



ST. HELENA

## CHAPTER 162

# COMMUNITY CENTRES ORDINANCE

### Non-authoritative Consolidated Text

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown [Telephone (+290) 2270; Fax (+290) 2454; email [pa.lawofficers@legalandlands.gov.sh](mailto:pa.lawofficers@legalandlands.gov.sh)]<sup>1</sup>

Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

This version contains a consolidation of the following laws—

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Ordinance 6 of 1988 .. in force 1 September 1988	
Amended by Ordinance 10 of 1996	
Amended by Legal Notice 26 of 2009	

No Subsidiary Legislation has been made under this Ordinance

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<sup>1</sup> These contact details may change during 2011 or early in 2012. In case of difficulty, email [shgwebsite@sainthelena.gov.sh](mailto:shgwebsite@sainthelena.gov.sh) or telephone (+290) 2470.

## CHAPTER 162

## COMMUNITY CENTRES ORDINANCE

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## CHAPTER 162

## COMMUNITY CENTRES ORDINANCE

(Ordinances 6 of 1988 and 10 of 1996 and Legal Notice 26 of 2009)

AN ORDINANCE TO MAKE PROPER PROVISION FOR THE CONTROL AND MANAGEMENT OF COMMUNITY CENTRES, AND FOR CONNECTED PURPOSES.

**Commencement**

[1 September 1988]

**Short title and Interpretation**

1.<sup>2</sup> (1) This Ordinance may be cited as the Community Centres Ordinance.

(2) In this Ordinance—

“**Community Association**” and “**Registered Community Association**” have the meanings given by sections 2(3) and 3(6) respectively; and

“**Registrar**” means a person appointed by the Governor, by notice in the *Gazette*, to be the Registrar of Community Associations; provided that until such time as a person is so appointed, and at any time when there is no such appointment subsisting, the Chief Employment and Social Services Officer shall be deemed to be the Registrar.

**Establishment of Community Associations**

2. (1) It shall be lawful for the inhabitants of any locality to form themselves into an association for the purposes of providing a meeting place and recreational facilities for the inhabitants of the locality.

<sup>2</sup> Section 1 amended by Ord. 10 of 1996

(2) Every such Association shall adopt a Constitution in the form appearing in the First Schedule, with such modifications only as may be approved by the Registrar, and shall adopt as its name the name of its locality followed by the words “Community Association”.

(3) In this Ordinance, “**Community Association**” means an association of persons having the objectives described in subsection (1), whether formed before or after the commencement of this Ordinance, and whether or not it is registered under section 3.

### **Registration of Community Associations**

3. (1) Every Community Association shall, within two months after whichever is the later of the dates mentioned in subsection (2), deliver to the Registrar a copy of its constitution and a list of the names and addresses of its Officers and Committee Members.

(2) The dates referred to in subsection (1) are—

(a) the date of commencement of this Ordinance; and

(b) the date of the formation of the Community Association.

(3) Where it appears to the Registrar that a Constitution delivered to him under subsection (1) does not comply with section 2(2), he shall substitute therefor a Constitution which complies with the said section 2(2), and—

(a) upon the issue of the Certificate of Registration under subsection (4), the Community Association shall be deemed to have adopted such Constitution; and

(b) the Registrar may give such incidental directions as may be necessary or convenient in order to give effect to such Constitution.

(4) Upon receiving the documents referred to in subsection (1), the Registrar shall (after exercising, if appropriate, his powers under subsection (3)) enter details thereof in a register maintained by him for that purpose, and issue a Certificate of Registration in the form appearing in the Second Schedule.

(5) The register maintained under subsection (4) shall be open to inspection by any person (without fee) at any time during the normal office hours of the Social Services Department.

(6) In this Ordinance, “**Registered Community Association**” means a Community Association in respect of which a Certificate of Registration has been issued under this section.

### **Incidents of Registration**

4. (1) Every Registered Community Association shall have power, with the prior approval of the Registrar, to acquire, hold, mortgage, dispose of or otherwise deal with land or any interest therein, and to do so in its own name with perpetual succession; and may sue and be sued in its own name.

