

LEGAL SUPPLEMENT
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THE NATIONAL ART GALLERY ACT 1999

ACT NO. 11 OF 1999

1 assent

29th June 1999

CASSAM UTEEM
President of the Republic

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AN ACT

To provide for the establishment of the National Art Gallery ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the National Art Gallery Act 1999

2. Interpretation

In this Act -

“Board” means the Board established under section 7;

“Chairperson” means the Chairperson of the Board;

“Director” means the Director of the Gallery;

“Gallery” means the National Art Gallery established under section 3;

“Member” means a member of the Board and includes the Chairperson

“National Collection” means all works of art that are owned by the Gallery and includes works of art that are Government property and which are or have been entrusted to the Gallery;

“Minister” means the Minister to whom responsibility for the subject of arts and culture is assigned.

3. Establishment of the Gallery

- (1) There is established for the purposes of this Act a National Art Gallery
- (2) The Gallery shall be a body corporate

4. Objects of the Gallery

- (1) The objects of the Gallery shall be to -
 - (a) develop and conserve a National Collection of works of art and associated materials;
 - (b) make all endeavours towards the most advantageous use of the National Collection in the national interest;
 - (c) promote knowledge of, and disseminate information on, art to the public in general;
 - (d) exhibit works of art from the National Collection or works of art that are otherwise in the possession of the Gallery;
 - (e) generally promote itself for the benefit of the public;
 - (f) provide a work site for artists;
 - (g) document and keep a detailed inventory of each item in the National Collection or in its possession;

- (h) promote Mauritian art and artists;
- (i) promote the exchange of ideas and participation in international exhibitions and related matters on an international level;
- (j) co-ordinate and sustain initiatives consistent with or in support of the objects of the Gallery; and
- (k) acquire and impart knowledge about international standards and ethics in the conservation of works of art.

5. Powers of the Gallery

- (1) The Gallery may -
 - (a) purchase or take on hire, commission or produce or accept on deposit or on loan, works of art, furnishings, equipment and other goods.
 - (b) accept gifts, grants in aid, donations, bequests or assignments made to the Gallery, whether on trust or otherwise, and whether unconditionally or subject to a condition and where a gift, grant in aid, donation, bequest or assignment is accepted by the Gallery on trust or subject to a condition, may act as trustee or comply with the condition, as the case may be;
 - (c) with the approval of the Minister, raise funds upon such terms and conditions as the Board may determine;
 - (d) collect, and make available information on, works of art;
 - (e) arrange for sponsorship for, or assist in research into, matters pertaining to works of art;
 - (f) erect structures of art;
 - (g) grant, whether for reward or otherwise, rights to use any work of art, site, land or building, owned by, or under the control of, but in accordance with the Copyright Act 1997, the Gallery;
 - (h) with the approval of the Board and the Minister, dispose of any work of art in the National Collection owned by the Gallery and which is found to be incompatible with the other objects in the National Collection or is not required as part of the National Collection;
 - (i) Subject to the Copyright Act 1997, reserve all rights of reproduction of any work of art owned by the Gallery including art materials and publications; and
 - (j) do all such things as are necessary or convenient for or in connection with the performances of its objects under this Act.

- (2) Subject to subsection 1 (h), the Gallery shall not give or sell works of art in its possession.

6. Appropriation and disposal of work of art donated to the Gallery

The Board may take possession, appropriate and dispose of any work of art, that is not the property of the Gallery, but which has been donated to the Gallery with a view to its acceptance by the Gallery.

7. The Board

- (1) There is established, for the purpose of this Act, a Board which shall administer and manage the affairs of the Gallery.
- (2) The Board shall consist of -
- (a) a Chairperson;
 - (b) a representative of the Prime Minister's Office;
 - (c) a representative of the Ministry responsible for the subject of finance;
 - (d) a representative of the Ministry responsible for the subject of arts and culture;
 - (e) a representative of the Royal Society of Arts and Sciences of Mauritius;
 - (f) an academic having wide knowledge in the field of art;
 - (g) a person versed in the restoration of works of art; and
 - (h) 4 other persons having a wide knowledge in the field of art;
- (3) (a) The Minister shall appoint the Chairperson and members of the Board except the ex-official members, on such terms and conditions as he thinks fit.
- (b) Members of the Board shall hold office for a period of 3 years and shall be eligible for re-appointment.
- (4) Every member shall be paid such fees and allowances as the Minister may determine.
- (5) The Board may co-opt such resource persons as it considers necessary to assist it in its deliberations.

