



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, 2019, and comes into force on publication.

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

Financial year

2. Section 2 of the principal Ordinance is amended by inserting the following definition before the definition of “general meeting”:

“**financial year**” means any year commencing on 1st April and ending on 31st March of the following year”.

St Helena National Trust established

2. Section 3(1) of the principal Ordinance is amended by inserting the words and characters “, borrow,” 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”.

General meetings of Trust

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

Trust Council

5. Section 12 of the principal Ordinance is amended—

(a) by repealing subsection (2) and substituting the following:

“(2) The Trust Council is to be constituted and its procedures are to be regulated as prescribed by Governor in Council in regulations made under section 14.”; and

(b) by repealing subsections (3) to (9).

Powers of Trust Council

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

“(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 the Director 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 inserting the words “, or by an auditor approved by the Chief Auditor,” after the words “the Chief Auditor of the St Helena Government” in subsection (4);

(c) by inserting the words “or approved auditor” after the second reference to “the Chief Auditor” in subsection (4);

(d) by inserting the words “or approved auditor” after the words “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”.

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 the principal 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, 2001, to further regulate the powers and procedures of the Trust and the composition and procedures of the Trust Council. The Ordinance makes provision for the appointment of a Director of the National Trust who will be responsible for the day to day functioning of the Trust. The Ordinance also provides for the accounts of the Trust to be audited either by the Chief Auditor or an auditor approved by the Chief Auditor.