(2) Every instrument whereby a Registered Community Association effects any transaction authorised by subsection (1) shall be executed, and shall be sufficiently executed for all purposes, if it is signed by the Chairman and Secretary of the association and countersigned by the Registrar; and every such instrument, if it is one in respect of which liability for Stamp Duty or Land Registry Fees would (apart from this subsection) fall on the Community Association, shall contain, in lieu of the certificate otherwise required by rule 4 of the Stamp Duties Rules, a certificate to the effect that the instrument is one to which this paragraph applies.

(3) Every such instrument as is mentioned in subsection (2), if it contains such a certificate as is therein mentioned, shall be exempt from Stamp Duty and shall be accepted for registration by the Registrar of Lands without payment of any Land Registry fee in respect either of the instrument or of any associated Land Registry transaction.

(4) Every Registered Community Association shall be conclusively presumed to be a charitable association.

### Associations to file reports

5. (1) Within twenty-eight days after the Annual General Meeting of any Community Association, the Chairman thereof shall deliver (or cause to be delivered) to the Registrar—

- (a) a copy of the audited accounts of the Association, and of any other reports or statements presented to the said meeting; and
- (b) a copy of the minutes (or draft minutes) of the said meeting; and
- (c) a complete and accurate list of the Officers and Committee Members of the Association.

(2) The Registrar shall, on receipt of the documents mentioned in subsection (1), cause the particulars of the new Officers and Committee Members to be entered in the register maintained under section 3(4).

### Powers of Registrar

6.<sup>3</sup> (1) The Registrar may, from time to time, in respect of any Community Association, exercise any of the following powers, namely—

- (a) by notice in writing, to the Chairman or any other Officer thereof, to require such person—
  - (i) to supply a report upon or an explanation of any aspect of the affairs of the Association; or
  - (ii) to refrain (either temporarily or permanently) from taking any part in the management of the affairs of the Association; or
- (b) by notice in writing to such Officers (if any) as have been elected, to take over the management of the affairs and property of any such Association which—
  - (i) is or appears to be unable or unwilling to elect all or any of the Officers or Committee Members required by its Constitution; or
  - (ii) is or appears to be insolvent or so financially embarrassed as to be unable to discharge its liabilities as they fall due.

(2) A copy of every notice issued under paragraph (a)(ii) or subsection (1)(b) shall be displayed on some prominent part of the premises of the Association, and published in the *Gazette*, but such notice shall not be in any way invalidated or impeached on account of any non-compliance with this subsection.

(3) The power of the Registrar under subsection (1)(a)(ii) shall not be exercised unless the Registrar has reasonable cause to suspect that the person in respect of whom the power is to be exercised has been or is a party to some act or omission such as to cast doubt upon his suitability to hold the office held by him.

- (4) Where the Registrar exercises the power vested in him under subsection (1)(b)—
- (a) he shall have full power to administer the property and affairs of the Association, and may make such arrangements as may be necessary or convenient for the management of the Association and its property until such time as it is possible to return control thereof to a duly elected Committee and Officers;
  - (b) every person having the possession, custody or control of any books, records, documents or other property of the Association shall, on being so required by the

<sup>3</sup> Section 6 amended by L.N. 26 of 2009

Registrar, surrender such property into the custody or possession of the Registrar; and

- (c) the Registrar may, with the prior approval of a Council Committee, wind up the Association and apply any surplus assets after discharging all liabilities and the costs of and incidental to the winding up, towards such charitable purposes for the benefit of the inhabitants of the area as may be approved by a Council Committee.

### Appeals to Social Services Committee

7.<sup>4</sup> (1) Any person aggrieved by any decision or action taken by the Registrar under or in accordance with the foregoing provisions of this Ordinance may appeal to a Council Committee (unless the decision or action appealed against is one under section 6(4)(c), in which event appeal shall lie to the Governor in Council) against such decision or action, but neither an appeal nor the outcome thereof shall prejudice anything lawfully done in consequence of the decision or action appealed against.

(2) The decision of a Council Committee or the Governor in Council, as the case may be, upon any appeal under this section shall be final, save that a person aggrieved thereby may appeal to the Supreme Court on the ground that the decision was erroneous in law.

