

ANTIGUA AND BARBUDA



ANTIGUA AND BARBUDA FESTIVALS COMMISSION BILL, 2026

NO. OF 2026

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ANTIGUA AND BARBUDA FESTIVALS COMMISSION ACT, 2026

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ANTIGUA AND BARBUDA

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NO. OF 2026

AN ACT to establish the Antigua and Barbuda Festivals Commission as a body corporate to oversee Antigua Carnival, the One Nation Festival and other national festivals; to establish a Commission Fund, to regulate the protection and commercial exploitation of festival branding and related rights, and for other incidental and connected matters.

ENACTED by the Parliament of Antigua and Barbuda as follows—

PART I

PRELIMINARY

1. Short Title

This Act may be cited as the Antigua and Barbuda Festivals Commission Act, 2026.

2. Interpretation

In this Act—

“Board” means the Board of Commissioners established under section 7;

“Chief Executive Officer” means the Chief Executive Officer appointed under section 13;

“Commission” means the Antigua and Barbuda Festivals Commission established under section 4;

“festival” means Antigua Carnival, The One Nation Festival and any other national cultural festival assigned to the Commission;

“festival event” means any event forming part of the official programme of a festival administered by the Commission;

“festival branding” means any logo, slogan, theme, design, insignia or other identifying mark associated with a festival administered by the Commission;

“Fund” means the Antigua and Barbuda Festivals Commission Fund established under section 17;

“Minister” means the Minister responsible for festivals;

“Procurement Board” has the meaning assigned to that expression in the Procurement Administration Act, 2011.

3. Objects of the Act

The objects of this Act are—

- (a) to establish a national body responsible for the organization and administration of specified national festivals;
- (b) to promote the cultural heritage and creative industries of Antigua and Barbuda in a manner that is sustainable and consistent with community values;
- (c) to provide a transparent and accountable framework for the organization, financing and promotion of festivals;
- (d) to establish and regulate a Fund to support festival activities in accordance with applicable public finance laws.

PART II

ESTABLISHMENT OF THE COMMISSION

4. Establishment of the Commission

- (1) There is established a body corporate to be known as the Antigua and Barbuda Festivals Commission.
- (2) The Commission shall have perpetual succession, a common seal and may sue and be sued in its corporate name.
- (3) The Commission may acquire, hold, lease and dispose of both movable and immovable property.

5. Functions of the Commission

The functions of the Commission are to—

- (a) organize, manage, promote and develop Antigua Carnival, The One Nation Festival and other festivals assigned to it;

(b) plan, co-ordinate and supervise parades, pageants, concerts, competitions, shows and related festival activities;

(c) develop and implement strategies for the marketing and promotion of festivals locally, regionally and internationally;

(d) preserve, promote and showcase the cultural heritage of Antigua and Barbuda through festivals;

(e) facilitate the participation of artistes, promoters, bands, vendors, service providers, sponsors and other stakeholders in festival activities;

(f) secure sponsorship, grants, donations and other lawful support for festivals and related activities;

(g) establish, and cause to be published, non-binding rules or guidelines of general application for the orderly administration of festivals under its management, consistent with this Act and any regulations made under it;

(h) advise the Government on matters relating to festivals, cultural development and the creative industries; and

(i) perform any other function assigned to it by Cabinet.

6. Powers of the Commission

(1) The Commission has the power to do all things necessary or convenient for the carrying out of its functions.

(2) Without limiting subsection (1), the Commission may—

(a) enter into contracts, agreements and other commercial arrangements;

(b) charge fees and collect revenue in connection with festival activities, licences, concessions, admissions, sponsorship, media rights and related matters;

(c) appoint agents, consultants, advisers, producers, promoters and service providers;

(d) collaborate with Ministries, statutory bodies, local authorities, private entities and regional or international organizations;

(e) establish committees and working groups for particular festivals or components of festivals;

(f) undertake such lawful promotional, commercial and revenue-generating activities as are incidental to the performance of its functions;

(g) to regulate and protect the official branding, names and intellectual property associated with national festivals, and to facilitate their commercial and promotional exploitation in the public interest;
and

(h) do any other thing that is incidental or conducive to the performance of its functions under this Act.

PART III

BOARD OF COMMISSIONERS

7. Board of Commissioners

There shall be a Board of Commissioners of the Commission which shall be responsible for the policy and general administration of the Commission.

