

CAYMAN ISLANDS



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**THE INSTITUTE OF CAYMANIAN HERITAGE LAW, 1991  
(LAW 13 OF 1991)**



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FIRST SCHEDULE  
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(S.4(2))  
(S.10(3))  
(S.11(2))  
(S.12(2))

CAYMAN ISLANDS

Law 13 of 1991

I Assent

A. J. SCOTT  
Governor

9th August, 1991

**A LAW TO MAKE PROVISION  
FOR THE ESTABLISHMENT OF AN INSTITUTE OF  
CAYMANIAN HERITAGE, COMPRISING THE NATIONAL ARCHIVE,  
THE NATIONAL MUSEUM AND THE NATIONAL LIBRARY,  
WHICH WILL SERVE AS AN ORGANISATION FOR THE COLLECTION  
AND PRESERVATION OF ITEMS RELEVANT TO CAYMANIAN HERITAGE  
AND CULTURE, FOR THE MANAGEMENT OF GOVERNMENT RECORDS,  
AND FOR MATTERS CONNECTED WITH THE FOREGOING AND  
INCIDENTAL THERETO**

ENACTED by the Legislature of the Cayman Islands.

**PART I**

**PRELIMINARY**

Short Title.

1. This Law may be cited as the Institute of Caymanian Heritage Law, 1991.

Interpretation and  
declaration.

2. (1) In this Law –

"archive" means a record worthy of permanent preservation;

"closure period" means the period during which a government record is not open to public inspection because it is still in use by, or exclusively available to, the persons specified in section 14(1);

"Collections Policy" means the document prepared and published by the Council on the advice of the Director of a given division of the Institute which sets out standards and procedures for all aspects of the management of that division's collections;

"Council" means the Council of the Institute established under section 4;

"court records" means any record created or received by any court in the Islands;

"Governor" means the Governor in Council;

"government organisation" means any department, section, authority, commission, committee, board, corporation, or any other body controlled by or financially accountable to the Government of the Islands;

"government records" means any record created or received by a government organisation;

"Institute" means the Institute of Caymanian Heritage established by section 3(1);

"Member" means Member of the Executive Council;

"National Archive" means the Cayman Islands National Archive established by section 8(1);

"National Importance" means that status conferred on any item by declaration of the Council as set out in section 25;

"National Library" means the Cayman Islands National Library established by section 22(1);

"National Museum" means the Cayman Islands National Museum established by section 17;

"public officer" has the meaning assigned to that expression by section 50(1) of the Cayman Islands (Constitution) Order, 1972;

"record" means any information together with the medium in which it is captured, irrespective of that medium;

"record class" means a set of files, papers, or other government records which arise from a particular activity or function within a

government organisation;

"Records Centre" means a place designated by the National Archive for storing government records;

Law 16 of 1979.

"the repealed Law" means the Museum Law, 1979;

"vital records" means those records essential to the operation of Government during and after an emergency, or which protect the rights and interests of Government, its employees and the public.

(2) It is hereby declared that the heritage of the Cayman Islands is of vital importance, both in its own right and as part of the heritage of the Caribbean, and should be preserved for present and future generations, and that the Institute of Caymanian Heritage established by this Law –

- (a) plays an essential role, together with other institutions, in preserving and promoting the heritage of the Cayman Islands, in contributing to the collective memory and in affirming the cultural identity of the Islands; and
- (b) is intended to be a source of research, learning, inspiration, and enjoyment which belongs to all Caymanians.

## **PART II**

### **THE INSTITUTE**

Establishment, etc., of  
the Institute.

3. (1) There is hereby established an Institute of Caymanian Heritage, which shall be a body corporate having perpetual succession and a common seal, and which shall be comprised of the following divisions –

- (a) the National Archive;
- (b) the National Museum; and
- (c) the National Library.

