

CHAPTER 17.07 NATIONAL ARCHIVES AUTHORITY OF SAINT LUCIA ACT

Revised Edition

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• Act • Subsidiary Legislation •

ACT

(Act 16 of 1993)

Act 16 of 1993 .. in force 23 October 1993

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AN ACT to provide for the establishment of the National Archives Authority of Saint Lucia and for dealing with connected matters.

Commencement [23 October 1993]

PART 1 PRELIMINARY

1. Short Title

This Act may be cited as the National Archives Authority of Saint Lucia Act.

2. Interpretation

In this Act—

“**Authority**” means the National Archives Authority of Saint Lucia established under section 3;

“**Minister**” means the Prime Minister;

“**public archive**” means

(a) any public record which—

(i) is 25 years old, and

(i) has been specified by the Archives as being of enduring or historical value; or

(b) any record or other material acquired by the Authority under section 7(1)(h);

“**public record**” means any record in the custody of any Ministry, department of Government or statutory body;

“**record**” includes any medium in or on which information is recorded;

“**statutory body**” means any commission established by the Constitution of Saint Lucia and any body corporate.

PART 2 ESTABLISHMENT AND FUNCTIONS OF THE NATIONAL ARCHIVES AUTHORITY OF SAINT LUCIA

3. Establishment and Constitution of National Archives Authority of Saint Lucia

(1) There is hereby established a body to be known as the National Archives Authority of Saint Lucia, which consists of a chairperson, a deputy chairperson, and not less than 5 not more than 7 other members all of whom shall be appointed by the Minister by instrument in writing.

(2) There shall be a secretary of the Authority who shall be appointed by the Minister on such terms and conditions as the Minister thinks fit.

(3) A member shall, subject to subsections (4), (5) and (6) hold office for such period as the Minister may direct in the instrument appointing such member, but shall be eligible for re-appointment.

(4) Where a member has expressed his or her inability to act as such member or is absent from Saint Lucia for a long period, the Minister may appoint, any person to act temporarily in his or her place.

(5) A member, other than the chairperson, may at any time resign his or her office in writing addressed to the chairperson and upon the date of receipt by the chairperson of such letter shall cease to be a member of the Authority.

(6) The chairperson may at any time resign his or her office in writing addressed to the Minister and upon the date of the receipt by the Minister of such letter shall cease to be chairperson and a member of the Authority.

(7) The Minister may at any time by instrument in writing revoke the appointment of any member of the Authority.

(8) A vacancy is considered to arise in the membership of the Authority in case of—

- (a) the death or resignation of a member;
- (b) the revocation by the Minister of the appointment of a member;
- (c) the absence from Saint Lucia of a member without leave of the Minister;
or
- (d) the failure of a member to attend 3 consecutive meetings of the Authority, without permission.

(9) Members are eligible for such remuneration whether by way of fees or travelling or other allowances, as the Minister may determine.

(10) The names of all members of the Authority as at first constituted and every change in the membership thereof shall be published in the Gazette.

4. Seal

(1) The seal of the Authority shall be kept in the custody of the chairperson or deputy chairperson or such officer of the Authority as the Authority may approve and may be affixed to documents or instruments under a resolution of the Authority in the presence of the chairperson or deputy chairperson and the secretary to the Authority.

(2) The seal of the Authority is authenticated by the signature of the chairperson or deputy chairperson and the secretary to the Authority.

(3) All documents or instruments, other than those required by law to be under seal, made by, and all decisions of, the Authority may be signified under the hand of the chairperson or deputy chairperson.

5. Meetings

(1) The Authority shall meet at such times as may be necessary or expedient for the transaction of its business and each meeting shall be held on such days and at such time and place as the Authority may determine.

(2) The chairperson or, if he or she is for any reason whatsoever unable to act, the deputy chairperson, may at any time call a special meeting of the Authority and shall call a special meeting within 7 days of the receipt by him or her of a requisition for that purpose addressed to him or her in writing by any 2 members.

(3) The chairperson or, in his or her absence, the deputy chairperson, shall preside at all meetings of the Authority and in the case of the absence of both chairperson and the deputy chairperson, the members present and constituting a quorum shall elect a temporary chairperson from among their number who shall preside at that meeting.

(4) The quorum of the Authority at any meeting shall be the chairperson and 3 other members.

(5) Subject to this section, the Authority has power to regulate its own procedure.

6. Archivist

There shall be an Archivist who is the Chief Executive Officer of the Authority and who shall assist the Authority in the discharge of its functions under this Act.

7. Functions of the Authority

(1) The functions of the Authority are—

- (a) to preserve public and private records of national significance and facilitate access to them;
- (b) to be the permanent repository of public archives;
- (c) to co-ordinate the management of public records;
- (d) to prepare guidelines concerning the retention or destruction of public records;
- (e) to prescribe rules for the protection of historical records;
- (f) to make available and publish lists, indices, guides, inventories and other such facilities as may be necessary as aids to the use of public archives;
- (g) to reproduce, edit or publish any public archive which has been transferred to the Authority subject to any terms and conditions on which it was so transferred;
- (h) to acquire by purchase, donations, bequest or other material which is likely to be of enduring historical value;
- (i) to prescribe by notice any public record to be of enduring or historical value;
- (j) to examine any record containing references to or which had its origin in but lies outside Saint Lucia, with a view to securing, either by loan or by purchase, the original or any copy thereof; and
- (k) to provide for the restoration, rehabilitation and conservation of public archives.

(2) The Authority may request any statutory body, or department of Government for access to its premises for the purpose of—

- (a) inspecting and examining its records;
- (b) giving advice relating to the filing, maintenance and preservation of its records;
- (c) recommending the transfer of its records to the premises or office of the Authority; and
- (d) making recommendations with regard to the retention or destruction of its records.