8. Composition of the members of the Board

(1) The Board shall consist of eleven members appointed by the Cabinet as follows—

(a) a Chairperson;

(b) a Deputy Chairperson;

(c) an attorney-at-law from the Ministry responsible for Legal Affairs nominated by the Attorney General; and

(d) eight other persons appointed by the Cabinet from among persons with experience in—

(i) finance or financial management;

(ii) business, marketing or sponsorship development;

(iii) festivals, events or entertainment management;

(iv) security, public safety or emergency management;

- (v) culture, the arts or the creative industries;
- (vi) tourism or hospitality management;
- (vii) media, broadcasting or digital communications; and
- (viii) community development or youth engagement.

(2) A member appointed under this section shall hold office for a term not exceeding three years and is eligible for reappointment.

9. Termination of Appointment

(1) An appointed member shall continue in office until a successor is appointed, unless the office earlier becomes vacant according to law.

(2) An appointed member may resign from office by instrument in writing addressed to the Minister.

(3) The Cabinet may revoke the appointment of a member appointed under section 8 for inability to perform the functions of office, serious misconduct or a serious conflict of interest.

10. Meetings and procedure of the Board

(1) The Board shall meet at least once in each month and may meet more often as may be necessary for the proper discharge of its functions.

(2) The quorum of the Board shall be five members, one of whom shall be Chairperson or Deputy Chairperson.

(3) The Chairperson shall preside at meetings of the Board and, in the absence of the Chairperson, the Deputy Chairperson.

(4) A decision of the Board shall be by a majority of the votes of the members present and voting and, in the event of an equality of votes, the person presiding shall have a casting vote.

(5) Minutes shall be kept of every meeting of the Board.

(6) The validity of any proceedings of the Board shall not be affected by any vacancy among its members or by any defect in the appointment of a member.

(7) A meeting of the Board may be held by means of any communication technology that allows all members participating to hear and be heard by each other.

(8) A resolution in writing, signed or approved by electronic means by a majority of the members, shall be as valid and effectual as if it had been passed at a duly convened in-person meeting of the Board.

(9) The Chief Executive Officer may attend meetings of the Board but shall not have voting rights.

11. Committees of the Board

(1) The Board may appoint committees to assist it in the performance of its functions.

(2) A committee may include persons who are not members of the Board, but at least one member of every committee shall be a member of the Board.

(3) A committee shall act in accordance with its terms of reference and subject to the directions of the Board.

12. Disclosure of interest

(1) A member of the Board or of a committee who has a direct or indirect pecuniary or other material interest in a matter being considered or about to be considered at a meeting shall, as soon as practicable after the relevant facts have come to the member's knowledge, disclose the nature of that interest.

(2) A disclosure under subsection (1) shall—

- (a) be made at the meeting of the Board or committee at which the matter is considered; and
- (b) be recorded in the minutes of the meeting and in the register of interests kept under subsection (6).

(3) A member of the Board or of a committee who has a pecuniary or non-pecuniary interest in the matter—

- (a) shall not be present during any deliberation of the Board or committee in relation to the matter;
- (b) shall not take part in any decision of the Board or committee with respect to the matter; and
- (c) shall withdraw himself or herself from the meeting during that part of the proceedings.

(4) Where a member fails to comply with subsection (1) or (3), the Board shall report the matter to the Minister and may recommend any action that it considers appropriate.

(5) A general notice in writing given by a member to the Board, to the effect that the member is a director, partner, officer or shareholder of a specified company or is otherwise interested in a specified undertaking, and that the member is to be regarded as interested in any matter involving

that company or undertaking, shall be deemed to be a sufficient disclosure of the member's interest in relation to any such matter.

(6) The Chief Executive Officer shall keep and maintain a register of interests in which shall be recorded—

- (a) all disclosures made under this section; and
- (b) all declarations of interest made in the form set out in the Schedule;

and the register shall be made available for inspection by the Minister on request.