(8) Meetings of the Board

- (1) The Board shall meet at such place and time as the Chairperson may determine -
 - (a) at least once a month ; or
 - (b) whenever a request for a meeting is made by the Chairperson or by not less than 6 members.
- (2) Six members shall constitute a quorum.
- (3) Subject to this section, the Board shall regulate its meetings and proceedings in such manner as it thinks fit.
- (4) The Board may appoint such committees as it deems necessary

9 Termination of appointment

- (1) Where a member appointed by the Minister is absent from 3 consecutive meetings of the Board, except on leave recommended by the Board and approved by the Minister or on valid grounds, the Minister shall terminate his appointment.
- (2) A Vacancy shall be filled by the Minister in accordance with section 7 (3) for the remaining period of term for which the member specified in subsection (1) was appointed.

(10) Powers of the Board

The Board may do all things as appear requisite and advantageous for the purpose of furthering the objects of the Gallery.

(11) The Director

- (1) The Board shall, with the approval of the Minister, appoint on such terms and conditions as the Board may determine, a Director of the Gallery
- (2) The Director shall be responsible for the execution of the policy and decisions of the Board and for the control and management of the day to day business of the Gallery.
- (3) In the exercise of his functions, the Director shall act in accordance with such directions as he may receive from the Board.

(12) Appointment of Staff

- (1) The Board may appoint, on such terms and conditions as it may determine, such staff as may be necessary for the purposes of or in connection with the discharge of its functions.
- (2) Every member of the staff shall be under the administrative control of the Director.

(13) Powers of the Minister

- (1) The Board shall furnish to the Minister such information with respect to the activities of the Gallery as the Minister may require.
- (2) The Minister may give such directions of a general character to the Board, not inconsistent with this Act, as he considers necessary in the public interest and the Board shall comply with those directions.

(14) Donations

Article 910 of the Code Napoleon shall not apply to the Gallery.

(15) Accounts

- (1) The Board shall, on or before 31 October in every year, submit to the Minister a report together with an audited statement of accounts on the operation of the Gallery in respect of the 12 months ending on 30 June of the same year.
- (2) The report and accounts of the Board shall be laid before the assembly.

(16) Exemption from duty

- (1) Notwithstanding any other enactment, the Gallery shall be exempt from payment of any duty, levy, rate, charge, fee or tax.
- (2) No stamp duty or registration fee shall be payable in respect of any document signed or executed by the Gallery under which the Gallery is a beneficiary.

(17) Regulations

- (1) The Board may, with the approval of the Minister, make such regulations as it thinks fit for the purposes of this Act.
- (2) Regulations made under subsection (1) may provide for the levying of fees or charges in respect of the activities conducted or facilities provided by the Gallery.

(18) Consequential amendments

- (1) The Statutory Bodies (Accounts and Audit) Act is amended in Part II by adding in its appropriate alphabetical order the following –

National Art Gallery

- (2) The Auditor to be appointed under section 5 (1) of the Statutory Bodies (Accounts and Audit) Act shall be the Director of Audit.

(19) Transitional Provisions

Notwithstanding the Statutory Bodies (Accounts and Audit) Act

- (a) the period extending from the commencement of this Act to 30 June next following shall be deemed to be the first financial year of the Gallery;
(b) section 7(1) of the Statutory Bodies (Accounts and Audit) Act shall not apply in relation to the first financial year of the Gallery.

(20) Commencement

This Act shall come into operation on a date to be fixed by Proclamation.

Passed by the National Assembly on the first day of June one thousand nine hundred and ninety-nine.

ANDRE POMPON
Clerk of the National Assembly