

THE INSTITUTE OF JAMAICA ACT

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THE INSTITUTE OF JAMAICA ACT

Acts
4 of 1978,
8 of 1985
S. 30,
8 of 1995,
33 of 2010
S. 19.

[28th March, 1978.]

1. This Act may be cited as the Institute of Jamaica Act.

Short title.

PART I. *Preliminary*

2. In this Act—

Interpreta-
tion.
8/1985
S. 30(a).

(a) “Board of Management” means a Board of Management appointed under section 15;

“Chairman” means the person appointed Chairman of the Council pursuant to the First Schedule;

First
Schedule.

“chairman of a Board of Management” means the person appointed chairman of a Board of Management pursuant to section 15; and the word chairman when used in that context shall be construed as a reference to the chairman of a Board of Management;

“Council” means the Council of the Institute constituted in accordance with this Act;

“Executive Director” means the Executive Director of the Institute appointed pursuant to this Act;

“functions” includes powers and duties;

“Institute” means the Institute of Jamaica established under this Act;

“member” includes honorary member;

“Secretary” means the Secretary of the Council;

“Vice-Chairman” means a person appointed Vice-Chairman of the Council pursuant to the First Schedule;

- (b) references to a principal administrator of a Board of Management shall be construed as references to the person appointed to carry out the duties of principal administrator in relation to such functions as are under the control of that Board of Management.

PART II. *The Institute of Jamaica*

33/2010
S. 19.

Establishment
of Institute of
Jamaica.

3.—(1) There is hereby established a body to be called the Institute of Jamaica which shall be a body corporate and to which the provisions of section 28 of the Interpretation Act shall apply.

First
Schedule.

(2) The provisions of the First Schedule shall have effect with respect to the constitution and operation of the Institute and otherwise in relation thereto.

Functions
of Institute.
8/1985
S. 30(b).

4.—(1) Subject to the provisions of this Act, the functions of the Institute shall be—

- (a) the research into, study, encouragement and development of culture, science and history;
- (b) the establishment of museums; and
- (c) the discharge of such other functions as may be conferred upon it by this Act or any other enactment.

(2) It shall be the duty of the Institute in the exercise of its functions—

(a) [*Deleted by Act 33 of 2010.*]

33/2010
S. 19(b).

(b) to provide, or assist in making provision—

(i) for the reading of papers, the delivery of lectures and the conduct of courses of instruction, the carrying out of research, the holding of examinations and the conferring of awards (whether documentary or otherwise); and

(ii) for the establishment and maintenance of other institutions of learning, museums, galleries, halls or other places;

8/1995
S. 2.

for the dissemination, encouragement and development of culture, science, history and any other subject connected with the functions of the Institute;

(c) to provide awards, prizes and other recognition for the encouragement of cultural, scientific and historical work in Jamaica;

(d) to provide for the holding from time to time of cultural, scientific and historical exhibitions;

(e) to compile, publish, distribute or disseminate (or assist in so doing) any book, volume or part thereof, or newspaper, sheet of paper or other printed material, chart or plan, or any sound recording, magnetic tape or video tape or other medium for the dissemination of sounds or the transmission of visual images or pictures, which in the opinion of the Institute is of cultural, scientific, historical or national interest;

(f) generally to apply the funds placed at the disposal of the Institute for the purposes of the Institute.

33/2010
S. 19(c).

5. *[Repealed by Act 33 of 2010.]*

Minister
to give
directions
on policy.

6. The Minister may, after consultation with the Chairman of the Council, give to the Institute such directions of a general character as to the policy to be followed by the Institute in the performance of the functions of the Institute as appear to the Minister to be in the interest of the Institute and the public; and the Institute shall give effect to such directions.

PART III. *Estimates, Audit and Report*

Estimates.

7. The Institute shall, on or before such date and in such form as may be required by the Minister, in each year prepare and submit to the Minister for approval estimates of income and expenditure to be incurred during the forthcoming financial year.

Accounts
and audit.

8.—(1) The Institute shall keep proper accounts and other records in relation to the business of the Institute and shall prepare annually a statement of accounts in a form satisfactory to the Minister.

(2) The accounts and other records in relation to the business of the Institute shall be kept in such a manner as to secure the provision of separate information as respects each of the main functions and activities of the Institute, and to show as far as may be, the income and expenditure incurred in relation to each such function or activity.

(3) The accounts of the Institute shall be audited by the Auditor-General who, during the course of such audit, or on the direction of the Minister, shall be entitled at all reasonable times to examine the accounts and other records in relation to the business of the Institute.

