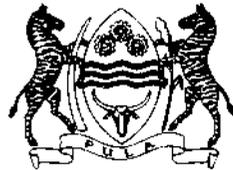


**THE MUSEUM AND ART GALLERY ACT, 1967**

No. 28



of 1967

**AN ACT TO MAKE PROVISION FOR THE ESTABLISHMENT OF A NATIONAL MUSEUM AND ART GALLERY**

Date of Assent: 28th September, 1967.

Date of Commencement: 29th September, 1967.

ENACTED by the Parliament of Botswana.

**Short Title**

1. This Act may be cited as the National Museum and Art Gallery Act, 1967.

**Interpretation**

2. In this Act unless the context otherwise requires —

“Board” means the Board established under section 5;

“fund” means the fund established under section 9;

“museum” includes a craft village;

“National Museum and Art Gallery” means the National Museum and Art Gallery established under section 3.

**Establishment of a National Museum and Art Gallery**

3. The President, after consultation with the Board, may establish such museum and art gallery facilities, to be called the National Museum and Art Gallery, as in his opinion are desirable in order to further the provision of an efficient museum and art gallery service in Botswana.

#### **Administration of the National Museum and Art Gallery**

4. Subject to the provisions of this Act the administration of the National Museum and Art Gallery shall be vested in the Minister who shall perform his functions under this Act, other than under section 5, in consultation with the Board.

#### **Establishment of National Museum and Art Gallery Board**

5. (1) For the purposes of this Act there shall be established a Board to be styled the National Museum and Art Gallery Board

(2) The Board shall consist of a Chairman and not more than six other members nominated by the Minister, together with such other members as may be co-opted by the Board under subsection (3).

(3) The Board may, with the approval of the Minister, co-opt as members not more than three persons with such expert knowledge or experience as may be required by the Board in the discharge of its functions.

(4) The period of office of a member of the Board shall be —

(a) in the case of the Chairman or any member nominated under subsection (2), three years from the date of his appointment;

(b) in the case of a member co-opted under the provisions of subsection (3), the period, not being a period in excess of one year, for which he has been co-opted.

(5) The Chairman and any member of the Board may resign from the Board at any time by letter addressed to the Minister; and the Minister may at any time revoke any nomination which he has made.

(6) Any member of the Board who has not, on the 31st December in any year, attended at least one-third of the meetings of the Board during the preceding twelve months or during his tenure of office in such months, shall be considered to have vacated his seat on the Board, unless he has been absent owing to ill-health or with leave of the Minister.

#### **Meetings of the Board**

6. (1) The Board shall meet at such times as may be necessary or expedient for transacting its business.

(2) The Chairman may at any time summon a meeting of the Board and on the requisition of the Minister or any three members he shall summon a meeting; and such requisition shall state the object for which the meeting is required to be summoned.

(3) The views or decisions of the Board may be taken at meetings or, in cases in which the Chairman shall so direct, by the recording of the opinions of members on papers circulated among them.

(4) The Chairman may direct that papers shall not be circulated in accordance with the provisions of subsection (3) to any member who through interest, illness, absence from Botswana or otherwise is, in the opinion of the Chairman, incapacitated from voting on such papers.

(5) The quorum of the Board at any meeting or for the purpose of voting on papers circulated in accordance with the provisions of subsection (3) shall be four.

(6) The decisions of the Board shall be by the majority of votes; in any case in which the voting is equal the Chairman shall have a second or casting vote.

#### **Functions of the Board**

7. (1) The functions of the Board shall be —

- (a) to advise the President and Minister in the exercise of the functions under this Act;
- (b) to administer as trustees the fund and, for that purpose it shall, if authorised thereto by the Minister, have power to hypothecate, alienate or otherwise dispose of the assets of the fund and acquire property, movable or immovable, for the purposes of the National Museum and Art Gallery;
- (c) to undertake such administrative functions in connexion with the National Museum and Art Gallery as the Minister may from time to time require it to undertake.

(2) The Board may in their capacity as trustees under the provisions of subsection 7 (1) (b) with the approval of the Minister, and subject to such terms and conditions as he may fix borrow moneys whether on the security of the assets of the fund or otherwise.

(3) The Board may, for the purpose of furthering the provision of an efficient museum and art gallery service in Botswana enter into mutual arrangements with other museums or art galleries within or without Botswana.

#### **General Duty of Minister**

8. It shall be the duty of the Minister acting in consultation with the Board and within the limits of the means available to him to provide a comprehensive and efficient museum and art gallery service for all persons desiring to make use thereof, and for that purpose to provide, and maintain such buildings and equipment and do such other things, as may be requisite.

#### **Establishment of National Museum and Art Gallery Fund**

9. (1) There is hereby established a fund, to be termed the National Museum and Art Gallery Fund, which shall be vested in the Board in trust, on behalf of the people of Botswana and which shall be administered by the Board in accor-

dance with the provisions of section 7.

(2) The fund shall consist of —

- (a) such property, movable or immovable, as may be acquired by the Board for the purposes of the National Museum and Art Gallery;
- (b) such moneys as may be appropriated by law for the purposes of the National Museum and Art Gallery;
- (c) any moneys which may accrue to it by virtue of any regulations made under the provisions of section 11 or by reason of any charge reasonably made for services performed by the National Museum and Art Gallery;
- (d) subscriptions, gifts, grants and bequests derived from any public or private source;

Provided that the Board shall, on the directions of the Minister, decline to accept any gift, grant or bequest which is made subject to conditions which, in the opinion of the Minister are inconsistent with the provisions of this Act or the general spirit in which it is administered.

(3) Where property movable or immovable is transferred to the Board as trustees of the fund the Minister for the time being responsible for Finance may direct that all moneys owing by the Board by way of duty in respect of the transfer shall be waived.

(4) The assets of the fund shall not be liable to attachment or execution in respect of any obligation incurred by the Board or any member thereof unless such obligation is incurred under and in accordance with the provisions of this Act nor shall such assets form part of the estate of any member of the Board to be administered in case of his death, insolvency or the assignment of his estate.

(5) The moneys of the fund shall be deemed to be public moneys for the purposes of the Finance and Audit Law, 1965 (Law No. 15 of 1965).

### **Reports**

10. (1) As soon as possible after the 1st January in every year the Board shall furnish to the Minister report upon its work during the preceding year and upon any other matters connected with museums or art galleries which it may desire to bring to his attention.

(2) The Minister shall lay such report before Parliament within fourteen days of its receipt by him.

### **Regulations**

11. (1) The Minister may make regulations either generally or in relation to any particular museum or art gallery facilities established under this Act —

- (a) providing for the payment out of the National Museum and Art Gallery Fund of fees and allowances to members of the Board;
- (b) for the control and management of any museum or art gallery and the use of its facilities including the payment of charges and fees in respect thereof;
- (c) the establishment, functions and duties of museum or art gallery committees;
- (d) safeguarding the contents of any museum or art gallery;
- (e) generally for the better carrying out of the provisions of this Act.

(2) Any regulation made under the provisions of subsection (1) may provide for, in the event of its contravention, the imposition of a fine not exceeding R100, or in default of payment, imprisonment for a period not exceeding three months or for both such fine and such imprisonment.

Passed by the National Assembly this day, the 31st August, 1967.

G.T. MATENGE,  
Clerk of the National Assembly.