



ST HELENA

REVISED EDITION OF THE LAWS, 2017

ENVIRONMENT AND NATURAL RESOURCES

ST HELENA FISHERIES CORPORATION ORDINANCE, 1979¹

Ordinance 4 of 1979

In force 16 November 1979

Amended by Ordinances 22 of 1985, 24 of 1987 and 2 of 2001 and L.N. 26/2009

No subsidiary legislation to 1 November 2017

ST HELENA FISHERIES CORPORATION ORDINANCE, 1979

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AN ORDINANCE to establish a Fisheries Corporation for St Helena and for connected purposes.

¹ Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 1 November 2017.

Short title

1. This Ordinance may be cited as the St Helena Fisheries Corporation Ordinance 1979.

Interpretation

2. In this Ordinance—
“**Board**” means the Board of Management as specified in sections 5 and 6;
“**Chair**” means the Chair of the Board;
“**Corporation**” means the St Helena Fisheries Corporation established by section 3.

Establishment of the Corporation

3. (1) This section establishes a corporate body to be called the St Helena Fisheries Corporation, with perpetual succession.

(2) The Corporation must have an official seal for the safe custody of which the General Manager is responsible.

(3) The Corporation must establish a head office in St Helena, and service of any document on the Corporation may be made by delivering it to the Corporation at its head office or by sending it by registered post addressed to the General Manager at the head office of the Corporation.

Objects of Corporation

4. The objects of the Corporation are -
 - (a) to engage on a commercial basis in the business of fishing and fish marketing in St Helena and overseas; and
 - (b) in so far as is compatible with these prime objects, to render assistance and make loans to persons engaged in fishing and fish marketing within the St Helena fishery limits.

Management of the Corporation

5. The Corporation is to be governed by a Board of Management which must -
 - (a) exercise the functions and powers of the Corporation; and
 - (b) subject to any directions given by the Governor in Council, decide the policy and direct and control the officers of the Corporation.

Appointment of Board of Management

6. (1) The members of the Board must be appointed by the Governor and the Chair of the Board is the member of the Board so nominated by the Governor.

(1A) The members of the Board must include—
 - (a) at least 2 elected Members of Legislative Council one of whom is a member of the Council Committee with responsibility for fisheries resources;
 - (b) one Government representative;
 - (c) 2 persons not being employees of the Corporation who are actively engaged or

financially interested in the fishing industry.

(2) Members of the Board who are not Government employees may resign from the Board by—

- (a) sending written notice of resignation to the Governor; and
- (b) sending a copy of the notice to the Chairman.

(3) The Governor in Council may terminate the appointment of any member at any time, at the discretion of the Governor in Council, and without assigning any reason for such termination.

(4) The Governor may appoint, in respect of any member of the Board, a person to act in place of that member whenever that member is unable to act as a member of the Board; and a person so appointed is to be known as an **“alternate director”**.

(5) Subsection (4) is subject to the following—

- (a) an alternate director must not act as a member of the Board except as a substitute for a member who is unable to act personally;
- (b) one person may be appointed to act as the alternate director in respect of 2 or more members of the Board; and
- (c) an alternate director, when acting in place of a member of the Board in accordance with this subsection, has the same rights, privileges, powers, duties and obligations as if he or she had been appointed a member of the Board.

Meetings of the Board

7. (1) The Board must meet at least once every quarter and at such other times as are necessary or expedient for the transaction of the business of the Board.

(2) The Chair must, within 7 days of receiving a request in writing addressed to the Chair by any 2 members of the Board, call a special meeting of the Board, which must be held within the following 14 days.

(3) If the Chair is absent from any meeting, the members of the Board present at the meeting must appoint one of their number to preside as Chair, and the member so appointed has, for that meeting, all the powers of the Chair.

(4) A quorum of the Board is any 4 members.

(5) The decisions of the Board must be taken by a simple majority of the votes of the members present, and in addition to an original vote in any case where the vote is equal the Chair presiding at a meeting has a casting vote.

(6) The Board may act in the performance of its duties despite any vacancy in its membership.

Disclosure of interest

8. (1) Any member of the Board whose interest is likely to be affected whether directly or indirectly by a decision of the Board on any matter, after the relevant facts have

come to the member's notice, must disclose the nature of the interest at the first meeting of the Board at which the member is present.

(2) A disclosure under subsection (1) of this section must be recorded in the minutes of that Board meeting, and after the disclosure, the member making it must, unless the Board otherwise direct, not be present at or take any part in the deliberation or vote of any meeting of the Board when such matter is being decided by the Board.

Appointment of General Manager

9. (1) The Governor must appoint the General Manager and determine the terms and conditions of service and termination of appointment of the General Manager.

(2) The Governor may, after consulting the Board, appoint any suitable person to act temporarily in place of the General Manager during the absence of the General Manager through illness, or inability from any other cause arising.

Status of General Manager

10. (1) The General Manager is -
- (a) the chief executive officer of the Corporation;
 - (b) entrusted with the day to day management, direction and control of the business of the Corporation in all matters which are not by this Ordinance or regulations made under it specifically reserved to be done by the Board; and
 - (c) answerable to the Board for his or her acts and decisions.

(1A) The General Manager must attend meetings of the Board.

(2) All documents other than those required by law to be under seal, and all decisions of the Board may be signed and authorised by the General Manager.