PART IV

CHIEF EXECUTIVE OFFICER AND STAFF

13. Chief Executive Officer

- (1) The Board shall appoint a Chief Executive Officer of the Commission.
- (2) The Chief Executive Officer shall be responsible for the day-to-day administration of the affairs of the Commission, subject to the direction of the Board.
- (3) The Chief Executive Officer shall—
 - (a) implement the decisions of the Board;
 - (b) manage the staff, assets and operations of the Commission;
 - (c) prepare plans, budgets, reports and other documents for the Board; and
 - (d) perform such other functions as may be assigned by the Board or under this Act.

14. Financial Controller and other staff of the Commission

- (1) The Commission shall appoint a Financial Controller responsible for the financial management of the Commission.
- (2) The Financial Controller shall supervise the accounting systems of the Commission and ensure proper financial reporting and accountability.
- (3) The Commission may—
 - (a) hire such number of officers and employees as it considers necessary for the proper performance of its functions; or

(b) engage various persons as consultants or advisers on such terms and conditions as it considers appropriate.

15. Secondment of public officers

The Commission may, with the approval of the appropriate authority, make arrangements for the secondment to the Commission of public officers.

16. Delegation

The Board may, by instrument in writing, delegate to the Chief Executive Officer or to a committee of the Board any of its functions under this Act.

PART V

FINANCIAL PROVISIONS

17. Establishment of the Fund

(1) There is established a fund to be known as the Antigua and Barbuda Festivals Commission Fund.

(2) The Fund forms part of the public funds of Antigua and Barbuda and shall be administered in accordance with this Act, the Finance Administration Act 2006 and any other applicable enactment relating to public finance.

18. Resources of the Fund

The Fund shall consist of—

- (a) monies appropriated by Parliament for the purposes of the Commission;
- (b) monies approved by Cabinet for Antigua Carnival, The One Nation Festival and other festivals or cultural activities administered by the Commission;
- (c) grants, donations, gifts, sponsorships and subventions lawfully received by the Commission;
- (d) admission charges, fees, concession revenues, licensing revenues and other income lawfully earned by the Commission;
- (e) investment income; and

(f) any other monies lawfully allocated to the Commission by the Government or received by the Commission in the performance of its functions.

19. Application of the Fund

The Fund shall be applied to—

- (a) financing festivals and related activities under this Act;
- (b) meeting the expenses of the Commission;
- (c) paying remuneration, fees, allowances and other lawful expenses of the Board, committees, staff, artistes, contractors and service providers; and
- (d) any other purpose authorised by the Board.

20. Bank accounts and signatories

- (1) The Commission may open and maintain one or more bank accounts as necessary for the proper discharge of its functions.
- (2) The opening and operation of any bank account shall be subject to the approval of the Minister responsible for Finance.
- (3) The Board shall determine, with the approval of the Minister responsible for Finance, the signatories and control procedures applicable to every account of the Commission.

21. Estimates and budget

- (1) The Commission shall, no later than two months before the end of each financial year, submit to the Minister and the Minister responsible for Finance estimates of its income and expenditure for the next financial year.
- (2) The estimates shall include projected outputs and major liabilities for the next financial year.

22. Financial control procedures

- (1) Subject to the Finance Administration Act 2006, the Commission shall establish and maintain internal financial control procedures to ensure—
 - (a) proper authorisation of expenditure;
 - (b) accountability for public funds;

(c) transparent procurement practices; and

(d) regular reporting to the Board.

(2) The Financial Controller shall ensure that proper accounting records are maintained in accordance with applicable financial laws.

23. Quarterly financial reporting

The Chief Executive Officer and the Financial Controller shall ensure that financial statements relating to the Fund are prepared and submitted to the Board at least once in every quarter of each year.

24. Accounts and audit

(1) The Commission shall keep proper accounts and other records in relation to the operations of the Commission and the Fund and shall prepare, in respect of each financial year, a statement of accounts.

(2) Within three months after the end of each financial year, the Commission shall submit to the Accountant General and the Minister responsible for Finance—

(a) a statement of assets and liabilities of the Commission and the Fund;

(b) a statement of receipts and payments in respect of the Fund; and

(c) a statement of any investments and of any interest or dividends credited to the Fund.

(3) The Director of Audit or a person authorised by the Director of Audit shall have access to all books, records, returns, reports, contracts, bank statements and other documents of the Commission.

25. Annual report

(1) The Commission shall, within three months after the end of each financial year, submit to the Minister an annual report dealing generally with the activities and operations of the Commission during that year.

