

CHAPTER 6.02

SAINT LUCIA NATIONAL TRUST ACT

Revised Edition

Showing the law as at 31 December 2022

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• Act • Subsidiary Legislation •

ACT

(Act 16 of 1975)

Act 16 of 1975 .. in force 26 September 1975

ARRANGEMENT OF SECTIONS

1. Short title
2. Interpretation
3. Establishment of body corporate
4. Objects of Trust
5. Powers of the Trust
6. The Council of the Trust
7. Seal of the Trust
8. Limited liability
9. Rules of the Trust
10. Certain property of Trust to be alienable
11. Borrowing powers
12. Payment for professional services
13. Accounts
14. Audit
15. Application of income
16. Bye-laws
17. Powers of arrest
18. Obstruction of officer or servant of the Trust
19. Recovery and disposal of fines, etc
20. Exemption from stamp duty and other charges
21. Exemption of rates and taxes
22. Saving rights of Crown

CHAPTER 6.02

SAINT LUCIA NATIONAL TRUST ACT

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

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 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.

Commencement [26 September 1975.]

1. Short title

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

2. Interpretation

In this Act—

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

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

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

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

3. Establishment of Body Corporate

(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. Objects of Trust

The objects of the Trust shall be—

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

5. Powers of the Trust

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.

However, 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.

6. The Council of the Trust

(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 Trust.

(3) The members numbered in paragraphs (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 subsections (2)(c) and (2)(d) and the terms of their office shall be for one year and 2 years respectively.

However, if the Council as constituted under subsection (1) fails to make rules for the constitution of the Council within the time specified in section 9(2) the Council shall continue in office for a further period of 3 months within which period Cabinet shall make such provision for the continued administration of the Trust as Cabinet shall think fit.

7. Seal of the Trust

(1) The Seal of the Trust shall be kept in the custody of the chairperson or the vice chairperson and shall be affixed to instruments under a resolution of the Council and in the presence of the chairperson or vice chairperson, and of one other member, and the Secretary.

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

(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 chairperson, or vice chairperson.

8. Limited Liability

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 is 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.

9. Rules of the Trust

(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. Certain Property of Trust to be alienable

Whenever after the passing of this Act immoveable 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.

11. Borrowing powers

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

12. Payment for professional services

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.

13. Accounts

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

14. Audit

(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. Application of Income

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—

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 direct.

16. Bye-laws

(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—

- (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;
- (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 or her 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 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 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.

17. Powers of Arrest

(1) A police officer, an officer or servant of the Trust may arrest without warrant a person who within his or her view commits an offence or whom with reasonable cause he or she 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 or her 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. Obstruction of officer or servant of the Trust

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 commits an offence and is liable on summary conviction to a fine not exceeding \$500 or to a term of imprisonment not exceeding 3 months or both such fine and imprisonment.

19. Recovery and disposal of fines, etc.

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 use of the Trust.

20. Exemption from stamp duty and other charges

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

21. Exemption of rates and taxes

Despite anything contained in the Land and House Tax Act, the Local Authorities Act 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.

22. Saving rights of Crown

This Act declared or expressed shall not 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.

CHAPTER 6.02 SAINT LUCIA NATIONAL TRUST ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Saint Lucia National Rules – Section 9
 2. Pigeon Island National Park Bye-Law – Section 16
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Saint Lucia National Rules – Section 9

(Statutory Instrument 27/1984)

Statutory Instrument 27/1984 .. in force 2 June 1984

ARRANGEMENT OF RULES

PART 1 PRELIMINARY

1. Citation
2. Interpretation
3. Objects

PART 2 MEMBERSHIP

4. Members
5. Constitution
6. Admission of Ordinary and Associate Members
7. Proposal of candidates
8. Substitution of proposer or seconder
9. Notice of member elected
10. Delay in taking up membership
11. Subscription
12. Date when subscriptions are due
13. Payment of subscription
14. Members in arrears
15. Nominated Members
16. Life Members
17. Honorary Members

- 18. Resignation of members
- 19. Members adjudged bankrupt
- 20. Expulsion of members

PART 3 GENERAL MEETINGS

- 21. Annual General Meetings
- 22. Extraordinary General Meetings
- 23. Convening Extraordinary General Meetings
- 24. Non-receipt of notice
- 25. Proceedings at General Meetings
- 26. Quorum
- 27. Chairperson
- 28. Emergency chairperson
- 29. No new business at adjourned meeting
- 30. Resolutions
- 31. Poll
- 32. Voting

