

ELIZABETH II



The Territories of South Georgia and the
South Sandwich Islands

WILLIAM HUGH FULLERTON, C. M. G.,
Commissioner.

The South Georgia Museum Trust Ordinance 1992

(No: 1 of 1992)

An Ordinance

To establish the South Georgia Museum Trust; to provide for the transfer to it of certain lands and objects in South Georgia; to define the functions of that Trust; and to provide for purposes connected with the matters aforesaid.

BE IT ENACTED by the Commissioner for South Georgia and the South Sandwich Islands as follows -

1. This Ordinance may be cited as the South Georgia Museum Trust Ordinance 1992.

Short title.

2. In this Ordinance, unless the context otherwise requires -

Interpretation.

"the Commissioner" means the Commissioner for South Georgia and the South Sandwich Islands;

"the Crown" means Her Majesty the Queen in right of Her government of South Georgia and the South Sandwich Islands and includes Her Majesty's lawful successors in right of such government;

"the Trust" means the trust established by section 3.

3.(1) There is hereby established a trust to be called the South Georgia Museum Trust.

Establishment of the Trust.

(2) The Trust shall consist of not less than five and not more than seven members including the Attorney General and the Financial Secretary of the Territory who shall both be members of the Trust. All other members shall be appointed by the Commissioner by instrument under his hand.

(3) The incidental provisions contained in the Schedule to this Ordinance shall have effect with respect to the Trust.

4.(1) The Commissioner may by instrument under his hand and public seal transfer to the Trust -

Transfer to Trust of collections.

(a) any personalty belonging to the Crown and described in the instrument which, in his opinion, is associated with the use of South Georgia or any part or parts of South Georgia as a whaling station or sealing station or as whaling or sealing stations or the flora and fauna of South Georgia and the surrounding waters;

(b) any vessel or wreck of a vessel belonging to the Crown and lying within the waters of South Georgia or the territorial sea thereof which, in his opinion, is so associated;

(c) any land or building in South Georgia which, in his opinion is so associated.

(2) Any thing transferred under paragraph (a) or (d) or subsection (1) shall form part of the collection of the Trust for the purposes of the subsequent provisions of this Ordinance.

(3) Any land or building transferred under paragraph (c) of subsection (1) shall constitute the premises of the Trust for the purposes of this Ordinance and subject only to the provisions of this Ordinance relating to the premises of the Trust shall be held by the Trust upon trust for the Crown and the Trust shall not dispose of any such land or building or create any estate or interest therein without the prior consent of the Commissioner which may be given subject to such conditions as the Commissioner considers appropriate.

5.(1) So far as is practicable and subject to the following provisions of this Ordinance, it shall be the duty of the Trust -

General functions of the Trust.

(a) to care for, preserve and add to the objects in its collection;

(b) to secure that those objects are exhibited to persons visiting South Georgia wishing to see them and are made available to persons seeking to inspect them in connection with study and research;

(c) generally to promote understanding and appreciation of the history of South Georgia, both by means of the Trust collection and by such other means as the Trust considers appropriate.

(2) The Trust may, subject to the provisions of this Ordinance, do all such things as the Trust considers necessary or expedient for those purposes and its functions under this Ordinance.

(3) Without prejudice to the generality of subsection (2), for the purposes mentioned in subsection (1) the Trust may -

(a) lend any object forming part of its collection to any museum or learned or scientific institution anywhere in the world;

(b) promote or co-operate with others in promoting research or investigations in connection with any matter appertaining to South Georgia or any activity in South Georgia or the flora or fauna of South Georgia or the waters surrounding South Georgia.

6.(1) Subject to this Ordinance, the Trust shall have power to acquire any objects which in its opinion it is desirable to add to its collection.

Power of Trust to acquire and dispose of objects.

(2) Subject to this Ordinance, the Trust may sell, exchange, give away or otherwise dispose of any object vested in it and comprised in its collection if the object is a duplicate of another such object or is for any other reason not, in its opinion, required for retention in that collection and the consent of the Commissioner to that disposal has been obtained by the Trust.

7. The Commissioner may direct that all or any fees charged in respect of the landing of any passenger of any vessel in South Georgia shall be paid to the Trust and form part of the Trust's income, and may at any time vary or revoke any direction made under this subsection. *Landing fees.*

8.(1) The Trust may expend money for any purpose authorised by this Ordinance.

Finances of the Trust.

(2) The Trust shall not borrow any money without the consent of the Commissioner.

(3) The Trust may accept gifts of money and property of any kind but shall not be obliged to accept any gift of property which in its opinion cannot usefully be held by it for the purposes of its functions under this Ordinance.

(4) The Trust shall in the month of April in each year submit to the Commissioner details of its estimated revenue and expenditure for the year commencing on the ensuing 1st July with information as to the purposes of such expenditure. The Trust shall not expend any money for any such purpose until the estimated expenditure has been approved by the Commissioner.

(5) The Commissioner may, subject to the same having been appropriated in accordance with law, grant moneys out of the funds of the Crown in aid of the expenditure of the Trust, and may upon granting any such moneys impose such conditions or limitations as to its expenditure as he considers appropriate and the Trust shall comply with any such conditions.

(6) The Trust may invest any of its funds surplus to its current requirements in any manner approved by the Commissioner.

9. The income of the Trust is not liable to income tax in South Georgia and the South Sandwich Islands. *Income Tax.*

10.(1) The Trust shall maintain good and adequate books of account and shall prepare annual accounts made up to the 30th day of June in each year. *Accounts.*

(2) The accounts of the Trust shall be audited by a person appointed by the Commissioner for the purpose.

(3) A copy of the accounts of the Trust audited in accordance with subsection (2) shall be delivered to the Commissioner within six months of the end of the accounting period to which they relate.

SCHEDULE

(section 3(3))

INCIDENTAL PROVISIONS WITH RESPECT TO THE TRUST

1. The Trust shall be a body corporate with perpetual succession and a common seal.

2.(1) Members of the Trust other than the Attorney General and the Financial Secretary shall be appointed to hold office for a period of three years, but are eligible for re-appointment.

(2) Members of the Trust other than the Attorney General and the Financial Secretary may -

(a) be removed from office as such at any time by instrument under the hand of the Commissioner;

(b) resign at any time by instrument delivered or sent to the Commissioner and taking effect not earlier than its receipt by the Commissioner;

(c) on expiry of his term of office as such be re-appointed as a member of the Trust.

3. The Commissioner shall be entitled to attend all meetings of the Trust and may speak to, but shall not vote in respect of, any matter at any such meeting.

4.(1) The Commissioner may by instrument under his hand appoint one of the members of the Trust to be the Chairman of the Trust. In default of any such appointment, the Commissioner shall preside at all meetings of the Trust at which he is present.

(2) If no appointment of a Chairman has been made and the Commissioner is not present at the meeting in question the members present at that meeting shall appoint one of their number to preside at that meeting.

5. The quorum of the Trust shall be three members personally present.

6. The Trust may act notwithstanding a vacancy amongst the members, and no act of the Trust shall be deemed to be invalid by reason only of a defect in the appointment of any of the members of the Trust.

7. The application of the seal of the Trust shall be authenticated by the signatures of the Attorney General or the Financial Secretary and of one other member of the Trust authorised to authenticate the application of the Trust's seal.

8. Subject to the foregoing the Trust may determine its own procedure.

Assented to this 16th day of May 1992.



W.H. FULLERTON,
Commissioner.

