

CHAPTER 17.10

SAINT LUCIA BROADCASTING CORPORATION ACT

Revised Edition

Showing the law as at 31 December 2022

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• Act • Subsidiary Legislation •

ACT

(Acts 21 of 1974 and 32 of 1999)

Act 21 of 1974 .. in force 16 August 1975 (S.I. 31/1975)

Amended by Act 32 of 1999 .. in force 31 December 1999

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CHAPTER 17.10

SAINT LUCIA BROADCASTING CORPORATION ACT

AN ACT to provide for the establishment of a corporation for the development of broadcasting in Saint Lucia; to define the powers of the said corporation and for connected purposes.

Commencement [16 August 1975]

1. Short Title

This Act may be cited as the Saint Lucia Broadcasting Corporation Act.

2. Interpretation

In this Act—

“**Corporation**” means the Corporation established under section 3(1);

“**Minister**” means the Minister responsible for the subject of public relations and information.

3. Establishment and Constitution of Corporation

(1) There is hereby established for the purposes of this Act a body called the Saint Lucia Broadcasting Corporation.

(2) The Corporation shall consist of not fewer than 5 and not more than 7 members as the Governor General may determine.

(3) The members of the Corporation shall be appointed by the Governor General from amongst persons appearing to him or her to be qualified by reason of experience in broadcasting, journalism, public relations, communications, administration, finance, law, accountancy and other related subjects.

(4) The Governor General shall appoint a chairperson and a deputy chairperson of the Corporation from amongst the members of the Corporation.

(5) A member of the Corporation shall hold office for such period not exceeding 3 years, as the Governor General may direct; but any member of the Corporation shall be eligible for reappointment.

(6) Any member of the Corporation may at any time resign his or her office by instrument in writing addressed to the chairperson, who shall cause it to be forwarded to the Minister for transmission to the Governor General.

(7) The Governor General may appoint any person appearing to him or her to have the qualifications specified in subsection (3), to act or to fill the place of any member of the Corporation for such period as he or she may determine, in the case of absence resignation or inability to act of such member.

(8) The Governor General may at any time revoke the appointment of any member of the Corporation if he or she thinks it expedient so to do.

(9) The appointment of any member and the termination of office of any member of the Corporation otherwise than by effluxion of time, shall be notified in the Gazette.

(10) A member of the House of Assembly is not eligible for appointment as a member of the Corporation.

4. Functions of Corporation

It is the function of the Corporation—

- (a) to promote the development of all forms of broadcasting in Saint Lucia whether by radio, television or otherwise; (*Amended by Act 32 of 1999*)
- (b) to carry on all activities educational, commercial or otherwise which appear to the Corporation to be requisite, advantageous or convenient for or in connection with the discharge of its said function;
- (c) to promote the carrying on of all such activities as aforesaid with other bodies or persons, (including local authorities and statutory bodies) and for this purpose to establish or expand, or promote the establishment or

expansion of, other bodies to carry on any such activities either under the control or partial control of the Corporation and to give assistance to such bodies or to other bodies or persons appearing to the Corporation to have facilities for the carrying on of any such activities as aforesaid;

- (d) to do anything and to enter any transaction of any nature whatsoever, whether as principals or agents or whether involving expenditure of monies or not in accordance with the provisions of this Act in that behalf, and to acquire any property or rights which in the opinion of the Corporation are calculated to facilitate the proper discharge of its functions or are incidental or conducive thereto.

5. Incorporation

- (1) The Corporation is a body corporate.
- (2) The Corporation shall have a head office in the City of Castries.
- (3) The Corporation has perpetual succession and an official seal, with power to hold land and other property of any kind whatsoever.
- (4) The seal of the Corporation shall be kept in the custody of the secretary of the Corporation and may be affixed to instruments under a resolution of the Corporation, in the presence of the chairperson, or deputy chairperson, and the secretary.
- (5) The seal of the Corporation shall be authenticated by the signature of the chairperson, or deputy chairperson and the secretary of the Corporation, and such seal shall be officially and judicially noticed.
- (6) All documents, other than those required by law to be under seal, and all decisions made by the Corporation may be signified by the chairperson, or deputy chairperson, and the secretary of the Corporation.
- (7) The Corporation may sue and be sued in its corporate name and may for all purposes be described by such name and service upon the Corporation of any notice, order or other document shall be executed by delivering or sending the same by registered post addressed to the secretary of the Corporation at the office of the Corporation.

