

Art Gallery of Nova Scotia Act

CHAPTER 22 OF THE REVISED STATUTES, 1989

as amended by

2012, c. 54; 2016, c. 5



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CHAPTER 22 OF THE REVISED STATUTES, 1989
amended 2012, c. 54; 2016, c. 5

**An Act to Create and Constitute
the Art Gallery of Nova Scotia**

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(The table of contents is not part of the statute)

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Short title

1 This Act may be cited as the *Art Gallery of Nova Scotia Act*. R.S., c. 22, s. 1.

Interpretation

2 In this Act,

- (a) “Board” means the Board of Governors of the Gallery;
- (b) “Gallery” means the Art Gallery of Nova Scotia;
- (c) “governor” means a member of the Board;
- (d) “membership” means members of the Gallery in good standing;
- (e) “Minister” means the Minister of Communities, Culture and Heritage. R.S., c. 22, s. 2; 2012, c. 54, s. 1.

Supervision of Act

3 The Minister shall have the general supervision and management of this Act. R.S., c. 22, s. 3.

Art Gallery of Nova Scotia

4 There is hereby created and constituted the Art Gallery of Nova Scotia which shall be a body corporate and which, subject to this Act, shall have the capacity and all the powers of a natural person and which shall be an agency of the Province for the acquisition, preservation and exhibition of works of art. R.S., c. 22, s. 4; 2012, c. 54, s. 2.

Board of Governors

5 (1) The management and control of the affairs of the Gallery are vested in a Board of Governors and the Board may, subject to this Act, exercise the powers of the Gallery.

(1A) Where there is a conflict between the Board and the membership attending an annual or a special meeting of the Gallery, relating to the exercise of the powers of the Gallery, the exercise of the powers by the Board prevails.

(2) The Board is composed of

- (a) eleven persons appointed by the Governor in Council;
- (b) seven persons appointed by the Governor in Council from persons recommended by the membership of the Gallery;
- (c) one person appointed by the Governor in Council from persons recommended by a visual arts organization recognized by the Board;
- (d) honorary governors appointed pursuant to this Act; and
- (e) the Director *ex officio*.

(3) A governor shall be appointed by the Governor in Council for such term not exceeding three years as the Governor in Council determines.

(4) In the event of a vacancy occurring for any reason among the governors, the Governor in Council, on the recommendation of the Board, shall appoint a person to hold office for the unexpired term of office.

(5) A governor whose term has expired is eligible for re-appointment for an additional term but shall not be eligible for further re-appointment upon the expiry of said additional term until at least one year has elapsed between terms. R.S., c. 22, s. 5; 2012, c. 54, s. 3; 2016, c. 5, s. 1.

Remuneration and allowance

6 (1) Subject to subsection (2), no governor shall receive any payment or remuneration for his services as a governor, but shall be entitled to actual or reasonable travelling and living allowances while attending meetings or travelling in the interests of the Board.

(2) The Board may engage and pay for the professional services of a governor to carry out specific tasks on behalf of the Gallery. R.S., c. 22, s. 6.

Director of Gallery

7 (1) The Board may, in accordance with the *Civil Service Act*, appoint a person to be Director of the Gallery.

(2) The Director is *ex officio* a governor but he may not vote in the deliberations of the Board. R.S., c. 22, s. 7.

Employees

8 (1) All employees of the Gallery shall be appointed in accordance with, and shall be subject to, the *Civil Service Act* and the regulations made under it, but all employees shall be responsible to the Board for the proper conduct of the affairs of the Gallery.

(2) For the purposes of the *Public Service Superannuation Act*, every full-time employee of the Gallery, whether heretofore or hereafter appointed, shall be and be deemed to have been a person employed in the public service of the Province, and any full-time employee, heretofore or hereafter, in the service of the Gallery shall be deemed to be and to have been employed in the public service of the Province. R.S., c. 22, s. 8.

Chairman, Executive Committee and other officers

9 (1) The Board shall elect annually from the governors a Chairman and such other officers as the Board considers advisable.

(2) There shall be an Executive Committee of at least five governors consisting of the Chairman, the Vice-chairman and such additional governors as the Board from time to time appoints.

(3) The Board may appoint such other officers and standing and special committees as the Board considers advisable and the persons who are members of any committee need not be governors.

