

National Trust for Fiji Act [Cap 265]

LAWS OF FIJI

Ed. 1978]

CHAPTER 265

NATIONAL TRUST FOR FIJI

Ordinance No. 24 of 1970.

AN ACT TO INCORPORATE AND CONFER POWERS UPON THE NATIONAL TRUST FOR FIJI AND FOR MATTERS INCIDENTAL THERETO.

[4th September, 1970.]

Short title

1. This Act may be cited as the National Trust for Fiji Act.

Interpretation

2. In this Act, unless the context otherwise requires:-

"Council" means the Council of the Trust established under the provisions of section 4;

"secretary" means the person appointed to be secretary of the Trust under the provisions of this Act;

"Trust" means the National Trust for Fiji incorporated under the provisions of this Act;

"Trust property" includes all property real or personal from time to time vested in the Trust.

General purpose of the Trust

3. The purpose of the Trust shall be:-

(a) to promote the permanent preservation for the benefit of the nation of lands (including reefs), buildings, furniture, pictures and chattels of every description having national, historic, architectural or natural interest or beauty;

(b) the protection and augmentation of the amenities of any such land or buildings and their surroundings and to preserve their natural aspect and features;

(c) to protect animal and plant life; and

(d) to provide for the access to and enjoyment by the public of such lands, buildings and chattels.

Establishment of Trust

4. - (1) There is hereby established a trust to be known as the National Trust for Fiji which shall be a body corporate under that name with perpetual succession and a common seal which may in such name sue and be sued and may enter into contracts and may acquire, purchase, take, hold and enjoy real and personal property of every description and may, subject to the provisions of this Act, convey, assign, surrender and yield up, charge, mortgage, transfer or otherwise dispose of or deal with any real and personal property vested in it upon such terms as it deems fit.

(2) Any deeds, documents and other instruments required to be sealed with the common seal of the Trust shall be sealed therewith in the presence of the chairman or vice chairman and of the secretary or some other person authorised by the Council to act in that behalf who shall sign any such deed, document or other instrument to which the seal is affixed and such signing shall be sufficient evidence that such seal was duly and properly affixed and that the same is the lawful seal of the Trust.

(3) Service of any document upon the Trust shall be deemed to be effected by delivering the same or by sending it by registered post to the secretary.

The Council

5.-(1) Until such time as the Minister shall make an order under the provisions of subsection (2), the Council of the Trust shall consist of ten members, including the chairman and vice-chairman, all to be appointed by the Minister.

(2) The Minister may, when he is satisfied that conditions exist so as to enable the members of the Council to be elected or appointed by the members of the Trust or by responsible bodies or associations associated with the Trust or its functions, by order, provide for the members of the Council so to be elected or appointed.

(3) Each member of the Council shall be appointed thereto for a period not exceeding two years.

(4) The chairman of the Council or, in his absence, the vice-chairman of the Council or, in his absence, a member elected by the meeting to be chairman, shall preside at every meeting of the Council and at any general meeting of the members of the trust.

(5) The Council may from time to time appoint as co-opted members of the Council any person or persons who in the opinion of the Council possess expert knowledge of advantage to the Trust in the exercise of its functions and every such co-opted member shall be appointed for such period not exceeding two years and for such purpose and subject to such conditions and with such voting powers as the Council may determine.

(6) The Council may make payments to members thereof in reimbursement of expenses incurred by them in attending meetings of the Council or in carrying out their functions under the provisions of this Act.

Powers and proceedings of Council

6.-(1) The entire business of the Trust shall be arranged and managed by the Council who may exercise all such powers of the Trust as are not exercisable in general meeting.

(2) The Council shall have power to make rules to regulate its own procedure and for the despatch of business at general meetings.

(3) The Council may exercise the powers of borrowing on mortgage which are conferred on the Trust by this Act.

Membership

7. The Council may make rules as to classification of, and as to the minimum subscriptions payable by, members:

Provided that after an order has been made under the provisions of subsection (2) of section **5**, no change in the amount of the minimum subscription may take place except with the approval of the Trust in general meeting.

Liability of members

8. No member of the Trust shall be liable for or to contribute towards the payment of the debts and liabilities of the Trust beyond the amount of the subscription of such member or of any contribution agreed to be given and remaining unpaid.

General meetings

9.-(1) General meetings of the Trust shall be held at least once in every period of twelve months.

(2) Special meetings of the Trust may be convened at any time by the chairman who shall call a special meeting whenever requested so to do by not less than five members of the Trust.