(2) The Institute shall be responsible for the control and maintenance of the National Archive, the National Museum, and the National Library and shall, through those divisions, collect, preserve, research, interpret and exhibit for posterity significant material evidence, records and information relevant to the Islands, for the purposes of education, enlightenment and enjoyment.

(3) The Institute, in order to broaden its work or to meet public need, may establish within the Islands, branch organisations of any division, and any such organisation shall be a part of the respective division for all administrative and financial purposes.

(4) The Institute shall, for purposes of any law for the time being affecting charities, be deemed to be a charity.

Law 5 of 1973.

(5) Any transaction involving the Institute shall be exempt from the payment of stamp duty under the Stamp Duty Law, 1973, for which, but for this subsection, stamp duty would be payable.

(6) The Institute shall have power to acquire property by purchase, gift, bequest, lease or otherwise and, subject to the approval of the Governor, to dispose of such property. All property acquired as aforesaid shall vest in the Institute.

(7) The seal of the Institute shall be authenticated by the chairman or a member of the Council authorised by the chairman in that behalf, and by the secretary. The seal shall be judicially noticed.

### PART III

#### ADMINISTRATION

Establishment of the Council.

4. (1) For the purposes of this Law, there shall be established a Council for the administration of the Institute.

First Schedule.

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

Functions of the Council.

5. The functions of the Council shall be —

- (a) to direct and manage the affairs of the Institute;
- (b) to establish policy regarding the operations of the Institute generally, and for each of its constituent divisions specifically;
- (c) subject to the Public Service Commission Law (Revised), to advise the Governor on the appointment of public officers employed by the Institute;
- (d)
  - (i) to keep proper accounts of the income and expenditure of the Institute according to generally accepted accounting practices;
  - (ii) to have the accounts audited annually by the Auditor General; and
  - (iii) to submit an annual report of the Institute's operations to the Governor and to the Member charged with responsibility for culture, together with a financial statement and the Auditor's report, which reports and financial statement shall be laid on the table of the Legislative Assembly by the said Member as soon as possible;
- (e) to receive funds paid to the Council by means of —

Law 38 of 1967.

- (i) grants made to the Institute by the Legislative Assembly;
- (ii) admission fees, membership fees, or fees for services rendered by any of the constituent divisions of the Institute;
- (iii) donations to the Institute or any of its divisions by individuals or institutions;
- (iv) sale of publications and other items of a commercial nature;
- (v) money raised from any other source approved by the Council;
- (f) to apportion to each of the divisions of the Institute the moneys under its control, according to budgetary estimates submitted by each division annually; so, however, that any money acquired by or donated to a particular division shall be appropriated to that division.

Vesting of property of the Cayman Islands Museum.

6. All property which, at the coming into force of this Part, vested in The Trustees of the Cayman Islands Museum by virtue of section 8(1) of the repealed Law, shall vest in the Institute and shall be administered by the Council for the purposes of the National Museum.

Staff of the Council.

7. (1) The Council may, at such remuneration and on such terms and conditions as it may think fit, appoint such staff, other than public officers, as may be necessary for the due performance of the functions of the Council.

(2) The Governor, acting upon the request of the Council, may approve the transfer or secondment of any public officer to any office under the Council and any person so transferred or seconded shall, in relation to salary, pension, gratuity and the like, and to other rights and to discipline, be treated as if he were not so transferred or seconded.

#### **PART IV**

#### **THE NATIONAL ARCHIVE**

Establishment of the National Archive.

8. (1) There is hereby established a division of the Institute to be known as the Cayman Islands National Archive, in which shall be preserved such archives as are transferred to or acquired by the National Archive under the provisions of this Law.

(2) The Governor, on the advice of the Council, and after consultation with the Members charged with responsibility for government records and for culture respectively, shall appoint a Director of the National Archive, who shall be responsible for carrying out the functions of the National Archive.

Functions of the  
National Archive.

9. The functions of the National Archive shall be –

- (a) to provide to the Government a Records Management Service as provided in section 10(1); and
- (b) to provide to the public all the services of a National Archive as described in section 13.

