

Copy No: *(to be completed by the Clerk of Councils)*

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<u>Memorandum for Executive Council</u>	
SUBJECT	<u>Amendments to St Helena National Trust Ordinance</u>
	<u>Memorandum by St Helena National Trust</u>
ADVICE SOUGHT	Council are asked to consider and recommend for approval the St Helena National Trust (Amendment) Bill 2017, as proposed. A copy of the Bill is attached hereto.
BACKGROUND & CONSIDERATIONS	<ol style="list-style-type: none">1. Changes to the St Helena National Trust Ordinance (the “principal Ordinance”) were initially recommended by the Public Accounts Committee (PAC) in 2015. The PAC suggested that the principal Ordinance be amended to provide for a six month reporting window for the Trust’s audited accounts to be laid before Legislative Council, as opposed to three months as currently prescribed for.2. In seeking to implement this change the Trust reviewed all of its operations and agreed that further changes were needed to reflect the current operations of the Trust which had grown considerably since the enactment of the principal Ordinance in 2001.3. The Trust Council reached concensus on a set of amendments (13 in total) by October 2016. These amendments were then presented to the office of the Attorney General by the President of the Trust Council and the Director of the Trust for legal advice and drafting.4. The proposed Bill was produced pursuant to these meetings and intends to further regulate the running of the Trust and give full effect to its legal identity as a body corporate.5. The Bill seeks to clarify the powers of the Trust by explicitly allowing it to borrow and put up collateral in security of the same, so that it is able to function fully as a body corporate without (or with limited) financial dependence on SHG.6. The new Bill provides for Trust accounts to be audited by an appropriately qualified independent auditor, this is in keeping with the practices of similar body corporates and lessens the Executive affiliations. <p>The Trust has been delayed in the auditing of its accounts due to the current constraints within office of the Chief Auditor. In</p>

	<p>addition to this the fees imposed by the Office for the auditing of accouts are significant and costs the Trust in the region of £4,000 per annum. The amendments would allow the Trust to seek audit services from alternate providers and make savings in this respect.</p> <p>7. The Bill amends section 12 of the existing Ordinance by prescribing for members to constitute the Trust Council. The new legislation will not immediately impact the positions of members appointed under the current legislation. This change seeks a more democratic appointment of the Trust Council rather than restricting seats to members of six named organisations. The formalities for the appointment of the Trsut Council will be prescribed for by Regulations.</p> <p>8. All other changes are minor in nature.</p>
FINANCIAL IMPLICATIONS	There are no financial implications
ECONOMIC IMPLICATIONS	There are no economic implications
CONSISTENCY WITH INVESTMENT POLICY PRINCIPLES	N/A
PUBLIC / SOCIAL IMPACT	The changes that the Bill propoes to implement will ensure organisational good governance and regulation.
ENVIRONMENTAL IMPACT	None
PREVIOUS CONSULTATION / COMMITTEE INPUT	Mandate for this Bill has been given by the Social and Community Development Committee.
PUBLIC REACTION	It is unlikely that there will be a public reaction to this Bill. This Bill gives effect to the internal regulation of the Trust and will not have an impact on the public.

PUBLICITY	This Bill is not relevant to the public interest and therefore no publicity is required.
SUPPORT TO STRATEGIC OBJECTIVES	.
	<i>INITIALS OF PRESENTER</i>
OPEN /CLOSED AGENDA ITEM	
Corporate Support Corporate Services	
DATE OF MEMO	29.09.2017

DRAFT