

THE NATIONAL MUSEUM AND ART GALLERY ACT, 2000

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**Fifth Session Fifth Parliament Republic of Trinidad
and Tobago**



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 5 of 2000

[L.S.]

AN ACT for the purpose of establishing the National
Museum and Art Gallery and for matters
incidental thereto.

[Assented to 8th March, 2000]

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

PART I

PRELIMINARY

Short title	1. This Act may be cited as the National Museum and Art Gallery Act, 2000.
Interpretation	2. In this Act—
	“Board” means the Board of the Museum established by section 3;
	“Chairman” means the Chairman of the Board;
Chap. 24:01	“Commission” means the Statutory Authorities’ Service Commission established by section 4 of the Statutory Authorities Act;
	“Director” means the Director of the National Museum and Art Gallery appointed in accordance with section 17;
	“Fund” means the National Museum and Art Gallery Fund established by section 24;
	“historical and cultural material” means material in whatever form, pertaining to the historical, geological, biological, cultural or artistic heritage of Trinidad and Tobago;
	“Minister” means the Minister to whom the responsibility for heritage preservation is assigned;
	“national collection” means the national collection of historical and cultural material, that is in the sole ownership of the Museum; and
	“natural environment” includes all aspects of the surroundings of man, whether on or under land, sea, or air in Trinidad and Tobago.

PART II

ESTABLISHMENT, FUNCTIONS AND POWERS OF THE
NATIONAL MUSEUM AND ART GALLERY

3. (1) There is hereby established a body corporate,^{Establishment of Museum} to be called the National Museum and Art Gallery, hereinafter referred to as “the Museum”.

(2) The Museum shall have a seal which shall be authenticated and used in the manner determined by the Board, and shall be kept in the custody of the Chairman, Deputy Chairman or the Secretary.

(3) The seal of the Board shall be attested by the signature of the Chairman or in his absence the Deputy Chairman and the Secretary.

(4) All documents, other than those required by law to be under seal, and all decisions of the Museum shall be signified under the hand of the Chairman or the Deputy Chairman.

(5) Service upon the Museum of any Notice, Order or other document shall be effected by delivery of the same, or by sending it by registered post addressed to the Secretary of the Board.

4. (1) There shall be a Board of the Museum^{Membership of the Museum} (hereinafter called “the Board”) which shall consist of the following members:

- (a) a Chairman;
- (b) the Director who shall be an *ex officio* member; and
- (c) seven other members, one of whom shall be the Deputy Chairman.

(2) Members other than the Director shall be selected as follows:

- (a) one person, with technical or scholarly expertise relevant to the collection and

interpretation of historical and cultural material;

- (b) a person of standing in the business community;
- (c) an attorney-at-law with at least five years experience in public law;
- (d) a person with qualifications or adequate knowledge in natural history;
- (e) two persons with particular experience in the field of visual arts; and
- (f) two persons each having qualifications or experience relating to the functions, operations and management of Museums and analogous institutions.

(3) The President may appoint—

- (a) the Chairman of the Board;
- (b) the Deputy Chairman; and
- (c) all other members,

by instrument in writing for a period not exceeding three years, and on such other terms and conditions as the President sees fit.

(4) A member, upon expiration of his term of office, is eligible for reappointment.

(5) When a member other than the Director is unable at any time to perform the duties of his office by reason of absence or temporary incapacity, the President may appoint a temporary member upon such terms and conditions as he sees fit.

(6) The Minister shall publish the names of the Chairman and other members by Notice in the *Gazette*.

5. The Board may appoint a suitably qualified person to be the Secretary on such terms and conditions as it thinks fit.

6. The President may terminate the appointment of a member other than the Director where that member— Termination of appointment of member

- (a) is guilty of misconduct or is unable by reason of physical or mental incapacity to perform his duties;
- (b) becomes bankrupt, or applies to take the benefit of any law for the relief of bankruptcy or insolvent debtors, or compounds with creditors or makes assignment of remuneration for their benefit;
- (c) is absent, except on leave granted by the Board in accordance with section 8(1), from three consecutive meetings otherwise than on the business of the Board undertaken with its approval; and
- (d) contravenes section 11 without reasonable excuse.