(4) The Institute shall, within four months after the end of each financial year or within such further period as may be allowed by the Minister, submit the statement of its accounts referred to in subsection (1) to the Minister, together with a copy of any report made by the Auditor-General on that statement or on the accounts of the Institute.

9.—(1) In the event of the expenditure of any funds of the Institute contrary to the provisions of this Act, or without due authority, the amount thereof shall be recoverable from any person or persons appointed or employed under the provisions of this Act and incurring or purporting to authorize such expenditure, and any such persons shall be jointly and severally liable in that behalf. Liability for improper expenditure.

(2) Any liability under this section may be enforced by an action in debt at the suit of a public officer designated by the Minister for the purpose, and any moneys recovered

in any such action shall be carried to the credit of such of the Institute's accounts as the Minister shall direct.

Exemption
from stamp
duty.

10. The Institute shall be exempt from the payment of stamp duty under any law for the time being in force relating to stamp duties.

Annual
report.

11.—(1) The Institute shall, within four months after the end of each financial year or within such time as may be allowed by the Minister, cause to be made and transmit to the Minister a report dealing generally with the activities of the Institute during that financial year, and containing such information relating to the proceedings and policy of the Institute as can be made public without detriment to the interests of the Institute.

(2) The Minister shall cause a copy of the report together with the annual statement of accounts and the Auditor-General's report thereon and on the accounts to be laid on the Table of the House of Representatives and the Senate.

(3) Copies of the Institute's report together with the annual statement of accounts and the Auditor-General's report on that statement and on the accounts of the Institute shall be published in such manner as the Minister may direct.

PART IV. *Appointment of Officers*

Executive
Director of
Institute.

12.—(1) The Institute may, subject to the approval of the Minister, appoint a fit and proper person to be Executive Director of the Institute at such remuneration and subject to such terms and conditions as the Institute may determine.

(2) The Executive Director appointed under subsection (1) shall be the chief executive officer of the Institute and shall carry out such duties as may be imposed upon him by this Act or any other enactment or as may be assigned to him by the Institute.

13. The Institute may appoint and employ at such remuneration and subject to such terms and conditions as it thinks fit, a Secretary of the Institute and such other officers, servants and agents as it thinks necessary for the proper discharge of its functions under this Act:

Appoint-
ment of
Secretary
and other
officers.

Provided that no salary in excess of eight thousand dollars per annum shall be assigned to any post without the prior approval of the Minister.

14. The Governor-General may, subject to such conditions as he may impose, approve the appointment of any public officer in the service of Jamaica to any office with the Institute 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.

Governor-
General to
approve
appoint-
ment of
public
officer.

PART V. *Boards of Management*

15.—(1) Subject to the provisions of this section, the Institute may, with the approval of the Minister, appoint Boards of Management for the exercise or discharge of such of the functions of the Institute as the Institute may decide to assign to such a Board of Management.

Boards of
Manage-
ment.

(2) A Board of Management appointed under subsection (1) shall consist of such number of persons as the Institute, with the approval of the Minister, may determine, so, however, that any such Board shall include—

(a) at least one member of the Council;

(b) a principal administrator appointed pursuant to section 16.

(3) The Institute shall, with the prior written approval of the Minister, appoint one of the members of each Board of Management, being a member of the Council, to be chairman of the Board of Management.

(4) Every act done or proceedings taken by a Board of Management in respect of any function assigned to it by the Institute shall be in the name of the Institute and every such act or proceeding shall be as valid and binding as if it were done or taken by the Council.

(5) A Board of Management shall be designated and referred to by such name as may be assigned to it by the Institute upon appointment.

Second
Schedule.

(6) The provisions of the Second Schedule shall have effect in relation to Boards of Management appointed under this section.

(7) The appointment of a Board of Management to discharge any function shall not preclude the exercise of that function by the Council.

Principal
adminis-
trators of
Boards of
Manage-
ment.

16.—(1) The Institute may, subject to the approval of the Minister, appoint persons to carry out the duties of principal administrators at such remuneration and upon such terms and conditions as the Institute may determine.

(2) A person appointed pursuant to subsection (1) shall be known by such description or title as the Institute may designate and he shall be responsible, subject to the general directions of any Board of Management of which he is a member, for supervising and controlling the carrying out of the functions assigned to that Board of Management.

PART VI. *Miscellaneous*

17.—(1) The Institute may from time to time elect persons, being persons appearing to the Institute to have achieved distinction in culture, science or history (including the training of artists and education in the arts) to be Fellows of the Institute of Jamaica.

Fellows of
the Institute
of Jamaica.

(2) Subject to subsection (3), a person elected a Fellow of the Institute of Jamaica, pursuant to this section, shall be an honorary member of the Council and shall be entitled to all the rights and privileges of a member of the Council.

