



ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER A65

ANGUILLA NATIONAL TRUST ACT

Showing the Law as at 15 December 2000

Published by Authority

Printed in
The Attorney General's Chambers
ANGUILLA

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ANGUILLA NATIONAL TRUST ACT

Interpretation

1. (1) In this Act—

“commencement day” means 22nd December, 1988;

“Council” means the Council of the Trust established under section 9;

“Minister” means the Member of Executive Council for the time being assigned responsibility for the National Trust and related matters;

“President” means the President of the Council elected under section 10;

“regulations” means regulations made by the Council under section 11;

“Trust” means the Anguilla National Trust established under section 2.

(2) For the avoidance of doubt, it is hereby declared that any reference to land in this Act shall be read and construed as including a reference to any land which may be under water and any reefs within the territorial waters of Anguilla.

Establishment of Anguilla National Trust

2. (1) There shall be established a body corporate to be known as the “Anguilla National Trust” and under that name to have perpetual succession and a common seal, and, subject to the provisions of this Act, with power to acquire, hold and dispose of moveable and immoveable property of whatever kind and to enter into contracts and to do all things necessary for the purposes of its functions.

(2) The Trust may sue and be sued in its corporate name and may for all purposes be described by the name, the Anguilla National Trust.

(3) The seal of the Trust shall be authenticated by the signature of the President and one other member of the Council authorised to act in that behalf and shall be judicially and officially noticed.

(4) All documents, other than those required by law to be under seal, made by, and all decisions of, the Trust may be signified under the hand of the President or any member or officer of the Trust authorised to act in that behalf.

Principal objects of the Trust

3. The principal objects of the Trust shall be—

- (a) to promote the permanent preservation for the benefit of Anguilla of lands of beauty and buildings of historical or archaeological interest and, in the case of lands, the preservation (so far as possible) of their natural aspect features and animal and plant life;

- (b) to maintain and manage lands whether or not acquired by the Trust as open spaces or places of public resort and buildings, whether so acquired or not, for purposes of public recreation, resort or instruction;
- (c) to promote the preservation of buildings of public interest or architectural, historic or artistic interest and places of natural interest or beauty and the protection and augmentation of the amenities of such buildings and places and their surroundings;
- (d) to promote preservation of furniture, pictures, documents, artifacts and chattels of any description having national, historic, artistic or cultural interest; and
- (e) to promote the access to and enjoyment of such lands, buildings, places and chattels by the public.

Specific powers of the Trust

4. Without prejudice to the generality of section 2(1), the Trust shall have power—
- (a) to acquire by purchase, lease, demise, gift, exchange or otherwise, and to hold by its corporate name or trust or otherwise any land or building in Anguilla, or any artifact or object of art or handicraft;
 - (b) subject to section 5, to lease, sell, mortgage or otherwise deal with any such land, building, artifact, object of art or handicraft;
 - (c) to restore, maintain and improve any land, building, artifact, object of art or handicraft;
 - (d) to invest funds in any land or securities in Anguilla or in securities out of Anguilla; and
 - (e) to borrow money either on mortgage or otherwise, but the amount of money borrowed by the Trust at any one time shall not, without the prior consent in writing of the Minister, exceed 25% of the total value of the assets of the Trust at that time.

Power to declare property of the Trust inalienable

5. (1) The Council may by resolution declare that any property vested in the Trust or such portion thereof as may be specified in the resolution is proper to be held for the benefit of Anguilla and any property the subject of such resolution shall thereupon be inalienable.

(2) Notwithstanding subsection (1), the Trust may grant an easement or right (not including a right to the exclusive possession) over or in respect of any property declared inalienable under that subsection.

