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ST CHRISTOPHER AND NEVIS

CHAPTER 23.16

NATIONAL CARNIVAL COMMITTEE ACT

and Subsidiary Legislation

Revised Edition

showing the law as at 31 December 2002

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This edition contains a consolidation of the following laws:

National Carnival Committee Act

Act 20 of 1971 in force 18th November, 1971

Amended by Act 28 of 1971

Act 9 of 1986

Act 6 of 2000

CHAPTER 23.16

NATIONAL CARNIVAL COMMITTEE ACT

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CHAPTER 23.16

NATIONAL CARNIVAL COMMITTEE ACT

AN ACT to provide for the constitution and functions of a committee to encourage carnival and stimulate its development in the State; and to provide for related or incidental matters.

1. **Short title.**

This Act may be cited as the National Carnival Committee Act.

2. **Interpretation.**

In this Act, unless the context otherwise requires,

“Carnival period” means any period designated as such by the Cabinet;

“chairperson” means the chairperson of the Committee and includes any person for the time being performing the functions of Chairperson;

“Committee” means the National Carnival Committee established by section 3 of this Act;

“deputy chairperson” means the deputy chairperson of the Committee and includes any person for the time being performing the functions of the deputy chairperson;

“financial year” means such period of twelve months as the Committee with the approval of the Minister may determine to be its financial year, so, however, that the first financial year shall be the period commencing with the commencement of this Act and ending with such day as may be fixed by the Committee with the approval of the Minister;

“functions” includes duties and powers;

“member” means a member of the Committee;

“Minister” means the Minister responsible for Culture.

[Amended by Act 6/2000]

3. **Establishment of Committee.**

(1) There shall be established for the purposes of this Act a body to be called the National Carnival Committee.

(2) The provisions of the First Schedule shall have effect as to the constitution of the Committee and otherwise in relation thereto.

4. **Functions of the Committee.**

(1) It shall be the duty of the Committee to encourage the festival known as Carnival throughout the State each year and to stimulate its development by means of

competitions, exhibitions, pageants, parades, displays and such other activities as the Committee may from time to time determine.

(2) Subject to the provisions of this Act, the Committee shall have power, for the purpose of discharging its functions under this Act, to do anything and to enter into any transaction which, in the opinion of the Committee, is necessary to ensure the proper performance of its functions.

5. Funds of the Committee.

The funds of the Committee shall consist of such moneys as may from time to time be placed at its disposal for the purposes of this Act by the National Assembly and such other moneys as may lawfully be paid to the Committee.

6. Accounts and Audit.

(1) The Committee shall keep proper accounts and other records in relation to the business of the Committee and shall prepare annually a statement of accounts in a form which shall conform with the best commercial standards and also satisfactory to the Minister.

(2) The Accounts of the Committee shall be audited by an auditor appointed annually by the Committee and approved by the Minister.

(3) Within three months after the expiration of each financial year or within such further time as may be allowed by the Minister, the Committee shall send the statement of its accounts referred to in subsection (1) to the Minister, together with a copy of any report made by the auditor on that statement and on the accounts of the Committee.

(4) The Director of Audit shall be entitled, on the direction of the Minister, at all reasonable times, to examine the accounts and other records in relation to the business of the Committee.

7. Annual report.

(1) The Committee shall, within three months after the expiration of each financial year or within such further time as may be allowed by the Minister, cause to be made and transmitted to the Minister a report dealing generally with the activities of the Committee during the financial year.

(2) The Minister shall cause a copy of the report together with the annual statement of accounts and the auditor's report thereon to be laid on the table of the National Assembly.

8. Carnival Site.

(1) Notwithstanding anything contained in any other enactment the Cabinet may direct that the Committee may enclose any lands forming part of any public park as defined in the Public Parks Regulation Act, Cap. 23.24 or any lands being or forming part of Government lands vested in the Governor-General in accordance with the Government Lands Regulation Act, Cap.10.06 for the purpose of providing a temporary Carnival Site as part of a Carnival and may authorise the Committee or any person authorised by the Committee

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- (a) to take possession of and hold any of the lands so enclosed free from the right of the public to use the said lands as part of a public park; and
- (b) in any part of any such lands not so enclosed to execute such work as the Minister may in writing approve as being ancillary to and expedient for the purposes of a Carnival;

during such period and subject to such provisions as to reinstatement as are hereinafter provided.

(2) Any authorisation given under the foregoing subsection shall be subject to such terms and conditions (including terms as to payment by the Committee for possession of the lands) as may be agreed between the Minister and the Committee.