(3) If at any time the persons elected to be Fellows of the Institute of Jamaica shall be more than five in number they shall, by ballot carried out under the supervision of the Executive Director, select five of their number to be honorary members of the Council and only the persons so selected shall be honorary members of the Council.

18. Subject to the provisions of this Act, the Council may with the approval of the Minister, make rules for the purposes of this Act with respect to the following matters—

Rules.

- (a) for regulating the conduct of meetings of the Institute;
- (b) for prescribing the duties and conduct of its officers;
- (c) for the admission and removal of members;
- (d) for the management of the Institute and the use of any of the facilities of the Institute by members of the public;
- (e) for the care, use and upkeep of the objects of cultural, scientific, historical and national value, the articles in the museum and other valuable articles of the Institute;

- (f) for establishing fines and penalties for the violation of the rules;
- (g) generally for carrying this Act into effect.

Inspection
of property.

19. The property of the Institute shall be subject to inspection at such times and by such persons as the Minister may direct.

Transitional.

20.—(1) The Institute shall be deemed to succeed to all the rights, privileges, obligations and liabilities of the body corporate known as the Board of Governors of the Institute of Jamaica established under the previous Act (hereinafter referred to as the former Institute); and accordingly—

- (a) any legal proceedings that may have been continued or commenced by or against the former Institute may be continued or commenced by or against the Institute established under this Act;
- (b) all persons who, at the 28th day of March, 1978, held offices under the former Institute shall, from that date, hold under the Institute established by this Act the like respective offices or employments and by the same tenure and upon the same terms as theretofore they held those offices under the former Institute; and
- (c) all assets and liabilities vested in the former Institute shall, by virtue of this section and without further assurance, be transferred to and vested in the Institute established under this Act.

(2) In relation to any period commencing on or after the 28th day of March, 1978, every reference in any Act, or in any instrument having the force of law, to the former Institute shall be deemed to be a reference to the Institute established under this Act.

(3) In this section "the previous Act" means the Act which immediately prior to the 28th day of March, 1978, made provisions in relation to the constitution of the former Institute.

FIRST SCHEDULE (Section 3 (2))

1.—(1) There shall be a Council of the Institute which, subject to the provisions of this Act, shall be responsible for the policy and the general administration of the Institute.

(2) The Council shall consist of—

- (a) not less than ten or more than twenty-five persons appointed by the Minister to be members;
- (b) such Fellows of the Institute of Jamaica not exceeding five in number as are entitled to be honorary members of the Council under section 17;
- (c) the person holding the office of Chairman of the National Trust Commission under the Jamaica National Trust Act who shall be a member of the Council *ex officio*;
- (d) the person holding the office of Chairman of the Jamaica Festival Commission under the Jamaica Festival Commission Act who shall be a member of the Council *ex officio*; and
- (e) the Executive Director who shall be a member of the Council *ex officio*.

(3) The Minister shall appoint one of the members appointed by him under sub-paragraph (2)(a) to be Chairman of the Council, and shall appoint two other such members to be Vice-Chairmen of the Council.

2.—(1) A member of the Council, not being a Fellow of the Institute of Jamaica shall, subject to the provisions of this Schedule, hold office for a period not exceeding three years, and such member shall be eligible for reappointment. Tenure of office.

(2) A Fellow of the Institute of Jamaica selected under section 17 (3) shall, subject to the provisions of this Schedule, hold office as an honorary member of the Council for a period of five years from the date of his becoming an honorary member under section 17 (3) and shall be eligible for re-selection.

3. The Minister may appoint any person (not being a Fellow of the Institute of Jamaica) to act temporarily in the place of the Chairman, a Vice-Chairman or a member of the Council appointed under paragraph 1(2) (a) in the case of the absence or inability to act of such Chairman, Vice-Chairman or member as the case may be. Temporary appointments.

Resignation.

4.—(1) Any member of the Council appointed under paragraph 1(2) (a), or any other member other than the Chairman or a Vice-Chairman or an *ex officio* member, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the Chairman, and from the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Council.

(2) The Chairman or a Vice-Chairman may at any time resign his 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.

Revocation of appointments.

5.—(1) The Minister may at any time revoke the appointment of any member of the Council appointed under paragraph 1(2) (a) and may at any time revoke the appointment of the Chairman and any Vice-Chairman.

(2) A Fellow of the Institute of Jamaica may be removed from membership of the Council by Fellows of the Institute of Jamaica who are honorary members of the Council by ballot carried out under the supervision of the Executive Director.

Seal of Institute.

6.—(1) The seal of the Institute shall be kept in the custody of the Chairman or Secretary and shall be affixed to instruments pursuant to a resolution of the Council in the presence of the Chairman, or any other member of the Council authorized to act in that behalf.

