

CAYMAN ISLANDS



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THE NATIONAL GALLERY LAW, 1999

(Law 9 of 1999)

THE NATIONAL GALLERY LAW, 1999

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CAYMAN ISLANDS

Law 9 of 1999.

I Assent

P J SMITH

Governor.

17 June, 1999

**A LAW TO PROVIDE FOR A NATIONAL GALLERY AND FOR
INCIDENTAL AND CONNECTED PURPOSES**

ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the National Gallery Law, 1999.

Short title

2. In this Law, unless the context requires otherwise-

Definitions

“Director” means the Director of the National Gallery appointed under section 7;

“Management Board” means the National Gallery Management Board established by section 5;

“National Gallery” means the National Gallery of the Cayman Islands established by section 3;

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

“trustee” means a trustee appointed under section 8(2);

“visual arts” includes pictures, crafts, sculpture and pottery; and

“work of art” means an individual example of one or more of the visual arts.

Establishment of the
National Gallery

3. There is established the National Gallery of the Cayman Islands under the direction of the Management Board and the Director.

Purposes of the National
Gallery

4. The purposes of the National Gallery shall be-

- (a) to serve as an art gallery for the Islands and to establish in the Islands a national collection of works of art;
- (b) to promote and encourage the practice of the visual arts of and in the Islands and to increase knowledge and appreciation of the visual arts; and
- (c) to enable the interaction between the visual arts and other forms of art.

National Gallery
Management Board

5. (1) There is established a Management Board for the National Gallery.

(2) The Management Board shall consist of at least 7 members who shall be appointed by the Governor in Council and shall hold office during the pleasure of the Governor in Council.

(3) The chairman of the Management Board shall be elected annually by the Management Board from among its members and shall be eligible for re-election.

(4) The Management Board shall, at its first meeting, elect its first chairman and adopt its standing orders and rules of procedure.

(5) The Director of the National Gallery shall act as the Secretary to the Management Board and to the trustees.

(6) The Management Board shall have power to co-opt, for limited periods, specialists on particular subjects relevant to the National Gallery's functions.

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

(8) A member of the Management Board may at any time resign his office and such resignation shall take effect from the date of receipt of written notice thereof by the Governor in Council.

(9) Subject to this Law, the Management Board shall have power to regulate its own proceedings.

(10) The Management Board shall establish policies and authorise activities and expenditure in furtherance of the purposes of the National Gallery specified in section 4 and of the functions of the National Gallery specified in section 6.

6. (1) The functions of the National Gallery shall be-

Functions of the
National Gallery

- (a) to organise and maintain permanent and temporary public exhibitions of works of art;
- (b) to collect and preserve significant works of art for public exhibition;
- (c) to facilitate the public exhibition of works of art or collections of works of art loaned by persons or bodies for that purpose;
- (d) to present, or facilitate the presentation by others, of programmes of instruction in the visual arts;
- (e) to lend works of art in the national collection to other art galleries for the purpose of promoting the culture of the Islands abroad;
- (f) to encourage the evolution and the enjoyment of the visual arts in the Islands;
- (g) to promote the appreciation and interpretation of the visual arts in the Islands as an integral component of education;
- (h) to foster and encourage research in the visual arts;
- (i) to provide facilities for the curation and restoration of works of art; and
- (j) to perform such other functions as may be necessary to direct, manage and control the National Gallery and to fulfil its purposes specified in section 4.

(2) The Management Board shall insure the works of art in the national collection against theft, damage or loss with insurers approved by the Governor in Council.

7. The Governor in Council, after consultation with the Management Board, shall appoint a Director of the National Gallery, who shall be responsible for carrying out the functions of the National Gallery within the policies established from time to time by the Management Board.

Appointment of Director

8. (1) The Management Board shall have power to accept and receive donations, legacies, government funding and loans for the use of the National Gallery in the execution of its functions.

Finance and property

(2) The property of the National Gallery shall be vested in up to 4 trustees appointed by the Governor in Council to hold office at his pleasure, 2 of whom may be members of the Management Board, and who shall deal with the property in accordance with decisions made from time to time by the Management Board and directed in writing to the trustees.

(3) Subject to subsection (4), the trustees shall have perpetual succession, and a common seal, and may, with the written approval of the Management Board, hold, lend, borrow, sell and exchange movable and immovable property, and shall have the corporate name "The Trustees of the Cayman Islands National Gallery".

(4) The trustees shall not sell, exchange, transfer, encumber or lease for more than one year any immovable property without the approval of the Governor in Council.

(5) The common seal of the trustees shall be authenticated by a trustee authorised by a resolution of the trustees in that behalf, and by the Director.

(6) The expenses of the National Gallery shall be met by funds voted by the Legislative Assembly for that purpose, by admission fees paid by the public, and by any other money received by the Management Board or the trustees in their capacity as trustees.

Charity

9. The National Gallery shall have the status of a charity for the purposes of any law for the time being affecting charities.

Staff

10. (1) The Management Board may, at such remuneration and on such terms and conditions as it thinks fit, appoint such staff, including volunteer unpaid staff, other than public officers, as may be necessary for the performance of the functions of the National Gallery.

(2) The Governor in Council, acting on the request of the Management Board, may approve the secondment of any public officer to any office under the Management Board and any person so seconded shall, in relation to salary, pension, gratuity or conditions of service, be treated as if he were not seconded.

(3) A public officer seconded under subsection (2) shall continue to be paid by Government and the Management Board may enter into an arrangement whereby part or all of his salary shall be reimbursed by the Management Board to the Government.

11. Notwithstanding anything to the contrary in any law for the time being in force-

Exemption from duty

- (a) any document implementing a transaction involving the National gallery or the trustees shall be exempt from stamp duty; and
- (b) no import duty shall be payable on any article imported or taken out of bond by or for the National Gallery, the Management Board, or the trustees when acting in that capacity.

12. The Management Board, on the advice of the Director, may use, or allow to be used, the premises of the National Gallery for meetings, exhibitions, or other events of an educational or cultural nature, either free or for a charge.

Use of premises

13. The Governor in Council may make regulations for the better implementation of the Law and for prescribing anything required or authorised by this Law to be prescribed.

Regulations

14. The Management Board may make bye-laws for the good conduct and general organisation and management of the National Gallery and for determining admission fees and fees for-

Bye-laws

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

15. A person who-

Offences

- (a) conducts himself so as to disturb any other person on premises of the National Gallery;
- (b) behaves in a disorderly manner while on premises of the National Gallery;
- (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); or
- (d) without authority intentionally removes, destroys, defaces, mutilates or otherwise damages anything (wherever situate) belonging to or in the custody of the National Gallery,

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is guilty of an offence and is liable on summary conviction to a fine of \$2,000 or to imprisonment for a term not exceeding 6 months or both.

Passed by the Legislative Assembly the 23rd day of April, 1999.

Mabry S Kirkconnell

Speaker.

Georgette Myrie

Clerk of the Legislative Assembly.

(Price \$1.60 Cents)