

No. 16.]

Saint Lucia National Trust

[1975.

I ASSENT

[L.S.]

ALLEN LEWIS,
Governor.

26th September, 1975.

SAINT LUCIA.

No. 16 of 1975.

AN ACT to establish a body Corporate to be known as
the St. Lucia National Trust.

[26th September, 1975.]

WHEREAS Wilfred St. Clair Daniel, Michael Andrews,
Eric Brandford, Robert Devaux, Martin Elwin,
Dr. Edsel Edmunds, Julian R. Hunte, Primrose
Bledman, Fitzgerald Graham Louisy, Thomas Walcott,
Fitzgerald Yorke constitute the Steering Committee of
the Saint Lucia National Trust, a body interested in the

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preservation of buildings and objects of historic and architectural interest and areas of natural beauty with their animal and plant life ;

AND WHEREAS the Steering Committee earnestly desiring that the continuance of the work of the Committee for the preservation of buildings and objects and areas as aforesaid should be administered on a more permanent basis have prayed that an Act be passed incorporating the said Saint Lucia National Trust :

AND WHEREAS it is deemed to be expedient to grant the prayer of the said petition.

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

Short title.

1. This Act may be cited as the Saint Lucia National Trust Act 1975.

Interpretation.

2. In this Act—

“ ~~the~~ Council ” means the Council of the Trust established by this Act ;

“ Minister ” means the Minister responsible for the subject of National Trust ;

“ Trust ” means the Saint Lucia National Trust established by this Act ;

“ Trust property ” means any property of any kind owned by the Trust.

Establishment
of Body
Corporate.

3.—(1) There shall be established for the purposes of this Act a body corporate to be called the Saint Lucia National Trust which by that name shall have perpetual succession and a common seal.

(2) The Trust shall have a principal office in the City of Castries.

4. The objects of the Trust shall be—

- Objects of Trust.
- (a) the listing of buildings, objects and monuments of prehistoric, historic and architectural interest and places of natural beauty with their animal and plant life ;
 - (b) the listing of objects of prehistoric, historic and archeological interests ;
 - (c) the compilation of photographic and architectural records of the above ;
 - (d) to locate and to promote the preservation of buildings and objects of archaeological architectural, historic, artistic or traditional interest and the establishment of museums ;
 - (e) to promote and preserve for the benefit and enjoyment of the State of submarine and subterranean areas of beauty or natural or historic interest and to preserve (as far as possible) their natural aspect, features, animals and plant life ;
 - (f) to list the flora and fauna in the areas mentioned in paragraph (e) and to promote their conservation ;
 - (g) to make the public aware of the value and beauty of the State's heritage as set out above ;
 - (h) to pursue a policy of preservation, and to act in an advisory capacity ;
 - (i) to acquire property for the benefit of the State ;
 - (j) to attract funds by means of subscription, donations, bequests and grants for the execution of the above objects :

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(k) to administer the Trust property for the furtherance and achievement of the above objects.

Powers of the Trust.

5. The Trust shall apart from the powers consistent with the objects for which it is constituted have the following powers :—

(a) to acquire by purchase, exchange, devise or otherwise all kinds of property moveable or immoveable (messuages, lands, tenements, hereditaments of any tenure and also moneys, securities for money, goods or chattels, whatsoever) and may exercise full powers of ownership over such property ;

Provided that the powers to sell, lease, exchange or otherwise dispose of any immoveable property or interests therein vested in the Trust shall not be exercised without the prior approval of Cabinet.

(b) to grant a lease of any property, or part thereof vested in the Trust and which has become inalienable by virtue of section 10, upon such terms and conditions as the Council may think fit ;

(c) to grant any servitude, right or interest (not including a right or interest to the exclusive possession of the surface) over or in respect of any property made inalienable by or under section 10.

The Council of the Trust.

6.—(1) Subject to the provisions of this Act the affairs of the Trust shall be administered by a Council.

(2) The Council shall at the commencement of this Act be constituted as follows :

(a) by the officers forming the Steering Committee (hereinafter referred to as the Committee) administering the Trust before the passing of this Act ;

- (b) four others of such Committee ;
- (c) two members nominated by the Archaeological and Historical Society (hereinafter referred to as " the Society ") ;
- (d) two members nominated by the Minister responsible for the subject of the National Trusts.

(3) The members numbered in paragraph (c) and (d) shall be nominated by the Society and the Minister respectively on the commencement of this Act.

(4) Subject to the provisions of subsection (5) the term of office of all members of the Council as constituted under subsection (1) shall be for one year.

(5) The Council shall thereafter be constituted in accordance with the provisions of the rules made under section 9 provided however that the rules shall make provision for the appointment of the persons mentioned in paragraphs (c) and (d) of subsection (2) and the terms of their office shall be for one year and two years respectively :

Provided that if the Council as constituted under subsection (1) fails to make rules for the constitution of the Council within the time specified in subsection (2) of section 9 the Council shall continue in office for a further period of three months within which period Cabinet shall make such provision for the continued administration of the Trust as Cabinet shall think fit.

