ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER A66

ANGUILLA NATIONAL TRUST ACT

Showing the Law as at 31 December 2022

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition revises Act 8/2009, in force 1 November 2009

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ANGUILLA NATIONAL TRUST ACT

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ANGUILLA NATIONAL TRUST ACT

PRELIMINARY

Interpretation

1. In this Act—

"Anguilla" means—

(a) the islands of Anguilla, Scrub Island, Anguillita, Sandy Island, Prickly Pear, Dog Island, Sombrero and other islands and rocks forming part of Anguilla;

(b) the interior waters of Anguilla and the seabed beneath the interior waters and the subsoil beneath the seabed;

(c) the territorial sea and the seabed beneath the territorial sea and subsoil beneath the seabed; and

(d) the airspace above the islands and rocks referred to in paragraph (a), the interior waters and the territorial sea;

"annual funding agreement", for a financial year, means the annual funding agreement referred to in section 14 and includes any amendment to that agreement applicable to the financial year;

"annual general meeting" means an annual general meeting referred to in Schedule 3;

"biodiversity" means the variability among living organisms from all sources, including, without limitation, terrestrial and aquatic ecosystems and the ecological complexes of which they form a part and includes the diversity within and between species and of ecosystems;

"Chief Auditor" means the Chief Auditor referred to in section 79(1) of the Constitution of Anguilla;

"Council" means Council of the Trust referred to in section 5;

"Council member" means a person appointed or elected to Council under Schedule 1;

"environment" means the components of the earth and includes—

(a) air, land and water;

(b) all layers of the atmosphere;

(c) all organic and inorganic matter and living organisms; and

(d) the interacting natural systems that include components referred to in paragraphs (a) to (c);

"Executive Director" means the person appointed as such under section 11(1);

"financial year" means the 12 month period ending on the 31st day of December in each year;

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"Government" means the Government of Anguilla;

"heritage industry" includes picking salt, farming and boat building using traditional methods;

"heritage resource" means any work of humans or of nature that is of value for its palaeontological, archaeological, prehistoric, historic, cultural, natural, scientific or aesthetic interest including, but not limited to, a palaeontological, archaeological, prehistoric, historic or natural site, structure or object and, for greater certainty, includes the site of a historic wreck, petroglyphs, coin, pottery or pottery shards and human remains believed to be more than 200 years old;

"interior waters", in relation to Anguilla, means the waters between the baselines from which the territorial sea is measured and the mean low water mark;

"Minister" means the member of Executive Council with responsibility for the Trust;

"personal property" includes intellectual property and an interest in personal property;

"President" means the President of Council elected under Schedule 1;

"public officer" means public officer as defined in section 73(1) of the Constitution of Anguilla;

"real property" has the same meaning as the definition of "land" in section 1 of the Registered Land Act;

"Secretary" means the Secretary of Council elected under Schedule 1;

"special meeting" means special meeting referred to in Schedule 3;

"territorial sea", in relation to Anguilla, means the territorial sea established under the Anguilla (Territorial Sea) Order in Council 2007 No. 2916, being that part of the sea adjacent to Anguilla that is situated within 12 nautical miles measured from the baselines established under that Order, together with the seabed of the territorial sea and its subsurface;

"Treasurer" means the Treasurer of Council elected under Schedule 1;

"Trust" means the Anguilla National Trust continued in section 2(1);

"Vice-President" means the Vice-President of Council elected under Schedule 1.

ANGUILLA NATIONAL TRUST AND COUNCIL

Continuation of Anguilla National Trust

2. (1) The Anguilla National Trust is continued as a body corporate.

(2) The Trust has an exclusive right to the use of its name.

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Objects of the Trust

3. The objects of the Trust are to engage in activities for—

(a) the identification, assessment, documentation, study, protection, conservation, rehabilitation, restoration and enhancement of—

(i) the environment, including, without limitation, species and subspecies of wild plants and animals and their habitats and biodiversity, and,

(ii) heritage resources;

(b) the revival and operation of heritage industries; and

(c) the promotion of public awareness, understanding and appreciation of the environment, heritage resources and heritage industries,

for the benefit of present and future generations of Anguillians.

