

APPENDICES

Appendix I

File Classification System

100	Finance
150	Personnel
200	Administration
250	Audit
300	Education
350	Health/Medical
400	Agriculture
450	Fishing and Game
500	Population
550	Environment
600	Entomology
650	Veterinary
700	Prisons
750	Water
800	Mineral Resources
850	Transportation
900	Judicial
950	Police
1000	Immigration/Emigration
1050	Community Services
1100	Tourism
1150	Trade and Industry
1200	Land
1250	Amenities

Index to File Classification System

SUBJECT	FILING DIVISION
Administration	200
Agriculture	400
Amenities	1250
Audit	250
Community Services	1050
Education	300
Emigration (and Immigration)	1000
Entomology	600
Environment	550
Finance	100
Fishing and Game	450
Game (and Fishing)	450
Health/Medical	350
Immigration (and Emigration)	1000
Industry (and Trade)	1150
Judicial	900
Land	1200
Medical (Health)	350
Mineral Resources	800
Personnel	150
Police	950
Population	500
Prisons	700
Tourism	1100
Trade and Industry	1150
Transportation	850
Veterinary	650
Water	750

SAINT LUCIA

No. 16 of 1993

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2. Interpretation.

PART II**ESTABLISHMENT AND FUNCTIONS OF THE
NATIONAL ARCHIVES AUTHORITY OF SAINT LUCIA**

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I ASSENT

[L.S.]

STANISLAUS JAMES,
Governor-General.

20th October, 1993.

SAINT LUCIA

No. 16 of 1993.

AN ACT to provide for the establishment of the National Archives Authority of St. Lucia and for dealing with matters connected therewith or incidental thereto.

[23rd October, 1993]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same, as follows —

PART I

PRELIMINARY

- Short Title.** 1. This Act may be cited as the National Archives Authority of St. Lucia Act, 1993.
- Interpretation.** 2. In this Act—
 “ Authority ” means the National Archives Authority of St. Lucia established under section 3 ;
 “ Minister ” means the Prime Minister ;
 “ public archive ” means
- (a) any public record which —
 - (i) is twenty-five years old ; and
 - (ii) 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 and any body corporate.

PART II

ESTABLISHMENT AND FUNCTIONS OF THE
NATIONAL ARCHIVES AUTHORITY OF ST. LUCIA

- Establishment and Constitution of National Archives Authority of Saint Lucia.** 3.—(1) There is hereby established a body to be known as the National Archives Authority of St. Lucia, which shall consist of a Chairman, a Deputy Chairman, and not less than five not more than seven 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 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 place.

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

(6) The Chairman may at any time resign his office in writing addressed to the Minister and upon the date of the receipt by the Minister of such letter shall cease to be Chairman 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 shall be deemed 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 three consecutive meetings of the Authority, without permission.

(9) Members shall be 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*.

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Seal.

4.—(1) The seal of the Authority shall be kept in the custody of the Chairman or Deputy Chairman or such officer of the Authority as the Authority may approve and may be affixed to documents or instruments pursuant to a resolution of the Authority in the presence of the Chairman or Deputy Chairman and the Secretary to the Authority.

(2) The seal of the Authority shall be authenticated by the signature of the Chairman or Deputy Chairman 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 Chairman or Deputy Chairman.

Meetings.

5.—(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 Chairman or, if he is for any reason whatsoever unable to act, the Deputy Chairman, may at any time call a special meeting of the Authority and shall call a special meeting within seven days of the receipt by him of a requisition for that purpose addressed to him in writing by any two members.

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

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

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

The Archivist.

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

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- 7.—(1) The functions of the Authority shall be — Functions of
the Authority.
- (a) to preserve public and private records of national significance and facilitate access thereto ;
 - (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 ;

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(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 deems necessary to secure compliance with this Act.

Delegation of Functions.

8. 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.

Obstruction.

9. Where the Authority or any person delegated by the Authority is prevented or, obstructed in performing its or his 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 deems necessary to ensure compliance with this Act.

Office of the Authority.

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

(2) The Archivist shall have power to do all such things as appear to him 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 ;

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- (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.—(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. Committees.

(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. 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. Staff of the Authority.

PART III

MISCELLANEOUS

13.—(1) No person shall 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. Reproduction of public archives and public records.

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(2) Any person who contravenes the provisions of subsection (1) is guilty of an offence and is liable on summary conviction to a fine of one thousand dollars or to imprisonment to a term of six months or to both.

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

14.—(1) No person shall 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) is guilty of an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for one year or to both.

Declaration of protected historical records.

15.—(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 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 deems necessary to secure compliance with this Act including revoking or confirming the notice.

Protection and preservation of protected historical records.

16.—(1) No person shall, 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) is guilty of an offence and is liable on summary conviction to a fine of two thousand dollars 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, to comply with an Order made under subsection (3) is guilty of an offence and is liable on summary conviction to a fine of five thousand dollars together with imprisonment for one year.

17.—(1) Subject to the provisions of subsection (2), no person shall sell a protected historical record unless he 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.

Control of
sale of
protected
historical
records.

(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) is guilty of an offence and is liable on summary conviction to a fine of one thousand dollars or to imprisonment for six months or to both:

18. 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 —

Regulations.

- (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 ;

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(f) prescribing any other matter or anything which may be or is required by this Act to be prescribed.

Repeal and
Savings.
No. 38 of 1996.
Cap. 17.

19.—(1) The Public Records Ordinance, 1965 and the Destruction of Court Records Ordinance, 1936 are repealed.

(2) Notwithstanding the provisions of subsection (1) any Regulations, Orders, Rules, made under the Act mentioned in that subsection shall be deemed to have been made under this Act and shall be so construed until they are revoked or varied by Regulations made under this Act.

Passed in the House of Assembly this 24th day of August, 1993.

W. ST. CLAIR-DANIEL,
Speaker.

Passed in the Senate this 6th day of October, 1993.

E. NEVILLE CENAC,
President.

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