(2) The annual report shall include the audited financial statements of the Commission.

(3) The Minister shall cause a copy of the annual report to be laid before the House at the earliest convenient opportunity.

26. Investment of surplus funds

The Commission may invest monies standing to the credit of the Fund that are not immediately required for its purposes in a manner as the Minister responsible for Finance may approve in writing.

PART VI

OFFICIAL FESTIVAL AUTHORITY, BRANDING AND INTELLECTUAL PROPERTY

27. Official authority for national festivals

(1) The Commission shall be the official body responsible for the organisation, management, promotion and branding of festivals administered by the Commission.

(2) No person shall, without the written authorisation of the Commission, advertise or hold out an event as forming part of the official programme of a festival administered by the Commission.

28. Festival rules, guidelines and standards

(1) The Commission may issue rules or guidelines for the orderly conduct of festivals and related activities under its management.

(2) Without limiting subsection (1), the Commission may issue rules or guidelines relating to—

- (a) registration and participation;
- (b) safety, security and sanitation;
- (c) scheduling and use of venues;
- (d) branding, merchandising and concessions;
- (e) media access and broadcasting; and
- (f) operational requirements for bands, promoters, vendors and performers.

29. Contracts and commercial arrangements

The Commission may enter into contracts with—

- (a) performers;
- (b) promoters;
- (c) suppliers;

- (d) service providers;
- (e) sponsors; or
- (f) any other person necessary for the organisation of festivals.

30. Festival branding and identity

(1) The Commission shall have responsibility for the development, management and protection of the official branding, themes, logos, slogans, images and other identifying marks associated with festivals administered by the Commission.

(2) Without limiting subsection (1), the Commission may determine and publish—

- (a) official festival themes;
- (b) official festival logos and visual identity;
- (c) official event titles;
- (d) official merchandising marks; and
- (e) official promotional materials associated with festivals.

(3) The Commission may authorise the use of official festival branding for promotional, commercial or cultural purposes subject to such terms and conditions as the Commission may determine.

31. Licensing of festival branding

(1) The Commission may grant licences authorising the use of official festival branding in connection with—

- (a) merchandising;
- (b) advertising and sponsorship;
- (c) broadcasting and media production;
- (d) cultural and promotional activities; and
- (e) any other activity associated with the promotion of festivals.

(2) A licence granted under this section may provide for—

- (a) payment of fees;
- (b) royalties or revenue sharing;
- (c) restrictions on the manner of use of festival branding; and
- (d) quality and presentation standards.

(3) The Commission may revoke a licence where the licensee breaches a condition of the licence or uses festival branding in a manner likely to damage the reputation of the festival, without prejudice to section 33.

32. Protection of official festival names

(1) The names—

- (a) “Antigua Carnival”;
- (b) “One Nation Festival”; and

(c) any other national festival designated by the Minister, on the recommendation of the Commission, by Order published in the Official Gazette and subject to negative resolution of the House of Representatives,

shall be recognised as official festival names for the purposes of this Act.

(2) A person shall not, without the authorisation of the Commission—

- (a) use the name “Antigua Carnival”, “One Nation Festival”, or any name likely to be confused with either of them, for commercial purposes;
- (b) represent an event as forming part of those festivals or of any official festival administered by the Commission; or
- (c) sell goods or services described as official merchandise or services of those festivals.

(3) Subsection (2) does not apply to—

- (a) news reporting;
- (b) commentary or criticism; or

(c) bona fide cultural references that do not imply official authorisation.

33. Intellectual property and related rights

(1) Nothing in this Act affects the operation of any law relating to intellectual property in Antigua and Barbuda.

(2) The Commission may apply for the registration of trademarks, service marks or other distinctive signs relating to—

(a) Antigua Carnival;

(b) One Nation Festival;

(c) any other festival administered by the Commission; and

(d) any official festival logos, slogans, themes, designs or branding.

(3) The Commission may secure copyright protection in respect of artistic works, designs, promotional materials, audio-visual productions, musical arrangements, festival programmes and other works created for or in connection with festivals administered by the Commission.

(4) The Commission may license, assign or otherwise authorise the use of any trade mark, copyright or other intellectual property owned or administered by the Commission in connection with merchandising, sponsorship, broadcasting, advertising or other promotional activities relating to festivals.