Powers of the Trust

4. (1) In furtherance of its objects, and subject to any other Act, the Trust may—

(a) have a seal;

(b) subject to subsection (3), acquire real or personal property, whether by purchase, donation, lease, public subscription, grant, bequest or otherwise;

(c) hold, preserve, maintain, renovate, restore and manage the real and personal property of the Trust;

(d) accept gifts of money on trust or otherwise;

(e) enter into agreements with any person respecting any matter within its objects, including, without limitation, the administration of real or personal property, delivery of programmes, provision of services and operation of heritage industries;

(f) engage the services of any person considered necessary for the operations of the Trust;

(g) subject to any Act or regulation or to the terms of any agreement made as a condition of acquisition, dispose of any real or personal property by sale, lease or any other manner and to execute any documents or instruments that may be required to effect the disposal;

(h) open, maintain and close bank accounts;

(i) invest its funds in authorised trustee investments referred to in Schedule 1 of the Trusts Act;

(j) publish or produce and distribute books, pamphlets, films or any other production that furthers its objects;

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(k) develop, operate and maintain a museum or other facility for the exhibition and display of heritage resources, heritage industries and elements of the environment;

(l) conduct membership campaigns, fund raising activities and public subscriptions for funds to carry out its objects;

(m) impose fees or charges for access to sites or facilities of the Trust or for services rendered by the Trust;

(n) sell goods and souvenirs promoting heritage resources, heritage industries and elements of the environment;

(o) with the written consent of the Minister, incorporate a not for profit company under the Companies Act* for the furtherance of any of its objects;

(p) accept a delegation or permit an employee to accept a delegation of a power or duty that may be expressly delegated to the Trust or to an employee of the Trust under any Act or regulation;

(q) administer the provision of any Act or regulation that is expressly transferred to the Trust under any Act or regulation;

(r) without prejudice to the exercise of any power or the performance of any duty under any law, exercise any power or perform any duty that may be expressly exercised or performed by the Trust under any Act or regulation; and

(s) do such other things as are reasonably necessary to attain its objects.

(2) Notwithstanding subsection (1), the Trust shall not exercise its powers in respect of real or personal property or money given in trust in a manner inconsistent with any condition or direction imposed on that trust.

(3) The Trust shall not acquire real property by purchase or lease or give a mortgage or other security on its real or personal property without the prior approval of the Minister.

Constitution of Council

5. (1) Council shall manage the business and affairs of the Trust.

(2) Schedule 1 has effect with respect to the constitution and proceedings of Council.

(3) A person is disqualified from being appointed or elected or from remaining a Council member if he or she—

(a) is under the age of 18 years;

(b) is a member of the House of Assembly;

(c) is an officer or employee of the Trust;

* Business Companies Act, 2022 (Act 2/2022) *repealed* the Companies Act, R.S.A. c. C65.

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(d) is an undischarged bankrupt;

(e) is determined by a court of competent jurisdiction to be of unsound mind; or

(f) has been convicted of an offence involving dishonesty, whether in Anguilla or in another jurisdiction.

(4) A previous appointment or election as a Council member does not affect a person's eligibility to be re-appointed or re-elected as a Council member.

(5) Council is deemed to be properly constituted notwithstanding that there is a vacancy or a defect in the appointment or election of a Council member, other than a disqualification referred to in subsection (3).

Honoraria, expenses and allowances of Council members

6. (1) Subject to subsection (2), a Council member may be paid an honorarium for exercising his or her powers or carrying out his or her duties as a Council member.

(2) Any honorarium paid to a Council member in any year shall not exceed the amount fixed by regulation under section 23(b) or, if no regulation is made fixing an honorarium for that Council member in respect of a year, the amount provided for the honorarium to that Council member in the annual funding agreement for that year.

(3) Council may—

(a) reimburse the reasonable expenses of Council members; or

(b) establish allowances for the reimbursement of reasonable expenses of Council members;

reasonably incurred in the course of exercising their powers or carrying out their duties as Council members.

(4) The powers and duties of a Council member include his or her membership on a committee established by Council and attendance at Council meetings, committee meetings and at any other meeting or activity approved by Council.

Honoraria, expenses and allowances of committee members who are not Council members

7. (1) Subject to subsection (2), a committee member who is not a Council member may be paid an honorarium for exercising his or her powers or carrying out his or her duties as a committee member.

(2) Any honorarium paid in a year to a committee member who is not a Council member shall not exceed the amount fixed by regulation under section 23(b) or, if no regulation is made fixing an honorarium for that member in respect of a year, the amount provided for the honorarium to that member in the annual funding agreement for that year.

(3) Council may reimburse a committee member who is not a Council member for expenses that Council has previously approved.

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(4) The powers and duties of a committee member who is not a Council member include attendance at committee meetings and at any other meeting or activity approved by Council.

Immunity of Council members and committee members

8. No action for damages or other proceeding may be commenced against—

(a) a Council member for anything done or omitted to be done in good faith by the Council member while exercising his or her powers or carrying out his or her duties under this Act;

(b) a committee member who is not a Council member for anything done or omitted to be done in good faith by the committee member while exercising his or her powers or carrying out his or her duties under this Act.

