

CHAPTER 25:09

NATIONAL GALLERY OF ZIMBABWE ACT

Acts 76/1971, 29/1990; R.G.N. 124/1974; 22/2001 (s. 4); S.I 362/1980.

ARRANGEMENT OF SECTIONS

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SCHEDULE

Powers of Gallery.

AN ACT to create and regulate an authority to exercise functions with respect to the establishment, management and control of galleries or museums of art, and the fostering and promotion of the fine and applied arts generally; and to provide for matters incidental to or connected with the foregoing.

[Date of commencement: 1st February, 1972.]

1 Short title

This Act may be cited as the National Gallery of Zimbabwe Act [*Chapter 25:09*].

2 Interpretation

In this Act—

“art gallery” means premises which are used or intended to be used for the collection or exhibition of works of art;

“Board” means the board of the Gallery;

“Gallery” means the National Gallery of Zimbabwe established in terms of section *three*;

“Minister” means the Minister of Sports, Recreation and Culture or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“works of art” includes—

- (a) paintings, drawings and sculptures; and
- (b) literary works calculated to foster and promote interest in the fine and applied arts generally; and
- (c) any other objects appertaining to visual culture.

3 Establishment of National Gallery of Zimbabwe

There is hereby established the National Gallery of Zimbabwe, which shall be a body corporate capable of suing and being sued in its corporate name and, subject to this Act, of performing all such acts as bodies corporate may by law perform.

4 Establishment of Board

(1) The functions, affairs and management of the Gallery shall, subject to this Act, be controlled by the Board.

(2) The Board shall have the power to regulate the procedure in connection with its meetings.

(3) Subject to the written approval of the Minister, the Board may appoint committees, each of which shall consist of not more than eleven persons, to assist it in carrying out its functions and to delegate to such committees such of its functions, including a power to incur expenditure not exceeding such an amount as the Board shall stipulate when delegating the power, as it may from time to time determine: Provided that—

- (i) the Board shall not thereby be divested of such functions;

- (ii) any act of a committee appointed in terms of this subsection shall be deemed to constitute an act of the Board.

(4) Subsection (12) of section *five* shall apply, *mutatis mutandis*, to persons who are members of any committee appointed in terms of subsection (3).

(5) Not less than half of the members of a committee appointed in terms of subsection (3) shall form a quorum at any meeting.

5 Constitution of Board and liability of members

(1) The Board shall consist of not less than five and not more than eleven members who shall be appointed by the Minister after consultation with the President and in accordance with any directions the President may give him.

(2) The Minister may appoint an alternate member to any member of the Board.

(3) Subject to this section, the members of the Board shall hold office for five years.

(4) A retiring member and an alternate member shall be eligible for reappointment as a member or as an alternate member.

(5) The Minister shall not appoint a person as a member of the Board and no person shall be qualified to hold office as a member of the Board who has, in terms of a law in force in any country relating to insolvency or bankruptcy, been adjudged or otherwise declared insolvent or bankrupt and has not been rehabilitated or discharged or has, in terms of a law in force in any country relating thereto, made an assignment to or arrangement or composition with creditors which has not been rescinded or set aside.

(6) A member shall vacate his office and his office shall become vacant—

- (a) one month after the date he gives notice in writing to the Minister of his intention to resign his office or after the expiry of such shorter period as he and the Minister may agree; or
- (b) if he becomes disqualified in terms of subsection (5) to hold office as a member of the Board; or
- (c) if he is absent from three consecutive meetings of the Board of which he has had notice without the permission of the chairman; or
- (d) if, in the opinion of the Minister, he is mentally or physically incapable of efficiently performing his duties as a member of the Board.

(7) On the death of or vacation of office by a member of the Board the Minister may appoint a person to fill the vacancy until the expiry of the period during which the member of the Board would, but for his death or vacation of his office, have continued in office.

(8) The members of the Board shall elect one of their number as chairman and, if at any meeting of the Board the chairman is absent, the members present shall elect one of their number as chairman of that meeting.

(9) The member presiding as chairman at any meeting of the Board shall have a deliberative as well as a casting vote.

(10) Not less than half of the members of the Board shall form a quorum at any meeting.

