

SCHEDULE

(Sections 3 and 20)

NON-GOVERNMENT ORGANISATIONS REGULATIONS**Citation.**

1. These Regulations may be cited as Non-Government Organisations Regulations.

Interpretation.

2. In these Regulations, the expression, "Act" means Non-Government Organisations Act, Cap. 20.59.

Registration of NGO.

3. (1) Where an organisation is registered in accordance with the provisions of the Act, the organisation, or person applying on behalf of the organisation shall apply to be registered as an NGO with the form set out in Schedule 2.

(2) Where the Registrar is satisfied that the organisation has met all of the specified requirements and conditions under the Act, then the organisation shall, on payment of a fee set out in Schedule 4, be issued with a Certificate of Registration, in a form consistent with that which is set out in Schedule 3.

(3) An NGO shall pay an initial application fee to the Registrar as set out in Schedule 4, and thereafter an annual fee for each year as provided for in that Schedule.

(4) Where an NGO fails to maintain its status as a non-profit company limited by guarantee in accordance with the provisions of section 6(2)(b) of the Act, the NGO shall automatically lose its status as an NGO.

Commission.

4. The NGO Commission shall be constituted and function in accordance with the terms set out in Schedule 1.

SCHEDULE 1*(Regulation 4)***COMMISSION****Appointment and Membership.**

1. (1) The Commission shall consist of the following persons who shall be appointed by the Minister—

- (a) a senior officer in the Ministry of Finance, who shall be the chairperson;
- (b) a representative from the Ministry responsible for Community Affairs;
- (c) a representative from the Chamber of Industry and Commerce;
- (d) a senior representative from the Ministry responsible for Community Affairs in Nevis;
- (e) a representative from the Ministry of Sustainable Development.

(2) The Commission shall elect from among its members a Deputy Chairperson who shall, in the absence of the Chairperson, preside at meetings of the Commission.

(3) Every member of the Commission appointed by the Minister shall be appointed by instrument in writing which shall be published in the *Gazette*.

(4) The functions, powers, rights and obligations of the Commission shall not be affected by any vacancy in its membership.

Powers and Functions.

2. (1) The Commission shall, subject to section 17 of the Act, have such powers as are reasonably necessary for the carrying out of its functions or incidental to their proper discharge.

(2) The Commission may, in connection with the carrying out of its functions—

- (a) consult and seek the advice of such persons or bodies whether inside or outside Saint Christopher and Nevis as it considers appropriate;
- (b) publish, in such manner as it considers appropriate, such information relating to its functions as it thinks fit;
- (c) make recommendations arising out of any information received;
- (d) issue guidelines pertaining to non-governmental organisations; and
- (e) advise the Minister.

Terms of Appointment of Commissioners.

3. (1) A Commissioner shall hold and vacate office in accordance with the terms of his or her instrument of appointment.

(2) A Commissioner may at any time resign his or her office by giving not less than one month's notice in writing to the Chairperson, except that in the case of the Chairperson he or she shall tender his or her resignation in writing to the Minister.

(3) If the Minister is satisfied that a Commissioner—

- (a) has been absent from three consecutive meetings of the Commission without excuse or the permission of the Commission;
- (b) has become bankrupt;
- (c) is incapacitated by physical or mental illness; or
- (d) is unable or unfit to discharge the functions of a Commissioner, he or she may terminate the appointment of the Commissioner.

(4) There shall be paid to the Commissioners such remuneration as the Minister may determine.

(5) Pursuant to section 14 of the Act, proper accounting records would include underlying documentation evidencing a clear financial history of the NGO such as invoices and contracts and should reflect details of the following—

- (a) all sums of money received and expended and the purposes for such receipt and expenditure;
- (b) sales and purchases and other related transactions; and
- (c) the assets and liabilities of the relevant NGO.

Tenure and Conditions of Member of Commission.

4. The tenure of office and other terms and conditions of office of the members of the Commission shall be set out in the instrument of appointment.

Disclosure of Interest.

5. (1) Where a Commissioner has any direct or indirect personal interest in the outcome of the deliberations of the Commission in relation to any matter—

- (a) he or she shall disclose the nature of his or her interest at a meeting of the Commission in person or by means of a written notice brought to the attention of the Commission;
- (b) the disclosure shall be recorded in the minutes of the Commission; and
- (c) he or she shall withdraw from any deliberations of the Commission in relation to that matter and not vote upon it.

(2) For the purposes of this paragraph, a general notice given by a Commissioner that he or she is a member or director of a particular organisation and is to be regarded as interested in any matter concerning that organisation, is sufficient disclosure in relation to any such matter.

Procedure at Meetings.

6. (1) The meetings of the Commission shall be held at such times and at such places as are from time to time agreed upon by the members of the Commission or as the Minister may direct.

(2) At a meeting of the Commission—

- (a) a simple majority of the Commissioners shall form a quorum;
- (b) each Commissioner shall have one vote on each matter for deliberation; and
- (c) in the event of an equality in the votes the Chairperson of the meeting shall have a casting vote.

(3) The Commission may determine its procedure and for that purpose may make rules of procedure, including rules relating to the convening of meetings and the conduct of business at meetings and may alter the rules.

Secretariat of Commission.

7. The Commission shall be serviced by a secretariat from the Ministry of Finance.

Transaction of Business Without Meeting.

8. A decision is a valid decision of the Commission, even though it was not passed at a meeting of the Commission, if—

- (a) it is signed or assented to by a majority of the Commissioners; and
- (b) proper notice of the proposed decision was given to all Commissioners.

Minutes of Meetings.

9. The Commission shall keep proper minutes of its proceedings.

SCHEDULE 2

(Regulation 3)

**SAINT CHRISTOPHER AND NEVIS
NON-GOVERNMENT ORGANISATIONS ACT
APPLICATION FOR REGISTRATION**

1. Name of Applicant _____
2. Address of Applicant _____

3. Contact Information Tel Nos.: _____
E-Mail _____
4. Name of proposed NGO _____
5. Proposed address (if any) of NGO _____
6. General Description of business of the
NGO _____

Enclosed herewith are the following documents:

- Constitution and Memorandum and Articles of Association of NGO, including the fact that the NGO is a company limited by guarantee
- Statement and details of the aims, objects and purposes of NGO
- Organisational structure of NGO including its membership and management

- Names, addresses and occupations of Board of Directors of NGO
- Any existing by-laws of NGO

I.....of.....hereby certify that the information contained herein is true to the best of my knowledge, information and belief.

.....
Signature of Applicant

Date

SCHEDULE 3

(Regulation 3)

**SAINT CHRISTOPHER AND NEVIS
NON-GOVERNMENT ORGANISATIONS ACT
CERTIFICATE OF REGISTRATION**

Certificate No.: _____

This is to certify that, _____
(Name of NGO)

of _____
(Address)

is a registered Non-Governmental Organisation pursuant to the provisions of the Non-Government Organisations Act.

Signed by: _____
(Signature of Registrar)

SCHEDULE 4

(Regulation 3)

FEES.

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Application Fee	100.00
Annual Fee	20.00
Certificate of Registration	50.00
Fee for inspection of records of NGO	5.00

(Schedule to the Act inserted by S.R.O. 4/2011)