(3) The official seal of the Corporation must be affixed to all documents required by law to be under seal and the fixing of the seal must be authenticated by the signatures of the Chair and of the General Manager or an ordinary member of the Board.

Employment of servants and agents

11. Subject to section 9, the General Manager may appoint and employ at remuneration and on terms and conditions the Board thinks fit, any independent contractors, agents, officers and servants considered necessary for the efficient performance of the business of the Corporation.

Fees and allowances to board members

12. (1) For attendance at meetings of the Board and for attendance on other occasions as decided by the Board, the members of the Board who are not Government employees are entitled to claim and be paid attendance fees and travelling allowances specified in regulations made by the Governor in Council.

(2) The receipt by members of the Board of fees and allowances as contemplated by

subsection (1) does not make them paid servants of the Crown or the Government of St Helena nor constitute them as holders of public office.

Funds of the Corporation

- 13.** The funds and resources of the Corporation consist of—
- (a) revenue from the sale of produce, fishing boats and associated gear, rents and hiring charges received in respect of the rental of fishing boats, associated gear and facilities provided by the Corporation and payments by way of interest and capital charges on amounts loaned to fishermen;
 - (b) any sums provided annually for the purpose in the Estimates of Revenue and Expenditure of St Helena;
 - (c) monies earned or arising from any property, investment, mortgage or debenture acquired by or vested in the Corporation;
 - (d) any property, mortgage, debenture or other investments acquired by or vested in the Corporation;
 - (e) sums borrowed by the Corporation with the approval of the Governor in Council;
 - (f) all other money or property which may in any manner become payable to or vested in the Corporation.

Accounts and administration

14. (1) Every sum payable to the Corporation must be collected or received for and on account of the funds of the Corporation.

(1A) Receipts for sums paid to the Corporation must be signed by an officer of the Corporation generally or specifically authorised by resolution of the Board.

(2) Subject to subsections (2A) and (6), all payments out of funds of the Corporation must be authorised by Board resolution and be paid out under the signature of at least 2 officers or members of the Board, of whom the General Manager should, if practicable, be one.

(2A) The Board may, with the approval of the Governor, direct that specified payments, or payments of any specified type or amount, may be made on the sole authority of the General Manager.

(3) The financial year of the Corporation must coincide with the financial year of the Government of St Helena.

(4) The Financial Secretary must from time to time notify the General Manager in writing of the books and accounts that are to be kept by the Corporation and the General Manager must—

- (a) cause such books and accounts to be so kept and produce them to the Financial Secretary when so requested in writing;
- (b) cause the accounts to be audited annually by an auditor or auditors appointed by the Board each year; and
- (c) cause a copy of the audited statement of accounts of the Corporation certified by the auditors to be transmitted to the Governor in accordance with section 15(1)(b).

(5) The Corporation must make provision for the safekeeping of its funds as approved by the Governor.

(6) Officers generally or specifically authorised for the purpose by resolution of the Board may be paid and retain in their hands sums to meet petty disbursements or for immediate payments in accordance with the terms of the resolution.

(7) Subject to this Ordinance and of any regulations made under it, the Board may by resolution provide for all matters of administration and procedure with regard to the funds of the Corporation.

Report on operations

15. (1) The Corporation must, within 6 months after the end of the financial year, cause to be made and transmitted to the Governor—

- (a) a report dealing generally with the operations of the Corporation during the last preceding financial year; and
- (b) a copy of the annual audited statement of accounts certified by the auditors.

(2) The Governor must as soon as possible after receiving them cause a copy of the report together with the annual audited statement of accounts provided with the report to be laid before the Legislative Council.

Powers of the Corporation

16. Subject to direction by the Governor in Council, the Corporation may—

- (a) hold property of any kind, real or personal;
- (b) subject to this Ordinance, do all things necessary or convenient for the purpose of achieving the objects of the Corporation and performing the duties and functions conferred or imposed upon the Corporation by this Ordinance or any other law;
- (c) with the approval of the Governor in Council, borrow money;
- (d) acquire, hold, operate with and dispose of any type of property, whether locally or by import, and whether in St Helena or elsewhere; and
- (e) make contracts in its own name, and sue or to be sued in that name.

Administration

17. The Board may -

- (a) make written regulations for the administrative control of the Corporation and its officers and employees;
- (b) specifically provide for a pension scheme on either a contributory or non-contributory basis; and
- (c) arrange for its officers and employees to join in any other pension scheme organised by any other body.

Offences

18. It is an offence for a member of the Board or an officer or auditor to—

- (a) verify any statement, account or report of the Corporation; or

(b) cause to be delivered or transmitted any such statement, account or report, knowing the statement account or report to be false in any material particular.
Penalty: A fine of £1,000 or imprisonment for 2 years, or both.

Indemnity for member and others acting *bona fide*

19. (1) No matter or thing done and no contract entered into by the Corporation and no matter or thing done by any member of the Board or officer or other person acting under the direction of the Board, if the matter or thing done or the contract entered into was *bona fide* for the purpose of carrying out the objects of this Ordinance, subjects them or any of them personally to any action, liability, claim or demand whatsoever.

(2) Any expense incurred by a Board member, officer or any person acting under the direction of the Board is to be borne and repaid out of the funds of the Corporation.