Records Management  
Service and Records  
Advisory Committee.

10. (1) The National Archive shall create and operate a Records Management Service for all government records, for which it shall be responsible to the Member charged with responsibility for government records (in this section referred to as "the Member"), and for which funds separate from those of the Institute shall be provided through that Portfolio on the basis of an annual budget submitted by the Director of the National Archive to the Member.

(2) There shall be a Records Advisory Committee, which shall advise the Member on all aspects of records management for records in the executive branch of Government, and which, together with the Member, shall advise the Governor regarding regulations to govern such records. On the advice of the committee, and subject to the regulations, the Member may authorise the destruction of records under the Committee's control.

Second Schedule.

(3) The provisions of the Second Schedule shall have effect with respect to the constitution of the Records Advisory Committee and otherwise in relation thereto.

Court Records  
Committee.

11. (1) There shall be a Court Records Committee, which, subject to regulations made by the Governor under section 29, shall establish procedures concerning all aspects of records management for the records of the courts, which procedures shall be put into effect by the Director of the National Archive. The Committee shall have the power to authorise the destruction of records under its control.

Third Schedule.

(2) The provisions of the Third Schedule shall have effect with respect to the constitution of the Court Records Committee, and otherwise in relation thereto.

Legislative Records  
Committee.

12. (1) There shall be a Legislative Records Committee, which, subject to regulations made by the Governor under section 29, shall establish procedures concerning all aspects of records management for the records of the Legislative Assembly, which procedures shall be put into effect by the Director of the National Archive. The Committee shall have power to authorise the destruction of records under its control.

Fourth Schedule.

(2) The provisions of the Fourth Schedule shall have effect with respect to the constitution of the Legislative Records Committee and otherwise in relation thereto.

Public services of the  
National Archive.

13. The services which the National Archive shall provide to the public include the following --

- (a) to preserve and maintain those government records of

the executive branch of the Government of the Islands which the Records Advisory Committee has adjudged to be of archival value, and to make them available to the public after appropriate periods of closure as determined by the Committee;

- (b) to preserve and maintain those records of the courts of the Cayman Islands which the Court Records Committee has adjudged to be of archival value, and to make them available to the public after appropriate periods of closure, as determined by the Committee;
- (c) to preserve and maintain those records of the Legislative Assembly which the Legislative Records Committee has adjudged to be of archival value, and to make them available to the public after appropriate periods of closure, as determined by the Committee;
- (d) to preserve and maintain the registers and other records obtained from the Registrar General or the Public Recorder which have been released by agreement between the Director of the National Archive and the Registrar General or the Public Recorder, as the case may be;
- (e) to identify and, where possible, acquire archives from non-government sources in the Islands, or where appropriate, copies of such archives, owned by individuals, civic groups, commercial, ecclesiastical or other organisations; and to accept such archives on gift or deposit, at the discretion of the Director of the National Archive, on those terms and conditions which may be agreed between him and the donor or depositor, as the case may be;
- (f) to identify archives held overseas which are of relevance to the Islands, and to acquire them, or copies of them, in any appropriate medium;
- (g) to arrange, describe, index, store and conserve all holdings of the National Archive to professionally recognised standards of archival supervision;
- (h) subject to the provisions of section 14, to provide facilities for public research into the archives, the hours of opening to the public to be laid down by the Council in consultation with the Director of the National Archive;
- (i) to provide, upon request, certified copies or extracts of any item in the custody of the Archive, such copies or extracts being admissible as evidence in any legal proceeding without further proof thereof, if the original record would have been admissible as evidence in such a proceeding;

- (j) to publish, at the discretion of the Director of the National Archive, archival materials or the results of research into them, and to make such publications available in commercial or non-commercial form;
- (k) to engage in such activities as school programmes, exhibitions, public lectures, radio broadcasts or advertising, in order to educate the public about, and arouse its interest in, the resources of the Archive, and to liaise with other institutions in the Islands or elsewhere with similar aims, for the mutual exchange of knowledge, information, and archival materials;
- (l) to maintain a register of archives which have been declared to be of National Importance;
- (m) to perform such other functions as may be necessary to direct, manage and control the Archive.

