NATIONAL TRUST OF TRINIDAD AND TOBAGO ACT

CHAPTER 40:53

Act
11 of 1991
Amended by
31 of 1999
6 of 2015

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Note on Subsidiary Legislation

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NATIONAL TRUST OF TRINIDAD AND TOBAGO ACT

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CHAPTER 40:53

NATIONAL TRUST OF TRINIDAD AND TOBAGO ACT

An Act for the establishment and incorporation of the National Trust of Trinidad and Tobago and for matters incidental thereto. 11 of 1991.

[1ST MARCH 2000] Commencement. [54/2000].

WHEREAS it is enacted *inter alia* by subsection (1) of section 13 of the Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any such Act does so declare, it shall have effect accordingly: Preamble.

And whereas it is provided by subsection (2) of the said section 13 of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

PART I

PRELIMINARY

1. This Act may be cited as the National Trust of Trinidad and Tobago Act. Short title.

2. In this Act— Interpretation. [6 of 2015].

"appointed member" means a member of the Council appointed by the Minister under section 12;

"Council" means the Council of the Trust;

"listed property" means listed property of interest;

"listing" means the identification, cataloguing and recording of any property of interest;

"Minister" means the Minister to whom responsibility for the Trust is assigned;

"monument" means any building, structure or other work of man or nature, whether above or below the surface of the land or the floor of the sea, of national architectural, aesthetic or historic interest;

"property of interest" means any monument and any fossil, place or site of natural beauty or national, historic, scientific or archeological interest;

"Trust" means the National Trust of Trinidad and Tobago established by this Act.

Application.

3. (1) This Act binds the State.

(2) This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

Ch. 1:01.

PART II

THE NATIONAL TRUST OF TRINIDAD AND TOBAGO

Establishment and incorporation of the National Trust.

4. (1) For the purpose of this Act, The National Trust of Trinidad and Tobago is hereby established a body corporate governed by the rules set out in the First Schedule attached hereto.

(2) The Classes of Membership are—

(a) ordinary Membership which shall consist of citizens of Trinidad and Tobago who shall be eligible and who shall make an application on the prescribed form and pay a membership fee which shall be fixed by the Trust in an amount not exceeding twenty-five dollars;

(b) such other classes of membership as may be included in the Rules of the Trust set out in the First Schedule. First Schedule.

(3) The Rules of the Trust may be amended from time to time by special resolution passed by the Members of the Trust and approved in writing by the Minister.

General purposes of the Trust.

5. The Trust is established for the purpose of carrying out the functions given to it by this Act, which include—

(a) listing and acquiring such property of interest as the Trust considers appropriate;

(b) permanently preserving lands that are property of interest and as far as practicable, retaining their natural features and conserving the animal and plant life;

(c) preserving, maintaining, repairing and servicing or, arranging for the preservation of property of interest other than land and where such property of interest comprises buildings, augmenting the amenities of such buildings and their surroundings;

(d) making provision for the access to and enjoyment of property of interest by the public;

(e) encouraging research into property of interest including, where applicable, any animal, plant or marine life associated therewith;

(f) compiling photographic or architectural records of property of interest;

(g) making the public aware of the value and beauty of the heritage of Trinidad and Tobago; and

(h) advising the Government on the conservation and preservation of property of interest and on any or all of the matters referred to above.

Powers of the Trust generally.

6. Subject to this Act the Trust may—

(a) draw, accept and make and endorse, discount and negotiate bills of exchange and promissory notes

and all other negotiable instruments pertaining to the business or operations of the Trust;

(b) raise money by borrowing;

(c) retain the services of professional and technical advisers and pay the fees of such advisers;

(d) employ upon a temporary or permanent basis professional, technical, clerical and other officers and servants and make provision for pensions and other incentives;

(e) solicit funds by means of subscriptions, donations, bequests, grants and in such other manner as it considers expedient for the effective carrying out of its functions;

(f) impose charges upon the public for viewing or making use of property of interest vested in the Trust;

(g) administer property of interest vested in the Trust so as to achieve the purposes of this Act; and

(h) improve the amenities of property of interest vested in the Trust by means of restoration, horticulture, agriculture, landscaping or otherwise.

Powers of the Trust in respect of property.

7. (1) Subject to this section the Trust may—

(a) acquire by purchase, transfer, donation, exchange, demise, bequest, grant, gift, conveyance or otherwise any real or personal property or any estate or interest therein;

(b) accept surrenders or reconveyances and enter into contracts;

(c) sell, exchange, demise, mortgage, or otherwise dispose of and deal with all property which is for the time being vested in it subject to any restraint, reservation or condition in the document under which it acquires the title;

(d) accept property in trust for a public purpose and act in a trust as, or as the agent of, the trustee of any property dedicated to a public purpose;

(e) maintain and manage or assist in the maintenance and management and preservation of property of interest under an agreement with the owner thereof.

