



ST HELENA

REVISED EDITION OF THE LAWS, 2017

RECREATION & TOURISM

COMMUNITY CENTRES ORDINANCE, 1988¹

Ordinance 6 of 1988

In force 1 September 1988

Amended by Ordinance 10 of 1996, L.N. 26/2009

No subsidiary legislation to 1 November 2017

COMMUNITY CENTRES ORDINANCE, 1988

ARRANGEMENT OF SECTIONS

1. Short title and interpretation
2. Establishment of Community Associations
3. Registration of Community Associations
4. Incidents of registration
5. Associations to file reports
6. Powers of Registrar
7. Appeals to Council Committee
8. Offences
9. Rules

First Schedule: Constitution of a Community Association

Second Schedule: Certificate of Registration

AN ORDINANCE to make proper provision for the control and management of Community Centres, and for connected purposes.

Short title and interpretation

1. (1) This Ordinance may be cited as the Community Centres Ordinance, 1988.

(2) In this Ordinance—
“**Community Association**” and “**Registered Community Association**” have the meanings given by sections 2(3) and 3(6) respectively;

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.

“**Registrar**”, subject to subsection (3), means a person appointed by the Governor, by notice in the *Gazette*, to be the Registrar of Community Associations;

(3) Until a person is appointed as Registrar under subsection (2), and at any time when there is no such appointment subsisting, the Chief Employment and Social Services Officer is deemed to be the Registrar.

Establishment of Community Associations

2. (1) The inhabitants of any locality may form themselves into an association for the purposes of providing a meeting place and recreational facilities for the inhabitants of the locality.

(2) Every such Association must adopt a Constitution in the form appearing in the First Schedule, with any modifications that are approved by the Registrar, and must adopt as its name the name of its locality followed by the words “Community Association”.

(3) In this Ordinance, “**Community Association**” means an association of persons having the objectives described in subsection (1), whether formed before or after the commencement of this Ordinance, and whether or not it is registered under section 3.

Registration of Community Associations

3. (1) Every Community Association must, within 2 months after whichever is the later of the dates mentioned in subsection (2), deliver to the Registrar a copy of its constitution and a list of the names and addresses of its Officers and Committee Members.

(2) The dates referred to in subsection (1) are—
 (a) the date of commencement of this Ordinance; and
 (b) the date of the formation of the Community Association.

(3) If it appears to the Registrar that a Constitution delivered to the Registrar under subsection (1) does not comply with section 2(2), the Registrar must substitute for it a Constitution which complies with section 2(2), and—

(a) upon the issue of the Certificate of Registration under subsection (4), the Community Association is deemed to have adopted that Constitution; and
 (b) the Registrar may give any incidental directions that are necessary or convenient in order to give effect to that Constitution.

(4) Upon receiving the documents referred to in subsection (1), the Registrar must (after exercising, if appropriate, his or her powers under subsection (3)) –

(a) enter details of the documents in a register maintained by the Registrar for that purpose; and
 (b) issue a Certificate of Registration in the form appearing in the Second Schedule.

(5) The register maintained under subsection (4) must be open to inspection by any person (without fee) at any time during the normal office hours of the Social Services Department.

(6) In this Ordinance, “**Registered Community Association**” means a Community

Association in respect of which a Certificate of Registration has been issued under this section.

Incidents of registration

- 4.** (1) Every Registered Community Association may –
- (a) with the prior approval of the Registrar, acquire, hold, mortgage, dispose of or otherwise deal with land or any interest in land, in its own name and with perpetual succession; and
 - (b) sue and be sued in its own name.

(2) Every instrument whereby a Registered Community Association effects any transaction authorised by subsection (1) must be executed by being signed by the Chair and Secretary of the association and countersigned by the Registrar; and if so signed and countersigned is sufficiently executed for all purposes.

(2A) Every instrument executed as provided in subsection (2), if it is one in respect of which liability for Stamp Duty or Land Registry Fees would (apart from this subsection) fall on the Community Association, must contain, in lieu of the certificate otherwise required by rule 4 of the Stamp Duties Rules, 1987 a certificate to the effect that the instrument is one to which this subsection applies.

(3) Every such instrument as is mentioned in subsection (2A), if it contains such a certificate as is therein mentioned, is exempt from Stamp Duty and must be accepted for registration by the Registrar of Lands without payment of any Land Registry fee in respect either of the instrument or of any associated Land Registry transaction.

(4) Every Registered Community Association is conclusively presumed to be a charitable association.

Associations to file reports

5. (1) Within 28 days after the Annual General Meeting of any Community Association, the Chair of the Association must deliver (or cause to be delivered) to the Registrar—

- (a) a copy of the audited accounts of the Association, and of any other reports or statements presented to the meeting;
- (b) a copy of the minutes (or draft minutes) of the meeting; and
- (c) a complete and accurate list of the Officers and Committee Members of the Association.

(2) The Registrar must, on receipt of the documents mentioned in subsection (1), cause the particulars of the new Officers and Committee Members to be entered in the register maintained under section 3(4).

