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No. 12 of 2009.

*Saint Christopher National Trust
Act, 2009*

Saint Christopher
and Nevis.



I assent,

CUTHBERT M SEBASTIAN

Governor-General.

20th May, 2009.

SAINT CHRISTOPHER AND NEVIS

No. 12 of 2009

AN ACT to provide for the establishment of a National Trust for the purpose of administering and preserving sites, buildings and objects of historical, archaeological, architectural, environmental and artistic importance to the Island of Saint Christopher; and to provide for related or incidental matters.

[Published 28th May 2009, Official Gazette No. 24 of 2009.]

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the National Assembly of Saint Christopher and Nevis, and by the authority of the same as follows:

PART I PRELIMINARY

1. This Act may be cited as the Saint Christopher National Trust Act, 2009. Short title.
2. In this Act, unless the context otherwise requires, Interpretation.
 - “Board” means the management body of the Trust established under section 10;
 - “Development Control and Planning Act, means the Development and Control Planning Act 2000, No. 14 of 2000;
 - “Income Tax Act” means the Income Tax Act, No. 17 of 1966;
 - “Minister” means the Minister responsible for Sustainable Development;
 - “National Conservation and Environment Protection Act, means the National Conservation and Environment Protection Act, 1987 No. 5 of 1987;

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“Saint Christopher Heritage Society” means the non-governmental organisation incorporated as a private company and registered as No.006404 under the Companies Act, No. 22 of 1996;

“Trust” means the Saint Christopher National Trust established under section 3;

“trust property” means property of any kind owned or held beneficially for purposes of the Trust.

PART II
ESTABLISHMENT, FUNCTIONS AND POWERS OF THE TRUST

Establishment of
a National Trust.

3. There is hereby established a body corporate to be known as the *Saint Christopher National Trust* which shall have perpetual succession and a common seal and the power to purchase, take, hold, deal with and dispose of lands and other property.

Objects of the
Trust.

4. (1) The objects of the Trust are to:
- (a) engage in the protection, preservation, restoration of and *interpretation of* buildings, objects and monuments of archaeological, historical, architectural or artistic interest on the island of Saint Christopher;
 - (b) promote the protection, conservation, interpretation and *enhancement of the natural environment of* Saint Christopher, including its animal and plant life, its submarine and subterranean areas and other *places of natural and historical interest and beauty*;
 - (c) assist in the preservation of traditional arts, craft, dance, song, language and other forms of expression;
 - (d) assist in the identification, compilation and preservation of manuscripts and photographic records, books and works of art and other forms of identifiable memorabilia for the benefit and enjoyment of the people of the community;
 - (e) promote the heritage of Saint Christopher through the production of written, audio-visual, electronic or other appropriate material ;
 - (f) foster co-operation with persons, associations and other entities having similar objects;
 - (g) provide a forum for the exchange of ideas, information and knowledge;
 - (h) acquire property for the furtherance of the aims and objects of the Trust;

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- (i) present and interpret the cultural heritage of *Saint Christopher* by means of museum displays and exhibitions and other relevant productions;
- (j) attract funds by means of subscriptions, donations, bequests, grants, technical assistance and other means for the execution of any or all of the objects of the Trust;
- (k) encourage the vesting of property in the Trust for the purpose of furthering the objects of the trust;
- (l) administer property vested in the Trust in furtherance and achievement of the objects of the Trust.

(2) The objects of the Trust as set out in subsection (1) paragraphs (a) and (b) are not intended to derogate from or to supercede the provisions of the

- (a) *National Conservation and Environment Protection Act*; or
- (b) *Development Control and Planning Act, 2000*

and in the event that there is any conflict between the Acts referred to in subparagraphs (a) and (b) and this Act, the provisions of those Acts would prevail to the extent of the inconsistency.

5. The Trust shall have powers which are consistent with the objects for which it is constituted but those powers shall only be exercisable on the condition that the Trust shall not, without the prior approval of the Cabinet, sell, demise, convey, mortgage, exchange or otherwise dispose of any land, interest in land or other property that is vested in it by the Crown.