Access to government records.

14. (1) No person other than –

- (a) officers of –
  - (i) the originating department;
  - (ii) the National Archive;
  - (iii) the Audit Office;
- (b) the Principal Secretary responsible for the originating department;
- (c) members of the Records Advisory Committee, the Court Records Committee and the Legislative Records Committee, for records under their control;

shall have access to any government record during the closure period specified by the Records Committee responsible for that record, unless he is a public officer and has the written authority of the head of the department from which the record originates.

(2) Any person may, for the purpose of reference or research, inspect any archive which is not subject to closure, provided the following conditions are satisfied –

- (a) in the case of a record acquired from a non-Government source, any conditions or restrictions imposed by the Director of the National Archive or person from whom it was acquired; and
- (b) such conditions as the Director of the National Archive may consider necessary for its preservation or conservation.

Validity of records and certification.

15. (1) The legal validity of a record shall not be affected by its lawful removal to or from the National Archive.

(2) A copy of, or an extract from, a record which is in the National Archive and which –

(a) has been examined and certified to be true and authentic by the Director of the National Archive or by any member of the staff of the National Archive authorised by the Director; and

(b) has affixed thereto the seal of the Institute,

shall be admissible in evidence as if it were the original.

Reproduction of records.

16. (1) A person shall not publish or reproduce the whole or any part of any archive held by the National Archive except with the written consent of the Director of the National Archive, and in accordance with such written conditions as may be imposed by the National Archive, and, in the case of an archive acquired from a non-Government source, such written conditions as may have been imposed in the terms of the deposit by the person from whom it was acquired.

(2) Nothing in this section shall be construed as affecting or extending the law relating to copyright.

## **PART V**

### **THE NATIONAL MUSEUM**

Establishment of National Museum.

17. There is hereby established a division of the Institute to be known as the Cayman Islands National Museum.

Appointment and duties of Museum Director.

18. (1) The Governor, on the advice of the Council and after consultation with the Member charged with responsibility for culture, shall appoint a Director of the National Museum who shall be responsible for carrying out the functions of the Museum.

(2) The Director shall maintain a National Museum Register of artifacts which have been declared to be of National Importance.

Purposes of the National Museum.

19. The purposes of the National Museum shall be –

(a) to establish for posterity a collection of material evidence concerning man and his environment, with primary but not exclusive reference to the Cayman Islands; and

(b) to arouse public interest in Caymanian heritage and, through proper use of the collection, to increase knowledge and appreciation of, and respect for Caymanian Heritage.

Functions of the National Museum.

20. The functions of the National Museum shall be –

- (a) to collect material evidence of artistic, historic, or scientific significance to the Caymanian heritage, whether terrestrial or underwater, in accordance with its Collections Policy;
- (b) to ensure the permanent identification (including individual and absolute provenance) and location of each item by documenting and organising the collections in accordance with its Collections Policy;
- (c) to ensure proper care and maintenance of the collections by providing a safe, stable and orderly environment; and to carry out preservation and conservation to standards generally accepted by the Museum profession;
- (d) to undertake, assist or sponsor research and scientific inquiry into –
  - (i) collections of the National Museum;
  - (ii) historic items and sites whether terrestrial or underwater;
  - (iii) other aspects of Caymanian heritage;and to disseminate the results thereof through reports, papers, films, and other appropriate media;
- (e) to provide public access to the National Museum, the hours of opening to be laid down by the Council in consultation with the Director of the National Museum;
- (f) to encourage the public to experience the National Museum as a place of learning and enjoyment by presenting material in an informative and stimulating manner through exhibitions, educational programmes, and such other events and activities as may be considered appropriate;
- (g) to liaise with other organisations and institutions having similar objectives, for the loan or exchange of artifacts and exhibits, and the exchange of knowledge and information;
- (h) to operate restaurants, shops and other facilities for the use of the public and in furtherance of the purposes of the National Museum;
- (i) to perform such other functions as may be necessary to direct, manage and control the National Museum and to fulfill its purposes.

