

SAINT LUCIA

No. 16 of 2013

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No. 16] *Trade Export Promotion Agency Act* [2013.

I ASSENT

[L.S.]

PEARLETTE LOUISY,
Governor-General.

December 5, 2013.

SAINT LUCIA

No. 16 of 2013

AN ACT to provide for the establishment of a Trade Export Promotion Agency and a National Export Council and for related matters.

[16th December, 2013]

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 and commencement

1.— (1) This Act may be cited as the Trade Export Promotion Agency Act, 2013.

(2) This Act shall come into force on a date to be fixed by the Minister by Order published in the Gazette.

Interpretation

2. In this Act —

“**Agency**” means the Trade Export Promotion Agency established under section 3;

“**Council**” means the National Export Council established under section 8;

“**exporter**” means a person engaged directly or indirectly in the production, manufacture or trade of products or services for sale to another country;

“**export promotion**” means the range of export activities which the public or private sectors undertake, including —

- (a) the provision of export support services;
- (b) the provision of advisory services;
- (c) the provision of trade or market information;
- (d) the publication of export-related documents;
- (e) the organization of trade fairs and missions; and
- (f) the conduct of seminars, lectures, workshops, conferences and training on export-related subjects;

“**Minister**” means the Minister responsible for commerce except where this Act specifically designates another Minister; and

“**strategy**” means the National Export Development Strategy.

PART II

ESTABLISHMENT, CONSTITUTION, MANAGEMENT AND
STAFF OF AGENCY**Establishment of Agency**

3. There is hereby established a body to be known as the Trade Export Promotion Agency which is a body corporate to which, subject to this Act, section 19 of the Interpretation Act, Cap. 1.06 applies.

Functions of the Agency

4. It is the function of the Agency –
- (a) to serve as the focal point for export development through advocacy, information dissemination and public education;
 - (b) to implement policies for export development;
 - (c) to coordinate the trade export services network;
 - (d) to coordinate the implementation of the strategy;
 - (e) to develop and implement future strategic plans for export promotion;
 - (f) to carry out the function of export promotion at the national and international level; and
 - (g) to manage the resources allocated for export development and the implementation of the strategy.

Staff of the Agency

5. The Staff of the Agency consists of –
- (a) a Chief Executive Officer;
 - (b) a Financial Officer;
 - (c) a Corporate Marketing and Promotions Officer; and
 - (d) any other person required to carry out of the functions of the Agency under the Act.

Chief Executive Officer

6. The Council shall appoint the Chief Executive Officer of the Agency.

Duties of the Chief Executive Officer

7. –(1) The Chief Executive Officer shall be responsible for the overall administration of the Agency.

- (2) The Chief Executive Officer shall –
- (a) supervise the conduct and manage the staff of the Agency;
 - (b) attend meetings of the Council as an ex-officio member;
 - (c) handle the main representation of the Agency and to act as a conduit between the Agency and the Council;
 - (d) co-ordinate resources and professional services for the Agency;
 - (e) prepare and submit proposals on export strategy for approval by the Council; and
 - (e) perform any other duties in relation to his or her employment.

National Export Council

8. There is hereby established an advisory body to be known as the National Export Council.

Constitution of the Council

9. –(1) The Council shall comprise the following –
- (a) a person nominated by the Chamber of Commerce;
 - (b) a person nominated by the Saint Lucia Industrial and Small Business Association;
 - (c) a person nominated by the Saint Lucia Coalition of Services;
 - (d) a person nominated by the Saint Lucia Hotel and Tourism Association;

- (e) a person nominated by the Saint Lucia Manufacturers Association;
- (f) a person nominated by the Saint Lucia Bureau of Standards;
- (g) four persons, nominated by the Minister from the public sector, each of whom is employed in a senior capacity in the Ministry of trade, finance, agriculture and tourism, respectively;
- (h) the Permanent Secretary of the Ministry responsible for commerce.

(2) Before the first occasion on which a member referred to under subsection (1)(a) to (h), and on each later occasion when the office of a member becomes vacant, the Minister shall, in writing, request the body referred to in the appropriate paragraph to nominate, within twenty-eight days of receiving the request, a person for appointment to the Council.

(3) If a nomination is not received by the Minister within the period requested, the Minister may appoint such person as he or she thinks fit and a person appointed under this subsection shall hold office as if he or she has been nominated as required under subsection (1).

(4) The Minister shall appoint the members nominated to the Council by Order published in the *Gazette*.

(5) The Minister shall appoint from any of members of the Council a person to be the Chairperson of the Council and a person to be the Deputy Chairperson of the Council.

(6) A member of the Council shall hold office for a term not exceeding three years and is eligible for re-appointment.

(7) The names of all members of the Council as first constituted and every change in membership of the Council shall be published in the *Gazette*.

(8) A vacancy in the membership of the Council shall not preclude the Council from carrying out its functions.

Disqualification of a member of the Council

10. A person is disqualified from being a member of the Council if that person –

- (a) is declared a bankrupt pursuant to Chapter 9 of the Commercial Code, Cap. 244 of the Revised Laws of Saint Lucia, 1957;
- (b) is declared by a Court to be mentally incapacitated by reason of unsoundness of mind; or
- (c) has been charged with and convicted of a criminal offence except where the offence is a minor traffic offence or is spent under the Criminal Records (Rehabilitation of Offenders) Act, No. 2 of 2004.

Revocation of appointment

11. The Minister may, in writing, revoke the appointment of any member of the Council.

Resignation

12. Non-governmental appointed members of the Council may at any time resign from his or her office, by giving written notice to the Minister and such notice shall take effect from the date of receipt of this notice by the Minister.