(2) Where a building or other structure that is listed is vested in the Trust, the Trust shall not sell or otherwise dispose of it except where—

(a) an independent architectural report declares it to be incapable of being repaired or restored without such fundamental structural changes as would in effect be the creation of an entirely different or new structure; or

(b) the purchaser or transferee, in the conveyance, covenants not to sell or otherwise dispose of the building or other structure without the express consent in writing of the Trust, which said covenant shall run with the land.

(3) The Trust shall not, without the prior approval of the Minister, exercise a power given by subsection (1)*(c)* in respect of a listed monument.

Listing of property of interest. [31 of 1999].

8. (1) The Trust may with the approval of the Minister and in accordance with principles and procedures laid down in Regulations made under section 30—

(a) prepare a list of buildings and sites of particular national, historic or architectural interest which should be preserved as listed properties and can effectively be so preserved under the provisions of this Act and any such list shall describe the lands included in the list with precision either in words or by reference to a registered deed or Certificate of Title or State Grant;

(b) prepare lists of properties of interest not falling under paragraph *(a)* above or categories of such properties which should be preserved as listed properties under the provisions of this Act;

(c) revoke the listing of any property or revise the listing of any category of property.

(2) On approval by the Minister of any list or any revocation of any listing prepared under subsection (1), such list revocation or revision shall be published in the *Gazette* and the properties or categories of property comprised therein shall thereupon be or cease to be as the case may be, listed property under this Act.

(3) Prior to the publication in the *Gazette* of any list prepared under subsection (1)*(a)* or of any revocation or revision prepared under subsection (1)*(c)* a true copy thereof as approved by the Minister shall be supplied to the Registrar General who shall maintain a register of all such lists and shall make that register available to members of the public on payment of the prescribed fee and the Registrar General shall forthwith include such list or revocation in such Register.

(4) The Minister shall maintain a Register of all lists prepared in accordance with this section and shall make such lists available for public scrutiny during business hours.

(5) The Trust shall also cause notices in accordance with subsection (6) to be served either—

(a) personally or by post, addressed to the last known place of abode if within a postal district, on every person who is known to be the owner or to be in possession of any specific property which is the subject of a listing under subsection (1)*(a)*; or

(b) by posting such notice conspicuously on the said land and by publishing the same in at least three issues of a daily newspaper circulating in Trinidad and Tobago, where nobody is in possession and the owner is not known.

(6) Every such notice shall be signed by the Secretary or other officer on behalf of the Trust and shall specify the property listed, the date of the list or revocation in question and the date the same is published in the *Gazette*.

Appeal against listing. [31 of 1999].

9. (1) A person aggrieved by the listing of any property may within three months of the date of listing, appeal to the Minister in writing against the listing setting out the grounds of his appeal.

(2) In furtherance of an appeal made to the Minister under subsection (1), the Minister—

(a) shall consider the appeal within six weeks of the date of its submission to him in writing; and

(b) may dismiss the appeal giving his reasons in writing; or

(c) may direct the Trust to revoke the listing, and the Trust shall comply with any direction given to it by the Minister under this subsection.

(3) Where the Minister dismisses an appeal made to him under subsection (1), the person aggrieved by the listing may, by originating summons served on the Trust and the Minister, appeal to a Judge in Chambers who may—

(a) pending a decision in the matter, make such interim order as he sees fit, to preserve the respective interest of the appellant, the Trust and the Minister in the matter; or

(b) dismiss the appeal or order that the listing be revoked or amended.

(4) The Judge's Order amending or revoking a listing shall be deemed to be a list for the purposes of section 8, except that no notice shall be required to be served under the provisions of section 8(5) on the parties to the appeal.

Power to constitute the Trust guardian of listed monuments. [31 of 1999].

10. (1) The owner of any listed monument may by registered deed and on such terms and conditions as may be agreed between the owner and the Trust, constitute the Trust guardian of the monument.

(2) The Trust shall not consent to become guardian of any monument that is occupied as a dwelling house unless—

(a) arrangements satisfactory to the Trust are made for the continuing occupation of the property as a residence by the owner; or

(b) the owner agrees in writing to give the Trust vacant possession of the property.

(3) Every person claiming title to any monument from, through or under an owner who has constituted the Trust guardian of the monument under this section is bound by the deed executed by the owner for that purpose.

(4) Except as provided by this Act, the owner of a monument of which the Trust becomes guardian under this Act has the same right and title to, and interest in, the monument in all respects as if the Trust had not become guardian thereof.

(5) Where the Trust becomes guardian of a monument under this Act, it shall subject to the terms of the deed, maintain the monument and shall, with a view to the maintenance of the monument, have access by its members, inspectors, agents or workmen to the monument for the purpose of inspecting it, and of bringing such materials and doing such acts and things, as may be required for its maintenance.

