principal and interest on any loan; and
- (d) any other expenditure or obligation related to the functions of the Board or Orchestra authorised by the Board and properly chargeable to revenue.

(2) The Board may create reserve funds out of which money may be expended for the establishment of academic, technical or vocational grants or for such other charitable or benevolent purposes as may, in the opinion of the Board be beneficial to or for the enhancement of the welfare of the members of the Orchestra and other worthy persons contributing to the Orchestra and for the financing of projects for future expansion.

(3) Where the Board has expended money under subsection (2), it shall list the names of the recipients and the amount of money given to each recipient together with a brief explanation of the reason for the expenditure in a Schedule to the annual financial statement referred to in section 16.

(4) The monies of the fund that are not immediately required to be expended in the meeting of any obligation or the discharge of any function of the Orchestra may be invested from time to time in securities approved by the Minister with responsibility for Finance for investment by the Board.

15. (1) The Board shall keep proper accounts and records of the transactions and affairs of the Orchestra and shall do all things necessary to ensure that all payments out of the moneys of the Fund are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Orchestra and the incurring of liability by the Orchestra. Accounts and Audit

(2) The Board shall submit a financial statement in respect of each financial year to the Minister no later than three months after the close of the financial year.

(3) The accounts of the Board shall be audited annually by the Auditor General or by an auditor authorised by him for such purpose.

(4) The Board shall forward to the Minister a copy of the audited statement of accounts together with any report thereon made by the Auditor General not later than one month after the receipt thereof and the Minister shall ensure that the audited statement of accounts and report are laid in Parliament within one month thereafter, or if Parliament is not in session within one month after the commencement of the next sitting.

(5) In addition to the annual audit, the Auditor General may, at any time audit the accounts and examine the records of financial transactions of the Board and shall forthwith draw to the attention of the Chairman and Minister any irregularities disclosed by such audit and examination, which, in the opinion of the Auditor General, are of sufficient importance to be so reported.

(6) The Board, with the approval of the Minister with responsibility for Finance, may write-off bad debts.

Annual Report

16. (1) The Board shall, within three months of the end of each financial year submit to the Minister an Annual Report dealing with the activities of the Orchestra during the previous year together with the financial statements and such other information relating to the operations as the Minister may require.

(2) The Minister shall cause a copy of the report submitted under subsection (1) to be laid before Parliament, within twenty-eight days of its receipt by him, or if Parliament is not in sitting, within twenty-eight days after commencement of its next sitting.

Power to own property

17. (1) The Board shall have the power to own real and personal property.

(2) The Board shall be responsible for the management and control of the property referred to in subsection (1) and for the assets of the Orchestra.

Board to prepare budget

18. (1) The Board shall prepare a budget in such form as the Minister with responsibility for Finance may direct, for each financial year and shall submit estimates so prepared not later than four months prior to the beginning of the financial year.

(2) Before the start of the financial year, the Minister with responsibility for Finance shall cause the budget and statement referred to in subsection (1) to be laid before Parliament and if Parliament is not then in session, within twenty-eight days of the commencement of its next session.

Power to borrow
Chap. 69:01

19. (1) The Board may, with the approval and direction of the Minister with responsibility for Finance, borrow money for the purpose of meeting any of its obligations or discharging any of its functions.

(2) Approval of the Minister with responsibility for Finance may be general or limited to a particular

transaction and may be either unconditional or subject to such conditions as he thinks fit.

(3) Where the Minister with responsibility for Finance is satisfied that there has been a default in the repayment of any principal or interest guaranteed under this section, he shall direct the repayment out of the general assets and public funds of Trinidad and Tobago of the amount in respect of which there has been such default.

(4) The Board is a statutory authority for the purposes of the Guarantee of Loans (Statutory Authority) Act.

Chap. 71:81

20. The financial year of the Board shall be the twelve-month period ending on the 30th of September in any year.

Financial Year

PART IV

ESTABLISHMENT OF THE ORCHESTRA

21. There is established an Orchestra to be known as the Trinidad and Tobago National Steel Orchestra.

Establishment of the Orchestra

22. (1) The composition of the Orchestra and the qualifications and selection criteria for the various positions on the Orchestra shall be determined by the Board subject to the approval of the Minister.

Compensation of the Orchestra

(2) The terms and conditions of appointment of the members of the Orchestra shall be determined by the Board subject to the approval of the Minister.

23. (1) It shall be the responsibility of the Orchestra to maintain a varied repertoire.

Responsibility and functions of the Orchestra

(2) The functions of the Orchestra shall be to perform and entertain at—

(a) local seminars and conferences which have international participation;

- (b) national celebrations and State functions as well as regional and international concerts;
- (c) overseas events at which the country is to be officially represented; and
- (d) any other functions as may be determined by the Board.

Remuneration
members of the
Orchestra

24. The members of the Orchestra shall be paid such remuneration and allowances as may be approved by the Minister on the recommendation of the Board.

PART V

MISCELLANEOUS

Regulations

25. (1) The Minister may make such regulations as may be necessary for carrying into effect the provisions of this Act.

(2) The Board may with the approval of the Minister responsible for Finance make regulations for controlling the financial operations of the Orchestra.

Passed in the Senate this 6th day of April, 1999.

N. COX

Clerk of the Senate

Passed in the House of Representatives this 26th day of July, 1999.

J. SAMPSON-JACENT

Clerk of the House

House of Representatives amendments agreed to by the Senate this 3rd day of August, 1999.

N. COX

Clerk of the Senate