9. Reinstatement.

(1) The Committee shall, as soon as may be after the last day of any carnival do such things as are necessary to reinstate to the satisfaction of the Minister the sites of any public parks or Government lands used by the Committee for such Carnival and of any works authorised under paragraph (b) of subsection (1) of section 8 of this Act.

(2) If and in so far as the Committee fail within a reasonable time to comply with their obligations under subsection (1) of this section, it shall be the duty of the Minister to reinstate the sites in question as appears to him or her requisite, and any expenditure reasonably incurred by the Minister under this subsection shall be recoverable from the Committee.

(3) Nothing in section 8 of this Act shall authorise the enclosure of any public park or Government lands referred to in subsection (1) of that section, or the holding thereof by the Committee or any other person, after the expiration of such period from the last day of a carnival as the Minister of Health may, by Order, allow to give time for the necessary reinstatement of the lands forming part of any public park or Government lands as required by the foregoing provisions of this section:

Provided that the period allowed by the Order under this subsection may be from time to time extended by a further Order thereunder.

(4) In this section, "Minister" means the Minister responsible for public parks.

10. Authorisation of works.

The execution of works and the carrying on of any activity for the purposes of a Carnival and the execution of any works authorised or required by any other provision of this Act, if executed or carried on by the Minister or the Committee or any person authorised on that behalf by either of them, shall be deemed to be authorised by this Act notwithstanding that it would otherwise be actionable on the ground of nuisance.

11. Special provisions as to Carnival works and entertainments.

(1) After every Carnival it shall be unlawful to use any works certified by the Minister to be executed for the purpose of a Carnival, except with the consent of and for a purpose approved by the Minister, and except in a case where the Cabinet authorises the

retention of any such works, the Minister shall ensure that such works are removed as soon as possible after the Carnival.

(2) Works certified by the Minister to be executed for the purposes of a Carnival are hereby exempted from the operation of the Development Control and Planning Act Cap. 20.07 and the regulations made under that Act and notwithstanding anything in any enactment a licence shall not be required by reason only of the provision by the Committee during a Carnival of any entertainment to which this section applies.

(3) This section applies to the entertainments set out in the Second Schedule to this Act.

12. Power of Minister to issue general directions in matters of policy.

The Minister may, after consultation with the chairperson, give to the Committee such directions of a general character as to the policy to be followed by the Committee in the performance of its functions as appear to the Minister to be necessary in the public interest and the Committee shall give effect thereto.

13. Public entertainment during Carnival.

(1) Subject to the provisions of this Act, it shall not be lawful for any person, society, club or other organisation during any Carnival period to designate, represent or advertise any function as a Carnival function except with the approval of the Committee.

(2) Subject as aforesaid, no person shall organise, promote or hold during any Carnival period any entertainment as specified in the Second Schedule to this Act for reward except with the approval of the Committee and no person, society, club or other organisation shall at any time either before or during a Carnival issue and sell or cause to be sold tickets in relation to such entertainment to be held during a Carnival without the consent in writing of the Committee.

(3) Any person, society, club or other body of persons who acts in contravention of subsection (1) of this section commits an offence against this section and shall be liable, on summary conviction, to a fine of seven hundred and fifty dollars or to imprisonment for a term not exceeding six months.

[Amended by Act 9/1986]

14. Regulations.

The Committee may, with the approval of the Minister, make regulations generally for the better carrying out of the provisions of this Act.

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FIRST SCHEDULE

(Section 3)

CARNIVAL COMMITTEE

1. **Constitution of Committee.**

The Committee shall consist of such number of persons, not being less than five, as the Minister may from time to time appoint.

[Substituted by Act 28/1971]

2. **Temporary appointments.**

The Minister may appoint any person to act temporarily in the place of any member of the Committee in the case of the absence or inability to act of such member.

3. **Chairperson and deputy Chairperson.**

(1) The Minister shall appoint a Chairperson and deputy Chairperson from amongst the members of the Committee.

(2) In the case of absence or inability to act of the Chairperson, the Deputy Chairperson shall perform the functions of Chairperson.

(3) In the case of the absence or inability to act of both the chairperson and the deputy chairperson, the Minister may appoint any other member of the Committee to perform the functions of the Chairperson or, as the case may be, the deputy Chairperson, during such absence or incapacity.

4. **Tenure of office.**

(1) The appointment of every member of the Committee shall be evidenced by an instrument in writing and shall specify the period of office of the member which shall not exceed three years.

(2) Every member of the Committee shall be eligible for re-appointment.

(3) The Minister may at any time revoke the appointment of the Chairperson, the Deputy Chairperson, or any other member of the Committee if he or she thinks it expedient so to do.

