



ST HELENA

A BILL

FOR

AN ORDINANCE

to amend the St Helena National Trust Ordinance, 2001, to further regulate the powers and procedures of the St Helena National Trust and the Trust Council; and for connected and incidental purposes.

Enacted by the Governor of St Helena with the advice and consent of the Legislative Council of St Helena.

Short title, commencement and interpretation

1. (1) This Ordinance may be cited as the St Helena National Trust (Amendment) Ordinance, 2017, and comes into force on ...

(2) In this Ordinance, “the Principal Ordinance” means the St Helena National Trust Ordinance, 2001.

St Helena National Trust established

2. Section 3(1) of the Principal Ordinance is amended by inserting the words and characters “, borrow and offer securities,” after the words “of whatever kind”.

Power to enter into agreements restricting development of land

3. Section 8 of the Principal Ordinance is amended by deleting the words “the Trust may, subject to the approval of the Governor in Council,” and substituting “the Trust Council may by resolution” therefor.

General meetings of Trust

4. Section 11 of the Principal Ordinance is amended by deleting the words “each year” in subsection (1) and substituting “each financial year” therefor.

Trust Council

5. Section 12 of the Principal Ordinance is amended—

(a) by repealing subsections (2), (3) and (4) and substituting the following therefor:

- “(2) The Trust Council is to consist of the following members—
 - (a) the President, Vice-President, Secretary, Treasurer and 6 at-large members, who are to be elected at the annual general meeting for a term established by regulations made under section 14;
 - (b) 2 members appointed by the Governor in Council from persons who are members of the Trust.
- (3) The Trust Council is to be deemed fully constituted and all acts and proceedings of the Trust Council are deemed to be valid in all respects if and so long as a quorum of 7 members is present.
- (4) The acts and proceedings of the Trust Council is not to be deemed invalid by reason of a vacancy in its membership or by reason of a defect in the appointment or election of a member to it.”;
 - (b) by repealing subsection (6) and substituting the following therefor:
 - “(6) Members of the Trust Council are not entitled to receive remuneration but may receive compensation for specific services or expenses incurred in the performance of duties as may be approved in advance by a majority vote of the Trust Council.”.

Powers of Trust Council

6. Section 13 of the Principal Ordinance is amended by repealing subsection (3) and substituting the following therefor:

“(3)(a) The Trust Council may appoint a Director of the National Trust who will be responsible for the day to day functioning of the Trust.

(b) The Director of the National Trust may appoint such officers and servants as it from time to time considers desirable and may fix their salaries and conditions of service.

(c) If at any time the post of Director is vacant, the functions of the Director must be performed by the Trust Council.”.

Financial provisions

7. Section 15 of the Principal Ordinance is amended—

(a) by revoking subsection (3) and substituting the following therefor:

“(3) The Trust must keep proper accounts of its receipts, payments, assets and liabilities, in an appropriate form for the purposes of audit.”;

(b) by deleting the words “the Chief Auditor of the St Helena Government” in subsection (4) and substituting “an appropriately qualified external auditor” therefor;

(c) by deleting the second reference to “the Chief Auditor” in subsection (4) and substituting “the auditor” therefor;

(d) by deleting the words “of the Chief Auditor” in subsection (5).

Annual report of Trust

8. Section 18 of the Principal Ordinance is amended by deleting the words “3 months” in subsection (1) and substituting “6 months” therefor.

Transitional provision

9. Notwithstanding the amendment by this Ordinance to section 12 of the Principal Ordinance, any person who was a member of the Trust Council by virtue of section 12(2)(c) or (d) of that Ordinance immediately before this Ordinance comes into force, remains such a

member until the first annual general meeting of the Trust Council held after the commencement date of this Ordinance.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

This Ordinance amends the St Helena National Trust Ordinance, Cap. 77, to further regulate the powers and procedures of the Trust and the composition and procedures of the Trust Council. The Ordinance also provides for the accounts of the Trust to be audited by an external auditor rather than the Chief Auditor.