(6) All expenses incurred by the Trust in maintaining the monument shall be defrayed out of the funds of the Trust.

(7) In this section—

"maintenance" includes the fencing, repairing and covering of a monument and the doing of any other act or thing that may be required for the purpose of repairing the monument or protecting it from decay or damage;

"owner" includes a person who has a limited interest in a monument and who, with the consent of all those persons upon whom the monument devolves after the expiration of that limited interest, constitutes the Trust guardian of the monument.

Power of the Trust to enter lands for the purpose of excavation.

11. (1) A person specially authorised in writing in that behalf by the Trust, after giving reasonable notice in writing to the occupier of his intention so to do and on production of his authority if so required by or on behalf of the occupier, may enter for the purpose

of investigation at all reasonable times upon any land that the Trust has reason to believe contains any property of interest, and may make excavations on the land for the purpose of examination but—

(a) the notice shall specify the basis upon which the Trust believes the land contains any property of interest;

(b) entry shall not be made into any dwelling house or any building or land used for the amenity or convenience of a dwelling house except with the consent of the occupier which consent shall not be unreasonably withheld; and

(c) the Trust is liable for any damage done as a result of such entry and investigation.

(2) Any person who wilfully obstructs or hinders a person duly authorised by the Trust in the exercise of the powers conferred by this section is liable on summary conviction to a fine of five hundred dollars.

The Council. [31 of 1999].

12. (1) Subject to this Act the affairs of the Trust shall be administered by a Council which may exercise and discharge the functions given by this or any other Act to the Trust and may do anything necessary or convenient for the exercise and discharge of those functions.

(2) The Council shall consist of five elected and six appointed members except that the first Council shall consist of eleven appointed members.

(3) The elected members of the Council shall be elected by a general meeting of the Trust from among the members of the Trust in accordance with the rules made under section 14 and shall hold office for a term of three years.

(4) The Minister shall appoint the appointed members of the Council, three of whom shall be members of associations, agencies or institutions which have among their stated objects, objects which are similar to the purposes of the Trust as specified in section 5.

(4A) Of the three appointed members mentioned in subsection (4), one member nominated by the Tobago House of Assembly shall represent the interest of Tobago.

(5) An appointed member shall hold office for such period not exceeding three years as may be specified in his instrument of appointment, and he shall be eligible for reappointment.

(6) There shall be a Chairman who shall be appointed by the Minister, a Deputy Chairman, a Secretary and a Treasurer of the Council who shall be elected by the Council from amongst its members in accordance with the rules except that the Deputy Chairman and Secretary shall be appointed by the Minister.

(7) The quorum of the Council shall be six members.

(7A) Subject to subsection (7), decisions of the Council shall be taken by a two-thirds majority vote.

(8) The Council shall meet at least once every three months and at such other times as may be necessary or expedient for the transaction of its business and such meetings shall be held at such time and place and such days as the Council may determine.

(9) The Chairman shall preside at meetings of the Council and in his absence the Deputy Chairman, and in the absence of both, a person elected by the members present from amongst their number.

Resignation and removal of Council members. [31 of 1999].

12A. (1) A member of the Council, other than the Chairman, may resign his office by instrument in writing addressed to the Minister through the Chairman who shall cause it to be forwarded to the Minister.

(2) The Chairman may resign his office by instrument in writing addressed to the Minister.

(3) Where a member of the Council—

(a) is absent without leave of the Council from more than three meetings of the Council;

(b) has been declared bankrupt;

(c) is incapacitated by physical or mental illness; or

(d) is otherwise unable or unfit to discharge his functions as a member of the Council,

he shall vacate his office.

Committees and delegations. [31 of 1999].

13. (1) Subject to this Act, the Council may appoint such Standing Advisory Committees and sub-committees as it considers necessary and may delegate to any member of the Trust or to any sub-committee the power and authority to carry out on its behalf such of its functions as it may determine.

(2) A committee may include a member of the Trust who is not a member of the Council.

(3) The powers conferred on the Council by this section and by sections 8, 10, 11, 14, 16 and 29 shall not be delegated.

Rules of the Trust.

14. (1) Subject to this section the Council may with the approval of the Minister make Rules for the following purposes:

(a) the custody, management, alteration and disposal of property of interest vested in or under the guardianship of the Trust;

(b) generally for the conduct and regulation of the affairs of the Trust and relative to any matter or thing whatsoever which may in any way concern the sound administration of the Trust.

(2) Rules made by the Council shall be submitted to the next general meeting of the Trust and if approved by the General Meeting shall be re-submitted for the approval of the Minister and such alteration shall take effect only on such approval.

Declaration of interest.

15. (1) A member of the Council who is in any way, whether directly or indirectly, interested in a contract or a proposed contract with the Council, that is the subject of consideration by the Council shall declare the nature of his interest at the first meeting of the Council at which it is practicable for him to do so.