(4) The Board, with the approval of the Governor in Council, may appoint, from time to time, persons to be honorary governors to hold office for such period as the Board may determine and the honorary governors shall be non-voting members of the Board. R.S., c. 22, s. 9.

10 *repealed 2016, c. 5, s. 2.*

Powers of Gallery

11 The Gallery, with the approval of the Governor in Council, may

(a) operate such galleries, art museums, branches or other institutions for the preservation and exhibition of works of art;

(b) make by-laws it considers necessary for the effective attainment of its objects and the exercise of its powers and for the internal control, management and administration of the Gallery;

- (c) to (d) *repealed 2012, c. 54, s. 5.*
- (e) *repealed 2016, c. 5, s. 3.*
- (f) and (g) *repealed 2012, c. 54, s. 5.*
- (h) *repealed 2016, c. 5, s. 3.*
- (i) borrow money for the purposes of the Gallery and secure the repayment of the same by any form of debenture, bond, mortgage, hypothecation, promissory note or other security.
- (j) *repealed 2012, c. 54, s. 5.*

R.S., c. 22, s. 11; 2012, c. 54, s. 5; 2016, c. 5, s. 3.

Additional powers of Gallery

11A The Gallery may

- (a) collect, classify, preserve and display objects relevant to its purposes;
- (b) administer programs and projects for art galleries, museums or organizations for promoting the purpose of this Act;
- (c) publish or cause to be published such information relating to the Gallery as it considers advisable;
- (d) determine the classifications of membership in the Gallery, including qualifications for membership, procedures for becoming a member, fees to be paid by members and all other matters respecting membership;
- (e) carry on the operation of a shop and buy and accept on consignment articles for sale;
- (f) hold competitions to increase the knowledge and capabilities of persons interested in the visual arts;
- (g) make, execute, issue and endorse bills of exchange, cheques, promissory notes, hypothecation forms and other such instrument as may be necessary or convenient;
- (ga) enter into agreements with any persons, organizations, corporations or governments to advance the purpose of this Act;
- (gb) acquire by purchase, donation, deed, devise, bequest, lease, gift, grant or otherwise, real and personal property of any and every description and sell, exchange, lease, mortgage, hypothecate or invest the same;
- (h) subject to the approval of the Minister, do such matters and things as may be necessary or incidental for the attainment of its objects and the exercise of its powers. 2012, c. 54, s. 6; 2016, c. 5, s. 4.

Grant or gift to Museum or Gallery

12 (1) Subject to subsection (3), any grant, gift, devise, bequest or trust to or for the benefit of the Nova Scotia Museum of Fine Arts or the Board of Directors of the Nova Scotia Museum of Fine Arts or the Gallery or the Board shall, subject to its provisions, enure to the benefit of the Gallery and shall be held and applied for the purpose of this Act and no grant, gift, deed or devise shall lapse or fail by reason of any defect in the designation of the Museum or the Gallery.

(2) Any grant, gift, devise, bequest or trust coming within subsection (1) shall be and shall be deemed to be a grant, gift, devise, bequest or trust to Her Majesty in right of the Province and shall be exempt from tax under any Act of the Legislature.

(3) Subsection (1) does not apply to any grant, gift, devise, bequest or trust to or for the benefit of any registered charity, within the meaning of the *Income Tax Act* (Canada), that is created or established after the coming into force of this subsection. R.S., c. 22, s. 12; 2012, c. 54, s. 7.

Property subject to trust or condition

13 The Gallery shall hold, upon any trusts, terms or conditions, any real or personal property which is subject to any trusts, terms or conditions imposed in the acquisition thereof. R.S., c. 22, s. 13.

Vesting of Museum property

14 All property of every kind whether owned by or held in trust in any manner for or on behalf of the Nova Scotia Museum of Fine Arts, incorporated by Chapter 108 of the Acts of 1968, shall be vested in the Gallery. R.S., c. 22, s. 14.

Further tax exemption

15 All real and personal property of the Gallery shall be exempt from taxation. R.S., c. 22, s. 15.

Report

16 The Board shall make an annual report and such other reports as the Minister directs. R.S., c. 22, s. 16.

17 *repealed 2016, c. 5, s. 5.*