



ST. HELENA

CHAPTER 90

ST. HELENA FISHERIES CORPORATION ORDINANCE

Non-authoritative Consolidated Text

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown
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Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

This version contains a consolidation of the following laws—

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Ordinance 4 of 1979 .. in force 16 November 1979

Amended by Ordinance 22 of 1985

Amended by Ordinance 24 of 1987

Amended by Ordinance 2 of 2001

Amended by Legal Notice 26 of 2009

No Subsidiary Legislation has been made under this Ordinance

¹ These contact details may change during 2011 or early in 2012. In case of difficulty, email shgwebsite@sainthelena.gov.sh or telephone (+290) 2470.

CHAPTER 90**ST. HELENA FISHERIES CORPORATION ORDINANCE****ARRANGEMENT OF SECTIONS****SECTION**

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CHAPTER 90**ST. HELENA FISHERIES CORPORATION ORDINANCE**

(Ordinance 4 of 1979, 22 of 1985, 24 of 1987 and 2 of 2001 and Legal Notice 26 of 2009)

AN ORDINANCE TO ESTABLISH A FISHERIES CORPORATION FOR ST. HELENA AND FOR PURPOSES CONNECTED THEREWITH.

Commencement

[16 November 1979]

Short title

1. This Ordinance may be cited as the St. Helena Fisheries Corporation Ordinance.

Interpretation

2. In this Ordinance—

“**Board**” means the Board of Management as specified in sections 5 and 6 of this Ordinance;
“**chairman**” means the chairman of the Board;

“**Corporation**” means the St. Helena Fisheries Corporation established by section 3 of this Ordinance.

Establishment of the Corporation

3. (1) There is hereby established a body corporate to be called the St. Helena Fisheries Corporation with perpetual succession.

(2) The Corporation shall have an official seal for the safe custody of which the General Manager shall be responsible.

(3) The Corporation shall establish a head office in St. Helena, and service of any document on the Corporation may be made by delivering the same to the Corporation at its head office or by sending it by registered post addressed to the General Manager at the head office of the Corporation.

Objects of Corporation

4. The objects of the Corporation are to engage on a commercial basis in the business of fishing and fish marketing in St. Helena and overseas and in so far as is compatible with these prime objects to render assistance and make loans to persons engaged in fishing and fish marketing within the St. Helena fishery limits.

Management of the Corporation

5. The Corporation shall be governed by a Board of Management which shall exercise the functions and powers of the Corporation and shall, subject to any directions given by the Governor in Council, determine the policy and direct and control the officers of the Corporation.

Appointment of Board of Management

6.² (1) The members of the Board shall be appointed by the Governor and the chairman of the Board shall be the member of the Board so nominated by the Governor. The members of the Board shall include—

- (a) at least two elected Members of Legislative Council one of whom is a member of the Council Committee for the time being having responsibility for Government business relating to the management of fisheries resources;
- (b) one Government representative;
- (c) two persons not being employees of the Corporation who are actively engaged or financially interested in the fishing industry.

(2) Members of the Board who are not Government employees may resign from the Board by—

- (a) sending written notice of resignation to the Governor; and
- (b) sending a copy of such notice to the Chairman.

(3) The Governor in Council may terminate the appointment of any member at any time, at his discretion, and without assigning any reason therefor.

² Section 6 amended by Ord. 22 of 1985, Ord. 24 of 1987 and L.N. 26 of 2009

Meetings of Board

7. (1) The Board shall meet at least once every quarter and at such other times as may be necessary or expedient for the transaction of the business of the Board.

(2) The chairman shall, within seven days of the receipt by him of a request in writing addressed to him by any two members of the Board, call a special meeting of the Board; such meeting to be held within the ensuing fourteen days.

(3) In the event of the absence of the chairman from any meeting, the members of the Board present at the meeting shall appoint one of their number to preside as chairman, and the member so appointed shall, for that meeting, have all the powers of the chairman.

(4) A quorum of the Board shall be any four members.

(5) The decisions of the Board shall be taken by a simple majority of the votes of the members present, and in addition to an original vote in any case where the vote is equal the chairman presiding at a meeting shall have a casting vote.

(6) The Board may act in the performance of its duties notwithstanding any vacancy in its membership.

Disclosure of interest

8. (1) Any member of the Board whose interest is likely to be affected whether directly or indirectly by a decision of the Board on any matter, after the relevant facts have come to his notice, shall disclose the nature of his interest at the first meeting of the Board at which he is present.

(2) A disclosure under subsection (1) of this section shall be recorded in the minutes of that Board meeting, and after the disclosure, the member making it shall, unless the Board otherwise direct, not be present at or take any part in the deliberation or vote of any meeting of the Board when such matter is being decided by the Board.

Appointment of General Manager

9. (1) The Governor shall appoint the General Manager and shall determine from time to time the terms and conditions of his service and termination of his appointment.

(2) The Governor may, after consulting the Board, appoint any suitable person to act temporarily in place of the General Manager during the absence of the General Manager through illness, or inability from any other cause arising.

Status of General Manager

10. (1)³ The General Manager shall be the chief executive officer of the Corporation and shall be entrusted with the day to day management, direction and control of the business of the Corporation in all matters which are not by this Ordinance or regulations made hereunder specifically reserved to be done by the Board, and shall be answerable to the Board for his acts and decisions. He shall attend meetings of the Board.

(2) All documents other than those required by law to be under seal, and all decisions of the Board may be signed and authorised by the General Manager.