(3) A Council Committee may make Rules for regulating the procedure in connection with appeals to that Committee under this section; and the Chief Justice may make Rules regulating the procedure in connection with appeals to the Supreme Court.

(4) The procedure to be adopted in connection with an appeal to the Governor in Council under subsection (1) shall be such as the Governor may from time to time approve.

### Offences

8. Any person who—

- (a) is knowingly concerned in the management of any Community Association which fails to comply with section 3(1); or
- (b) being the Chairman of any Community Association, wilfully fails to comply with section 5(1); or
- (c) wilfully fails to comply with a requirement made under section 6(1)(a) or section 6(4)(b),

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

### Rules

9. The Governor in Council may make Rules generally for giving effect to the provisions of this Ordinance; and, without prejudice to the generality of the foregoing, such Rules may—

- (a) make transitional provisions for the more effective or efficient implementation of this Ordinance; or
- (b) amend the First Schedule or the Second Schedule, or substitute a new Schedule for either or both of them.

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<sup>4</sup> Section 7 amended by L.N. 26 of 2009

**FIRST SCHEDULE****CONSTITUTION OF THE ..... COMMUNITY ASSOCIATION****Name of Association**

1. The name of the association shall be the ..... Community Association (hereinafter called “the association”).

**Objects**

2. (1) The objects of the association shall be—

- (a) to promote the benefit of the inhabitants of [*insert area to be served*] and the neighbourhood (hereinafter called “the area of benefit”) without distinction of sex or of political, religious or other opinions by inhabitants and voluntary organizations in a common effort to advance education and to provide facilities in the interests of social welfare for recreation and leisure time occupation with the object of improving the conditions of life for the inhabitants;
- (b) to establish or to secure the establishment of a community centre (hereinafter called the centre) and to maintain and manage such a centre for activities promoted by the association and its constituent bodies in furtherance of the above objects.

(2) The association shall be non-party in politics and non-sectarian in religion.

**Membership**

3. (1) The following persons shall, subject to the payment of the subscriptions (if any) prescribed in accordance with clause 4, be the members of the Association—

- (a) all persons aged sixteen and over living in the area of benefit who shall be called full members;
- (b) all persons under the age of sixteen living in the area of benefit who shall be called junior members. (Junior members shall not have the right to vote at members’ meetings but may elect from among themselves one representative to be a member of the committee.);
- (c) wellwishers anywhere whom the Committee may agree to admit as Associate Members. (Associate members shall not have the right to vote at members’ meetings.)

(2) The manner in which junior members elect their representative shall be determined by the committee from time to time.

(3) The committee shall have the right for good and sufficient reason to terminate the membership of a member provided that the member shall have the right to be heard by the committee before a decision is made.

**Subscriptions**

4. All members shall pay such subscriptions as the committee may from time to time determine.

**Committee**

5. (1) Subject to the limitations set out in clause 7 hereof, the policy and general management of the affairs of the Association shall be directed by the committee constituted by this clause (herein referred to as “the Committee”), which shall meet not less than three times a year.

(2) The committee shall consist of—

- (a) such number of representatives of full members, to be elected from among and by themselves at the annual general meeting, as the Annual General Meeting shall from time to time determine;
- (b) one representative of junior members elected in accordance with clause 3;
- (c) the Officers of the association elected in accordance with clause 6(a).

This e-version of the text is not authoritative for use in court.

(3) The committee may co-opt further members, who shall be members of the association, but the number of co-opted members shall not exceed one-third of the total number of members of the committee as defined above.

(4) All members of the committee shall retire annually at the commencement of the Annual General Meeting, but shall be eligible to be elected or co-opted again:

Provided that nothing in this subparagraph shall require the Chairman to retire until his successor has been elected.

(5) The committee shall have power to appoint such sub-committees as it may from time to time decide, and may determine their powers and terms of reference.

(6) The committee shall have power to appoint and dismiss such employees of the association as it may from time to time determine.

### Officers

6. (a) The annual general meeting shall elect a Chairman, a Secretary, a Treasurer, and such other officers of the association as it may from time to time determine.
- (b) The Chairman shall be *ex officio* chairman of the committee.
- (c) No person under the age of eighteen years shall be eligible to be elected as an officer of the Association.