7. A member other than the Director may resign his office in writing, signed by him and delivered to the President. Resignation

8. The Board shall, in accordance with guidelines approved by the Minister, grant to a member other than the Director leave of absence from a meeting of the Board. Leave of absence to members

9. (1) The Board shall meet at least once per month, and the Chairman shall preside at all meetings of the Board, and in his absence the Deputy Chairman shall so preside. Meetings of the Board

(2) The Chairman shall—

- (a) convene such meetings of the Board as are necessary; and
- (b) on receipt of a written request signed by no fewer than four members, convene a meeting of the Board.

(3) A quorum of the Board shall consist of five members.

(4) Where, by reason of section 11(2)(a), a member is not present at a meeting of the Board during its deliberations with respect to a matter, but there would be a quorum if that member were present, the remaining members present shall constitute a quorum for the purpose of any deliberation or decision of the Board, at the meeting with respect to that matter.

(5) All questions arising at a meeting of the Board, shall be decided by a majority of the votes of the members present and voting, including the member presiding.

(6) In the event of an equality of votes on any decision before the Board, the member presiding has a casting vote.

(7) Minutes of meetings of the Board shall be taken in proper form and kept by the Secretary and shall be confirmed by the Board at the next following meeting.

(8) The Board may by resolution regulate the conduct of its proceedings.

Quarterly reports

10. The Chairman shall submit to the Minister quarterly reports on the operation of the museum, for the periods ending on the last day of the months of March, June, September and December of each year.

Disclosure of
interests by
members

11. (1) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Board, shall, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Board.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the meeting of the Board and the member shall not—

- (a) be present during any deliberation of the Board with respect to that matter; or
- (b) take part in any decision of the Board with respect to that matter.

12. (1) The functions of the Board shall be to—

Functions of the Board

- (a) operate a National Museum and Art Gallery in accordance with this Act;
- (b) establish a National Collections Policy and all other policies required for the facilitation of the operations of the Museum;
- (c) conduct, arrange for, or assist in research of, or in relation to, historical and cultural material relevant to the national collection;
- (d) collect and disseminate information relating to the national collection, and to the museum and its functions in Trinidad and Tobago and abroad; and
- (e) exhibit in Trinidad and Tobago historical and cultural material from abroad and exhibit abroad, historical and cultural material from Trinidad and Tobago.

(2) The Board shall make Regulations for the manner in which the functions listed under subsection (1) are to be performed.

13. (1) Subject to this Act, the Board has power to do all things that are necessary to enable it to perform its functions.

Powers of the Board

(2) Without limiting the generality of subsection (1), the powers of the Board shall include the power to—

- (a) acquire or accept historical and cultural material, on loan or as a gift;
- (b) lend or hire out, or otherwise deal with historical and cultural material;
- (c) dispose of historical and cultural material in accordance with any guidance given or Regulations made under this Act;
- (d) accept devises, bequests or assignments of historical and cultural material, whether on trust or otherwise, and whether subject to a condition or not;
- (e) subject to any other written law, make available by sale or otherwise, reproductions, replicas or other representations of the national collection whether in writing or in any other form;
- (f) collect and make available, information on the museum, its functions and on the national collection;
- (g) erect buildings and structures and carry out related works;
- (h) purchase or take on hire, or accept as a gift or loan, and dispose of or otherwise deal with furnishing, equipment and other goods;
- (i) raise money for any of its purposes having regard to the proper performance of the functions of the Museum;
- (j) act on behalf of the Government of the Republic of Trinidad and Tobago or of an Authority of Trinidad and Tobago in the administration of a trust relating to historical and cultural material;

- (k) insure the national collection;
- (l) collect revenue by way of fees for the viewing of the national collection, as well as for any other cultural, historical or other activity that may be undertaken by it, within the purposes of the museum; and
- (m) operate any business which may further the purposes of the Museum, or enhance its image.

(3) Notwithstanding anything contained in this Act, any money or other property held by the Museum in accordance with a Deed of Trust, or accepted subject to a condition, shall not be dealt with except in accordance with the obligations under the said Deed of Trust, or in accordance with the conditions imposed in the Deed of Trust as the case may be.