MEMBERSHIP IN THE TRUST AND ANNUAL GENERAL AND SPECIAL MEETINGS

Membership in the Trust

9. Schedule 2 has effect with respect to membership in the Trust.

Annual general meetings and special meetings

10. Schedule 3 has effect with respect to annual general meetings and special meetings of the members of the Trust.

OFFICERS AND EMPLOYEES

Executive Director

11. (1) Council shall, at the remuneration and on the terms and conditions that it considers appropriate, appoint an Executive Director of the Trust, who shall be a full-time officer of the Trust and shall not engage in any other trade, profession, occupation or business without the consent of Council.

(2) Under the direction of Council, the Executive Director is responsible for—

(a) the management of the Trust; and

(b) providing technical advice and guidance to Council on matters of policy.

(3) Whenever the Executive Director is unable to exercise his or her powers or carry out his or her duties or is absent from Anguilla, or the position of Executive Director is vacant, Council may appoint another employee of the Trust to act as Executive Director.

Appointment of other officers and employees

12. (1) Council may, in addition to the Executive Director, appoint such other officers and employees as are necessary for exercising its powers and carrying out its duties.

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(2) No officer or employee of the Trust appointed under subsection (1) shall engage in any other trade, profession, occupation or business without the consent of Council.

(3) Council may delegate to the Executive Director the power—

(a) to appoint employees or classes of employees; and

(b) to consent on behalf of Council to an employee engaging in any other trade, profession, occupation or business.

Secondment of public officers

13. (1) The Governor may approve the secondment of such public officers for service with the Trust as appear necessary for exercising its powers and carrying out its duties.

(2) A public officer seconded under subsection (1) shall, in relation to payment of salary, pension, gratuity and the like and to other rights and to discipline, be treated as if he or she were not so seconded.

FINANCIAL MATTERS

Annual funding agreement

14. (1) Council shall, not later than 4 months before the commencement of each financial year, or at such later time in the financial year as the Minister approves, enter into an annual funding agreement with the Government as represented by the Minister of Finance for the financial year that must contain—

(a) the estimates of—

(i) its recurrent income and expenditures for the next financial year and the following 2 financial years, and

(ii) its capital expenditures for the next financial year and the following 2 financial years and a proposal for financing them;

(b) a statement of the Trust's objectives and priorities for the financial year and the following 2 financial years;

(c) a statement of how the Trust proposes to exercise its powers and carry out its duties in the next financial year;

(d) a comprehensive financial plan that shows how resources, including but not limited to financial resources, will be allocated to meeting the objectives and priorities of the Trust for the next financial year and the following 2 financial years;

(e) a provision respecting the amount of reserves in the next financial year and a statement of the purposes of the reserves;

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(f) a statement as to how the Trust proposes to measure its performance in exercising its powers and carrying out its duties in the next financial year;

(g) a provision respecting what financial statements and reports will be required by the Minister in the next financial year and when they will be required;

(h) a provision respecting the procedure for amending any provision of the agreement;

(i) a provision for the resolution of disagreements; and

(j) any other provisions that the Trust and the Government consider necessary or appropriate.

(2) The Trust shall in each financial year implement the annual funding agreement for that financial year.

Guarantees and loans by the Trust

15. (1) The Trust shall not—

(a) make loans to persons; or

(b) guarantee the repayment by a person of a loan or the performance of an obligation;

without the prior approval in writing of the Minister of Finance.

(2) A loan or guarantee made in contravention of subsection (1) is void.

Borrowing powers of Trust and guarantees by Government

16. (1) The Trust may, in an amount approved annually by resolution of the House of Assembly—

(a) borrow money by way of loan, advance or overdraft;

(b) obtain goods or services or both on credit for more than 30 days; or

(c) do both the things referred to in paragraphs (a) and (b).

(2) A loan, advance, overdraft, or contract to obtain goods or services on credit for more than 30 days or both taken out or made in contravention of this section is voidable at the instance of the Minister.

(3) Within 10 days after the last day of each month, the Trust shall furnish to the Minister and the Minister of Finance a statement setting out particulars of the amount and nature of its indebtedness and of the person to whom each debt is owed.

(4) The Government, with the approval by resolution of the House of Assembly, may act as guarantor in respect of a loan or the payment for goods or services or both obtained on credit for more than 30 days by the Trust.

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Accounts of the Trust

17. (1) The Trust shall—

(a) keep proper books of account of its income and other receipts and expenditures; and

(b) ensure that—

(i) all money received is promptly and properly brought to account,

(ii) all payments out of its money are correctly made and properly authorised, and

(iii) adequate control is maintained over its property and over the incurring of liabilities by the Trust.

(2) The books of account kept under subsection (1) shall—

(a) be sufficient to record and explain the Trust's transactions;

(b) enable the Trust's financial position to be determined with reasonable accuracy at any time; and

(c) be sufficient to enable financial statements to be prepared and audited in accordance with sections 18(a) and 19 .