34. Protection of festival intellectual property

The Commission may take such lawful measures as are necessary to protect intellectual property rights vested in or administered by the Commission.

PART VII

PROCUREMENT ARRANGEMENTS

35. Special procurement procedures

(1) Subject to the Procurement Administration Act, 2011 and any regulations made thereunder, the Commission may, with the approval of the Procurement Board, establish and apply special procurement procedures for the purposes of this Act.

(2) Procedures established under subsection (1) shall be designed to facilitate the efficient and timely procurement of goods, works and services, having regard to the nature of festival activities.

(3) Without limiting subsection (1), special procurement procedures may make provision for—

(a) procurement by sole source in circumstances pursuant to section 21 or section 25 of the Procurement Administration Act, 2011;

(b) emergency procurement in circumstances pursuant to section 20 or section 24 of that Act;

(c) procurement in respect of specialised goods or services where competition is limited or impracticable;

(d) the engagement of artistes, performers, promoters, producers and other creative or technical service providers;

(e) event production services, including staging, lighting, sound and related technical services; and

(f) any other procurement necessary for the effective delivery of festival activities.

(4) In establishing and applying procedures under this section, the Commission shall—

(a) comply with section 16 of the Procurement Administration Act, 2011;

(b) ensure consistency with the purposes of that Act, including transparency, competition, fairness and value for money;

(c) ensure that procurement is conducted with such level of competition as is practicable in the circumstances;

(d) maintain proper records of all procurement proceedings and decisions; and

(e) obtain any approvals or determinations required by the Procurement Board or other competent authority under that Act.

(5) Nothing in this section shall be construed as authorising the Commission to bypass or override any requirement of the Procurement Administration Act, 2011, but procedures established under this section may provide for practical and context-specific application of the procurement methods permitted under that Act.

PART VIII

FESTIVAL LICENSING AND CONCESSIONS

36. Licensing of festival activities

(1) The Commission may issue licences, permits or approvals for the conduct of activities in connection with festivals organised or administered by the Commission.

(2) A licence may be issued for—

- (a) the operation of festival events or shows;
- (b) the sale of food, beverages or merchandise at festival venues;
- (c) the operation of booths, stalls, tents or similar temporary structures at authorised festival locations;
- (d) the provision of entertainment services or equipment;
- (e) broadcasting, filming or commercial promotion associated with festival activities; or
- (f) any other activity approved by the Commission.

(3) A licence issued under this section may be subject to such terms and conditions, consistent with this Act and any other enactment relating to public health, safety and order, as the Commission considers necessary for the orderly conduct of festival activities.

37. Festival concessions or commercial operating rights

(1) The Commission may grant festival concessions or commercial operating rights in relation to festival activities organised or administered by the Commission.

(2) A festival concession may include authority to—

- (a) operate a food or beverage stall at a festival venue;
- (b) sell merchandise, crafts or other goods at authorised festival locations;
- (c) operate temporary booths, tents or commercial stands during festival events;
- (d) provide entertainment, stage production, lighting, sound or related event services; or
- (e) operate other authorised commercial services within festival venues.

(3) A concession granted under this section—

- (a) shall be temporary and limited to the duration of the festival or event;

(b) shall not constitute a concession of land, property or investment incentives under any other law; and

(c) shall be subject to such fees, royalties or revenue-sharing arrangements as may be determined by the Commission.

(4) Nothing in this section shall be construed as authorising the Commission to grant—

(a) tax concessions;

(b) duty exemptions;

(c) land concessions; or

(d) any investment concessions that require approval under any other law.

38. Fees and charges

The Commission may impose fees for—

(a) licences;

(b) concessions;

(c) participation in competitions or events;

(d) vendor permits;

(e) access to festival venues; and

(f) any other service provided by the Commission.

39. Suspension or revocation of licences or concessions

(1) The Commission may suspend or revoke a licence or concession issued under this Act if—

(a) the holder breaches a condition of the licence or concession;

(b) the activity poses a risk to public safety; or

(c) the licence or concession was obtained by misrepresentation.

(2) The Commission shall, before suspending or revoking a licence or concession, give the holder an opportunity to be heard.

(3) A person aggrieved by a decision of the Commission under section 36 or 37 to refuse, suspend or revoke a licence or concession may, within twenty-one days after being notified of the decision, apply in writing for a review of that decision.

