GOVERNMENT NOTICE NO. 13

COPYRIGHT ACT

(CAP. 49:03)

COPYRIGHT (CULTURAL FUND) REGULATIONS, 2021

IN EXERCISE of powers conferred by section 119 of the Copyright Act, I MICHEAL BIZWICK USI, Minister of Tourism, Culture, and Wildlife make the following Regulations—

Citation

1. These Regulations may be cited as the Copyright (Cultural Fund) Regulations, 2021.

Interpretation

2. In these Regulations, unless the context otherwise requires—

"Fund Administrator" means the Copyright Administrator of the Society appointed pursuant to regulation 4;

"Committee" means the Committee established by the Minister pursuant to regulation 4; and

"Fund" means the Cultural Fund established under section 98 of the Act.

Administration of the Fund

3.—(1) The Copyright Administrator is hereby appointed to be the Fund Administrator.

(2) The Fund administrator shall be responsible for administration of the Fund in accordance with the provisions of these Regulations and the Act, the Public Audit Act and the Public Finance Management Act.

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Fund Committee

4.—(1) There is hereby established a Fund Committee which shall comprise of five persons.

(2) The Fund Administrator shall nominate, subject to the approval of the Board, five members who shall be citizens of Malawi and professionals in the field of the arts, business and financial management and project management, and appointed by the Minister to form the Fund Committee.

(3) Committee members shall hold the office for a term of three years, and shall be eligible for re-appointment for one further final term.

(4) The Chairperson of the Committee shall be appointed by the Minister from the names proposed by the Board, to be chairperson.

Functions of the Fund Committee

5. The Committee shall—

(*a*) set the criteria for awarding grants under the Fund;

(*b*) award, approve and monitor the administration of projects under the Fund;

(*c*) determine funding recommendations based on priorities and relevant key policies; and

(*d*) review audits of grants.

Meetings of the Committee

6.—(1) The Committee shall hold ordinary meetings at least four times each year.

(2) The quorum at any meeting shall be three persons.

(3) Notwithstanding paragraph 5(1), an extraordinary meeting of the Committee may be convened by the Chairperson of Committee at any time in consultation with the Fund Manager.

(4) The Committee shall determine procedures for conducting meetings.

Functions of the Fund Manager

7. The Board of the Society shall appoint a Fund Manager who shall —

(*a*) be responsible for the day to day management of the Fund ;

(*b*) account for the funds disbursed from the Fund to the Minister; and

(*c*) coordination and supervision of the Fund.

Disbursement from the

8.—(1) The Fund Manager shall cause to be paid out of the monies of the Fund,—

(*a*) grants approved by the Committee; and

(*b*) administrative costs relating to the—

(i) administrative management of the Committee;

(ii) financial auditing of the accounts of the Fund;

(iii) remuneration of Committee members; and

(iv) other matters affecting the administration of the Fund as approved by the Committee.

(2) Two per cent (2%) of the total sum of the Fund shall be reserved for implementation of section 99, in particular, for enforcement activities.

Selection criteria for grants

9. The Committee shall develop guidelines for—

(*a*) public announcement of call for proposals;

(*b*) criteria for awarding grants;

(*c*) criteria for evaluating projects;

(*d*) requirements for the approval of a project;

(*e*) the development of a grant agreement with respect to each grant recipient, in consultation with the Fund Administrator, which shall, *inter alia*, provide for—

(i) the receipt and use of a grant;

(ii) a schedule of a grant process;

(iii) the auditing and reporting requirements for a grant and any project financed by a grant;

(iv) representation and warranties of a grant;

(v) the procedures to monitor performance for awarded grants; and

(vi) the procedure to be followed for the return of an unused grant or the recovery of a misused grant; and

(*f*) the operating procedure of the Committee.

Publication of information on grants awarded from the Fund

10. The Committee shall publish on the website of the Society and in newspapers of nationwide circulation, information on each resolution of the Committee to award a grant and justification thereof.

Accounts of Fund
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11.—(1) The Fund Manager shall cause to be kept, proper books and other records of account in respect of receipts and expenditures of the Fund in accordance with the Public Audit Act and the Public Finance Management Act.

(2) The Fund Manager shall cause to be prepared, as soon as practicable, but not later than three months after the end of the financial year, an annual report on all the financial transactions of the Fund for approval by the Fund Committee.

(3) The Chairperson of the Fund Committee shall after the report is approved by the Fund Committee, present the annual Report to the Board.

(4) The Fund Administrator shall submit to the Minister, no later than six months after the end of each financial year, the annual report of Committee and an annual report of the Auditor General.

Made this 23rd of February, 2021.

DR. M. B. USI
Minister of Tourism, Culture and Wildlife

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