### Annual General Meeting

7. Once in each year, between the 1st January and the 31st March, the committee shall convene an annual general meeting of the association, which all individual members and representatives sections shall be entitled to attend, for the purposes of—

- (a) receiving the annual report of the committee and the annual audited statement of accounts;
- (b) electing the Officers of the association;
- (c) electing representatives of full members to serve on the committee;
- (d) making recommendations to the committee; and
- (e) whenever necessary, considering any proposals to amend this constitution in accordance with clause 14 hereof.

### Extraordinary General Meeting

8. The Chairman may at any time at his discretion, and shall within twenty-one days of receiving a written request so to do signed by not less than twelve members having the power to vote and giving reasons for the request, call an Extraordinary General Meeting of the association.

### Voting and quorum

9. (a) Subject to the provisions of clause 14, all questions arising at any meeting shall be decided by a simple majority of those present and entitled to vote thereat.
- (b) No member shall exercise more than one vote but in case of any equality of votes the Chairman shall have a second or casting vote.
- (c) One-third of the members shall form a quorum at meetings of the committee, or any sub-committee.
- (d) Twelve members shall form a quorum at general meetings of the association.

### Minutes

10. Minute books recording the proceedings of General Meetings, the committee, and all sub-committees shall be kept and the Secretary of the Association, or the Secretary of the relevant committee, shall enter therein a record of all proceedings and resolutions.

**Power to make rules**

11. (1) The Committee shall have power to adopt and issue rules regulating the use of the centre and the behaviour of persons therein:

Provided always that they shall not be inconsistent with the provisions of this constitution.

(2) Such rules shall come into operation immediately upon a copy thereof being posted on some conspicuous part of the centre.

**Finance and accounts**

12. (1) All monies raised by or on behalf of the association shall be applied to further the objects of the association and for no other purpose.

(2) The Treasurer shall keep proper accounts of the finances of the association; and the accounts shall be audited at least once a year by an auditor or auditors who shall be appointed by the Committee with the approval of the Registrar.

(3) An audited statement of accounts for the last financial year shall be submitted by the committee to the annual general meeting.

**Dissolution**

13. (1) If the committee by a simple majority decides at any time that on the ground of expense or otherwise it is necessary or advisable to dissolve the association, the Chairman shall call a meeting of all members of the association who have the power to vote and of the inhabitants of the area of benefit of the age of sixteen years and upwards, of which meeting not less than twenty-one days' notice (stating the terms of the resolution to be proposed thereat) shall be posted in a conspicuous place or places in the area of benefit and advertised in a local newspaper and given in writing to the Registrar appointed under the Community Centres Ordinance.

(2) If such decision shall be confirmed by a simple majority of those present and voting at such meeting the committee shall have power to dispose of any assets held by or in the name of the association; any assets remaining after the satisfaction of any proper debts and liabilities shall be applied (in such manner as the Committee may, with the approval of the Social Services Committee, decide) towards charitable purposes for the benefit of the inhabitants of the area of benefit.

**Alteration of constitution**

14. Subject to the provisions of the Community Centres Ordinance, this Constitution may be amended by a resolution of a General Meeting of the Association:

Provided that:

(a) no such resolution shall be effective unless it is passed by a two-thirds majority of the persons present and voting at the meeting, and the meeting was convened by posting a written notice (setting out the terms of the proposed amendment) of the meeting on some conspicuous part of the centre for at least twenty-eight days prior to the meeting; and

(b) no such amendment shall have effect unless and until it is approved by the Registrar appointed under the said Ordinance.

This constitution was adopted as the constitution of the ..... Community Association at a public meeting duly convened on the ..... day of ..... at .....

Signed  
(Signature of Chairman)

Chairman

(Signature of Secretary)

Secretary

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**SECOND SCHEDULE**

**CERTIFICATE OF REGISTRATION**

I hereby certify that the ..... Community  
Association has been registered in accordance with section 3 of the Community  
Centres Ordinance.

Dated this ..... day of ..... 20..... .

Registrar

\_\_\_\_\_