(4) The placement, use, hire, lease or loan of the national collection shall be in accordance with the collection policy referred to in section 12(1)(b).

(5) All acts and things done in the name of, or on behalf of, the Board by the members shall be deemed to have been done by the Board.

14. In furtherance of section 13(2)(a) the Museum may request any historical or cultural material in the ownership of the State, and such material may be transferred to the Museum with the approval of the Cabinet.

15. (1) Subject to subsection (2), where the Board is satisfied that historical and cultural material in the national collection—

- (a) is unfit for such a collection; or
- (b) is no longer required as part of such collection,

the Board may by resolution, determine in accordance with the Regulations referred to under section 12(2), that the material be removed from the national collection, and that it may be disposed of by way of sale, gift, exchange or destruction.

(2) The Board shall not grant approval for the sale or other disposal of material in the national collection except in accordance with the regulations made under this Act.

(3) No item shall be acquired for the national collection or where acquired no item shall be sold or otherwise disposed of without the approval of the Board.

Policy guidelines
from the Minister

16. The Minister may from time to time give to the Board directions of a special or general character in the exercise of the powers conferred and the duties imposed on the Board by or under this Act.

PART III

STAFF AND ADVISORS OF MUSEUM

Appointments
and contracts

- 17.** (1) The Board may—
- (a) subject to the approval of the Minister, create such positions as are required for its operations and determine terms, conditions and qualifications attached to these positions;
 - (b) contract from time to time persons having suitable qualifications and experience as consultants to assist in matter relating to the national collection, or other functions of the Museum, on such terms and conditions as are approved by the Minister; and
 - (c) contract such security personnel as may be required for the protection of the property of the Museum.

18. (1) The Director shall be responsible for— Duties of Director

- (a) management of the affairs of the Museum subject to the directions of, and in accordance with policies determined by the Board; and
- (b) advising on all technical matters relating to the Museum.

(2) All acts and things done in the name of, or on behalf of, the Museum, by the Director in accordance with subsection (1), shall be deemed to have been done by the Museum.

(3) The Director shall not engage in paid employment outside the duties of the office of Director except with the approval of the Board and shall give written notice to the Board of all direct or indirect pecuniary interests that he has or acquires in any business, or in any body corporate carrying on any business.

19. (1) A public officer who was assigned to the Staff of Museum Royal Victoria Institute by the the Ministry with responsibility for culture shall, on the coming into force of this Act, retain his status with the Institute may within two years of the coming into force of this Act—

- (a) opt to become a member of staff of the Museum on such terms and conditions as are no less favourable than those enjoyed by him in the Public Service;
- (b) opt to be absorbed in the Public Service in a position that is the equivalent to the position held at the Institute; or
- (c) opt to retire under the Pensions Act. Chap. 23:52

(2) A public officer who exercises an option to become a member of staff of the Museum shall have all

rights to any type of leave that had accrued to him at the time of the exercise of the option and all accrued pension rights shall be preserved and shall continue to accrue and to be paid under the Pensions Extension Act.

Chap. 23:53

(3) All persons who are employed under a contract of service with the Royal Victoria Institute shall, on the coming into force of this Act, be in the employment of the Museum on the same terms and conditions as provided for in their contract of employment and in any such contract, the expression "Royal Victoria Institute" or "Institute" shall be read and construed as being the expression "Museum".

Training of staff for
the Museum

20. The Board shall undertake to provide training for members of the administrative, clerical or manipulative staff, in accordance with policies laid down by the Board on such terms and conditions as are approved by it.

Transfer of officers

21. (1) An officer in the Public Service or in a Statutory Authority may with approval of the appropriate Service Commission or such Statutory Authority, consent to be appointed on transfer to the service of the Museum upon such terms and conditions as are acceptable to him or the representative trade union and the Museum.

(2) The officer shall, upon transfer, have preserved his superannuation and pension rights accruing at the time of transfer, in accordance with section 19.

(3) Subsections (1) and (2) apply to transfers of the employees of the Museum to the Public Service or to another Statutory Authority as they do, to transfers of officers from the Public Service or a Statutory Authority to the Museum.