(2) The seal of the Institute shall be authenticated by the signatures of the Chairman and any other member of the Council authorized to act in that behalf.

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

Principal office, etc.

7. The Institute shall have its principal office in Kingston or St. Andrew but may maintain such branch offices, agencies and correspondents (whether within or outside Jamaica) as the Institute thinks fit.

Funds.

8. The funds of the Institute shall consist of fees collected, such moneys as may from time to time be placed at its disposition for the purpose of this Act by Parliament and such other moneys as may lawfully be paid to the Institute.

Gazetting of membership.

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

10.—(1) The Council shall meet as often 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 Council may determine. Procedure of meetings.

(2) The Chairman may at any time call a special meeting to be held within seven days of a written request for that purpose addressed to him by any six members of the Council.

(3) The Chairman shall preside at all meetings of the Council at which he is present, and in his absence from any meeting a Vice-Chairman, elected by the members present, shall preside, and, if no Chairman or Vice-Chairman is present, the members present and constituting a quorum shall elect a chairman from among their members to preside at that meeting.

(4) A quorum of the Council shall be seven.

(5) The decision of the Council shall be by a majority of votes and in addition to an original vote, the person presiding at a meeting shall have a casting vote in any case in which the voting is equal.

(6) Minutes in proper form of each meeting of the Council shall be kept.

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

(8) Subject to the provisions of this Schedule, the Council may regulate its own proceedings.

11.—(1) Any member of the Council who, otherwise than as such member, is directly or indirectly interested in a contract made or entered into, or proposed to be made or entered into, by the Institute shall as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Council. Disclosure of interest.

(2) A disclosure under this paragraph shall be recorded in the minutes of the Council and the member—

(a) shall not take part after the disclosure, in any deliberation or decision of the Council relating to the contract; and

(b) shall be disregarded for the purpose of forming a quorum of the Council in any such deliberation or decision.

12.—(1) No member of the Council shall be personally liable for any act or default of the Institute done or omitted to be done in good faith in the course of the operation of the Institute. Exemption from liability.

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

Office of Chairman, Vice-Chairman or other member not public office.

13. The office of Chairman, Vice-Chairman or other member of the Council shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.

SECOND SCHEDULE (Section 15 (6))

Tenure of office of members of Board of Management.

1. The members of a Board of Management (except the principal administrator of that Board) shall, subject to the provisions of this Schedule, hold office for such period not exceeding three years as the Institute may determine upon the appointment of such member and shall be eligible for reappointment.

Chairman.

2. If the chairman of a Board of Management is absent or unable to act, the Institute may appoint another member of the Council to act in his place.

Temporary appointments.

3. The Institute, with the approval of the Minister, may appoint any person to act temporarily in the place of any member of a Board of Management in the case of the absence or inability to act of such member.

Resignations.

4.—(1) Any member of a Board of Management, other than the chairman or principal administrator may at any time resign his office by instrument in writing addressed to the Board of Management and transmitted through the chairman of such Board, who shall forthwith cause it to be forwarded to the Institute, and from the date of the receipt by the Institute of such instrument, such member shall cease to be a member of the Board of Management.

(2) The chairman of a Board of Management may at any time resign his office by instrument in writing addressed to the Institute and from the date of receipt by the Institute of such instrument such chairman shall cease to be chairman of the Board of Management.

Revocation of appointment.

5. The Institute may, with the prior written approval of the Minister, at any time revoke the appointment of the chairman of a Board of Management.

Gazetting of membership.

6. The name assigned to a Board of Management and the names of all members of the Board of Management as first constituted, and any change in membership thereof, shall be published in the *Gazette*.

Meetings.

7.—(1) A Board of Management shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such place and times and on such days as the Board of Management shall determine.

(2) The chairman of a Board of Management may at any time call a special meeting to be held within seven days of a written request for that purpose addressed to him by any three members of the Board of Management.

8. The quorum of a Board of Management shall be three or such greater number as may be determined by the Institute when appointing that Board. Quorum.

9. Subject to the provisions of this Schedule, a Board of Management shall have power to regulate its own proceedings. Procedure.

10. The validity of any proceedings of a Board of Management shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof. Validity of proceedings.

11.—(1) No member of a Board of Management shall be personally liable for any act or default of the Board of Management done or omitted to be done in good faith in the course of the operations thereof. Exemption from liability.

(2) Where any member of a Board of Management is exempt from liability by reason only of the provisions of paragraph (1), the Institute shall be liable to the extent that it would be if the member was a servant or agent of the Institute.

12. The office of chairman or other member of a Board of Management shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica. Office of chairman or other member not public office.