Powers of Registrar

6. (1) The Registrar may, from time to time, in respect of any Community Association, exercise any of the following powers, namely—

- (a) by notice in writing, to the Chair or any other Officer of the Association, to require such person to—

- (i) supply a report upon or an explanation of any aspect of the affairs of the Association; or
- (ii) refrain (either temporarily or permanently) from taking any part in the management of the affairs of the Association; or
- (b) by notice in writing to any Officers that have been elected, to take over the management of the affairs and property of any such Association which is or appears to be—
 - (i) unable or unwilling to elect all or any of the Officers or Committee Members required by its Constitution; or
 - (ii) insolvent or so financially embarrassed as to be unable to discharge its liabilities as they fall due.

(2) A copy of every notice issued under paragraph (a)(ii) or subsection (1)(b) must be displayed on some prominent part of the premises of the Association, and published in the *Gazette*, but such notice is not invalidated nor may it be impeached on account of any non-compliance with this subsection.

(3) The power of the Registrar under subsection (1)(a)(ii) must not be exercised unless the Registrar has reasonable cause to suspect that the person in respect of whom the power is to be exercised has been or is a party to some act or omission such as to cast doubt upon the person's suitability to hold the office held by the person.

- (4) If the Registrar exercises the power vested in the Registrar by subsection (1)(b)—
- (a) the Registrar may administer the property and affairs of the Association, and make any arrangements that are necessary or convenient for the management of the Association and its property until such time as it is possible to return control of it to a duly elected Committee and Officers;
 - (b) every person having the possession, custody or control of any books, records, documents or other property of the Association must, on being so required by the Registrar, surrender such property into the custody or possession of the Registrar; and
 - (c) the Registrar may, with the prior approval of a Council Committee, wind up the Association and apply any surplus assets after discharging all liabilities and the costs of and incidental to the winding up, towards such charitable purposes for the benefit of the inhabitants of the area as are approved by a Council Committee.

Appeals to Council Committee

7. (1) Any person aggrieved by a decision or action taken by the Registrar under or in accordance with the foregoing provisions of this Ordinance may appeal to a Council Committee (unless the decision or action appealed against is one under section 6(4)(c), in which case an appeal lies to the Governor in Council) against the decision or action, but neither an appeal nor the outcome of it affects anything lawfully done in consequence of the decision or action appealed against.

(2) The decision of a Council Committee or the Governor in Council, as the case may be, upon any appeal under this section is final, except that a person aggrieved by it may appeal to the Supreme Court on the ground that the decision was erroneous in law.

(3) A Council Committee may make rules for regulating the procedure in connection with appeals to that Committee under this section; and the Chief Justice may make rules regulating the procedure in connection with appeals to the Supreme Court.

(4) The procedure to be adopted in connection with an appeal to the Governor in Council under subsection (1) is to be as the Governor from time to time approves.

Offences

8. It is an offence for a person —

- (a) to be knowingly concerned in the management of any Community Association which fails to comply with section 3(1);
- (b) being the Chair of any Community Association, wilfully to fail to comply with section 5(1); or
- (c) wilfully to fail to comply with a requirement made under section 6(1)(a) or section 6(4)(b).

Penalty: A fine of £50.

Rules

9. The Governor in Council may make rules generally for giving effect to the provisions of this Ordinance; and, without limiting that power, such rules may—

- (a) make transitional provisions for the more effective or efficient implementation of this Ordinance;
- (b) amend the First Schedule or the Second Schedule, or substitute a new Schedule for either or both of them.

FIRST SCHEDULE

(Sections 2(2) and 9)

CONSTITUTION OF A COMMUNITY ASSOCIATION

Name of Association

1. The name of the Association is the Community Association (“the Association”).

Objects

2. (1) The objects of the Association are—

- (a) to promote the benefit of the inhabitants of [*insert area to be served*] and the neighbourhood (“the area of benefit”) without distinction of sex or of political, religious or other opinions by inhabitants and voluntary organisations in a common effort to advance education and to provide facilities in the interests of social welfare for recreation and leisure time occupation with the object of improving the conditions of life for the inhabitants;
- (b) to establish or to secure the establishment of a community centre (“the centre”) and to maintain and manage such a centre for activities promoted by the association and its constituent bodies in furtherance of the above objects.

(2) The Association must be non-party in politics and non-sectarian in religion.

Membership

3. (1) The following persons are, subject to the payment of the subscriptions (if any) prescribed in accordance with clause 4, the members of the Association—

- (a) all persons aged 16 and over living in the area of benefit (“full members”);
- (b) all persons under the age of 16 living in the area of benefit (“junior members”);
- (c) well-wishers anywhere whom the Committee may agree to admit as Associate Members.

(2) Junior members do not have the right to vote at members’ meetings but may elect from among themselves one representative to be a member of the Committee. The manner in which junior members elect their representative is to be determined by the Committee from time to time. Associate members do not have the right to vote at members’ meetings.

(3) The Committee may for good and sufficient reason terminate the membership of a member. The member has the right to be heard by the committee before a decision is made.