Vacation of office

13. The office of a member of the Council is vacated –

- (a) upon the death of the member;
- (b) if the member becomes disqualified under section 10;
- (c) if the Minister revokes the appointment of that member under section 11;
- (d) if the member resigns from membership under section 12;
- (e) if the member fails to attend three consecutive meetings of the Council without providing a reasonable excuse.

Meetings

14. – (1) The Council shall meet at least once in every quarter and at such times as may be necessary or expedient for carrying out the business of the Agency.

(2) The meetings referred to in subsection (1) shall be held at such place and time and on such days as the Chairperson or in his or her absence the Deputy Chairperson of the Council may determine.

(3) The Chairperson shall preside at all meetings of the Council at which he or she is present and the Deputy Chairperson shall preside in the absence of the Chairperson.

(4) The quorum for a meeting under subsection (1) is by a simple majority of the members of the Council.

(5) Decisions of the Council are by a majority of votes and where the voting is equal the Chairperson has, in addition to his or her original vote, a casting vote.

(6) Minutes of the proceedings of each meeting of the Council shall be kept in such manner as the Council may determine and shall be confirmed by the Council as soon as is practicable at a subsequent meeting.

(7) Subject to this section, the Council has the power to regulate its own proceedings.

Functions of the Council

15. The functions of the Council are –

- (a) to report to the Minister on matters related to or affecting the strategy including matters which affect the international competitiveness of the business environment and the specialised needs of the sectors with export potential;
- (b) to coordinate and monitor the implementation of the strategy adopted by the public and private sector organisations;

- (c) to conduct quarterly and annual assessments of the strategy; and
- (d) to collaborate with the Ministry responsible for commerce on future strategic planning for exports.

PART III
FINANCIAL PROVISIONS

Funds and resources of the Agency

- 16.** The funds and resources of the Agency consist of –
- (a) such sums as may be paid to its accounts out of moneys voted by Parliament;
 - (b) such sums as may be borrowed by the Agency;
 - (c) such sums as may become available from any other source approved by the Minister responsible for finance.

Application and investment of funds

17. –(1) The funds of the Agency must be applied towards discharging the obligations and performing any of the functions of the Agency under this Act.

(2) The Agency may, with the approval of the Minister of finance, invest any of its funds not required to be expended in meeting its obligations or in the performance of its functions.

(3) The Minister responsible for finance may require that any balance standing to the credit of the Agency at the end of the financial year, after full allowance has been made for the matters under subsection (1), be paid into the Consolidated Fund.

Borrowing powers

18. –(1) Subject to the provisions of this Act, the Agency may borrow sums required by it for meeting any of its obligations or discharging any of its functions under this Act.

(2) The power of the Agency to borrow is exercisable only with the approval of the Minister responsible for finance which

includes approval for the amount, the sources of borrowing and the terms on which the borrowing may be effected.

(3) Approval given under subsection (2) may be either general or limited to a particular borrowing or otherwise and may be subject to conditions.

Guarantee of borrowing by Agency

19.—(1) With the approval of Parliament the Minister responsible for finance may guarantee, in such manner and on such conditions as he or she may think fit the payment of the principal, interest and other charges on any authorized borrowing by the Agency.

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

(3) The Agency shall make to the Accountant General, at such times and in such manner as the Minister responsible for finance may direct—

- (a) payments of such amounts towards repayment of any sums issued in fulfilment of any guarantee given under this section;
- (b) payment of interest on what is outstanding for the time being, in respect of any sums so issued at such rate as the Minister responsible for finance may direct and different rates of interest may be directed to different sums and for different periods.

Financial year

20. The financial year of the Agency shall coincide with the financial year of the Government of Saint Lucia.

Budget and plan of action of the Agency

21. The Council shall, no later than November 30th in each year, cause to be prepared and shall adopt and submit to the Minister in respect of the next financial year of the Agency -

- (a) a budget with the estimates of income and expenditure;
and
- (b) a plan of action.

Accounts of the Agency

22. The Agency shall keep proper records of accounts in accordance with generally accepted international accounting standards and principles and shall prepare and retain financial statements in respect of each financial year.

Audit of the Agency

23. — (1) The Agency shall, as soon as is practicable after each financial year, have its accounts audited annually by an independent auditor appointed by the Council, who shall conduct the audit in accordance with generally accepted international auditing standards and principles.

(2) The auditor appointed under subsection (1) shall be a chartered or certified accountant.

(3) The members, staff and servants of the Agency shall grant to the auditor appointed under subsection (1) access to all books, documents, cash and securities of the Agency and shall give him or her, on request, all such information as may be within their knowledge in relation to the operation of the Agency.

(4) The Agency may, with prior approval of the Minister responsible for finance, write off bad debts.

Audit report of the Agency

24. The Agency shall cause an independent auditor, appointed under section 23(1), as soon as practicable and not later than two months after the end of each financial year, to submit copies of the audited financial statements of the Agency and a report on the financial statements to the Council.

Annual report of the Agency

25. — (1) The Agency shall not later than three months after the expiration of each financial year, submit to the Minister an annual report containing —

- (a) a detailed account of its activities for the preceding financial year; and
- (b) a statement of its audited financial statement and the auditors report thereon.

(2) The Minister shall cause a copy of the reports referred to in subsection (1) to be laid in Parliament and published in the *Gazette*.

PART VI
MISCELLANEOUS

Directions

26. The Minister may from time to time issue written directions to the Council with respect to the policy for export development.

Regulations

27. The Minister may make regulations for the purpose of giving effect to the provisions of this Act.

Passed in the House this 19th day of November, 2013.

PETER I. FOSTER,
Speaker of the House of Assembly.

Passed in the Senate this 28th day of November, 2013.

CLAUDIUS J. FRANCIS,
President of the Senate.