³ Section 10(1) amended by Ord. 22 of 1985

(3) The official seal of the Corporation shall be affixed to all documents required by law to be under seal and the fixing of the seal shall be authenticated by the signature of the chairman and that of the General Manager or an ordinary member of the Board.

Employment of servants and agents

11. Subject to section 9, the General Manager may appoint and employ at such remuneration and on such terms and conditions as the Board thinks fit, such independent contractors, agents, officers and servants as may be deemed necessary for the efficient performance of the business of the Corporation.

Fees and allowances to board members

12. For attendance at meetings of the Board and for attendance on other occasions as may be decided by the Board the members of the Board who are not Government employees shall be entitled to claim and be paid such attendance fees and travelling allowances as may be specified in regulations made by the Governor in Council and it is hereby declared that the receipt by such members of the Board of such fees and allowances shall not make them paid servants of the Crown or the Government of St. Helena nor constitute them as holders of public office.

Funds of the Corporation

13. The funds and resources of the Corporation shall consist of—
- (a) revenue from the sale of produce, fishing boats and associated gear, rents and hiring charges received in respect of the rental of fishing boats, associated gear and facilities provided by the Corporation and the payments by way of interest and capital charges on amounts loaned to fishermen;
 - (b) such sums as may be provided annually for the purpose in the Estimates of Revenue and Expenditure of St. Helena;
 - (c) monies earned or arising from any property, investment, mortgages and debentures acquired by or vested in the Corporation;
 - (d) any property, mortgages, debentures or other investments acquired by or vested in the Corporation;
 - (e) sums borrowed by the Corporation with the approval of the Governor in Council;
 - (f) all other monies or property which may in any manner become payable to or vested in the Corporation.

Accounts and administration

14. (1) Every sum payable to the Corporation shall be collected or received for and on account of the funds of the Corporation. Receipts for the sums paid to the Corporation must be signed by an officer of the Corporation generally or specifically authorised by resolution of the Board.

(2)⁴ Subject to subsection (6), all payments out of funds of the Corporation shall be authorised by Board resolution and shall be paid out under the signature of at least two officers or members of the Board, of whom the General Manager should, if practicable, be one; except that the Board may, with the approval of the Governor, direct that specified payments, or

⁴ Section 14(2) amended by Ord. 24 of 1987

payments of any specified type or amount, may be made on the sole authority of the General Manager.

(3) The financial year of the Corporation shall coincide with the financial year of the Government of St. Helena.

(4) The Financial Secretary shall from time to time notify the General Manager in writing of the books and accounts to be kept by the Corporation and the General Manager shall—

- (a) cause such books and accounts to be so kept and produce them to the Financial Secretary when so requested in writing; and
- (b) cause the accounts to be audited annually by an auditor or auditors who shall be appointed by the Board each year and cause a copy of the audited statement of accounts of the Corporation certified by the auditors to be transmitted to the Governor in accordance with section 15(1)(b) of this Ordinance.

(5) The Corporation shall make such provision for the safekeeping of its funds as may be approved by the Governor.

(6) Officers of the Corporation generally or specifically authorised in that behalf by resolution of the Board may be paid and retain in their hands sums to meet petty disbursements or for immediate payments in accordance with the terms of the resolution.

(7) Subject to the provisions of this Ordinance and of any regulations made hereunder, the Board shall have power by resolution to provide for all matters of administration and procedure with regard to the funds of the Corporation.

Report on operations

15.⁵ (1) The Corporation shall, within six months after the end of the financial year, cause to be made and transmitted to the Governor—

- (a) a report dealing generally with the operations of the Corporation during the last preceding financial year; and
- (b) a copy of the annual audited statement of accounts certified by the auditors.

(2) The Governor shall as soon as possible after their receipt cause a copy of the report together with the annual audited statement of accounts therewith to be laid before the Legislative Council.

Powers of the Corporation

16.⁶ Subject to direction by the Governor in Council, the Corporation shall have power—

- (a) to hold property of any kind, real or personal;
- (b) subject to the provisions of this Ordinance, to do all such things as are necessary or convenient for the purpose of achieving the objects of the Corporation and performing the duties and functions conferred or imposed upon the Corporation by this Ordinance or any other law;
- (c) with the approval of the Governor in Council, to borrow money;
- (d) to acquire, hold, operate with and dispose of any type of property, whether locally or by import, and whether in St. Helena or elsewhere; and
- (e) to make contracts in its own name, and to sue or to be sued in that name.

⁵ Section 15 amended by Ord. 24 of 1987

⁶ Section 16 substituted by Ord. 24 of 1987

Administration

17. The Board may make written regulations for the administrative control of the Corporation and its officers and employees, and may specifically provide for a pension scheme on either a contributory or non-contributory basis, and may arrange for its officers and employees to join in any other pension scheme organised by any other body.

Offences

18.⁷ Any member of the Board or any officer or auditor who, knowing it to be false in any material particular—

- (a) verifies any statement, account or report of the Corporation; or
 - (b) causes to be delivered or transmitted any such statement, account or report,
- shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding £1,000, or to imprisonment for a term not exceeding two years.

Indemnity for member and others acting *bona fide*

19. No matter or thing done and no contract entered into by the Corporation and no matter or thing done by any member of the Board or officer or other person acting under the direction of the Board shall, if the matter or thing done or the contract entered into was *bona fide* for the purpose of carrying out the objects of this Ordinance, subject them or any of them personally to any action, liability, claim or demand whatsoever; any expense incurred by the Board member, officer or any person acting under the direction of the Board shall be borne and repaid out of the funds of the Corporation.

⁷ Section 18 amended by Ord. 2 of 2001