(11) Subject to subsections (9) and (10), a decision of the majority of the members of the Board present at any meeting shall be deemed to be a decision of the Gallery.

(12) The members of the Board shall not be personally liable for any *bona fide* action they may take in such capacity.

6 Members of Board not to be remunerated

No remuneration shall be paid to members of the Board or to members of any committee appointed in terms of subsection (3) of section *four* but such members, when engaged on the business of the Gallery, may, with the concurrence of the Minister responsible for finance, be paid from the funds of the Gallery reasonable travelling and subsistence expenses at such rates as may be approved by the Minister.

7 Functions of Gallery

The functions of the Gallery shall be—

- (a) to maintain, develop and manage all art galleries of established by or vested in the Gallery;
- (b) to encourage public interest generally in the fine and applied arts;
- (c) to promote the interests generally of art in Zimbabwe;
- (d) to preserve works of art which are acquired by or lent to it, or otherwise in its custody;
- (e) to hold public exhibitions of works of art in such place or places within or outside Zimbabwe as the Board thinks fit and to charge such fees for admission thereto as the Board thinks fit.

8 Powers of Gallery

Subject to this Act, the Gallery shall, for the better exercise of its functions, have power to do or cause to be done, either by itself or through its agents, all or any of the things specified in the Schedule, either absolutely or conditionally and either solely or jointly with others.

9 Fixing of fees

(1) The Board may fix the fees to be charged for admission to art galleries managed by the Gallery.

(2) In the exercise of its power referred to in subsection (1) the Board may—

- (a) fix different fees for different persons or classes of persons and in respect of different days or periods; (b) exempt any particular person or class of persons from the payment of fees.

10 Funds of Gallery

The funds of the Gallery shall consist of such grants, donations, bequests, fees, charges and subscriptions as may from time to time be made to it or payable to it.

11 Accounts, audit and reports

(1) The Gallery may submit to the Minister such reports as it may deem advisable and shall submit to the Minister such other reports as the Minister may require in regard to the operations of the Gallery.

(2) The Gallery shall, in accordance with such directions as may be given by the Minister, keep proper books of account and such books shall be audited annually by such person as the Gallery, with the approval of the Minister, appoints.

12 Financial year

The Gallery shall fix its financial year after consultation with the Minister.

13 Gallery may make by-laws

(1) The Gallery may, with the approval of the Minister, make by-laws for the preservation and protection of any art gallery managed by it and of the contents thereof.

(2) By-laws made in terms of subsection (1) may provide penalties for a contravention thereof not exceeding a fine of level three or imprisonment for a period of one month or both such fine and such imprisonment.

[Subsection as amended by section 4 of Act No. 22 of 2001]

SCHEDULE (Section 8)

POWERS OF GALLERY

1. To employ on such terms and conditions as the Board thinks fit such persons as may be necessary to enable it to carry out its functions, and to pay their remuneration from its funds.
2. To provide for persons in its employment or their dependants, by means of insurance with an insurance company or a pension or provident fund or otherwise, pecuniary benefits upon retirement, death or termination of service in the event of sickness or injury.
3. To appoint persons as friends or as patrons of art galleries managed by the Gallery.
4. To borrow works of art for as long and on such terms as the Board thinks fit.
5. To lend works of art to persons within or outside Zimbabwe for as long and on such terms as the Board thinks fit.
6. To store works of art in such place or places as the Board thinks fit.
7. To acquire movable property and works of art by purchase, lease, donation, bequest or in any other manner whatsoever.
8. To acquire immovable property and, with the written consent of the Minister, to alienate, mortgage or otherwise dispose of any immovable property:
Provided that the Gallery may not acquire immovable property by purchase or lease without the written consent of the Minister.
9. Subject to the terms and conditions of the donation or bequest, if any, relating thereto and with the consent of the Minister in writing, to sell, exchange or otherwise dispose of any works of art.
10. To raise moneys by way of loan or bank overdraft or in any other manner approved in writing by the Minister in such amounts and for such purposes as the Minister may in writing approve.
11. To fix the days and hours during which art galleries managed by the Gallery may be open to the public.
12. To do all such things as may be necessary for the performance of the functions imposed upon it in terms of this Act.