PART 4 THE COUNCIL

- 33. Composition of Council
- 34. Officers
- 35. Retirement of Members of Council
- 36. Casual vacancies
- 37. Retirement of Members of Council

PART 5 PROCEEDINGS OF THE COUNCIL

- 38. Meetings of Council
- 39. Special meetings
- 40. Quorum
- 41. Lack of quorum
- 42. Votes
- 43. Minutes
- 44. Co-opting
- 45. Procedures

PART 6 STAFF

- 46. Appointment of Director
- 47. Absence of Director
- 48. Officers

SAINT LUCIA NATIONAL RULES – SECTION 9

Commencement [2 June 1984]

PART 1 PRELIMINARY

1. Citation

These Rules may be cited as the Saint Lucia National Trust Rules.

2. Interpretation

In these Rules—

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

“**person**” includes body of persons;

“**the Act**” means the Saint Lucia National Trust Act;

“**the Council**” means the Council of the Trust established by the Act;

“**Trust**” means the Saint Lucia National Trust established by the Act.

3. Objects

The objects of the Trust are as outlined in section 4 of the Act.

PART 2 MEMBERSHIP

4. Members

Any person who is interested in the aims and objects of the Trust is eligible to be a member of the Trust.

5. Constitution

The Trust shall consist of ordinary, associate, nominated, honorary and life members.

6. Admission of Ordinary and Associate Members

(1) Admission of ordinary and associated members shall be by election.

(2) A candidate shall sign a form of application for membership giving all particulars required by the Trust and shall be bound by the rules and bye-laws of the Trust if elected.

(3) A candidate who receives the votes of the majority of the members of the Council shall be elected for membership.

7. Proposal of Candidates

(1) Every candidate for admission as an ordinary or associate member shall be proposed by one member and seconded by another member and the proposers shall each vouch, from their personal knowledge, for the fitness of the candidate to be elected as a member of the Council.

(2) Proposal made under paragraph (1) must be on the forms provided by the Trust and must be signed by the proposer and the seconder.

8. Substitution of Proposer or Secunder

A proposer may withdraw his or her proposal at any time before a candidate is elected. If a proposer or seconder has withdrawn his or her proposal or ceased to be a member before the election, another member may sign the proposal form as proposer or seconder.

9. Notice of member elected

(1) The name of every candidate who has been duly elected by the Council shall be communicated to the Secretary of the Trust.

(2) On receipt of the name of the candidate the Secretary of the Trust shall inform the candidate that he or she has been elected and shall send the candidate a copy of these Rules with a request to remit to the banker of the Trust within one month of the date of that request the amount of his or her first subscription.

(3) Upon payment of his or her first subscription the candidate shall become a member of the Trust and be entitled to all the benefits and privileges of membership and be bound by these Rules.

10. Delay in taking up Membership

If the subscription is not paid within the period stated in rule 9(2) the candidate shall cease to be a member of the Trust unless he or she satisfies the Council that the delay in payment was due to his or her absence from Saint Lucia or other sufficient cause acceptable to the Council.

11. Subscription

The annual subscription shall be such as the Council may determine. The Council may determine annual subscription of varying ratio for different categories of membership and may waive the whole or part of the annual subscription payable by any member.

12. Date when Subscriptions are due

All annual subscriptions shall ordinarily be payable on 1 January in each year.

13. Payment of Subscription

All subscriptions shall be paid to the Trust. Cheques shall be made payable to 'The Saint Lucia National Trust' and crossed 'A/c Payee'.

14. Members in arrears

(1) If any member fails to pay his or her annual subscription on or before 1 February next after it is due, notice may be sent to him or her calling his or her attention thereto and if the subscription is not paid on or before 1 March following, the defaulter shall cease to be a member of the Trust.

(2) The Council may at any time in their discretion restore membership to the defaulter upon payment of all arrears of subscription.

15. Nominated Members

The Trust shall appoint as members 2 persons nominated by the Minister and 2 persons nominated by the Saint Lucia Archaeological and Historical Society.

16. Life Members

(1) An ordinary or associate member may at any time after the payment of the first annual subscription compounded by the payment for all his or her future subscriptions, become a life member.

(2) A life member is entitled to the privileges of membership for life unless—

(a) he or she ceases to be a member under rule 18 or rule 19; or

(b) he or she is expelled under rule 20.

(3) The Council may compound the fee to be payable by a member under paragraph (1).

(4) The Council may fix a limit to the number of life members of the Trust.

17. Honorary Members

(1) Despite the election of ordinary and associate members, on the recommendation of the Council, honorary members may be elected at any general meeting of the Trust.