Special powers of the Trust

10. Notwithstanding the generality of the provisions of section **3**, the Trust shall be empowered-

(a) to purchase, accept gifts or devise or take on lease (including purchases out of any funds applicable for the general purposes of the Trust or liable to be invested in the purchase of land) and to retain any lands or buildings and any rights, easements or interests therein or thereover which in the opinion of the trustees it may be desirable to hold as investments with a view to the provision out of the rents and profits thereof of funds applicable for the

maintenance and preservation of any other part of the Trust property or for any particular purpose of the Trust or for its general purposes;

(b) to acquire in any manner and retain any investments (being at the time of acquisition authorised under the provisions of this Act or of a nature authorised by the trusts imposed by the donor thereof or of the funds out of which the sum shall be acquired) the income whereof shall be applicable, subject to any trusts imposed by the donor otherwise affecting the same, at the discretion of the trustees, for the preservation and maintenance of the trust property or any specified part or parts thereof or for any particular purpose of the Trust or for its general purposes;

(c) in a case where any person is willing to agree with the Trust that any land or any part thereof shall, so far as his interest in the land enables him to bind it, be made subject either permanently or for a specified period to conditions restricting the planning, development or use thereof in any manner, to enter into an agreement with such person or accept a covenant from him to that effect and to enforce such agreement or covenant against persons deriving title under him in the like manner and to the like extent as if the Trust, were possessed of or entitled to or interested in adjacent land and as if the agreement or covenant had been or had been expressed to be entered into for the benefit of that adjacent land.

Trust not to divide profit among members

11. No dividend, bonus or profit shall at any time be paid out of the income or property of the Trust to any member thereof.

Funds of the Trust

12. The funds of the Trust shall comprise-

(a) all money received by the Trust out of money appropriated by Parliament for the purposes of this Act;

(b) all money that may be contributed to the Trust or that may otherwise be lawfully payable to the Trust;

(c) all money received by the Trust by way of fees, rent and otherwise in respect of any Trust property;

(d) all accumulations of money belonging to the Trust.

Borrowing powers

13. The Trust shall not borrow any money or mortgage or charge any of its property without the prior written consent of the Minister responsible for finance.

Accounts and annual report

14.-(1) The Trust shall keep full and correct accounts of all money received and expended by it and such accounts shall be audited by the Auditor-General or such other auditor as may be approved in that behalf by the Minister responsible for finance.

(2) The Trust shall as soon as possible after the close of its financial year prepare and furnish to every member of the Trust an annual report of its proceedings and operations for the preceding financial year including a copy of its audited accounts.

(3) A copy of the report and accounts of the Trust shall be laid before Parliament.

Consultation with Fiji Museum in certain cases

15. In relation to the acquisition, maintenance or management of archaeological or palaeontological sites or monuments the Trust shall act in consultation with the Trustees of the Fiji Museum.

Appointment of officers

16. The Council shall appoint a secretary and such other officers as may be necessary for the efficient carrying out of the functions of the Trust.

Charges for admission to Trust property

17. The Trust may make such reasonable charges for the admission of the public to any of its property or any part or parts thereof or for the use by the public of any such property as it may from time to time determine.

By-laws

18. Subject to the provisions of subsection (2) of section 6 and of section 7 the Council may make by-laws for the purpose of carrying out the functions of the Trust including the regulation and protection of, the prevention of nuisances and the preservation of order upon, any lands or other property of the Trust:

Provided that after an order has been made under the provisions of subsection (2) of section 5, any such by-laws made thereafter shall be subject to the approval of the Trust in general meeting.

Exemption from taxes and duties

19.-(1) No stamp duty shall be payable upon any instrument whereby any land or any interest in land is conveyed, assigned, transferred or leased or is agreed to be conveyed, assigned, transferred or leased to the Trust for the purposes of this Act.

(2) No gift duty shall be payable on any gift made to the Trust for the purposes of this Act, and no such gift shall be included in the dutiable estate of the donor notwithstanding that he may die within five years after having made the gift.

(3) Where, by virtue of a devise or bequest made by any person the whole of his estate or

interest in any property becomes, on his death, indefeasibly vested in the Trust and held by the Trust for the purposes of this Act free of any trust for the benefit of any other person, that estate or interest shall not form part of the dutiable estate of that person for the purposes of the Estate and Gift Duties Act.

(Cap. 203.)

(4) All land vested in the Trust and held by it under the provisions of this Act other than land occupied by a tenant for a period of more than six months shall not be rateable property for the purposes of any Act relating to local government.

(5) The income of the Trust shall be exempt from income tax.

Controlled by Ministry of Works and Communications