Subscriptions

4. Every member must pay a subscription as the Committee from time to time determines.

Committee

5. (1) Subject to the limitations set out in clause 7, the policy and general management of the affairs of the Association are to be directed by the committee constituted by this clause (“the Committee”), which must meet not less than 3 times a year.

- (2) The Committee is to consist of—
 - (a) such number of representatives of full members, to be elected from among and by themselves at the annual general meeting, as the Annual General Meeting from time to time determines;
 - (b) one representative of junior members elected in accordance with clause 3;
 - (c) the Officers of the Association elected in accordance with clause 6(a).

(3) The Committee may co-opt further members, who must be members of the Association, but the number of co-opted members must not exceed one-third of the total number of members of the Committee as defined above.

(4) All members of the Committee must retire annually at the commencement of the Annual General Meeting, but are eligible to be elected or co-opted again; ~~provided that~~ but this does not require the Chair to retire until his or her successor has been elected.

(5) The Committee may appoint such sub-committees as it from time to time decides, and may determine their powers and terms of reference.

(6) The Committee may appoint and dismiss employees of the Association as it from time to time decides.

Officers

6. (a) The Annual General Meeting must elect a Chair, a Secretary, a Treasurer, and other officers of the Association as it from time to time decides.

- (b) The Chair is by virtue of office the Chair of the Committee.
- (c) A person under the age of 18 years is not eligible to be elected as an Officer of the Association.

Annual General Meeting

7. Once in each year, between 1st January and 31st March, the Committee must convene an Annual General Meeting of the Association, which all individual members and representatives sections are entitled to attend, for the purposes of—

- (a) receiving the annual report of the Committee and the annual audited statement of accounts;
- (b) electing the Officers of the Association;
- (c) electing representatives of full members to serve on the Committee;
- (d) making recommendations to the Committee; and
- (e) whenever necessary, considering any proposals to amend this Constitution in accordance with clause 14.

Extraordinary General Meeting

8. The Chair may at any time at his or her discretion, and must within 21 days of receiving a written request so to do signed by not less than 12 members who have the power to vote and who give reasons for the request, call an Extraordinary General Meeting of the Association.

Voting and quorum

9. (a) Subject to clause 14, all questions arising at any meeting must be decided by a simple majority of those present and entitled to vote at the meeting.

(b) No member may exercise more than one vote but in case of any equality of votes the Chair has a second or casting vote.

(c) One-third of the members form a quorum at meetings of the Committee, or any sub-committee.

(d) 12 members form a quorum at general meetings of the Association.

Minutes

10. Minute books recording the proceedings of general meetings, the Committee, and all sub-committees must be kept and the Secretary of the Association, or the Secretary of the relevant committee, must enter in the minute book a record of all proceedings and resolutions.

Power to make rules

11. (1) The Committee may adopt and issue rules regulating the use of the centre and the behaviour of persons in it; but such rules must not be inconsistent with the provisions of this Constitution.

(2) Such rules come into operation immediately upon a copy of them being posted on some conspicuous part of the centre.

Finance and accounts

12. (1) All sums raised by or on behalf of the Association must be applied to further the objects of the Association and for no other purpose.

(2) The Treasurer must keep proper accounts of the finances of the Association; and the accounts must be audited at least once a year by an auditor or auditors appointed by the Committee with the approval of the Registrar.

(3) An audited statement of accounts for the last financial year must be submitted by the Committee to the Annual General Meeting.

Dissolution

13. (1) If the Committee by a simple majority decides at any time that on the ground of expense or otherwise it is necessary or advisable to dissolve the Association, the Chair must call a meeting of all members of the Association who have the power to vote and of the inhabitants of the area of benefit of the age of 16 years and upwards.

(2) Notice of a meeting called pursuant to sub-clause (1), stating the terms of the resolution to be proposed at the meeting, must, not less than 21 days before the meeting, be posted in a conspicuous place or places in the area of benefit and advertised in a local newspaper and given in writing to the Registrar appointed under the Community Centres Ordinance, 1988.

(3) If such a decision is confirmed by a simple majority of those present and voting at such a meeting the Committee may dispose of any assets held by or in the name of the Association. Any assets remaining after the satisfaction of any proper debts and liabilities must be applied (in a manner the Committee, with the approval of a Council Committee decides) towards charitable purposes for the benefit of the inhabitants of the area of benefit.

Alteration of constitution

14. Subject to the Community Centres Ordinance, 1988, this Constitution may be amended by a resolution of a General Meeting of the Association. However, no such resolution will be effective unless –

- (a) it is passed by a two-thirds majority of the persons present and voting at the meeting;
- (b) the meeting was convened by posting a written notice of the meeting (setting out the terms of the proposed amendment) on some conspicuous part of the centre for at least 28 prior to the meeting; and
- (c) it is approved by the Registrar appointed under the Ordinance.

This Constitution was adopted as the Constitution of the Community Association at a public meeting duly convened on the day of20..... at

Signed
(Signature of Chair)
Chair

(Signature of Secretary)
Secretary

CERTIFICATE OF REGISTRATION

I hereby certify that the Community Association
has been registered in accordance with section 3 of the Community Centres Ordinance, 1988.

Dated this day of 20..... .

Registrar