Powers of Trust

6. The Trust shall from time to time advise and where necessary, lobby the Government of Saint Christopher and Nevis on:

- (a) matters concerned with the objects of the Trust that may be affected by public policy;
- (b) areas that have been designated or are to be designated as trust property and the policy to be pursued for the preservation of the property and the means of enforcing that policy; and
- (c) matters that the Trust is desirous of promoting or supporting.

Trust to advise and lobby Government

7. (1) The Trust shall be responsible for the management of the properties or sites set out in the Schedule.

Functions of the Trust.

(2) The Minister may, on the recommendation of the Trust, amend the Schedule by Order, to vary the sites set out therein.

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(3) The Trust shall be granted an annual subvention by the Government to assist it in its operational expenses of administering the Trust and its properties, the management and maintenance of the National Museum and such other sites or buildings of national significance as are identified for similar purposes.

Trust may retain advisers and staff.

8. The Trust may

- (a) retain the services of professional and technical advisers and pay the fees of such advisers;
- (b) employ upon a temporary or permanent basis professional, technical, clerical staff and other officers and servants on such terms and conditions as the Trust thinks fit.

Executive Director.

9. The Trust shall employ an Executive Director who shall be charged with responsibility for the day to day management of the business of the Trust and the duty of reporting to the Board.

**PART III
THE BOARD**

Establishment and composition of the Board.

10. (1) The Trust shall be managed by a Board, to be comprised of the following persons

- (a) a President, who shall be elected at a general meeting of the trust from amongst its members for a term of three (3) years but who shall not serve in the same capacity for more than two consecutive terms;
- (b) a Vice-President, Honorary Treasurer and Honorary Secretary who shall be elected annually at the annual general meeting of the Trust from amongst the members of the Trust, but who shall not serve in the same capacity for more than three consecutive terms;
- (c) a representative appointed by each of the following Ministries responsible for:
 - (i) Culture;
 - (ii) Environment;
 - (iii) Tourism; and
 - (iv) Education.
- (d) a representative of the Brimstone Hill Fortress National Park Society;
- (e) a representative of the Chamber of Industry and Commerce;

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- (f) three member representatives to be appointed annually from among the general membership of the Trust;
- (g) the Executive Director who shall be an ex-officio member.

(2) The members referred to in paragraphs (c) to (e) shall be appointed for a term of office of two years and shall be eligible for re-appointment for one consecutive term.

(3) In the deliberations of the Board, the chairperson or a member of the Board acting in that capacity, shall have a casting vote as well as an original vote.

11. (a) The Board shall at the commencement of this Act be constituted by the officers presently serving as officers of the Council of the Saint Christopher Heritage Society; and
- (b) Within one (1) year of the commencement of this Act, the Board shall be reconstituted in accordance with the provisions of section 10 subsection (1) and any rules that may be made under this Act.

Transitional provisions.

12. (1) Subject to the provisions of this Act, the Board shall have power to make rules for and concerning the objects of the Trust and in particular for the following purposes

Power of Board to make rules.

- (a) the eligibility, nomination, election, suspension and expulsion of members;
- (b) the composition of the Board and re-election of officers and members thereto at reasonable intervals;
- (c) the manner in which the members of the Board may be removed;
- (d) the custody, management, alteration and disposal of Trust property;
- (e) the manner in which rules of the Trust can be altered or revoked;
- (f) the imposition of fees and any other revenue generating incomes; and
- (g) generally for the conduct and regulation of the business affairs and concerns of the Trust and relative to any matter which may affect the sound administration of the Trust.

(2) The rules made pursuant to subsection (1) shall

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- (a) be subject to the approval and satisfaction of the general body of members called for that purpose;
- (b) not be inconsistent with the purposes of this Act or be repugnant or contrary to the laws of Saint Christopher and Nevis; and
- (c) not be binding on any other persons than those who are or may become members of the Trust.

(3) The Board may provide in the rules for reasonable and adequate fines, penalties or other appropriate measures for the contravention, non-observance, non-performance or breach of the rules or for enforcing the due observance thereof.

(4) Rules made by the Board under the provisions of this section shall have the force and effect of law when confirmed by the Minister and published in the *Gazette*.