Annual audited financial statements and report

18. Within 3 months after the end of each financial year, the Trust shall cause to be prepared in accordance with generally accepted accounting principles—

(a) the following financial statements together with proper and adequate explanatory notes—

(i) a statement of the assets and liabilities of the Trust at the end of the financial year,

(ii) a statement of the revenue and expenditure of the Trust during the financial year,

(iii) any other financial statements for the financial year that may be specified in writing by the Minister or the Minister of Finance; and

(b) an annual report of the Trust on the implementation of the funding agreement and such other matters as the Trust considers advisable or that may be specified in writing by the Minister or the Minister of Finance.

Audit

19. (1) The financial statements shall be audited by an auditor appointed by Council with the approval of the Chief Auditor.

(2) In performing his or her audit, the auditor shall be a qualified accountant and shall take instructions from the Chief Auditor.

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(3) The Trust shall not appoint as an auditor, and no person shall act as an auditor of the Trust, if, in the financial year in which the appointment is made or in the preceding financial year, the person—

(a) is or was a member of Council;

(b) has or had a direct or indirect interest in a contract with the Trust, other than the contract respecting the audit; or

(c) is or was employed by the Trust in a capacity other than as auditor.

(4) Whenever the Chief Auditor or Council so instructs and, in any event not less frequently than every 3 years, the auditor shall make such checks as will enable him or her to form an opinion as to whether the Trust has used its resources with economy, efficiency and effectiveness but the duty to make such checks shall not be interpreted by the auditor as entitling him or her to call into question the merits of the policy objectives of the Trust.

(5) The opinion of the auditor referred to in subsection (4) shall be included in his or her audited statements.

Audited financial statements, etc. to be furnished and tabled in the House

20. (1) Without delay after completion of the audit of the financial statements, the Trust shall furnish to the Minister a sufficient number of copies for the members and officials of the House of Assembly of the audited financial statements, the report of the auditor and the annual report of the Trust.

(2) Without delay after completion of the audit of the financial statements, the Trust shall furnish to the Minister of Finance a copy of the audited financial statements, the report of the auditor and the annual report of the Trust.

(3) The Minister shall, not later than 7 days after the House of Assembly first meets after he or she has received the documents referred to in subsection (1), lay those documents before the House of Assembly and furnish a sufficient number of copies of those documents for the members and officials of House of Assembly.

Resources of the Trust

21. (1) The resources of the Trust are—

(a) money appropriated by the Legislature for the purposes of the Trust;

(b) money paid to the Trust by way of grants;

(c) interest and dividends from the investment of the Trust's money;

(d) money borrowed by the Trust;

(e) subject to this Act, the real and personal property of the Trust and money derived from dealing in or disposing of real and personal property of the Trust;

(f) revenue of the Trust from its operations; and

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(g) all other money lawfully received or made available to the Trust.

(2) The resources of the Trust shall be applied to the achievement of its objects.

Exemption from taxes

22. The Trust is exempt from all taxes and levies on its income and operations and all taxes, duties, administrative fees and rates on its real or personal property and documents.

MISCELLANEOUS

Regulations

23. The Governor in Council, after consultation with Council of the Trust, may by regulation—

(a) amend, add to or repeal and replace Schedules 1, 2 or 3;

(b) fix the amount of honoraria to be paid in any year to a Council member or a committee member who is not a Council member;

(c) make provision generally, for the better carrying into effect of this Act;

(d) provide for transitional matters when any one or more of the Schedules are amended, added to or repealed and replaced under paragraph (a) or a regulation is made under paragraph (b) or (c).

Citation

24. This Act may be cited as the Anguilla National Trust Act, Revised Statutes of Anguilla, Chapter A66.

Validation and transitional provisions

25. (1) In this section, "former Act" means the Anguilla National Trust Act, R.S.A. c. A65 and the Anguilla National Trust Regulations, R.R.A. A65–1.

(2) The membership of an ordinary member, junior member, supporting member, life member, ordinary family member or supporting family member purporting to be issued under the former Act is not invalid by reason only that it did not comply with the former Act and everything done by those members that would have been valid, if those memberships had been in compliance with the former Act, is validated and declared to have been lawfully done.

(3) A membership issued in accordance with Schedule 2 of this Act before 1 November 2009 that would have been valid if this Act had been in force at the time of issuance is validated and declared to have been lawfully issued and everything done by those members that would have been valid, if those memberships had been issued under this Act, is validated and declared to have been lawfully done.