(4) A review under subsection (3) shall be determined by a Review Panel appointed by the Minister, consisting of three persons, at least one of whom shall be an attorney-at-law of not less than five years' standing.

(5) The Review Panel shall, after giving the applicant and the Commission an opportunity to be heard, confirm, vary or set aside the decision of the Commission.

(6) In determining a review, the Review Panel shall act independently and shall have regard to the requirements of fairness, reasonableness and the public interest.

(7) The Review Panel shall determine a review under this section within thirty days after receiving the application, or such longer period as the applicant may agree in writing.

(8) The Review Panel shall give reasons in writing for its decision and shall provide a copy to the applicant and to the Commission.

(9) A person who is aggrieved by a decision of the Review Panel may apply to the High Court for judicial review.

PART IX

COMMERCIAL RIGHTS

40. Broadcast and media rights

(1) Subject to any applicable intellectual property law and section 33, the Commission may grant licences for the broadcasting, recording or transmission of festival events organised or administered by the Commission.

(2) Without limiting subsection (1), the Commission may authorise—

(a) television broadcasting of festival events;

(b) radio broadcasting of festival events;

(c) recording of festival performances for later transmission or distribution; and

(d) documentary or media productions relating to festivals administered by the Commission.

(3) The Commission may impose such fees, royalties or other conditions as it considers appropriate in respect of licences granted under this section.

41. Digital streaming and digital media rights

(1) The Commission shall have authority to grant licences for the digital streaming, online transmission or other electronic dissemination of any festival event organised or administered by the Commission.

(2) Without limiting subsection (1), the Commission may authorise—

- (a) livestreaming of festival events through digital platforms;
- (b) internet broadcasting or webcasting of festival events;
- (c) digital distribution of recorded festival performances; and
- (d) publication or dissemination of festival content through social media platforms, streaming services or other digital media.

(3) The Commission may impose such fees, royalties, revenue-sharing arrangements or other conditions as it considers appropriate in respect of licences granted under this section.

(4) A person shall not, for commercial purposes, digitally stream, broadcast or otherwise disseminate a festival event organised or administered by the Commission without the authorisation of the Commission.

(5) A person who contravenes subsection (4) commits an offence and is liable on summary conviction to—

- (a) a fine not exceeding fifty thousand dollars (\$50,000);
- (b) imprisonment for a term not exceeding twelve months; or
- (c) both such fine and imprisonment.

(6) Subsection (4) does not apply to—

- (a) personal recordings made for private use;
- (b) non-commercial social media sharing; or
- (c) news reporting or journalistic coverage of festival events.

(7) For the purposes of subsection (4), evidence that the digital streaming or electronic dissemination of a festival event—

- (a) occurred through a platform that charges a subscription or access fee;
- (b) was associated with advertising revenue, sponsorship or paid promotion;
- (c) formed part of a ticketed or monetised online event; or
- (d) was carried out by a person in the course of business,

shall, in the absence of evidence to the contrary, be prima facie evidence that the streaming or dissemination was for commercial purposes.

42. Sponsorship rights

(1) The Commission may enter into sponsorship agreements in relation to festivals administered by the Commission.

(2) Without limiting subsection (1), the Commission may grant exclusive sponsorship rights for particular festival events, activities or categories.

(3) A sponsorship agreement may include conditions relating to—

- (a) branding and promotional rights;
- (b) advertising placement;
- (c) merchandising arrangements; and
- (d) broadcasting or streaming rights.

PART X

OFFICIAL PROGRAMME OF EVENTS

43. Official festival programme

(1) The Commission shall determine the official programme of events forming part of a festival administered by the Commission.

(2) No person shall represent an event as forming part of the official programme of such a festival unless authorised by the Commission.

(3) Nothing in this section prevents the organisation of private entertainment events during a festival period, provided that such events are not represented as official events of the festival.

PART XI
MISCELLANEOUS

44. Confidentiality of information

(1) A member of the Board, an employee of the Commission, or any person engaged by the Commission shall not disclose confidential information relating to festival planning, contracts, sponsorship arrangements or artiste engagements except—

(a) in the proper performance of his or her functions; or

(b) with the authorisation of the Commission.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of fifteen thousand (\$15,000) dollars.