6. Procedure at meetings of the Corporation

- (1) The Corporation 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 Corporation may determine.
- (2) The chairperson may at any time call a special meeting of the Corporation and shall call a special meeting within 7 days of a requisition for that purpose addressed to him or her by any 3 members of the Corporation.
- (3) The chairperson shall call a special meeting of the Corporation if directed by the Minister so to do.
- (4) The chairperson, or in his or her absence the deputy chairperson shall preside at all meetings of the Corporation.
- (5) A member of the Corporation shall not vote on any matter before the Corporation in which he or she has financial interest whether directly or indirectly.
- (6) The chairperson, or in his or her absence the deputy chairperson, and 2 other members of the Corporation shall form a quorum.
- (7) In the absence of the chairperson and the deputy chairperson the members present may elect a chairperson *pro tem*.
- (8) The decisions of the Corporation shall be by a majority of votes, and, in addition to an original vote, in any case in which the voting is equal, the chairperson or deputy chairperson presiding at the meeting shall have a casting vote.

(9) Minutes in proper form of each meeting shall be kept by the secretary and shall be confirmed by the chairperson or the deputy chairperson (as the case may be) as soon as practicable thereafter at a subsequent meeting.

(10) The Corporation may co-opt any one or more persons to attend any particular meeting of the Corporation for the purpose of assisting or advising the Corporation; but no such co-opted person shall have the right to vote.

(11) Subject to the provisions of this section, the Corporation shall have power to regulate its own proceedings.

7. Power to appoint Committee by Corporation

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

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

(3) The Corporation may by resolution reject the report of any such committee or adopt it either wholly or partially or with such modification, additions or adaptations as the Corporation may think fit.

8. Power to delegate

Subject to the provisions of this Act the Corporation may delegate to any member or committee of the Corporation the power and authority to carry out on its behalf such duties as the Corporation may determine.

9. Protection of Corporation

The validity of any act done or proceedings taken under this Act shall not be questioned on the ground of—

- (a) the existence of any vacancy in the membership of, or of any defect in the constitution of the Corporation;
- (b) the contravention by a member of the Corporation of the provisions of section 6(5); or
- (c) any omission, defect or irregularity not affecting the merits of any act done by the Corporation.

10. Protection of members of Corporation

Personal liability shall not attach to any member of the Corporation in respect of anything done or suffered in good faith under the provisions of this Act; and any sums of money, damages or costs which may be recovered against any such member in respect of any act or thing done *bona fide* for the purpose of carrying this Act into effect shall be paid out of the funds and resources of the Corporation.

11. Corporation to conform TO directions from Minister

In the exercise of its powers and the discharge of its functions the Corporation shall conform to any general or special directions given to it by the Minister under the provisions of this Act.

12. Power of Corporation to provide by resolution for all matters of administration

Subject to the provisions of this Act and of any regulations made thereunder, the Corporation shall have power by resolution to provide for all matters of administration and procedure in the exercise of its functions under this Act.

13. Decisions of Corporation

All decisions, orders, rules or regulations relating to the functions of the Corporation and authorised by this Act shall be made by resolution of the Corporation at a meeting thereof and shall be recorded in the minutes of the Corporation.

14. Remuneration of members

(1) Subject to the provision of subsection (2) of this section the Corporation shall pay to each member of the Corporation, in respect of his or her office, such, if any, remuneration as the Minister may determine.

(2) The chairperson and deputy chairperson of the Corporation may be appointed on such terms and conditions including remuneration as the Governor General may determine.

(3) Where persons not being members of the Corporation are members of a committee appointed under section 7(1), or where any person is co-opted under the provisions of section 6(10), the Corporation may by resolution and with the approval of the Minister declare the remuneration and allowance of such persons, and such sums shall properly be payable out of the funds and resources of the Corporation.

