

# THE BAHAMAS NATIONAL TRUST (AMENDMENT) ACT, 2019

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**No. 41 of 2019**

**THE BAHAMAS NATIONAL TRUST (AMENDMENT)  
ACT, 2019**

**AN ACT TO AMEND THE BAHAMAS NATIONAL TRUST ACT TO  
EXPAND THE DUTIES OF THE BAHAMAS NATIONAL TRUST; TO  
REVISE THE CONSTITUTION OF THE COUNCIL; TO EXPAND  
AUTHORISED CAPITAL INVESTMENTS; AND FOR CONNECTED  
PURPOSES**

[Date of Assent - 19<sup>th</sup> December, 2019]

**Enacted by the Parliament of The Bahamas**

**1. Short title and commencement.**

- (1) This Act, which amends The Bahamas National Trust Act (*Ch. 391*), may be cited as the The Bahamas National Trust (Amendment) Act, 2019.
- (2) This Act shall come into force on such date that the Minister may appoint by notice published in the *Gazette*.

**2. Amendment of section 2 of principal Act.**

Section 2 of the principal Act is amended by the insertion of the following definitions in the appropriate alphabetical position -

""**Minister**" means the Minister responsible for the Environment;"

**3. Amendment of section 10 of principal Act.**

Section 10 of the principal Act is amended -

- (a) by the deletion of subsection (1) and the substitution of the following-  
"(!) The affairs of The Bahamas National Trust shall be administered by the Council.";
- (b) by the insertion immediately after subsection (1) of the following new subsections -

"(IA) The Council shall consist of twenty-nine members of whom

- (a) fifteen shall be elected at the annual general meeting of The Bahamas National Trust from among the members in accordance with election procedures as the Council may determine by resolution; and
  - (b) fourteen shall be appointed to the Council each year in accordance with subsection (2).
- (IB) The President shall be elected by the Council from among the members.
- (I C) The resolution determined by the Council under subsection (IA)(a) shall be made a bylaw.";
- (c) in subsection (2), by the deletion of the words "the College of The Bahamas" and the substitution of the words "the University of The Bahamas"; and
  - (d) in subsection (3), by the deletion of the words "exceed twelve" and the substitution of the words "equal to or exceed the number of elected members".

**4. Amendment of section 14 of principal Act.**

Subsection (2) of section 14 of the principal Act is amended by the insertion immediately after the words "stamp duty" of the words "and value added tax".

**5. Repeal and replacement of section 19 of principal Act.**

Section 19 of the principal Act is repealed and replaced as follows -

**"19. Audit and report.**

- (1) The accounts of the Council for each financial year shall be audited by an auditor elected by the Council from among the members of The Bahamas Institute of Chartered Accountants.
- (2) The Council shall, three months after the end of each financial year, submit to the Minister a copy of -
  - (a) a report on the activities of The Bahamas National Trust for the previous year; and
  - (b) the audited accounts and any report made by the auditor.
- (3) The Minister shall cause the annual reports and audited accounts to be laid in both chambers of Parliament."

**6. Amendment of section 24 of principal Act.**

Section 24 of the principal Act is amended -

- (a) by renumbering the section as subsection (1);
- (b) in paragraph (m) of subsection (1), by the insertion immediately after the word "officer", the words "or warden";
- (c) by the insertion immediately after subsection (1) of the following new subsection -
  - "(2) The bylaws referred to under this Act shall -
    - (a) be made in consultation with, and subject to the approval of, the Minister; and
    - (b) after approval of the Minister, be published in the *Gazette*."

## **7. Insertion of new section 25A into principal Act.**

The principal Act is amended by the insertion immediately after section 25 of the following new section -

### **"25A. Special procedure in respect of certain offences.**

- (1) An officer or warden who has reason to believe that a person ("the alleged offender") has committed an offence under this Act or its bylaws on any Trust property may serve the alleged offender with a written penalty notice.
- (2) At the time of service, the officer or warden shall notify the alleged offender that if the alleged offender does not wish to have a complaint of the offence heard and determined by a court, the amount specified in the penalty notice may be paid to an authorised person within fourteen days after the notice is served.
- (3) If the alleged offender fails to pay the fixed penalty specified in the penalty notice, the trust may institute proceedings against the alleged offender.
- (4) The penalty notice shall -
  - (a) be in the form prescribed under the bylaws;
  - (b) contain a description of the offence;
  - (c) specify the fixed penalty for the offence as prescribed under the bylaws;
  - (d) state that if the alleged offender wishes to waive an appearance before the court, the amount specified in the notice shall be paid to an authorised officer within fourteen days after the notice is served;
  - (e) state the persons authorised to receive payment of the fixed penalty under paragraph (c).

- (5) For the purposes of this section "**authorised officer**" means a magistrate or a Family Island Administrator."

**8. Amendment to Second Schedule of principal Act.**

The Second Schedule to the principal Act is amended by the insertion immediately after paragraph 4 of the following new paragraph-

"5. Treasury bills or bonds issued and guaranteed by the Government."

**9. Amendment of principal Act.**

The principal Act is amended by the deletion of the word "council" wherever that word appears and the substitution therefor of the word "Council".