(2) A $\frac{2}{3}$ majority of members of the Trust present and voting shall be necessary for election of honorary members.

(3) Honorary members may be elected for life or for such period as the members may determine.

(4) An honorary member is entitled to all the privileges of membership but an honorary member is not entitled to vote at meetings or to be a member of the Council.

18. Resignation of Members

Any member may resign by giving to the Secretary notice in writing to that effect. Every notice shall, unless otherwise expressed, be deemed to take effect as from 1 January next following the receipt thereof.

19. Members Adjudged Bankrupt

If any member is convicted on indictment of any criminal offence, or adjudged bankrupt or enters into liquidation, or makes a composition or arrangement with his or her creditors he or she shall thereupon cease to be a member of the Trust but the Council may, in its discretion, reinstate that member.

20. Expulsion of Members

(1) If at any time the Council is of the opinion that the interests of the Trust require it, the Council may by letter invite any member to withdraw from the Trust within a time specified in that letter.

(2) Where a member fails to withdraw from the Trust after being requested to do so, the Council shall submit the question of his or her expulsion to an extraordinary general meeting to be held within 6 weeks after the date of the letter referred to in paragraph (1).

(3) The Council shall give members not less than 2 weeks' notice of the extraordinary general meeting and the Secretary shall inform the defaulting member of the time and place of the meeting and of the nature of the complaints against him or her, so as to afford him or her a proper opportunity to provide an explanation.

(4) The member shall be allowed to offer an explanation of his or her conduct verbally or in writing at the meeting and if upon hearing his or her explanation $\frac{2}{3}$ of the members present vote for his or her expulsion he or she shall thereupon cease to be a member of the Trust.

PART 3 GENERAL MEETINGS

21. Annual General Meetings

(1) The Trust shall in each year hold a general meeting as its annual general meeting in addition to any other meetings in that year and shall specify the meeting as such in the notices calling it.

(2) Not more than 14 months shall elapse between the date of one annual general meeting of the Trust and that of the next.

(3) The annual general meeting shall be held at such time and place as the Council shall appoint.

22. Extraordinary General Meetings

All general meetings other than the annual general meeting shall be called extraordinary general meetings.

23. Convening Extraordinary General Meetings

(1) The Council may, whenever it thinks fit, and shall, on a requisition made in writing by not less than 5 members, convene an extraordinary general meeting.

(2) Any requisition made by members shall state the object of the proposed meeting and shall be signed by the requisitionists and deposited with the Secretary of the Council.

(3) On receipt of the requisition the Council shall proceed to convene an extraordinary general meeting; if the Council fails to convene a meeting within 21 days from the date of the deposit of the requisition, the requisitionists, or a majority in number of the requisitionists, may themselves convene a meeting.

24. Non-Receipt of Notice

The omission to give notice of any meeting to any member or the non-receipt of such notice by any member shall not invalidate the proceedings of that meeting.

25. Proceedings at General Meetings

The annual general meeting shall consider the following:

1. The accounts.
2. The Balance Sheet.
3. The Ordinary Reports of the chairperson, Secretary or Auditor.
4. The election of officers and members of the Council.
5. The appointment and fixing of the remuneration of the Auditor.

26. Quorum

(1) Ten members shall form a quorum.

(2) Save as herein otherwise provided no business shall be transacted at a general meeting unless a quorum of members is present at the time when the meeting proceeds to business.

(3) If within half an hour from the time appointed for any meeting a quorum of members is not present, the meeting shall stand adjourned.

(4) If the meeting has been convened on the requisition of members it shall stand adjourned to the same time and place 7 days afterwards.

(5) If at the adjourned requisitioned meeting a quorum of members is not present within half an hour of the appointed time for the meeting, the requisitioned meeting shall be deemed to have been abandoned.

27. Chairperson

The chairperson shall preside at every general meeting of the Trust and in the absence of the chairperson the vice chairperson shall preside.

28. Emergency chairperson

(1) In the absence of the chairperson and the vice chairperson or if the chairperson or the vice chairperson are not present within 15 minutes of the time fixed

for the meeting, the members present shall choose some one of their number who is a member of the Council, to be chairperson of the meeting.

(2) If no member of the Council is present, the members shall choose any one of their number to be chairperson of the meeting.

29. No New Business at Adjourned Meeting

The chairperson may, with the consent of the members present adjourn the meeting, but no business may be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

30. Resolutions

At any general meeting, unless a poll is demanded by the chairperson or by at least $\frac{1}{3}$ of the members present, a declaration by the chairperson that a resolution has or has not been carried and an entry to that effect in the book of proceedings of the Trust shall be conclusive evidence that the resolution has or has not been carried out.