22. (1) An officer in the Public Service or in another Statutory Authority may, with the consent of the Museum and with the approval of the appropriate Service Commission or Statutory Authority, consent to be seconded to the service of the Museum of its obligations or discharging any of its functions.

Secondment of officers

(2) Where secondment is effected, the Museum shall make such arrangements as may be necessary to preserve the rights of the officer seconded to any pension, gratuity or other allowance for which he would have been eligible had he not been seconded.

23. (1) The Museum shall provide for the establishment and maintenance of a pension scheme or arrange for membership in a scheme for its employees upon terms to be agreed upon between the Museum and the relevant representative association or trade union.

Pension rights and scheme

(2) Without prejudice to subsection (1) the Museum may, under a pension scheme—

- (a) establish contributory superannuation schemes and establish and contribute to superannuation funds for the benefits of its employees;
- (b) grant gratuities, pensions or superannuation allowances to the surviving spouse, families or dependents of its employees;
- (c) enter into and carry into effect arrangements with any insurance company or other association or company for securing for any employee, or surviving spouse or dependent, such gratuities, pensions or allowances as are authorised by this section; and
- (d) give donations or subscriptions to charitable institutions, benevolent fund and other objects calculated to benefit its employees.

PART IV

FINANCE

National Museum
and Art Gallery
Fund

24. (1) There shall be established under this section the National Museum and Art Gallery Fund, (hereafter called “the Fund”).

(2) The revenue of the Fund shall be—

- (a) money appropriated to the Museum by Parliament;
- (b) such money as is received by, or is owed to, the Museum in respect of its operations;
- (c) such money as is borrowed from time to time for the purpose of meeting any of its obligations or discharging any of its functions;
- (d) monetary gifts, donations, devises and bequests; and
- (e) such money as it may collect, by way of fees and other revenue earning activities authorised under this Act.

Application of Fund

25. (1) The Fund for any financial year shall be applied in defraying the following expenses:

- (a) acquisition and care of historical and cultural material for the national collection;
- (b) the remuneration, fees and allowances of members of the Board or of any committee of the Museum, as required;
- (c) the salaries, fees, remuneration and gratuities of its officers, agents and servants, and technical and other advisers, where appropriate;
- (d) maintenance, upgrading and protection of the property belonging to the Museum;

- (e) attendance of members of the Board or the appropriate members of staff at conferences, seminars, training programmes that may benefit museum operations; and
- (f) any other expenditure authorised by the Board and properly chargeable to the revenue account.

(2) The accounts of the Museum shall be maintained in accordance with the generally accepted accounting principles.

(3) Notwithstanding the Exchequer and Audit Act, the balance of the Fund shall be applied annually Chap. 69:01 to the creation of a reserve fund to finance future expansion or, where there is already a sufficient reserve fund, on the direction of the Minister of Finance, the said balance, shall be paid into the Consolidated Fund.

26. Any portion of the Fund not immediately Authorised Investments required to be spent on the meeting of any obligations or the discharge of any functions of the Museum, may be invested from time to time in securities approved by the Minister of Finance.

27. The Board shall prescribe Financial Rules made by the Museum Financial Rules for the proper control of the system of accounting and the financial management of the Museum including—

- (a) provision for an adequate system of internal auditing;
- (b) the appointment of an officer of the Museum to sign or countersign, cheques on behalf of the Museum;
- (c) the method to be adopted in making payments out of the funds of the Museum;

- (d) the sum authorized by the Board, to be the Petty Cash Imprest to meet petty disbursements and immediate payments, and the maximum sum that may be so disbursed for any one payment; and
- (e) all matters necessary for the proper keeping and control of the finances of the Museum.

Bank account

28. The Museum may open and maintain accounts, in accordance with the Exchequer and Audit Act, with a bank approved for that purpose by the Minister of Finance and shall maintain at all times at least one such account.

Cash deposits and payments

29. (1) The monies accruing to the Fund shall be paid into a bank account referred to in section 28, except such sums as may be authorized by the Board to be retained in the hands of an officer authorized by the members to use petty cash for immediate disbursements.

(2) All payments out of the Fund except petty cash disbursements not exceeding such sums to be fixed by the Rules, shall be made by an officer authorized by the Museum.