7.—(1) The Seal of the Trust shall be kept in the custody of the Chairman or the Vice Chairman and shall be affixed to instruments pursuant to a resolution of the Council and in the presence of the Chairman or Vice Chairman, and of one other member, and the Secretary.

Seal of the Trust.

(2) The Seal of the Trust shall be authenticated by the signature of the Chairman, or Vice Chairman and the Secretary of the Trust.

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(3) All documents, other than those required by law to be under seal, made by and all decisions of the Council, may be signified under the hand of the Chairman, or Vice Chairman.

Limited
Liability.

8. The funds as well as the immoveable property and effects of the Trust shall be alone subject and liable to any charge and demand against the Trust, and no subscriber to the capital of the Trust shall be liable for or charged with the payment of any debt or demand due from the Trust beyond the extent of the aforesaid funds, immoveable property and effects of the Trust.

Rules of the
Trust.

9.—(1) Subject to the provisions of this Act the Council shall have full power and authority to make rules for and concerning the objects of the Trust and in particular for the following purposes—

- (a) the eligibility, nomination, election, suspension and expulsion of members ;
- (b) the constitution of the Council and re-election of officers and members thereto at reasonable intervals ;
- (c) the manner in which such members of the Council may be removed ;
- (d) the manner in which all meetings of the Council are to be convened and conducted ;
- (e) the custody, management, alteration and disposal of trust property ;
- (f) the manner in which rules of the Trust can be altered or revoked ;
- (g) generally for the conduct and regulation of the business affairs and concern of the Trust and relative to any matter or thing whatsoever which may in any wise concern the sound administration of the Trust.

(2) Such rules shall be made before the expiration of one year of the commencement of this Act and when made shall —

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

(3) It shall be lawful for the Council to provide in any or all of the rules any or all reasonable and adequate fine, forfeitures and penalties for the contravention, non observance, non performance or breach of the same or for enforcing the due observance thereof.

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

10. Whenever after the passing of this Act immovable property (including buildings) or submarine and subterranean areas shall become vested in the Trust, the Council may by resolution determine that such property or submarine and subterranean areas or such portions thereof as may be specified in such resolution are proper to be held for the benefit of the State, and such property or buildings or submarine and subterranean areas shall therefrom be so held by the Trust and shall be inalienable.

Certain
Property of
Trust to be
alienable.

11. The Trust may with the approval of Cabinet raise money by borrowing unsecured by the issue of

Borrowing
powers.

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loan stock or otherwise or secured by debentures giving a floating charge or fixed charges over all or any of their property (not being property specified in any such resolution of the Council as proper to be held for the benefit of the State) and by way of specific mortgage thereof and by charging or appropriating as security for money borrowed the rents, profits or income derivable from any of the lands or properties of the Trust, including the rents, profits and income arising from the property held for the benefit of the Territory.

Payment for
professional
services.

12. 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 and other officers and servants on such terms and conditions as the Trust thinks fit.

Accounts.

13. 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 and 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. Such accounts shall be opened at all or reasonable times to the inspection of the members of the Trust.

Audit.

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

(2) As soon as the audited accounts have been supplied to the Trust, the Secretary of the Trust shall forward to the Minister a copy thereof together with a copy of the report thereon by the Auditor and the Minister shall lay or cause to be laid before the House such copy and report.

15. The Council shall apply all money received by the Trust under this Act (except money borrowed and money received for the sale of lands or other moneys received on capital accounts as follows :—

*Application of
Income.*

Firstly — a payment of the working and establishment expenses of the Trust and the cost of management, maintenance thereof and improvement of Trust property ; and

Secondly — the payment of the interests on moneys borrowed under the powers of this Act and of the instalments (if any) of principal money borrowed and the balance (if any) shall be applied in furthering the objects for which the Trust is established in such manner as the Council may from time to time direct.

16.—(1) For the purpose of protecting, preserving and maintaining immoveable property and other property, held by the Trust and the regulation and prevention of nuisances and the preservation of order upon immoveable property and other property of the Trust, the Trust may make bye-laws for any of the following purposes —

Byelaws.

(a) prohibiting any person without lawful authority from digging, cutting or taking any substance on or from such immoveable property and from cutting, felling or injuring any timber or other tree shrub, brush wood or other plant growing thereon ;

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- (b) prohibiting or regulating the lighting of any fire on such immoveable property ;
- (c) prohibiting or regulating the firing or discharge of firearms or the throwing or discharge of missiles on such immoveable property ;
- (d) prohibiting the deposit on any part of such immoveable property of any material for repair of roads, wood, dung, rubbish or other offensive matter ;
- (e) prohibiting the injury, defacement or removal from any building, structure or other thing in or upon such immoveable or other property or of seats, fences notice boards or other things put up or maintained by the Trust ;
- (f) prohibiting or regulating the posting or painting of bills, placards, advertisements or notices on trees or fences or notice boards on such immoveable or other property ;
- (g) prohibiting any person without lawful authority from bird catching, setting traps or nets or placing any noxious material on trees or laying snares or decoys for birds eggs or nests and shooting or otherwise taking birds or other animals on such immoveable property ;
- (h) prohibiting or regulating the drawing or propelling on such immoveable property without lawful authority of any carriage, cart, caravan, truck, motor car, cycle or other vehicle and the erecting or permitting to remain on such immoveable property without the consent of the Trust any building, shed, tent, fence, post, railing or other structure whether used in connection with the playing of games or not and for authorising an officer of the Trust to remove therefrom any vehicle drawn or propelled thereon and any structure

erected on such immoveable property in contravention of the bye-laws and prescribing any roads (if any) other than public roads upon which motor cars and cycles may be used ;