Membership of the Trust

6. (1) The members of the Trust shall be divided into—
- (a) ordinary subscribing members who shall subscribe annually to the Trust such sum as the Council may from time to time prescribe;

- (b) life members who shall pay such lump sum to the Trust as the Council may from time to time prescribe;
- (c) society members who shall be societies, clubs or other associations of persons who shall pay such annual subscription as the Council may specify in relation to that society, club or association of persons;
- (d) honorary members who shall be persons who shall give to the Trust any property which, in the opinion of the Council, is proper to be preserved for the benefit of Anguilla or who shall give to the Trust such sum or other property or service as shall appear to the Council to entitle such persons to be distinguished as honorary members; and
- (e) junior members who shall be persons under the age of 16 years who shall subscribe annually to the Trust such sum as the Council may from time to time prescribe.

(2) Every ordinary subscribing member, every society member and every junior member shall be liable for the amount of his subscription and the subscription shall be payable on the 1st day of January in each year, but any such member may at any time prior to the 31st day of December in any year resign his membership and cease to be a member by sending his resignation in writing to the Secretary of the Trust and thereupon that person shall cease to be liable for the amount of the subscription on the ensuing 31st day of December and thereafter.

Liabilities of members of the Trust

7. No member of the Trust shall be liable for or to contribute towards the payment of the debts and liabilities of the Trust beyond the amount of the annual subscription of such member or of any contribution agreed to be given and remaining unpaid.

General meetings of the Trust

8. (1) A general meeting shall be held at least once every year at such time and place as the Council shall appoint.

(2) A general meeting shall be called and held in accordance with the procedure set out in the Schedule.

Council of the Trust

9. (1) There shall be a Council of the Trust which shall consist of a President elected under section 10(2) and 9 other members of whom—

- (a) five shall be appointed by the Governor;
- (b) three shall be elected annually from among the members at the annual general meeting of the Trust; and
- (c) two shall be appointed by the Anguilla Archaeological and Historical Society.

(2) The Council shall be deemed fully constituted and all acts and proceedings of the Council shall be deemed valid in all respects if and so long as 5 members have been appointed or elected to

the Council and shall not be deemed invalid by reason of a vacancy in the membership thereof or by reason of a defect in the appointment or election of a member thereto.

(3) If any elected member of the Council dies or resigns, the Council may appoint in his place another member of the Trust to be a member of the Council and any member so appointed shall continue in office until the next annual general meeting after his appointment.

(4) No member of the Council shall be entitled to any remuneration for his services as a member thereof.

(5) Only members specified in sections 6(1)(a), (b) and (d) shall qualify for election or appointment to the Council.

Powers of the Council

10. (1) The Council shall have the charge and management of the business of the Trust and may exercise all the powers of the Trust other than those exercisable by the Trust in general meeting and no regulation made or resolution passed by the Trust in general meeting shall invalidate any prior act of the Council which would have been valid if such regulation or resolution had not been made or passed.

(2) The Council shall elect a President from their number for such period as may be by regulation from time to time prescribed and may elect any number of honorary vice-presidents, but the persons elected as honorary vice-presidents shall not by virtue of such election be members of the Council.

(3) The Council may exercise its powers, other than the power of electing a President, through any committee, including an executive committee, of the Council as the Council may prescribe.

(4) The Council may appoint such officers and servants as they may from time to time consider desirable and fix their salaries and conditions of service.

Regulations

11. (1) The Council may make regulations—

- (a) as to the procedure of the Council (including the quorum to be required at meetings);
- (b) as to the conduct of the business and affairs of the Trust;
- (c) for regulating the conduct of persons on or about the property of the Trust for the protection of that property, the prevention of nuisances and preservation of order upon any such property;
- (d) for authorising an officer of the Trust after due warning to remove or exclude from any property of the Trust any person who in the opinion of that officer has caused or is likely to cause injury or damage to that property or whose presence or continued presence is likely to be detrimental to the preservation of order on the property of the Trust;
- (e) for prohibiting the hindrance or obstruction of an officer of the Trust in the exercise of his powers or duties under this Act or under any regulation made hereunder;

(f) generally for the better carrying out of the provisions of this Act.

(2) Regulations made under paragraph (1)(c), (d) or (e) shall be—

(a) approved by the Trust at a general meeting; and

(b) approved by the Minister;

before they come into operation.