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(4) Notwithstanding anything in this Act—

(a) Council as constituted under the former Act continues to be so constituted after 1 November 2009 until the terms of office of the Council members expire under paragraph (d) and, for greater certainty but subject to subsection (5), the former Act applies to the filling of any vacancy that may arise before the expiry of the terms of office referred to in paragraph (d);

(b) a person who is a Council member immediately before 1 November 2009 continues to be a Council member after 1 November 2009;

(c) a Council member who holds the office of President, Vice President, Secretary or Treasurer immediately before 1 November 2009 continues to hold that office;

(d) the term of office of a Council member referred to in paragraph (b), whether appointed or elected, and the term of office of a Council member referred to in paragraph (c) expires on the close of the first annual general meeting after 1 November 2009;

(e) as soon as practicable following the first annual general meeting after 1 November 2009, the newly appointed and elected Council members shall hold a meeting for the purpose of electing Council members to be President, Vice-President, Secretary and Treasurer; and

(f) the presiding officer of the meeting referred to in paragraph (e) shall be the Council member elected by the newly elected and appointed Council members.

(5) During the period between 1 November 2009 and the expiry of the terms of office of the Council members referred to in paragraph (4)(d), the Governor in Council, at the request of the President, may appoint a person who is eligible to be a Council member to act temporarily in place of a Council member who is absent from Anguilla or unable to act or while the position is vacant.

(6) The appointment of a Council member referred to in subsection (5) is effective from the date on which the President receives written notice of the appointment from the Governor in Council.

Transitional regulations

26. Notwithstanding section 25, the Governor in Council, after consultation with Council of the Trust, may make regulations providing for any transitional matter not dealt with or not sufficiently dealt with by this Act.

———————

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SCHEDULE 1

(Section 5(2))

CONSTITUTION AND PROCEEDINGS OF COUNCIL

Council and its Constitution

1. (1) Council shall consist of 7 Council members, who have attained the age of 18 years and are members of the Trust, of whom—

(a) 2 shall be appointed by the Governor in Council for a term not exceeding 3 years, after consulting with Council and the ministers responsible for the environment, tourism and education;

(b) 2 shall be appointed by the Governor in Council on the recommendation of Council for a term not exceeding 3 years; and

(c) 3 shall be elected by the members of the Trust eligible to vote.

(2) The appointment of a Council member referred to in subsection (1)(a) or (b) is effective from the date on which the President receives written notice of the appointment from the Governor in Council.

(3) The term of each Council member elected under paragraph (1)(c) expires not later than the close of the next annual general meeting following the Council member's election.

(4) No member of the Trust may hold more than one seat on Council.

Resignation of Council members

2. (1) A Council member may at any time resign by giving written notice—

(a) to the Governor, in the case of a Council member appointed by the Governor in Council;

(b) to the President, in the case of a Council member elected by members of the Trust.

(2) The Governor shall without delay cause written notice of the resignation referred to in paragraph (1)(a) to be given to the President.

Removal of Council members

3. (1) The office of a Council member becomes vacant when the Council determines that the Council member has, without the consent evidenced by resolution of Council, been absent from 3 or more consecutive meetings of Council.

(2) The Council shall without delay after it determines that the office of a Council member is vacant—

(a) give notice of the fact to the Council member; and

(b) in the case of a determination in respect of a Council member appointed by the Governor in Council, give written notice to the Governor.

(3) Notwithstanding this or any other Act, the Governor in Council may, by written notice to the Council member, remove a Council member if the Governor in Council is satisfied that—

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(a) the Council member has an interest that is likely to affect prejudicially the exercise of his or her powers or the carrying out of his or her duties as a Council member;

(b) the Council member is unable or unfit to exercise his or her powers or carry out his or her duties as a Council member; or

(c) it is in the public interest to do so.

(4) Nothing in subsection (1) or (3) limits the application of section 32 of the Interpretation and General Clauses Act, to the Governor in Council.

(5) The Governor shall cause written notice of the removal of a Council member removed by him to be given to the Council.

Resignation, removal or death of elected Council member

4. When an elected Council member resigns, is removed from his or her office under section 3(1) or (3) of this Schedule or dies prior to the expiry of his or her term, Council may in its discretion appoint a Council member from among members of the Trust who are eligible to be Council members, or call a special meeting to elect a Council member, to replace the Council member for his or her unexpired term.

Appointment of temporary Council members

5. (1) The Governor in Council, after consulting with Council of the Trust, may from time to time establish a roster of persons who may act temporarily in place of an appointed or elected Council member who is absent from Anguilla or unable to act or while the position is vacant.

(2) The President may appoint a person from a roster referred to in subsection (1) to act temporarily in place of the Council member referred to in subsection (1).

(3) A person named in a roster referred to in subsection (1) may be appointed on or after the date on which the President receives the written roster naming the person from the Governor in Council.