15. Duties and powers of Manager

(1) The Corporation shall, with the approval of the Minister appoint a Manager who shall be the Chief Executive Officer of the Corporation.

(2) The Manager is entrusted with the day to day management, administration, direction and control of the functions and business of the Corporation including all matters which are not by this Act or by rules or regulations made thereunder specially reserved to be done by the Corporation; and he or she is answerable to the Corporation for his or her acts and decisions.

(3) The Manager shall attend all meetings of the Corporation.

16. Termination of appointment of Manager

(1) The Corporation may with the approval of the Minister terminate the appointment of the Manager.

(2) The Manager may resign his or her office by giving to the Corporation 3 months notice in writing (or such shorter period as the Corporation may, in its discretion, agree to accept) of his or her intention so to do, and at the expiration of such period he or she is considered to have resigned his or her office.

(3) In the event of the absence of the Manager, the Corporation may with the approval of the Minister appoint any person to act as Manager upon such terms and conditions as it may determine; and any person so appointed may exercise all the powers and duties pertaining to the office of Manager under this Act.

17. Appointment of Officers

(1) The Corporation shall appoint and employ at such remuneration and on such terms and conditions as it thinks fit, a secretary and such officers, servants, and agents as it may consider necessary for the proper carrying out of its functions under this Act.

(2) The Public Service Commission may approve the transfer and appointment of any officer from the Public Service to the service of the Corporation and *vice versa*.

(3) Any officer transferred to the Corporation under the provisions of subsection (1) hereof may be transferred from the Corporation to any other statutory body and *vice versa*.

(4) Where a transfer and appointment have been approved under this section, arrangements shall be made by the Minister of Finance, the Corporation or the

statutory body as the case may be to pay to the body receiving the services of such person such contributions as may be provided for by rules or otherwise in respect of pensions and gratuities and any such rules may provide for different categories of persons.

18. Funds of the Corporation

(1) The funds and resources of the Corporation shall consist of—

- (a) such sums as may be placed at its disposal by the House of Assembly;
- (b) funds arising from the sale, lease or other disposition of any property vested in the Corporation;
- (c) funds arising from any source consequential upon the execution of its functions under this Act;
- (d) sums borrowed by the Corporation for the purpose of meeting any of its obligations or discharging any of its functions;
- (e) any other sums or property that may become payable to or vested in the Corporation in respect of any matter pertaining or incidental to its powers and duties.

(2) All moneys of the Corporation shall be paid into a bank or banks approved by the Minister except such sums as the Corporation may authorise any officer to retain in order to meet petty disbursements.

(3) All payments out of the funds of the Corporation except petty disbursements not exceeding such sums as may be fixed by the Corporation, shall be made by an officer authorised by the Corporation in that behalf.

(4) Cheques, withdrawals, bills of exchange or orders for the payment of any monies against any banking account of the Corporation shall be signed by the officer so authorised by the Corporation and countersigned by the chairperson or any member of the Corporation or any officer of the Corporation appointed by resolution of the Corporation for the purpose; and a copy of any such resolution shall be certified by the chairperson and forwarded to the bank or banks concerned.

19. Borrowings

(1) Subject to the provisions of this section the Corporation may borrow sums required for meeting any of its obligations and discharging any of its functions.

(2) The power of the Corporation to borrow shall be exercisable only with the approval of the Minister, as to the amount, as to the sources of the borrowing and as to the terms on which the borrowing may be effected. An approval given in any respect for the purposes of this subsection may be either general or limited to a particular borrowing or otherwise, and may be either unconditional or subject to conditions.

(3) With approval of the House of Assembly, the Minister may guarantee in such manner and on such conditions as he or she may think fit the payments of principal and interest of any approved borrowing by the Corporation.

(4) Where the Minister is satisfied that there has been default in the payment of any principal monies or interest guaranteed under the provisions of this section he or she shall direct the repayment out of the Consolidated Fund of the amount in respect of which there has been such default.