(3) Where a department of Government or statutory body, declines to comply with a request under subsection (2), the Authority may make representations in the matter to the Minister who may take such action as he or she considers necessary to secure compliance with this Act.

8. Delegation of Functions

The Authority may by direction in writing and subject to such conditions as it thinks fit, delegate any of its functions under this Act to the Archivist or to any one or more members of the Authority.

9. Obstruction

Where the Authority or any person delegated by the Authority is prevented or obstructed in performing its or his or her functions under this Act, the Authority may submit a report with respect to such prevention or obstruction to the Minister who may take such action as he or she considers necessary to ensure compliance with this Act.

10. Office of the Authority

(1) The office of the Authority shall be situated at such place as the Authority thinks fit and the Archivist is responsible for the day to day management and administration of the office.

(2) The Archivist has power to do all such things as appear to him or her necessary for maintaining the utility of the office and may in particular—

- (a) compile and make available indexes and guides to, and calendars and texts of, the records of the Authority;
- (b) prepare publications concerning the activities of and facilities provided by the Authority;
- (c) regulate the conditions under which members of the public may inspect public and other records or use the other facilities of the Authority;
- (d) provide for the making and authentication of copies of and extracts from records required as evidence in legal proceedings or for other purposes;
- (e) make arrangements for the separate housing of films, and other records which have to be kept under special conditions; and
- (f) lend records, in cases where the Authority gives its approval for display at commemorative exhibitions or for other special purposes.

11. Committees

(1) The Authority may appoint a committee of the Authority to examine and report to the Authority on any matter whatsoever arising out of or connected with any of its functions under this Act.

(2) Any such committee shall consist of at least one member of the Authority together with such other persons, whether members of the Authority or not, whose assistance or service the Authority may require.

(3) Any such 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 place and time and on such days as the committee may determine.

12. Staff of the Authority

The Authority shall be provided with a staff adequate for the efficient discharge of its functions under this Act and the offices of the members of the staff shall be public offices.

PART 3 MISCELLANEOUS

13. Reproduction of public archives and public records

(1) A person shall not publish or reproduce the whole or any part of the contents of any public archive which is in the custody of any department of Government or statutory body without permission of such department or body.

(2) Any person who contravenes the provisions of subsection (1) commits an offence and is liable on summary conviction to a fine of \$1,000 or to imprisonment to a term of 6 months or to both.

14. Prohibition on removal out of Saint Lucia of public archives or public records

(1) A person shall not remove out of Saint Lucia any public archive unless such public archive is required for any purpose connected with the performance of any function in the service of Saint Lucia.

(2) Any person who contravenes the provisions of subsection (1) commits an offence and is liable on summary conviction to a fine of \$5,000 or to imprisonment for one year or to both.

15. Declaration of protected historical records

(1) Where the Minister considers that any record by reason of its enduring or historical value deserves to be preserved and that it is in the national interest to do so, he or she may, by notice in the Gazette, declare such record to be a protected historical record.

(2) Any person who is aggrieved by any notice published under subsection (1) may, within 21 days of the publication of the notice, make representations in writing to the Minister who, after consultation with the Archivist, may take such action as he or she considers necessary to secure compliance with this Act including revoking or confirming the notice.

16. Protection and preservation of protected historical records

(1) A person shall not, without the consent of the Authority in writing, remove any protected historical record out of Saint Lucia.

(2) Any person who contravenes the provisions of subsection (1) commits an offence and is liable on summary conviction to a fine of \$2,000 or to imprisonment for one year or to both.

(3) Where a person is convicted of an offence under subsection (1) the Court may in addition to any penalty provided in subsection (2), make an order commanding the convicted person to return or cause to be returned, as the case may be, the historical record to Saint Lucia within such period as the Court thinks fit.

(4) Any person who fails without reasonable excuse, the proof whereof shall lie on him or her, to comply with an order made under subsection (3) commits an offence and is liable on summary conviction to a fine of \$5,000 together with imprisonment for one year.

17. Control of sale of protected historical records

(1) Subject to the provisions of subsection (2), a person shall not sell a protected historical record unless he or she has first made an offer to sell the protected historical record to the Authority and the Authority has been unable to purchase it or has not responded to the offer within the 30 days of the making thereof.

(2) The provisions of subsection (1) shall not apply to the sale of any protected historical record—

- (a) in execution of an order of Court; or
- (b) by a trustee in insolvency or a liquidator.

(3) Any person who contravenes the provisions of subsection (1) commits an offence and is liable on summary conviction to a fine of \$1,000 or to imprisonment for 6 months or to both.

18. Regulations

The Minister may make regulations generally for the proper carrying out of the provisions and purposes of this Act, and in particular but without prejudice to the generality of the foregoing, may make regulations prescribing—

- (a) fees to be charged for the inspection of and the making and certifying of copies of any public archive or public record in the custody of the Authority;
- (b) for the storage and preservation of public archives or public records;
- (c) the storage, preservation or destruction of public records or public archives;
- (d) the preservation of protected historical records;
- (e) prescribing rules for the protection of historical records;
- (f) prescribing any other matter or anything which may be or is required by this Act to be prescribed.

19. Savings

Any regulations, orders, rules, made under the repealed Public Records Act, 1965 and the repealed Destruction of Court Records Act, 1936 are considered to have been made under this Act and shall be so construed until they are revoked or varied by regulations made under this Act.

CHAPTER 17.07 NATIONAL ARCHIVES AUTHORITY OF SAINT LUCIA ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