Power to charge for admission, etc.

21. The National Museum may make charges for goods, services and admission and may use the revenue obtained therefrom for its own purposes.

**PART VI**

**THE NATIONAL LIBRARY**

Establishment of the  
National Library.

22. (1) There is hereby established a division of the Institute to be known as the Cayman Islands National Library which shall be a non-circulating research library.

(2) The Governor, on the advice of the Council, and after consultation with the Member charged with responsibility for culture, shall appoint a Director of the National Library, who shall be responsible for carrying out its functions.

Functions of the  
National Library.

23. (1) The functions of the National Library shall be –

- (a) to purchase or otherwise acquire printed books, articles and other materials, which are either about the Islands or have a bearing on them in their wider context;
- (b) to acquire by purchase, gift or deposit, rare books and unpublished manuscripts and texts (on any medium) relevant to the Islands, the Director of the National Library and the party concerned setting out the terms of any such acquisition;
- (c) to acquire books, articles and other published or unpublished materials on any medium, written or made by Caymanians in or outside the Islands, even if the subjects of such materials do not relate to the Islands;
- (d) to operate as a copyright library, receiving, free of charge, two copies of every book, pamphlet, newspaper or other material, on whatever medium, published in the Islands;
- (e) to prepare and publish, periodically, a Caymanian National Bibliography which will provide a comprehensive listing of all print and non-print materials whether produced in the Islands or relating to the Islands but published outside the Islands, or by Caymanians overseas;
- (f) to maintain, as a section of the Caymanian National Bibliography, a register of those items within the scope of the National Library's interest which have been declared to be of national importance;
- (g) to catalogue, arrange and preserve its collections to professionally recognised standards;
- (h) to make the collections available for public use, the hours of opening to be laid down by the Council in consultation with the Director of the National Library;

- (i) to engage in other activities of a public nature, such as exhibitions and educational programmes;
- (j) to perform such other functions as may be necessary to direct, manage and control the National Library.

(2) For the better operation of the provisions of this Part, but subject to the policy of the Council, the Director of the National Library may arrange loan facilities with libraries in the Islands or elsewhere, as he may think fit.

Publisher to provide copies to the National Library.

24. It shall be the duty of the publisher of any book, newspaper, pamphlet, periodical, journal, novel or other information, on whatever medium, published in the Islands –

- (a) for public sale, to furnish the National Library, free of charge, with two copies of the same within three months of publication;
- (b) for free distribution, to offer to the National Library, two copies of the same within three months of publication, which the Director of the National Library may, at his discretion, accept for inclusion in the National Library.

## **PART VII**

### **GENERAL**

Declaration of National Importance.

25. (1) The Director of any division of the Institute may nominate any item within the purview of that division to be an item of National Importance; and the Council shall have the power to declare any such item to be of National Importance, according to criteria and procedures recommended by the Council and contained in regulations made under section 29.

(2) The owner of any item declared to be of National Importance who disagrees with such a declaration may, within thirty days of the date thereof, request the Council to reconsider its decision and the Council shall reconsider the decision within thirty days of receipt of the request.

(3) The owner shall have a right of audience before the Council.

(4) If the owner of the item is dissatisfied with the decision of the Council made upon his request, or if the Council fails to reconsider the matter within the time specified in subsection (2), the owner may, within thirty days of the decision or of the failure (as the case may be), appeal to the Governor whose decision shall be final.

(5) Where any item has been declared to be of National Importance, a record of it shall be made in either the National Register of Archives or the National Museum register, or within a special section of the Caymanian National Bibliography, whichever is most appropriate, such registers and Bibliography being available for public reference, and

published at the discretion of the Council.