- (i) prohibiting or regulating the placing on such immoveable or other property of any photographic art or of any show, exhibition, swinging roundabout or other like thing and for authorising any officer of the Trust to remove from such immoveable or other property anything placed thereon in contravention of the bye-laws ;
- (j) regulating games to be played and other means of recreation to be exercised on such immoveable or other property and the entry and conduct of persons resorting and using immoveable property ;
- (k) regulating the use of any portion of such immoveable land temporarily closed or set apart for the purpose of any of the objects of the Trust ;
- (l) prohibiting and regulating horses being ridden on such lands without lawful authority ;
- (m) prohibiting any person without lawful authority from turning out any cattle, sheep or other animals and for authorising any officer of the Trust to remove therefrom any cattle, sheep or other animal being thereon in contravention of the bye-laws ;
- (n) generally for prohibiting or regulating any act or thing tending to injure, disfigure or damage such immoveable or other property or to interfere with the use and enjoyment thereof by the public ;

- (o) for authorising an officer or servant of the Trust to remove or exclude (without prejudice to the exercise of arrest as provided under this Act) from such immoveable or other property any person who within his view commits an offence against the bye-laws made under this Act ;
- (p) permitting the public or any specified persons or person to view and make copies or reproductions of or extracts from any chattel vested in the Trust on such terms and conditions in all respects as may be from time to time prescribed by the Council ;
- (q) prescribing any fee for any matter for which the Council shall determine that a fee shall be paid ;
- (r) the annexation of penalties for the contravention of any of the bye-laws.

(2) The Trust may revoke, amend or alter any bye-laws when so made.

(3) All bye-laws shall be approved by Cabinet and published in the *Gazette*.

(4) Copies of the bye-laws for the time being in force shall be exhibited on Trust property at such places and in such manner as the Trust think best calculated to give information to persons resorting to such property.

(5) Any prosecution for the contravention of bye-laws shall be preferred by an officer of the Trust designated for that purpose by the Trust.

Powers of
Arrest.

17.—(1) A police officer, an officer or servant of the Trust may arrest without warrant a person who within his view commits an offence or whom with reasonable cause he suspects to have committed an offence against the bye-laws made under this Act, if —

- (a) the police officer or officer or servant with reasonable cause believes that that person will abscond unless arrested ; or
- (b) the name and address of that person are unknown to, and cannot be ascertained by the police officer or officer or servant ; or
- (c) the police officer or other officer or servant designated in writing by the Trust is not satisfied that a name and address furnished by that person as his name and address are true.

(2) The power expressed in this section shall not prejudice any power conferred by any other law apart from this section.

18. Any person who obstructs, hinders, molests or assaults any police officer, officer or servant of the Trust in the enforcement of the bye-laws made under this Act shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars or to a term of imprisonment not exceeding three months or both such fine and imprisonment.

Obstruction of officer or servant of the Trust.

19. All fine, forfeitures and penalties incurred by virtue of any rules made as aforesaid, and all sums becoming due to the Trust from any of the members of the Trust shall be sued for and recovered in a summary manner before a Magistrate on the complaint of the Secretary of the Trust, and every Magistrate is hereby authorised and required to take cognisance thereof accordingly ; and all fines, forfeitures and penalties when received, or the surplus thereof after deducting necessary charges, shall be paid to the Secretary of the Trust for the time being for the use of the Trust.

Recovery and disposal of fines, etc.

20. Notwithstanding the provisions of any law providing for the registration of documents or the payment of stamp duties, no certificate, receipt,

Exemption from stamp duty and other charges.

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instrument or other document issued by the Trust shall be subject to stamp duty, registration fee or any charge of a similar nature; nor shall the Trust be liable for the payment of any search or inspection fee in any registration office.

Exemption of
rates and taxes
Cap. 217
Cap. 239
No. 22 of 1967.

21. Notwithstanding anything contained in the Land and House Tax Ordinance, the Local Authorities Ordinance or the Castries Corporation Act the Trust shall, in respect of all property whatsoever owned or occupied by them or held in trust for the use and benefit of the Trust, be exempted for the payment of rates or taxes payable under the aforementioned enactments.

Saving rights
of Crown.

22. Nothing in this Act declared or expressed shall affect the rights of Her Majesty, her heirs and successors or any person except such as are mentioned in the Act and those claiming by, from or under them.

Passed in the House of Assembly this 12th day of August, 1975.

W. ST. CLAIR DANIEL,
Speaker.