Proper accounts in respect of financial year

30. (1) The Board shall cause proper accounts and financial records to be kept for the Museum, and shall do everything that is necessary to ensure that all payments out of the Fund are correctly made and properly authorized, and that adequate control is maintained over the expenditure from the Fund.

(2) The financial year of the Museum is 1st October of one year to 30th September of the year next following.

(3) 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 Museum during the financial year together with financial statements and such other information relating to the operations and functions of the Museum.

(4) The Minister shall cause a copy of the report and the financial statements and such other information submitted under subsection (3) to be laid before Parliament within eight days of its receipt by him.

31. The accounts of the Museum shall be audited by the Auditor General or by a qualified auditor appointed by the Auditor General. Audit of Accounts

32. The Board may, subject to the approval and direction of the Minister and the Minister of Finance, borrow sums of money for the purpose of meeting any of its obligations or discharging any of its functions. Power to Borrow

33. The Museum is a Statutory Authority for the purposes of the Guarantee of Loans (Statutory Authorities) Act. Guarantee of Borrowings of Museum Chap. 71:81

34. (1) The Museum shall be exempt from— Exemption from taxes and duties

- (a) stamp duty and other fees in respect of any instrument conveying or transferring any land or estate or interest therein to the Museum;
- (b) rates and taxes in respect of any land or buildings owned or administered by it and from value added tax or rents arising therefrom; and
- (c) customs duties, stamp duties and value added tax on goods imported for its official use.

PART V

MISCELLANEOUS

Reports

- 35.** (1) The Board shall furnish to the Minister—
- (a) a report of its operations during each year ending 31st December or as soon as possible thereafter; and
 - (b) such reports relating to its operations as the Minister requires.
- (2) The Minister, within two months of receipt of a report under subsection (2), shall cause such report to be laid before each House of Parliament.

Regulations

- 36.** (1) The Board may with the approval of the Minister make regulations in respect of the exercise of its powers under section 13.
- (2) Notwithstanding the generality of subsection (1), the Board may also make Regulations for—
- (a) regulation of the entry of persons onto or into any relevant place, or any part of any relevant place, and regulating the conduct of persons on or in any relevant place, or any part of any relevant place, including making provisions for and in relation to the removal of persons from any relevant place, or any part of any relevant place;
 - (b) fees for entering any relevant place, including charges or additional charges that relate to special exhibitions or other special events;
 - (c) anything necessary or convenient for carrying out or giving effect to this Act;
 - (d) restricting or regulating the making, using, printing, publishing, exhibiting, selling or offering for sale of replicas,

photographs, representations or copies of material in the ownership or possession of the Museum; and

(e) prescribing penalties for offences against the Act.

(3) In subsection (2)(a), “relevant place” means an area of land or water or a building, structure or vessel, as the case may be, that is owned by, or is under the control of the Museum.

37. Nothing in this Act affects the operation of any law relating to copyright, or the preservation and use of archival resources, or to the rights of members of the public to access to official documents of the Government of the Republic of Trinidad and Tobago. Operation of certain other laws not affected

38. (1) The Royal Victoria Institute Act is hereby repealed. Repeal of Act and Transitional Chap. 40:52

(2) The members of the Board established by the Royal Victoria Institute Act, and operating immediately prior to its repeal shall be deemed at the commencement of this Act, to be the members of the Board of Management of the Museum under this Act, with all the powers, duties and responsibilities prescribed for the Board under this Act, until the appointment of members of the Museum under section 4.

(3) All debts, liabilities, legal obligations, actions or proceedings owed to, incurred by or pending with the Board established by the Royal Victoria Institute Act, shall continue as though the Act had not been repealed and shall be deemed to have been incurred by or owed to the Museum, or pending with the Museum, as the case may be, as though the Museum has been the body established under that Act.

Vesting of property

39. All rights, title or custody to property, real or personal, that was vested or was deemed to be vested in the Board established by the Royal Victoria Institute Act shall, at the commencement of this Act, vest in the Museum.

Passed in the Senate this 8th day of December, 1999.

N. COX
Clerk of the Senate

Passed in the House of Representatives this 4th day of February, 2000.

J. SAMPSON-JACENT
Clerk of the House