45. Oath of office

(1) A person appointed as a member of the Board shall, before performing any function as a member, take and subscribe the oath of office set out in the Schedule.

(2) The oath of office shall be taken before a Justice of the Peace, Commissioner for Oaths or other person authorised by law to administer oaths.

46. Civil enforcement

Where a person engages in conduct that contravenes this Act or uses festival branding in a manner that falsely represents an event as an official festival event, the Commission may apply to the High Court for an injunction restraining that conduct.

47. Offences

(1) A person who, without the authorisation of the Commission—

(a) contrary to section 32, uses an official festival name or any name likely to be confused with an official festival name for commercial purposes; or

(b) contrary to section 43, represents an event as forming part of the official programme of a festival administered by the Commission,

commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars (\$50,000) or to imprisonment for a term not exceeding twelve months, or to both.

(2) In proceedings for an offence under subsection (1), it is a defence for the accused to prove that the use or representation fell within section 32(3).

48. Protection from liability

No action, suit, prosecution or other proceeding shall lie against the Commission, the Board, the Chief Executive Officer or any employee or agent of the Commission in respect of any act done in good faith in the exercise or purported exercise of any function under this Act.

49. Regulations

(1) The Minister may, after consultation with the Commission, make regulations generally for giving effect to this Act.

(2) Without limiting subsection (1), regulations may provide for—

- (a) the conduct and administration of festivals;
- (b) fees and charges;
- (c) licences, concessions and permits in relation to festival activities;
- (d) participation requirements and standards;
- (e) forms, records and procedures;
- (f) special procurement procedures under section 35;
- (g) prescribed thresholds and control procedures under section 22; and
- (h) any matter required or permitted by this Act to be prescribed.

50. Transitional provisions

(1) Any lawful contract, arrangement, approval, appointment, committee, festival plan, financial commitment or administrative act made or done before the commencement of this Act for the purposes of Antigua Carnival, The One Nation Festival or any other festival assigned to the Commission may, so far as it is consistent with this Act, be treated as having been made or done by the Commission under this Act.

(2) Any monies held by the Government for the purposes of Antigua Carnival, The One Nation Festival or any other festival assigned to the Commission may, with the approval of the Minister responsible for Finance, be transferred to the Fund.

Schedule

(Section 45)

Oath of Office

“I,, do solemnly swear (or affirm) that I will faithfully and impartially perform the functions of a member of the Board of the Antigua and Barbuda Festivals Commission, in accordance with the Constitution and the laws of Antigua and Barbuda, and that I will act, at all times, in the public interest and to the best of my skill and judgment. So help me God. (To be omitted in the case of an affirmation.)

(Section 12(6))

DECLARATION OF INTERESTS – BOARD AND COMMITTEE MEMBERS

I,
of
being a member of the Board / committee of the Antigua and Barbuda Festivals Commission, hereby declare that—

I have the following direct or indirect pecuniary or other material interests in any business, contract, transaction or other arrangement which is, or may reasonably be expected to be, relevant to the functions of the Commission:

(a) Offices held (director, partner, trustee, officer or similar)
.....
.....

(b) Shareholdings or other ownership interests
.....
.....

(c) Employment, consultancy or other remunerated positions
.....
.....

(d) Any other financial or personal interests (including those of a spouse or dependent child) that may give rise to a real, potential or perceived conflict of interest

.....
.....

To the best of my knowledge and belief, I have disclosed all such interests.

I undertake to notify the Chairperson, in writing, of any change in the above particulars as soon as practicable after the change occurs.

Dated this day of, 20....

.....
Signature of member

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Antigua and Barbuda Festivals Commission as a statutory body corporate to oversee the organization, management, promotion and development of Antigua Carnival, the One Nation Festival and other national festivals assigned to it. The Bill introduces a modern legal and administrative framework for the governance and administration of national festivals and is intended to provide a clearer statutory basis for the management, financing, branding and commercial exploitation of festival activities and related rights. It establishes the Commission as the principal public body responsible for festivals administered under the Bill and provides for its governance through a Board of Commissioners and its day-to-day administration through a Chief Executive Officer and staff. It further provides for the establishment and administration of a Fund, together with financial control, audit and reporting arrangements in accordance with public finance law.