(6) Items which have been declared to be of National Importance and which are not held within the collections of the Institute shall be inspected from time to time by the Director of the appropriate division of the Institute or his designated representative in order that he may give advice and direction regarding the conditions required for their proper storage and care; the owner shall afford to him all reasonable facilities to carry out such inspections. The Director may, with the approval of the Council, use the funds of the Institute to ensure satisfactory storage conditions or to carry out necessary preservation, conservation or repair of the item and, in any such case, the owner shall facilitate such storage, preservation, conservation, or repair of the item.

(7) The Director of any division of the Institute may photograph or copy, in any appropriate medium, an item which has been declared to be of National Importance, the copy to be retained in the collections of the Institute under such terms and conditions as are agreed with the owner of the item.

(8) The owner of an item which has been declared to be of National Importance shall inform the Director of the appropriate division of the Institute of any change in ownership or any obvious deterioration of the item.

Use of premises.

26. The Council, on the advice of the Director of the appropriate division of the Institute, may use, or allow to be used, the premises of the Institute or any of its divisions for meetings, exhibitions, or other events of an educational or cultural nature, either free or for a charge.

Exemption from import duty.

27. Notwithstanding anything to the contrary in any law for the time being in force, no import duty shall be payable upon any article imported or taken out of bond by or for the Institute or any of its divisions for the benefit or upkeep of the Institute or any of its divisions.

Fees for special services.

28. (1) Subject to subsection (2), the public shall be admitted to the National Library and the National Archive free of charge.

(2) Subject to the approval of the Council, fees may be charged by the Directors of the respective divisions of the Institute for any of the following special services –

- (a) the loan of any material for use outside the Institute;
- (b) copying any material;
- (c) any other special services which may be requested from time to time.

Regulations.

29. The Governor may make regulations providing for –

- (a) the creation, maintenance, scheduling, transfer to the Records Centre, closure periods, destruction or archiving

of all records in the executive branch of government;

- (b) the closure periods and archiving of record classes in the Legislative and Judicial branches of government;
- (c) public access to and conduct within the premises of each division of the Institute;
- (d) vital records;
- (e) the better carrying out of the objects and purposes of this Law.

Offences.

30. (1) It shall be an offence for any person --

- (a) to export or otherwise cause to leave the Islands any item declared to be of National Importance without the written permission of the Director of the division of the Institute responsible for that item;
- (b) to remove without authority, destroy, deface, mutilate or otherwise damage any item which has been declared to be of National Importance;
- (c) to cause the loss of or damage to an item of National Importance through wilful neglect, after receiving advice or direction from the Director of any division of the Institute regarding its proper storage and care;

and on summary conviction therefor, he shall be liable to a fine of two thousand dollars or to imprisonment for a term not exceeding six months or both.

(2) Any person who --

- (a) conducts himself so as to disturb any other person on premises of the Institute or any of its divisions;
- (b) behaves in a disorderly manner while on premises of the Institute or any of its divisions;
- (c) molests, obstructs, uses insulting or abusive language to, or in any way interferes with, any person on premises specified in paragraphs (a) and (b);
- (d) without authority intentionally removes, destroys, defaces, mutilates or otherwise damages anything (wherever situate) belonging to or in the custody of the Institute or any of its divisions; or
- (e) contravenes any provisions of this Law or regulations made thereunder;

shall be guilty of an offence and liable on summary conviction to a fine

not exceeding two thousand dollars or to imprisonment for a term not exceeding six months or both.

(3) Notwithstanding any punishment the court may have imposed under subsection (1), it may, in addition thereto, order the convicted person to pay the cost of replacement or repair of any thing removed or damaged, which is in the custody of the Institute or of any of its divisions.

Repeal and saving.

31. (1) Subject to section 6, the Museum Law, 1979, is hereby repealed.