(5) The Corporation shall make to the Accountant General, payments including interests, at such times and in such manner and of such amounts as the Minister may direct towards repayment of the sums issued in fulfilment of any guarantee given under this section.

20. Reserve Fund

The Corporation shall establish a reserve fund which shall be dealt with and applied in accordance with any directions which may be given to the Corporation by the Minister.

21. Application of Funds

The funds and resources of the Corporation shall be applied in the following manner, that is to say in defraying the following expenses—

- (a) the remuneration and allowances of members and of any committee of the Corporation;
- (b) salaries, remuneration, other allowances, and payments of contributions towards the maintenance of any Pension or Provident Fund authorised by this Act for the officers and servants of the Corporation;
- (c) sums required to be transferred to a sinking fund or otherwise set aside for the purpose of meeting the repayment of any borrowed money;
- (d) the payment of rates, insurance premiums and other outgoings and of the expenses of maintenance or disposal of lands, buildings or other property vested in the Corporation or over which it has power of disposal by virtue of this Act;
- (e) sums to be appropriated to the reserved funds;
- (f) the payment of all other expenses authorised by or incidental to the operation of this Act and of any other expenditure authorised by the Corporation.

22. Accounts and Audit

(1) The Corporation shall keep accounts of its transactions to the satisfaction of the Minister and such accounts shall be audited annually by qualified accountants appointed by the Corporation.

(2) The members, officers and servants of the Corporation shall give to the accountants appointed to audit the accounts under subsection (1) hereof access to all books, documents, cash and securities of the Corporation and shall give to them on request all such information as may be within their knowledge in relation to the operation of the Corporation.

23. General Financial provisions

(1) Every sum payable to the Corporation shall be collected and received for and on account of the Corporation. Receipts for sums paid to the Corporation may be authorised by resolution of the Corporation generally or specifically in that behalf.

(2) The financial year of the Corporation shall coincide with the financial year of the Government of Saint Lucia.

(3) Despite anything contained in this Act, the Minister may, in his or her discretion at any time require a Director of Audit to examine and report on the accounts of the Corporation; and the Corporation shall provide the Director of Audit with all necessary and appropriate facilities for such examination.

(4) The Corporation shall make such provision for the safe keeping of its funds as it considers necessary for the purpose.

24. Reports

(1) The Corporation shall, within 3 months after the end of each financial year, cause to be made and to be transmitted to the Minister—

- (a) a report dealing generally with the operation of the Corporation during the last preceding financial year;
 - (b) a copy of the auditor's report; and
 - (c) a copy of the annual audited statement of accounts certified by the auditors.
- (2) The Minister shall as soon as possible after their receipt—
- (a) cause a copy of the reports together with the annual audited statements of accounts thereon to be laid before the House of Assembly; and
 - (b) cause a copy of the annual audited statement of accounts to be published in the Gazette.

25. Establishment and maintenance of Pension or Provident Fund

(1) The Corporation may with the approval of the Minister provide for the establishment and maintenance of a pension or provident fund for the benefit of the officers and employees of the Corporation.

(2) Without prejudice to the generality of this section, the pension scheme may enable the Corporation to—

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

26. Investment

Monies standing to the credit of the Corporation may be invested in securities approved either generally or specifically by the Minister and the Corporation may, with the like approval sell or deal with any or all of such securities.

27. Exemption from Income Tax and Customs duties

Despite anything contained in the Income Tax Act or the Customs (Control and Management) Act or any other law, the Corporation is not liable for the payment of income tax or any customs duties.

28. Regulations

The Corporation may make regulations, subject to the approval of the Minister, for all or any of the following purposes namely—

- (a) prescribing fees or charges to be paid in respect of any matter or thing done or to be done in connection with any of the functions of the Corporation;
- (b) providing for any matters which are authorised by this Act;
- (c) for regulating the administration of the Corporation including matter of discipline; and
- (d) generally for the purpose of carrying out the provisions of this Act.

CHAPTER 17.10
SAINT LUCIA BROADCASTING CORPORATION ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