31. Poll

If a poll is demanded in the manner referred to in rule 30 that poll shall be taken in such manner as the chairperson directs, and the result of the poll shall be deemed to be the decision of the meeting at which the poll was demanded.

32. Voting

(1) Every member of the Trust shall be entitled to attend general meetings of the Trust but only ordinary, associate and life members shall have the right to vote.

(2) Honorary members shall not have the right to vote. Only financial members shall be entitled to vote at any meeting of the Trust.

(3) Every member of the Trust entitled to vote shall have one vote, except that, in case of equality of votes, the chairperson shall have a second or casting vote.

PART 4 THE COUNCIL

33. Composition of Council

(1) The Council shall consist of 11 members appointed as follows—

- (a) two persons nominated by the Minister;
- (b) two persons nominated by the Archaeological and Historical Society; and
- (c) seven members elected by the ordinary members of the Trust.

(2) The management of the Trust between annual general meetings shall be vested in the Council.

34. Officers

The officers of the Council shall consist of a chairperson, a vice chairperson, and a secretary, all of whom shall be elected by the members of the Council.

35. Retirement of Members of Council

At every annual general meeting of the Trust the members of the Council who are either ordinary or associate members shall retire. The retiring members shall be eligible for re-election at the same or any other general meeting of the Trust.

36. Casual Vacancies

All casual vacancies arising amongst the elected members of the Council shall be filled by the Council. Any member of the Council so appointed shall retire at the following annual general meeting but shall be eligible for election as a member of the Council at the annual general meeting.

37. Retirement of Members of Council

The office of a member of the Council shall become vacant—

- (a) if he or she ceases to be a member of the Trust under rules 19 or 20;
- (b) if he or she is absent from 3 consecutive meetings of the Council without reasonable excuse;
- (c) if he or she gives the Council one calendar month's notice in writing that he or she resigns his or her office;
- (d) if he or she is removed by an extraordinary resolution passed at a general meeting of the Trust.

PART 5 PROCEEDINGS OF THE COUNCIL

38. Meetings of Council

The Council shall meet at such times as may be necessary for the transaction of business and such meetings shall be held at such place and time and on such days as the Council may determine.

39. Special Meetings

The Secretary shall call a special meeting within 7 days of a requisition for that purpose addressed to him or her by the chairperson or any 3 members to consider the matters contained in such requisition.

40. Quorum

Five members shall form a quorum. However, where any member is disqualified from taking part in any deliberation or discussion of the Council with respect to any matter, he or she shall be disregarded for the purpose of constituting a quorum for deliberating on or deciding that matter.

41. Lack of Quorum

(1) If within half an hour from the time appointed for the meeting a quorum of members is not present, the meeting shall stand adjourned to the same day in the following week at the same time and place.

(2) If at the adjourned meeting a quorum of members is not present within half an hour of the time appointed for the meeting, the members present shall for the purpose constitute a quorum.

42. Votes

(1) The decision of the Council on any question shall be determined by vote of the majority of the members at the meeting of the Council.

(2) In any case when the votes of the members present are equally divided, the chairperson presiding at the meeting shall have a second or casting vote.

43. Minutes

Minutes of the proceedings of each meeting of the Council shall be confirmed as soon as practicable thereafter by the person presiding at a subsequent meeting.

44. Co-opting

The Council may co-opt any one or more persons to attend any particular meeting of the Council for the purpose of assisting or advising the Council, but no such co-opted person shall have any right to vote.

45. Procedures

Subject to the above provisions, the Council shall have power to regulate its own proceedings.

PART 6 STAFF

46. Appointment of Director

(1) The Council shall subject to the approval of the Minister and upon such terms and conditions as it may determine, appoint a Director.

(2) The Director shall be chief executive officer of the Council and shall exercise all the functions entrusted to him or her by the Council and shall be present at all meetings of the Council unless he or she has obtained leave of absence from attending the meetings.

47. Absence of Director

In the absence of the Director, the Council may with the approval of the Minister by instrument in writing appoint any person to act as Director during the period of such absence, upon such terms and conditions as it may determine. The person so appointed may exercise all the powers and all the duties exercisable or to be performed by the Director or such powers and duties as may be specified in such instrument.

48. Officers

(1) The Council may appoint and employ at such remuneration and on such terms and conditions as it thinks fit such officers and servants as it deems necessary for the proper carrying out of its functions.