(2) Nothing in this Law shall affect or derogate from the Public Library Law (Revised).

Commencement.

32. (1) This Law shall come into operation on a date to be appointed by the Governor by notice in the Gazette and different dates may be appointed for different sections or Parts as may be expedient.

(2) Until Part VI is brought into operation the Director of the National Archive shall carry out such functions of the National Library as will promote its early development.

#### **FIRST SCHEDULE (Section 4 (2))**

Constitution of the  
Council of the Institute.

1. (1) The Council of the Institute established under section 4 shall be comprised of –

(a) the following members appointed by the Governor –

- (i) not more than two representatives recommended by the Member charged with responsibility for culture (in this Schedule called "the Member");
- (ii) not less than four nor more than six public officers, each with special interest or expertise in one or more of the fields of education, culture, history, or natural resources;
- (iii) not less than four nor more than six members of the general public who have an interest in the work of the Institute, selected from a list of such persons provided by the Directors of the three divisions of the Institute; and

(b) The Directors of the National Museum, the National Archive, and the National Library, *ex officio*, or their designated representatives.

(2) The Council shall elect from its members a Chairman and a Vice-Chairman.

- (3) The Governor shall, on the recommendation of the Council, appoint a Secretary.
- Tenure of office. 2. (1) The appointment of every appointed member of the Council shall be by instrument in writing and shall be for a period not exceeding three years.
- (2) Every appointed member shall be eligible for re-appointment.
- (3) Notwithstanding paragraph (1) the Governor may at any time revoke the appointment of a member of the Council appointed by him.
- Resignations. 3. An appointed member may at any time resign his office by instrument in writing addressed to the Governor and transmitted through the Chairman, and from the date of receipt of such instrument by the Governor such member of the Council shall cease to be a member of the Council.
- Procedure and meetings. 4. (1) The Council shall meet not less than four times a year and not more than three months shall elapse between meetings.
- (2) The Chairman may at any time call a special meeting of the Council and shall call a special meeting to be held within seven days of a written request for that purpose addressed to him by any two members of the Council.
- (3) The Chairman shall preside at all meetings of the Council at which he is present, but in the case of his absence or inability to act the Vice-Chairman shall preside; and in the event of the absence or inability to act of both the Chairman and the Vice-Chairman, the members present and constituting a quorum shall choose one of their number to preside at that meeting.
- (4) The Chairman, Vice-Chairman or person elected to preside as aforesaid shall have a casting vote in addition to an original vote in any case in which the voting is equal.
- (5) The quorum of the Council shall be six or such greater number as the Council shall determine.
- (6) Subject to the provisions of this Schedule the Council may regulate its own proceedings.
- (7) The validity of any proceedings of the Council shall not be affected by any vacancy amongst its members or by any defect in the appointment of a member thereof.
- Protection of members of Council. 5. No action, suit, prosecution or other proceeding shall be brought or instituted against the Institute or any of its divisions or personally against any member of the Council or any employee of the divisions of the Institute in respect of any act done *bona fide* in pursuance or execution or intended execution of this Law.

Appointment of committees.

6. (1) The Council may appoint committees for each of the divisions of the Institute and for any general purposes which, in the opinion of the Council, would be better regulated and managed by means of a committee.

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

(3) A committee appointed pursuant to this paragraph may include persons who are not members of the Council.

(4) The provisions of paragraph 5 shall apply to a member of a committee who is not a member of the Council in like manner as they apply to a member of the Council.

(5) The validity of the proceedings of a 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.

Delegation of powers.

7. (1) Subject to the provisions of this Law the Council may delegate to a committee of the Council, or to any of the officers or servants of the Institute, the power and authority to carry out such of its functions as the Council may determine.

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

Bye-laws.

8. The Council may, with the approval of the Governor, make bye-laws for the better carrying out of its functions and duties under this Law, and any such bye-laws shall be published in the *Gazette*.

Constitution of the Records Advisory Committee.