5. **Resignations.**

(1) Any member of the Committee other than the Chairperson may at any time resign his or her office by instrument in writing addressed to the Minister and transmitted through the Chairperson, and from the date of the receipt by the Minister of such instrument, such member shall cease to be a member of the Committee.

(2) The Chairperson may at any time resign his or her office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt of such instrument by the Minister.

6. Publication of membership.

The names of the members of the Committee as first constituted and every change in the membership thereof shall be published in the *Gazette*.

7. Interpretation.

(1) The Committee shall be a body corporate having perpetual succession and a common seal and with power to acquire, hold and dispose of land and other property of any kind.

(2) The seal of the Committee shall be authenticated by the signatures of the Chairperson or one member of the Committee authorised to act in that behalf and an officer of the Committee authorised to act in that behalf by the Committee, and shall be judicially and officially noticed.

(3) All documents, other than those required by law to be under seal, made by, and all decisions of, the Committee may be signified under the hand of the Chairperson or any member or officer of the Committee authorised to act in that behalf.

8. Procedure and Meetings.

(1) The Committee shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Committee may determine.

(2) The Chairperson may at any time call a special meeting of the Committee and shall call a special meeting to be held within seven days of a written request for that purpose addressed to him or her by any three members of the Committee.

(3) The Chairperson or, in the case of absence or inability to act of the Chairperson, the Deputy Chairperson shall preside at the meetings of the Committee and in the absence of both the Chairperson and the Deputy Chairperson from any meeting, the members of the Committee present shall elect one of their number to preside at that meeting, and when so presiding the Chairperson, the Deputy Chairperson, or the person elected as aforesaid, as the case may be, shall have an original and a casting vote.

Quorum.

(4) The quorum of the Committee shall be such number not being less than one-half the number of members as the Committee may from time to time determine.

(5) Subject to the provisions of this Schedule the Committee may regulate its own proceedings.

(6) The validity of any proceedings of the Committee shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

9. Remuneration of members.

There shall be paid to the Chairperson, the Deputy Chairperson, and other members of the Committee such remuneration, if any (whether by way of salaries or travelling or other allowances) as the Minister may determine.

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10. Power to appoint officers, agents and servants.

(1) The Committee may appoint and employ at such remuneration and on such terms and conditions as it thinks fit, a director, and such other officers, agents, and servants as it thinks necessary for the proper carrying out of its functions:

Provided that no director, officer, agent or servant shall be employed by the Committee at a salary in excess of six thousand dollars per annum without the prior approval of the Minister.

(2) The Governor-General may, with the concurrence of the Public Service Commission, and subject to such conditions as he or she may impose, approve of the appointment of any public officer in the service of the State to any office with the Committee and any public officer so appointed shall, in relation to pension, gratuity or other allowance and to other rights as a public officer be treated as continuing in the service of the Government.

11. Appointment of sub-committees.

(1) The Committee may, with the approval of the Minister, appoint sub-committees for any such general or special purposes with which the Committee may be concerned as in the opinion of the Committee would be better regulated by means of a sub-committee.

(2) The number of members of a sub-committee appointed under sub-paragraph (1), their functions and terms of appointment, the quorum of the sub-committee, and the area, if any, within which the sub-committee is to exercise authority shall be determined by the Committee.

(3) A sub-committee appointed pursuant to this paragraph may include persons who are not members of the Committee:

Provided that at least one of the members of any sub-committee shall be a member of the Committee.

(4) The provisions of paragraph 13 of this Schedule shall apply to a member of a sub-committee who is not a member of the Committee in like manner as they apply to a member of the Committee.

(5) The validity of the proceedings of a sub-committee appointed pursuant to this paragraph shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

12. Power to delegate.

(1) Subject to the provisions of this Schedule, the Committee may delegate to any member or sub-committee of the Committee or to any of its officers or servants, the power and authority to carry out such functions as the Committee may determine.

(2) Every delegation under this paragraph shall be revocable by the Committee and no delegation shall prevent the exercise by the Committee of any function delegated.

13. Protection.

(1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Committee in respect of any act done *bona fide* in pursuance or execution or intended execution of this Act.

(2) Where any member of the Committee is exempt from liability by reason only of the provisions of this paragraph, the Committee shall be liable to the extent that it would be if the said member was a servant or agent of the Committee.

14. Office of Chairperson, Deputy Chairperson or member not a public office.

The office of Chairperson, Deputy Chairperson or member of the Committee shall not be a public office for the purposes of Chapter VII of the Constitution of the State.

SECOND SCHEDULE

(Section 11(3))

Queen shows

Beauty contests

Calypso shows

Musical presentations and festivals but not including the provision of music for dancing by the general public

Cinematographic exhibitions.