(2) The persons appointed under paragraph (1) shall perform such duties as may be assigned to them by the Director.

(3) The Council may delegate to the Director, the authority to appoint or dismiss any person employed under this rule.

Pigeon Island National Park Bye-Law

(Statutory Instrument 47/1982)

Statutory Instrument 47/1982 .. in force 11 September 1982

ARRANGEMENT OF BYE-LAWS

1. Citation
2. Definitions

3. Hours of opening of Park
 4. Entrance fee to Park
 5. Conduct of persons in Park
 6. Traffic in the Park
 7. Animals
 8. Protection of plants
 9. Protection of wild life
 10. Protection of Park property
 11. Fire
 12. Firearms
 13. Public meetings
 14. Entertainment
 15. Removal from the Park
 16. Penalty
-

PIGEON ISLAND NATIONAL PARK BYE-LAW – SECTION 16

Commencement [11 September 1982]

1. Citation

This Bye-law may be cited as the Pigeon Island National Park Bye-law.

2. Definitions

In this Bye-law—

“**Act**” means the Saint Lucia National Trust Act;

“**animal**” includes cattle, horses, mules, sheep, asses, swine, goats, dogs, cats, birds and all animals of whatsoever kind;

“**Council**” means the Council of the Saint Lucia National Trust established under the provisions of the Act;

“**firearms**” means any gun, catapult or gadget for discharging projectiles;

“**Park**” means all the lands formerly known as Pigeon Island now joined by a causeway to the mainland;

“**public meeting**” includes any meeting in a public place and any meeting which the public or any section thereof are permitted to attend whether on payment or otherwise;

“**Trust**” means the Saint Lucia National Trust;

“**vehicle**” includes carriages, wagons, carts, motor vehicles, bicycles, tricycles, vans, hand carts, trucks, barrows and all other machines for the portage of goods or persons.

3. Hours of opening of Park

(1) The Council may fix hours during which the Park shall be ordinarily open to the public.

(2) Whoever enters or is found in or on the grounds during the hours when it is not open to the public commits a contravention of this Bye-law.

4. Entrance Fee to Park

(1) A charge may be made for entrance into the Park and at such entrance fee as the Council may determine.¹

(2) A person shall not enter the Park or remain thereon without having paid the entrance fee so chargeable unless he or she had special permission so to do the proof whereof shall be on him or her.

5. Conduct of Persons in Park

(1) Persons entering the Park shall conduct themselves in an orderly manner.

(2) A person shall not carry any load through or into the Park except on business connected with the Park.

(3) A person shall not sell or expose for sale or advertise any article of merchandise or refreshment except with the written permission of the Council.

(4) A person shall not deposit litter, bottles, paper or rubbish of any kind in the Park.

(5) A person shall not write upon, soil, deface or mark or otherwise damage any building wall, fence, pillar, post or other property in the Park, with chalk or paint, or in any other way, or with any other material.

6. Traffic in the Park

Vehicular traffic is not allowed in the Park except with express permission of the Council.

7. Animals

Animals are not allowed in the Park except with express permission of the Council.

8. Protection of Plants

A person shall not pick, handle, gather, cut, collect, carry away or damage any fruit, flower plant, tree, branch or portion thereof, or shrub growing in any part of the Park.

9. Protection of Wild Life

A person shall not kill, injure, catch, handle, or otherwise interfere with any wild life in the Park.

10. Protection of Park Property

A person shall not dig, cut, collect, or remove any soil, rock, coral, sand, boulder or any substance whether above or below ground, from any part of the Park.

11. Fire

A person shall not light any fire in the Park except with the written permission of the Council in areas specifically reserved by the Council for that purpose.

12. Firearms

A person shall not have in his or her possession any firearm or discharge any firearm or throw or discharge any missile in the Park.

¹ *Editor's note: By Gazette notice 798/1987 a Park Entry Fee of \$3 was set.*

13. Public Meetings

Public meetings shall not be held in the Park.

14. Entertainment

The Council may grant permission for concerts and other entertainment consistent with the objects of the Trust to be held in the Park on such terms as the Council may deem fit.

15. Removal from the Park

(1) Any officer or servant of the Trust may remove or exclude (without prejudice to the exercise of the power of arrest as provided for under the Act) from the Park any person who in his or her view commits any contravention of this Bye-law.

(2) Any person who resists such removal commits a contravention of this Bye-law.

16. Penalty

Whoever contravenes any of the provisions of this Bye-law is liable on summary conviction to a penalty not exceeding \$500.
