



**ST. HELENA**

## CHAPTER 166

# ENTERPRISE ST HELENA ORDINANCE

### **Non-authoritative Consolidated Text**

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown [Telephone (+290) 2270; Fax (+290) 2454; email [pa.lawofficers@legalandlands.gov.sh](mailto:pa.lawofficers@legalandlands.gov.sh)]<sup>1</sup>

Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

This version contains a consolidation of the following laws—

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Ordinance 6 of 1994 .. in force 5 September 1994	
Amended by Ord. 8 of 2012	

No Subsidiary Legislation has been made under this Ordinance

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<sup>1</sup> These contact details may change during 2011 or early in 2012. In case of difficulty, email [shgwebsite@sainthelena.gov.sh](mailto:shgwebsite@sainthelena.gov.sh) or telephone (+290) 2470.

**CHAPTER 166****ENTERPRISE ST HELENA ORDINANCE**

## ARRANGEMENT OF SECTIONS

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**CHAPTER 166****ENTERPRISE ST HELENA ORDINANCE**

*(Ordinances 6 of 1994 and 8 of 2012)*

AN ORDINANCE TO PROVIDE FOR A BODY CORPORATE TO PROMOTE ECONOMIC DEVELOPMENT IN ST HELENA<sup>2</sup>

**Commencement**

*[5 September 1994]*

**Short title**

1. This Ordinance may be cited as the Enterprise St Helena Ordinance.<sup>3</sup>

**Interpretation**

2. In this Ordinance unless the context otherwise requires—

<sup>2</sup> Long title substituted by Ord. 8 of 2012

<sup>3</sup> Short title substituted by Ord. 8 of 2012

“Agency”<sup>4</sup> ...

“Board” means the Board of Directors referred to in section 4;

“Chairman” means the person appointed to be Chairman of the Board under section 4(1)(a);

“Deputy Chairman”<sup>5</sup> ...

“Director”<sup>6</sup> means a director appointed under section 4 and includes the Chairman;

“Governor” means the Governor acting in his discretion;

“Managing Director”<sup>7</sup> ...

### Establishment of Enterprise St Helena

**3.**<sup>8</sup> (1) There shall be a body corporate to be known as “Enterprise St Helena”.

(2) Enterprise St Helena—

(a) may have a seal; and

(b) may own and deal in real and personal property; and

(c) is capable of suing and being sued; and

(d) may enter into contracts.

### Board of Directors

**4.**<sup>9</sup> (1) The affairs of Enterprise St Helena are to be managed by a Board of Directors consisting of—

(a) a Chairman; and

(b) up to nine other Directors,

(c) ...

(d) ...

(e) ...

appointed by the Governor by writing under his hand for a term not exceeding three years.

(2) ...

(3) ...

(4) A Director may at any time resign his office by writing signed by him and sent to the Governor.

(5) The Governor may at any time by notice in the *Gazette* revoke the appointment of a Director for disability, neglect of duty or misconduct.

(6) A Director ceases to hold office if—

(a) he resigns in accordance with subsection (4); or

(b) his appointment is revoked by the Governor in accordance with subsection (5); or

(c) he is absent from 3 consecutive meetings of the Board without the leave of the Chairman; or

(d) he is adjudged bankrupt or enters into a composition or arrangement with his creditors.

### Function of Enterprise St Helena

<sup>4</sup> Definition of “Agency” repealed by Ord. 8 of 2012

<sup>5</sup> Definition of “Deputy Chairman” repealed by Ord. 8 of 2012

<sup>6</sup> Definition of “Director” substituted by Ord. 8 of 2012

<sup>7</sup> Definition of “Managing Director” repealed by Ord. 8 of 2012

<sup>8</sup> Section 3 amended by Ord. 8 of 2012

<sup>9</sup> Section 4 amended by Ord. 8 of 2012

5.<sup>10</sup> It is the function of Enterprise St Helena to promote and facilitate economic development in St. Helena, including, without prejudice to the generality, the development of tourism.

### **Powers of Enterprise St Helena**

- 6.<sup>11</sup> (1) Enterprise St Helena has all the powers necessary to carry out its function.
- (2) In particular Enterprise St Helena has power—
- (a) to do anything it considers necessary or desirable to promote economic development either by bodies or individuals, and for that purpose—
- (i) to establish, expand or promote the establishment of economic development either under the control, partial or otherwise, of Enterprise St Helena or independently; and
- (ii) to give assistance (including financial assistance, or by the issue of a guarantee or otherwise) to bodies or individuals appearing to the Board to have facilities to carry on economic development; and
- (b) for the purpose of promoting, undertaking or managing economic development—
- (i) to acquire, manage and dispose of land; and
- (ii) to lay out, construct and maintain buildings and to carry out any other building and engineering operations as appear to it to be necessary or desirable in, over or under land; and
- (iii) to provide and maintain services; and
- (c) to encourage economic development by providing buildings and making them available for purchase, leasing or renting; and
- (d) to encourage economic development by making money available to finance the building and acquisition of buildings on terms and conditions determined by the Board; and
- (e) to carry on any business incidental or conducive to the encouragement of economic development; and
- (f) to provide financial assistance for training or work experience.
- (3) Subject to subsection (4), Enterprise St Helena may do anything and enter into any transaction which, in its opinion, is necessary to ensure the proper performance of its function.
- (4) Nothing in this section authorises Enterprise St Helena to enter into any financial commitment that is not within Enterprise St Helena's own financial resources without having first obtained the approval of the Governor and a Secretary of State.