Inalienable
property.

13. (1) Whenever after the passing of this Act, any immovable private property, submarine or subterranean areas shall become vested in the Trust, the Cabinet, in consultation with the Board, shall determine whether any of those properties or areas form part of the national heritage and should be held for the benefit of Saint Christopher as inalienable.

(2) If the Cabinet, pursuant to subsection (1) determines that any lands, properties or areas should be inalienable, then the Cabinet shall make an order so designating the land, property or area in question.

PART IV

ACCOUNTS, EXEMPTIONS, TRUST PROPERTY

Accounts.

14. (1) Proper accounts shall be kept of all sums of money received and expended by the Trust and of the matters in respect of which such receipts and expenditure take place, and the property, assets and liabilities of the Trust.

(2) The accounts referred to in subsection (1) shall be subject to any reasonable restrictions as to the time and manner of inspecting the same that may be imposed in accordance with the rules for the time being of the Trust and shall be open at all or reasonable times to the inspection of the members of the Trust.

Audit.

15. (1) The Accounts of the Trust shall be examined and audited at least once a year by qualified accountants appointed by the Board at a general meeting of the Trust, and any previously appointed auditor or auditors shall be eligible for re-appointment.

(2) As soon as the audited accounts have been supplied to the Trust, the Honorary Secretary of the Trust shall forward to the Minister a copy thereof together with a copy of the report thereon by the Auditor

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and the Minister shall lay or cause to be laid before the National Assembly such copy and report.

16. Any property that belonged to or was held by or in trust for the Saint Christopher Heritage Society prior to the coming into force of this Act, is hereby vested in the Saint Christopher National Trust.

Trust property.

17. A document requiring the seal of the Trust shall be sealed with its common seal in the presence of the President or Vice-President, the Honorary Secretary or the Honorary Treasurer, and one other member of the Board for the time being, the three of whom shall sign the document, and in the absence of evidence to the contrary, the signing shall be regarded as sufficient proof that the lawful seal of the Trust was duly affixed to the document.

Seal.

18. No officer of the Trust shall require payment by way of emolument or otherwise for any service rendered to the Trust by way of his office in the Trust.

Officers of Trust not to be paid for Trust duties.

19. No member of the Trust shall be liable to any creditor of the Trust for any sum over and above such subscription as he may have undertaken to pay and which remains unpaid.

Limit of liability.

20. The Trust shall be exempt from ad valorem and other stamp duty and other Government fees in respect of any instrument conveying or transferring any land or interest in the Trust.

Exemption from duties.

21. The Trust shall be exempt from paying the following:

Exemption from payment of taxes.

- (a) rates and taxes in respect of any land held or administered by or on behalf of the Trust; and
- (b) import duties on materials and equipment to be used by and for the business of the Trust.

22. For the purposes of the Income Tax Act the Trust shall be deemed to be a Trust established within Saint Christopher exclusively for charitable, educational or scientific purposes and a deduction of any amount paid as a gift to the Trust shall be allowable in ascertaining the chargeable income of any person who has made such a gift during the year preceding the year of assessment.

Trust as charitable organisation.

23. The assets and liabilities of the Saint Christopher Heritage Society shall from the commencement of the Act be transferred to and vested in the Saint Christopher National Trust.

Heritage society assets vested in the Trust.

24. The current members of the Saint Christopher Heritage Society shall have their membership transferred to the Trust.

Transfer of membership.

25. The Minister may, in consultation with the Board, make regulations for the purpose of giving effect to this Act.

Regulations.

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SCHEDULE

- (a) the National Museum;
- (b) the MUKTI Research and Documentation Centre,
- (c) the Amerindian Petroglyph Site at Stone Fort Ghaut;
- (d) the Spooners Ginnery Site;
- (e) the Belmont Estate Yard and buildings;
- (f) the Mansion Estate Yard and buildings; and
- (g) other monuments, buildings and sites which may from time to time be donated to, vested in or acquired by the Trust.

CURTIS A. MARTIN
Speaker

Passed by the National Assembly this 23rd day of April, 2009.

JOSÉ LLOYD
Clerk of the National Assembly