(4) Nothing in this section limits the application of section 32 of the Interpretation and General Clauses Act to the Governor in Council.

Election of President, Vice-President, Secretary and Treasurer

6. (1) Unless he or she sooner ceases to be a Council member, the term of office of the President, Vice-President, Secretary and Treasurer is 1 year or until the close of the meeting referred to in subsection (2), whichever is later.

(2) Council shall, without delay after the annual general meeting, hold a meeting for the purpose of electing Council members to be President, Vice-President, Secretary and Treasurer.

(3) The offices of Secretary and Treasurer may be held by the same person.

Functions of Secretary

7. The Secretary shall—

(a) keep minutes as required by section 21 of this Schedule and section 12 of Schedule 3; and

(b) keep the minute book of the Trust up to date.

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Functions of Treasurer

8. The Treasurer shall—

(a) ensure that the Trust complies with sections 17 and 18(a) of the Act; and

(b) report on the finances of the Trust at each meeting of Council.

Frequency, place, day and time of Council meetings

9. (1) Council shall meet as often as may be necessary to exercise its powers and carry out its duties expeditiously and shall in any event meet not less than 12 times in any 1 year.

(2) Meetings of Council shall be held at the place in Anguilla on the days and at the times that the President may determine.

Notice of Council meeting

10. (1) Notice of the place, day, time and agenda of each meeting shall be given to each Council member in writing not less than 72 hours before the time the meeting is to be held, unless the Council member waives notice of the meeting in writing.

(2) Notice shall be given to a Council member by—

(a) handing a copy to the Council member;

(b) mailing a copy to the Council member by prepaid post at the mailing address of the Council member shown on the membership list referred to in section 7 of Schedule 2;

(c) emailing or faxing to the Council member at the email address or fax number shown on the membership list referred to in section 7 of Schedule 2; or

(d) any other means approved by resolution of Council.

(3) A copy of a notice given by mail is deemed to have been received by the Council member to whom it is addressed 3 days after it is mailed.

(4) If a meeting is adjourned for less than 14 days, it is not necessary to give notice of the place, day and time to which the meeting is adjourned if the place, day and time are announced at the earlier meeting.

Waiver of notice

11. A Council member may in writing waive notice of a meeting.

Requisitioning meeting

12. (1) Any 3 Council members may, by written requisition signed by each requisitioning Council member and given to the President, require him or her to call a meeting of Council for the purposes stated in the requisition.

(2) The President shall, without delay but in any event not later than 7 days after being given the requisition, give notice of a meeting of Council for the purposes stated in the requisition, to be held not later than 14 days after being given the requisition.

President to preside

13. (1) The President is the presiding officer at meetings of Council.

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(2) In the event of a tie vote on a matter, the President has a casting vote.

(3) The decision of the President is final on the following matters—

(a) subject to section 12 of this Schedule, the agenda for a meeting;

(b) the conduct of the meeting on questions of order and relevance;

(c) the procedure for handling motions.

Vice-President and interim presiding officer

14. (1) The Vice-President may act in place of the President if the President is absent or unable to act or the office of President is vacant.

(2) If the President or Vice-President is absent or unable to act or either of those offices is vacant and Council does not have a presiding officer, Council may elect one of its members as interim presiding officer to act in place of the President.

Quorum

15. A quorum of Council is 4 members present and eligible to vote at the meeting.

Absence of quorum

16. When a meeting of Council is called and a quorum is not present after 30 minutes, the person who would have been entitled to preside at the meeting if there had been a quorum may declare that there is no quorum and the Council members present may leave.

Voting

17. (1) Voting at a meeting of Council shall be by show of hands except when a ballot is demanded by a Council member.

(2) All matters before a meeting of Council shall be decided by a majority of the Council members present and eligible to vote.

Participation by telephone or other form of communication

18. A Council member may, if all Council members consent, participate in a meeting of Council by means of a telephone or other form of communication that permits all persons participating in the meeting to hear each other.

Resolution in lieu of meeting

19. (1) When a resolution in writing is signed by all Council members entitled to vote on the resolution at a meeting, the resolution is as valid as if it were passed at a meeting of Council.

(2) The Secretary shall keep a copy of each resolution referred to in subsection (1) in the minute book of the Trust.

Disclosure of pecuniary interest

20. A Council member who has a direct or indirect pecuniary interest in any matter that comes before a meeting of Council shall—

(a) declare the nature of his or her interest in the matter;

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(b) withdraw from the meeting while the matter is under consideration; and

(c) refrain from influencing the vote or voting on the matter.