**SECOND SCHEDULE (Section 10 (3))**

1. (1) The Records Advisory Committee shall be comprised of the following members *ex-officio* or their respective nominees –

- (a) the Member of Executive Council with responsibility for government records as Chairman;
- (b) the Director of the National Archive;
- (c) the Accountant General;
- (d) the Attorney General;
- (e) the Administrative Secretary; and
- (f) the Manager of the Government Computer Services.

- (2) The Committee shall have power to co-opt other members as it sees fit.
- Meetings. 2. The Committee shall meet at least three times a year and not more than four months shall elapse between meetings.
- Chairman to preside at meetings. 3. The Chairman shall preside at all meetings at which he is present, but in the event of his absence or inability to act, the members of the Committee present and forming a quorum shall elect one of their number to preside at that meeting.
- Quorum. 4. A quorum of the Committee shall be four.
- Voting. 5. The Chairman or person elected to preside at a meeting shall have a casting vote in addition to an original vote in any case in which the voting is equal.
- Committee to regulate proceedings. 6. Subject to the provisions of this Schedule the Committee may regulate its own proceedings.
- Validity of proceedings not affected by vacancy. 7. The validity of any proceedings of the Committee shall not be affected by any vacancy amongst its members or by any defect in the appointment of a member thereof.

### THIRD SCHEDULE (Section 11(2))

- Constitution of the Court Records Committee. 1. (1) The Court Records Committee shall be comprised of the following members, *ex-officio* –
- (a) the Chief Justice or a Judge of the Grand Court nominated by him, as Chairman;
  - (b) the Senior Magistrate or in his absence another Magistrate;
  - (c) the Clerk of the Court; and
  - (d) the Director of the National Archive.
- (2) The Committee shall have power to co-opt other members as it sees fit.
- Meetings. 2. The Committee shall meet at least twice yearly and not more than six months shall elapse between meetings.
- Chairman to preside at meetings. 3. The Chairman shall preside at all meetings at which he is present, but in the event of his absence or inability to act, the members present and forming a quorum shall elect one of their number to preside at that meeting.
- Quorum. 4. A quorum of the Committee shall be three.
- Voting. 5. The Chairman or person elected to preside at a meeting shall have

an original as well as a casting vote.

Committee to regulate own proceedings.

6. Subject to the provisions of this Schedule the Committee may regulate its own proceedings.

Validity of proceedings not affected by vacancy.

7. The validity of any proceedings of the Committee shall not be affected by any vacancy amongst its members or by any defect in the appointment of a member.

#### FOURTH SCHEDULE (Sec. 12(2))

Constitution of the Legislative Records Committee.

1. (1) The Legislative Records Committee shall be comprised of the following members, *ex-officio* –

- (a) The Clerk of the Legislative Assembly as Chairman;
- (b) The Speaker of the Legislative Assembly;
- (c) The Deputy Clerk of the Legislative Assembly;
- (d) The Director of the National Archive.

(2) The Committee shall have power to co-opt other members as it sees fit.

Meetings.

2. The Committee shall meet at least twice yearly and not more than six months shall elapse between meetings.

Chairman to preside at meetings.

3. The Chairman shall preside at all meetings at which he is present, but in the event of his absence or inability to act, the members present and forming a quorum shall elect one of their number to preside at that meeting.

Quorum.

4. A quorum of the Committee shall be three.

Voting.

5. The Chairman or person elected to preside at a meeting shall have an original as well as a casting vote.

Committee to regulate own proceedings.

6. Subject to the provisions of this Schedule the Committee may regulate its own proceedings.

Validity of proceedings not affected by vacancy.

7. The validity of any proceedings of the Committee shall not be affected by any vacancy amongst its members or by any defect in the appointment of a member.

Passed by the Legislative Assembly the 3rd day of July, 1991.

**SYBIL McLAUGHLIN**  
Speaker.

**GEORGETTE MYRIE**  
Clerk of the Legislative Assembly.

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