(3) Regulations made under this section may provide that any contravention of the provisions of the regulations is an offence against the regulations and any such offence is punishable on summary conviction by a fine of \$250.

Accounts of the Trust

12. (1) Accounts shall be kept of money received and expended by the Trust and of the matters in respect of which such receipt and expenditure take place and of the property, credits and liabilities of the Trust and, subject to any reasonable restrictions as to time and manner of inspecting the same that may be imposed by regulation, such accounts shall be open at all reasonable times to the inspection of members of the Trust.

(2) Accounts kept pursuant to this section shall be audited each year, presented at the next annual general meeting and approved by the Minister.

Exemption from taxes

13. The Trust shall be exempt from all present and future rates, taxes and stamp duties in respect of any property owned by or vested in the Trust.

Exemption from Aliens Land Holding Regulation Act

14. The Trust shall be exempt from all the effects of the Aliens Land Holding Regulation Act.

Citation

15. This Act may be cited as the Anguilla National Trust Act, Revised Statutes of Anguilla, Chapter A65.

SCHEDULE

(Section 8(2))

**REGULATIONS GOVERNING THE CALLING AND
HOLDING OF GENERAL MEETINGS OF THE TRUST****Ordinary and extraordinary meetings**

1. The annual general meetings shall be called ordinary meetings and all other general meetings shall be called extraordinary meetings.

Annual report at ordinary meeting

2. The Council at each ordinary meeting shall lay before the meeting a report of the work done in the preceding year.

Convening extraordinary meeting

3. The Council may whenever they think fit and the Council shall, upon a requisition made in writing and signed by not less than 10% of the total membership of the Trust, convene an extraordinary meeting.

Requirements to requisition meeting

4. Any requisition made by the members shall express the object of the meeting proposed to be called and shall be left with the Secretary of the Trust or in the event that there is no Secretary with the President of the Council.

How meeting requisitioned

5. Upon the receipt of such requisition, the Council shall forthwith proceed to convene a general meeting and, if the Council does not convene the same within 14 days from the date of the receipt of such requisition, the persons requisitioning the meeting may themselves convene a meeting.

Notice of general meeting

6. A notice of every general meeting and of the agenda shall be given to the members at such time and in such form and manner as the Council may from time to time prescribe.

Notice of motion by non-member

7. Notice of any motion proposed to be made at a general meeting by any person not being a member of the Council shall be sent to the Secretary of the Trust 14 days before the general meeting. Such notice shall be signed by the proposer and 2 seconders being members of the Trust and no motion made by any member, other than a member of the Council, shall be entertained by a general meeting unless notice thereof has been given as aforesaid.

Effect of non-receipt of notice

8. The non-receipt of a notice by any member shall not invalidate the proceedings of any general meeting.

Quorum

9. Twenty members shall form a quorum for a general meeting.

Transaction of business

10. If, within an hour from the time appointed for a meeting to convene upon the requisition of members, a quorum is not present, the meeting shall be dissolved. In any other case, the members present at the meeting may transact such business as they think necessary notwithstanding the absence of a quorum.

Voting

11. At every general meeting all matters which come up for the decision of such meeting shall be decided by a majority of votes of the members personally present and voting by show of hands.

President to be Chairman

12. The President of the Council shall take the chair at a general meeting.

If President not present; powers of Chairman

13. If the President is not present, the meeting shall elect a Chairman. The Chairman shall, when the votes at any general meeting are equally divided, have as well as his own vote a second or casting vote. The Chairman may with the consent of the meeting adjourn any meeting from time to time and from place to place but no business shall be transacted at any adjourned meeting, other than the business left undisposed of at a meeting at which the adjournment took place, unless in pursuance of a notice and agenda given to the members as hereinbefore prescribed.

One vote per member; exception

14. Subject to sections 15 and 16, every member shall have one vote save that the Chairman shall also have a casting vote as specified in section 13.

Vote of society member

15. A society member of a club, society or other association of persons shall have one vote to be exercised by the person elected, nominated or appointed for that purpose by that club, society or association.

No vote for junior member

16. No junior member shall have a vote.