Minutes of Council meetings

21. (1) The Secretary shall keep accurate and complete minutes of each Council meeting, including particulars of—

(a) the notice of the meeting given to each Council member and any waiver of notice by a Council member;

(b) the Council members in attendance and Council members not in attendance and whether the Council member's absence was consented to by Council for the purpose of section 3(2)(a) of this Schedule;

(c) the officers of the Trust in attendance;

(d) each resolution moved, the number of members present and voting for and against it or abstaining from voting on it, whether the resolution was passed or defeated and whether the vote was by show of hands or by ballot;

(e) when a Council member participates in a meeting of Council by telephone or other means of communication under section 18 of this Schedule, the name of the member and particulars of the telephone or other means of communication; and

(f) the nature of any declaration by a Council member of a direct or indirect pecuniary interest in any matter under section 20 of this Schedule and particulars of his or her withdrawal and return to the meeting.

(2) The Secretary shall table a copy of the minutes at the next meeting of Council for approval.

(3) The Secretary shall file the minutes in the minute book of the Trust.

Committees

22. (1) Council may establish any committees that it considers appropriate to advise it on the furtherance of its objects.

(2) A committee may consist of Council members or persons who are not Council members or both.

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SCHEDULE 2

(Section 9)

MEMBERSHIP IN THE TRUST

Persons who may be members

1. Only natural persons may be members of the Trust.

Classes of members

2. The following are the 3 classes of memberships—

(a) individual memberships;

(b) family memberships;

(c) memberships by virtue of appointment.

Subclasses of individual memberships

3. (1) A person set out in Column 1 of the table below is entitled to hold the subclass of individual membership set out opposite in Column 2 on payment of the fee fixed by resolution of Council.

Column 1 **Eligible Individual**	**Column 2** **Subclass of Individual Membership**
A person who has attained 18 years of age when he or she subscribes	Ordinary Annual
A person who has not attained 18 years of age when he or she subscribes	Junior Annual
A person who has attained 18 years of age when he or she subscribes	Lifetime
A person who has attained 18 years of age when he or she subscribes	Supporting Lifetime

(2) An annual membership expires on the day preceding the anniversary of the purchase of the membership.

(3) Subject to section 11(1) of Schedule 3, a member who has attained the age of 18 years at the time of voting is entitled to 1 vote in respect of each matter voted on at an annual general or special meeting.

Subclasses of family memberships

4. (1) The family members set out in Column 1 of the table below are entitled to hold the subclass of family membership set out opposite in Column 2 on payment of the fee fixed by resolution of Council.

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Column 1 Eligible Family Members	Column 2 Subclass of Family Membership
All family members, including persons who have not attained the age of 18 years, listed on the application for family membership	Ordinary Annual
All family members, including persons who have not attained the age of 18 years, listed on the application for family membership	Supporting Annual

(2) For the purposes of this section, "family" means a group of persons living together consisting of—

(a) a man and woman and any of the descendants of either or both of them who has not attained the age of 18 years; or

(b) a man or a woman and any of his or her descendants who has not attained the age of 18 years;

and includes any person who has not attained the age of 18 years to whom a man or woman or both referred to in paragraph (a) or (b) stands in place of a parent.

(3) A family membership expires on the day preceding the anniversary of the purchase of the membership.

(4) The family membership of a person who has not attained the age of 18 years expires when he or she attains the age of 18 years.

(5) Subject to section 11(1) of Schedule 3, a family membership entitles 2 members of the family who have attained the age of 18 years to vote at an annual general or special meeting.

(6) The person purchasing the family membership shall, at the time of purchasing the membership, nominate the members of the family who have attained the age of 18 years who are entitled to vote at an annual general or special meeting.

Membership by virtue of appointment

5. A person who is not a member of the Trust who is appointed as a Council member—

(a) by the Governor in Council under section 1(1)(a) or (b) of Schedule 1;

(b) by the President under section 5(3) of Schedule 1 from a roster established under section 5(1) of that Schedule; or

(c) by the Governor in Council under section 32 of the Interpretation and General Clauses Act;

is deemed to be a member of the Trust during any period during which he or she is appointed as a Council member.

Privileges of membership

6. A member has the privileges that Council may approve by resolution.

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List of members

7. The Executive Director shall make and maintain an up-to-date and accurate list of members of the Trust indicating—

(a) the name, address, email address and phone and fax number of each member;

(b) the membership class and subclass of each member;

(c) the expiration date of each annual membership; and

(d) whether the member has attained the age of 18 years and, if he or she has not, the member's date of birth.

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SCHEDULE 3

(Section 10)

ANNUAL GENERAL MEETINGS AND SPECIAL MEETINGS

Annual general and special meetings

1. (1) Council—

(a) shall in each year call an annual general meeting of the members of the Trust; and

(b) may at any time call a special meeting of the members of the Trust.

(2) Annual general and special meetings shall take place in Anguilla on the day and at the time and place specified by Council.

