



MONTERRAT

## **CHAPTER 12.02**

# **MONTERRAT NATIONAL TRUST ACT**

### **Revised Edition**

showing the law as at 1 January 2013

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

### **MONTERRAT NATIONAL TRUST ACT**

Act 11 of 1969 .. in force 1 February 1970

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**CHAPTER 12.02****MONTSERRAT NATIONAL TRUST ACT**

## ARRANGEMENT OF SECTIONS

## SECTION

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**CHAPTER 12.02****MONTSERRAT NATIONAL TRUST ACT***(Act 11 of 1969)*

AN ACT FOR INCORPORATING THE MONTSERRAT NATIONAL TRUST IN THIS ISLAND WITH LIMITED LIABILITY.

*Preamble*

WHEREAS Paul Kirwan Hollender, John Stanley Weekes, John Kingsley Howes, Rexingford Albert Frederick, John Christopher Kelsick, and Delores Somerville, persons forming the Formation Committee of the Montserrat National Trust, a body interested in the preservation of places of historic and architectural interest or natural beauty, and having as its objects—

- (a) to conserve and enhance the beauty of Montserrat;
- (b) to preserve and rehabilitate historical sites, including but not limited to buildings, monuments, documents, chattels, etc.;
- (c) to preserve the fauna and flora of Montserrat;
- (d) making the public aware of the value and beauty of the Island's heritage;

- (e) the pursuance of a policy of preservation and acting in an advisory capacity;
- (f) the acquisition of property for the benefit of the Island;
- (g) the attraction of funds by means of subscriptions, donations, bequests and grants for the effective carrying out of the objects;
- (h) the compilation of a photographic and architectural record of the above;

have prayed that an Act be passed incorporating the said Montserrat National Trust:

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

### **Commencement**

*[1 February 1970]*

### **Short title**

1. This Act may be cited as the Montserrat National Trust Act.

### **Incorporation of the Montserrat National Trust**

2. The present and all future members of the Montserrat National Trust shall be and they are hereby declared and adjudged to be one body politic and corporate, by the name of the Montserrat National Trust, and by that name shall have perpetual successions, and shall and may sue or be sued in all courts and before all magistrates, justices and others, in all manner of actions, suits, complaints, matters and causes whatsoever, and shall have and may use a common seal, and the same may vary and alter at their pleasure, and by the name aforesaid shall be in law capable of holding all such estate real and personal, as hath been already acquired by them, and of having, taking and holding forever hereafter, other estates real and personal, either by purchase, gift, devise or legacy for the use and benefit of the Montserrat National Trust.

### **Limited Liability; Dissolution of the Trust**

3. (1) The funds as well as the real estate and effects of the Montserrat National Trust, shall be alone subject and liable to any charge and demand against the Montserrat National Trust, and no subscriber to the capital of the Trust shall be liable for, or charged with, the payment of any debt or demand due from the Trust, beyond the extent of those funds, property, and effects of the Trust.

(2) Should the Trust be dissolved or wound up all real estate, chattels, items of historic interest or other property of any kind whatsoever then in possession or control of the Trust shall pass to and become vested in the Government of Montserrat in trust for the people of Montserrat.

### **Rules and Regulations**

4. The Council of Montserrat National Trust shall have full power and authority to make and from time to time to change or repeal or vary as may seem proper rules and regulations, subject to the approval and ratification of the general body of members at a general meeting called for that purpose, for and concerning the objects of the Trusts, the nomination, election, suspension, removal and expulsion of members and officers, and the custody, management, collection and disposal of the funds, moneys, or estate belonging to the Montserrat National Trust, and for conducting and regulating the business affairs and concerns of the Montserrat National Trust, and relative to any other matter or thing whatsoever which may in anywise concern the good Government of the Montserrat National Trust; provided always that such rules and regulations be not in anywise repugnant or contrary to the Laws of this Island, and that the same shall not in any manner affect any other person or persons than those who are or may become members of the Montserrat National Trust, and it shall be lawful for the Council of the Montserrat National Trust to fix and appoint in all or any of such rules and regulations, all or any reasonable and adequate fines, forfeitures and penalties, for the non-observance, non-performance, or breach thereof, or for enforcing the due observance thereof.

### **Recovery of fines, forfeitures and penalties**

5. All fines, forfeitures, and penalties incurred by virtue of any rule or regulation made as aforesaid, and all sums becoming due to the Montserrat National Trust, shall be sued for and recovered in a summary way before any Magistrate on the complaint of the secretary of the Montserrat National Trust, and every Magistrate is hereby authorised and required to take cognizance thereof accordingly, and all fines, forfeitures, and penalties when received, or the over-plus thereof after deducting necessary charges, shall be paid into the hands of the secretary of the Montserrat National Trust.

### **Exemption from stamp duty and fees**

6. The Montserrat National Trust shall be exempt from—
- (a) stamp duty with which under the provisions of the Stamp Act instruments drawn, made or executed by or on behalf of the Montserrat National Trust are chargeable;
  - (b) any fees payable on instruments drawn, made or executed by or on behalf of the Montserrat National Trust upon which or in respect of which registration or recording fees are

chargeable under the provisions of the Registered Land Act, the Registration and Records Act or any other law for the time being in force relating to the payment of registration or recording fees.

### **Saving rights of the Crown**

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

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