The Bill also provides for the Commission to act as the official authority in relation to festivals administered by it, including the development, management, licensing and protection of official festival branding, official festival names and associated intellectual property and commercial rights. It further provides for festival-related procurement arrangements subject to the Procurement Administration Act, 2011, a regime for the licensing of festival activities and concessions supported by a Review Panel mechanism, and provisions governing broadcast rights, digital streaming, sponsorship, confidentiality, civil enforcement, offences, regulations and transitional matters.

PART-BY-PART ANALYSIS

PART I – PRELIMINARY (Clauses 1–3)

PART I contains preliminary provisions. Clause 1 provides for the short title. Clause 2 defines expressions used in the Bill, including “Board”, “Chief Executive Officer”, “Commission”, “festival”, “festival event”, “festival branding”, “Fund”, “Minister” and “Procurement Board”. Clause 3 sets out the objects of the Bill, including the establishment of a national body responsible for specified national festivals and the creation of a transparent and accountable framework for the organisation, financing and promotion of festivals.

PART II – ESTABLISHMENT OF THE COMMISSION (Clauses 4–6)

PART II establishes the Antigua and Barbuda Festivals Commission as a body corporate and sets out its functions and powers. It provides for the Commission’s corporate status and its general functions in relation to the organisation, management, promotion and development of national festivals, and confers ancillary and commercial powers necessary for the discharge of those functions.

PART III – BOARD OF COMMISSIONERS (Clauses 7–12)

PART III provides for the governance of the Commission through a Board of Commissioners. It deals with the establishment and composition of the Board, the termination of appointment of

members, meetings and procedure of the Board, committees of the Board and the disclosure and recording of interests by members.

PART IV – CHIEF EXECUTIVE OFFICER AND STAFF (Clauses 13–16)

PART IV provides for the executive management and staffing of the Commission. It makes provision for the appointment and functions of the Chief Executive Officer, the appointment of a Financial Controller and other staff, the secondment of public officers and the delegation of functions by the Board.

PART V – FINANCIAL PROVISIONS (Clauses 17–26)

PART V establishes the Antigua and Barbuda Festivals Commission Fund and provides for its administration in accordance with the Bill, the Finance Administration Act 2006 and other applicable enactments relating to public finance. It further provides for the resources and application of the Fund, bank accounts and signatories, estimates and budget, financial control procedures, quarterly financial reporting, accounts and audit, annual reporting and the investment of surplus funds.

PART VI – OFFICIAL FESTIVAL AUTHORITY, BRANDING AND INTELLECTUAL PROPERTY (Clauses 27–34)

PART VI establishes the Commission as the official authority in relation to festivals administered by it and provides for festival rules and guidelines, contractual and commercial arrangements, the development and management of official festival branding, the licensing of that branding, the protection of official festival names and the management and protection of intellectual property and related rights associated with festivals administered by the Commission.

PART VII – PROCUREMENT ARRANGEMENTS (Clause 35)

PART VII provides for special procurement procedures for the purposes of the Bill, subject to the Procurement Administration Act, 2011 and with the approval of the Procurement Board. It is intended to facilitate efficient and timely procurement for festival activities while preserving transparency, competition, fairness and value for money.

PART VIII – FESTIVAL LICENSING AND CONCESSIONS (Clauses 36–39)

PART VIII establishes a framework for the licensing of festival activities and the grant of festival concessions or commercial operating rights, authorises the imposition of fees and charges, and provides for the suspension or revocation of licences or concessions. It also provides for a Review Panel mechanism and preserves access to judicial review.

PART IX – COMMERCIAL RIGHTS (Clauses 40–42)

PART IX provides for the regulation of commercial rights relating to festivals administered by the Commission, including broadcast and media rights, digital streaming and digital media rights, and sponsorship rights. It also creates an offence in relation to unauthorised commercial digital streaming or dissemination of festival events.

PART X – OFFICIAL PROGRAMME OF EVENTS (Clause 43)

PART X provides for the determination by the Commission of the official programme of events forming part of a festival administered by it and prohibits unauthorised representation of an event as forming part of that official programme.

PART XI – MISCELLANEOUS (Clauses 44–50)

PART XI contains miscellaneous provisions dealing with confidentiality of information, the oath of office for members of the Board, civil enforcement, offences, protection from liability, regulation-making powers and transitional provisions.