Annual general meeting

2. At an annual general meeting—

(a) the audited financial statements of the Trust for the previous financial year and the report of the auditor shall be considered;

(b) the report of the activities of the Trust in the previous financial year shall be considered; and

(c) Council members shall be elected.

List of members of the Trust entitled to vote

3. Before the notice of an annual general or special meeting is given, the Executive Director shall prepare a list of the members of the Trust entitled to vote at the meeting as of the day the notice is proposed to be given.

Notice of meetings

4. (1) Notice of the place, day, time and agenda of an annual general or special meeting shall be given in writing not less than 7 days nor more than 30 days before the meeting is to be held to—

(a) each member of the Trust shown on the list referred to in section 3 of this Schedule; and

(b) the auditor of the Trust;

unless a person referred to in paragraph (a) or (b) waives notice of the meeting in writing.

(2) Notice shall be given to a person referred to in subsection (1) by—

(a) handing a copy to the person;

(b) mailing a copy to the person by prepaid post at the mailing address—

(i) shown on the membership list referred to in section 7 of Schedule 2 in the case of a member, and

(ii) last known to the Trust in the case of the auditor; or

(c) emailing or faxing to a person at the email address or fax number—

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(i) shown on the membership list referred to in section 6 of Schedule 2 in the case of a member, and

(ii) last known to the Trust in the case of the auditor.

(3) A copy of a notice given by mail is deemed to have been received by the person to whom it is addressed 3 days after it is mailed.

(4) In addition to notice under subsection (2), notice may be given by publication in a newspaper of general circulation in Anguilla or by any other means.

(5) If a meeting is adjourned for less than 30 days, it is not necessary to give notice of the place, day and time to which the meeting is adjourned if the place, day and time are announced at the earlier meeting.

(6) The agenda of an annual general or special meeting shall state with reasonable specificity the business to be transacted at the meeting.

Waiver of notice

5. A member of the Trust entitled to vote at an annual general or special meeting may in writing waive notice of the meeting.

Requisitioning special meeting

6. (1) Any 10 members of the Trust eligible to vote at a special meeting may, by written requisition signed by each requisitioning member and delivered to the President, requisition Council to call a special meeting for the purposes stated in the requisition.

(2) On receiving a requisition referred to in subsection (1), the President shall, without delay but in any event not later than 7 days after being given the requisition, give notice of a Council meeting to be held not later than 14 days after being given the requisition for the purpose of considering calling a special meeting to conduct the business stated in the requisition.

(3) If, after receiving a requisition referred to in subsection (1), Council does not give notice of a special meeting within 21 days after receiving the requisition to be held within 45 days after being given the requisition, any member who signed the requisition may call the special meeting by giving notice of the meeting in accordance with section 4.

President to preside

7. (1) The President is the presiding officer at annual general or special meetings.

(2) In the event of a tie vote on a matter, the President has a casting vote.

(3) The decision of the President is final on the following matters—

(a) subject to section 12(2) of this Schedule, the agenda for a meeting;

(b) the conduct of the meeting on questions of order and relevance;

(c) the procedure for handling motions.

Vice-President and interim presiding officer

8. (1) The Vice-President may act in place of the President if the President is absent or unable to act or the office of President is vacant.

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(2) If the President or Vice-President is absent or unable to act or either of those offices is vacant and does not have a presiding officer, Council may elect one of its members as interim presiding officer to act in place of the President.

Quorum

9. A quorum at an annual general or special meeting is 15 members present and eligible to vote at the meeting.

Absence of quorum

10. When an annual general or special meeting is called and a quorum is not present after 30 minutes, the person who would have been entitled to preside at the meeting if there had been a quorum may declare that there is no quorum and the members of the Trust present may leave.

Voting

11. (1) Notwithstanding anything in Schedules 2 and 3, the members eligible to vote at an annual general or special meeting are the members who are eligible to vote on the day the notice of the meeting is first given and who continue to be members eligible to vote on the day of the meeting.

(2) Voting at an annual general or special meeting shall be by show of hands except when a ballot is demanded by a member eligible to vote at the meeting, in which event the voting shall be by secret ballot.

(3) All matters before an annual general or special meeting shall be decided by a majority of the members present and eligible to vote.

Minutes of meetings

12. (1) The Secretary shall keep accurate and complete minutes of each annual general or special meeting, including particulars of—

(a) the notice of the meeting given to each member of the Trust and any waiver of notice by the member;

(b) the members of the Trust in attendance;

(c) the officers of the Trust in attendance;

(d) each resolution moved, the number of members present and voting for and against it or abstaining from voting on it, whether the resolution was passed or defeated and whether the vote was by show of hands or by ballot.

(2) The Secretary shall file the minutes in the minute book of the Trust.

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