### **Borrowing powers of Enterprise St Helena**

- 7.<sup>12</sup> (1) Enterprise St Helena must not borrow money except with the approval of the Governor and a Secretary of State.
- (2) Approval given under subsection (1) may—
- (a) be general or limited to a particular transaction; and
- (b) be conditional or unconditional.

### **Government may guarantee borrowing by Enterprise St Helena**

<sup>10</sup> Section 5 amended by Ord. 8 of 2012

<sup>11</sup> Section 6 amended by Ord. 8 of 2012

<sup>12</sup> Section 7 amended by section 2(c) of Ord. 8 of 2012

8.<sup>13</sup> The Financial Secretary on behalf of the Government may, with the approval of the Legislative Council and a Secretary of State, guarantee the payment of the principal and interest of any authorised borrowing by Enterprise St Helena.

### Accounts and audit

9.<sup>14</sup> (1) Enterprise St Helena must, in a manner approved by the Financial Secretary, keep accounts of its transactions.

(2) Enterprise St Helena must have its accounts audited annually by the Chief Auditor or by a person approved by the Chief Auditor.

### Annual Report

10.<sup>15</sup> (1) Enterprise St Helena must within 12 months after each 31 March submit to the Financial Secretary—

(a) a report, in a form approved by the Financial Secretary, on its activities during the year preceding that 31 March; and

(b) a statement of the accounts of Enterprise St Helena audited in accordance with section 9(2).

(2) The Financial Secretary must lay a copy of the documents referred to in subsection (1) on the table of the Legislative Council at the meeting of that Council next after receiving them.

### Policy

11.<sup>16</sup> (1) The Governor in Council may give the Board directions as to the general policy it is to follow in managing the affairs of Enterprise St Helena.

(2) The Board must comply with directions given to it under subsection (1).

(3) Enterprise St Helena must give the Governor any returns, accounts and other information he requires with respect to Enterprise St Helena's activities.

(4) Enterprise St Helena must not lend money to a person who at the time of the grant of the loan is—

(a) a Director; or

(b) a member of the Legislative Council; or

(c) an employee of Enterprise St Helena,

except with the approval of the Governor.

(5) In managing the affairs of Enterprise St Helena the Board must act in accordance with the principles of good economic practice.

### Meetings of the Board

12. (1) Meetings of the Board are to be called by the Chairman.

(2) The Chairman must call a meeting if—

(a) he is instructed to do so by the Governor; or

(b) he receives a written request to do so signed by at least 3 Directors.

<sup>13</sup> Section 8 amended by section 2(c) of Ord. 8 of 2012

<sup>14</sup> Section 9 amended by section 2(c) of Ord. 8 of 2012

<sup>15</sup> Section 10 amended by section 2(c) of Ord. 8 of 2012

<sup>16</sup> Section 11 amended by Ord. 8 of 2012

(3) The instruction under subsection (2)(a) or the request under subsection (2)(b) must state the business to be transacted at the meeting.

(4)<sup>17</sup> At a meeting of the Board—

- (a) the Chairman presides or if he is absent a Director elected by the other Directors presides; and
- (b) four Directors form a quorum; and
- (c) questions are to be determined by vote with the person presiding having an original vote and if the votes are equal a casting vote; and
- (d) minutes are to be kept; and
- (e) the Board is otherwise entitled to regulate its proceedings.

### Disclosure of interests by Directors

13.<sup>18</sup> (1) A Director who is in any way whether directly or indirectly interested in a matter before the Board or a contract or proposed contract with Enterprise St Helena must declare the nature of his interest at the first meeting of the Board at which it is possible for him to do so.

(2) A Director must not be present at a meeting of the Board when any matter or any contract or proposed contract with Enterprise St Helena in which he is in any way interested whether directly or indirectly is being considered.

(3) A Director who fails to comply with subsection (1) or (2) is guilty of an offence and is liable on summary conviction to a fine not exceeding £10,000.

### Board's power to delegate

14. (1) The Board may delegate to a Director or a committee of the Board any of its powers or duties (other than this power of delegation).

(2) A delegation under subsection (1)—

- (a) may be made subject to conditions; and
- (b) is revocable at will; and
- (c) does not prohibit the Board from exercising a power or carrying out a duty that has been delegated.

### Remuneration of Directors

15.<sup>19</sup> (1) Enterprise St Helena must pay from its funds to Directors any remuneration, fees or allowances the Governor determines.

(2) Different remuneration, fees or allowances may be determined for different Directors.

### Chief Executive Officer

16.<sup>20</sup> The Chief Executive for Economic Development is the chief executive officer of Enterprise St Helena and as such is charged with the day to day management of the business of Enterprise St Helena.

<sup>17</sup> Section 12(4) amended by Ord. 8 of 2012

<sup>18</sup> Section 13 amended by section 2(c) of Ord. 8 of 2012

<sup>19</sup> Section 15 amended by section 2(c) of Ord. 8 of 2012

<sup>20</sup> Section 16 amended by Ord. 8 of 2012

**Protection of Enterprise St Helena and Board**

**17.**<sup>21</sup> Nothing done by Enterprise St Helena or by the Board is invalid because at the time it was done—

- (a) a vacancy existed in the membership of the Board; or
- (b) a Director contravened or was contravening section 13.

**Trade (Licensing) Ordinance not to apply to Enterprise St Helena**

**18.**<sup>22</sup> ...

**Regulations**

**19.** The Governor in Council may make regulations necessary or convenient for the purposes of this Ordinance.

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<sup>21</sup> Section 17 amended by section 2(c) of Ord. 8 of 2012

<sup>22</sup> Section 18 repealed by Ord. 8 of 2012