(2) A member of the Council shall not vote or participate in any discussion on any question in respect of any contract, or proposed contract with the Council, in which he is in any way interested whether directly or indirectly.

(3) Any person who fails to comply with the provisions of subsection (1), is liable on summary conviction to a fine of two thousand dollars, unless he proves that he did not know that he was interested in the contract or proposed contract, which was the subject of consideration at the meeting.

Personal liability of Council members. [31 of 1999].

15A. (1) No personal liability shall be attached to any member of the Council for—

(a) any act or omission of the Council; or

(b) anything done or permitted in good faith in the course of the operations of the Trust under this Act.

(2) Any sums or money, damages or costs which may be recovered against the Trust or any member of the Council for anything done, omitted or permitted as aforesaid, shall be paid out of the funds of the Trust.

Arrangements with other entities. [31 of 1999].

15B. (1) The Trust shall initiate consultations with other government and non-government entities performing various functions pertaining to the preservation of any property of interest or to the protection and management of the environment with the objective of formulating memoranda of understanding or other arrangements between the Trust and such other entities, which shall establish the mechanisms for co-ordination across jurisdictional lines and provide for the implementation of integrated programmes for the preservation of monuments or the protection and management of the environment.

(2) Memoranda of understanding or other arrangements developed under subsection (1) and any other such arrangements developed thereafter may be amended from time to time, in order to further the objects of this Act.

PART III

FINANCIAL

Funds of the Trust.

16. The funds of the Trust shall consist of—

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

(b) moneys earned or arising from assets acquired by or vested in the Trust;

(c) sums borrowed by the Trust for the purpose of meeting any of its obligations or discharging its functions;

(d) gifts, bequests, devises, donations and subscriptions by persons, organisations, groups or institutions;

(e) all other sums which may in any manner become payable to or vested in the Trust in respect of any matter incidental to its powers and functions.

Borrowing and investment.

17. (1) The Trust may with the approval of the Minister, borrow sums required for meeting any of its obligations or discharging its functions.

(2) The Trust may with the approval of the Minister given either generally or in a particular case—

(a) invest moneys standing to the credit of the Trust in securities approved either generally or specifically by the Minister; and

(b) sell or otherwise deal with any securities in which it has invested moneys under paragraph *(a)*.

Exemption from taxes and duties. [31 of 1999]. Ch. 75:01. Ch. 75:02.

18. (1) For the purpose of sections 70, 71 and 74 of the Income Tax Act, the Trust is deemed to be a charitable body.

(2) For the purpose of section 6(1) of the Corporation Tax Act, the Trust is deemed to be a charitable institution of a public character approved by the President by writing under his hand.

(3) The Trust is exempt from *ad valorem* and other stamp duties, and other fees in respect of any instrument conveying or transferring any land or estate or interest therein to the Trust.

(4) The Trust is exempt from rates and taxes in respect of any land or buildings owned or administered by it and from value added tax on rents arising therefrom.

(5) The Trust is exempt from all customs duties, stamp duties and value added tax on the following items:

(a) goods imported for its official use;

(b) works of art originating in Trinidad and Tobago.

Accounts.

19. (1) Proper accounts shall be kept of all sums of money received and expended by the Trust and of the matters in respect of which such sums are received and expended, and the property, assets and liabilities of the Trust.

(2) Subject to any reasonable restrictions as to the time and manner of inspecting the same that may be imposed in accordance with the rules, such accounts shall be open at all reasonable times to the inspection of the members of the Trust and of the Minister.

Audit.

20. (1) The accounts of the Trust shall be examined and audited at least once a year by a qualified accountant appointed by the Trust at a general meeting of the Trust, and any previously appointed auditor or auditors shall be eligible for reappointment.

(2) The officers and employees of the Trust shall permit the auditor appointed under subsection (1) to have access to all books, documents, cash and securities, and shall give to him on request all such information as may be within their knowledge.

(3) As soon as the audited accounts have been supplied to the Trust, the Secretary of the Trust shall forward to the Minister a copy thereof together with a copy of the report thereon by the auditor and the Minister shall lay or cause to be laid before Parliament a copy of the accounts and a report.

PART IV

MISCELLANEOUS

Mode of execution of documents.

21. (1) All documents requiring the seal of the Trust shall be sealed with the common seal pursuant to a resolution of the Council in the presence of the Chairman or Deputy Chairman or in their absence, of some other member of the Council authorised for that purpose by the Council, and of the Secretary who shall both sign

every such document and such signing shall be *prima facie* evidence that the seal was duly affixed pursuant to the resolution of the Council and that the same is the lawful seal of the Trust.

(2) All documents, other than those required by law to be under seal, made by, and all decisions of, the Trust may be signified under the hand of the Chairman or in his absence, of the Deputy Chairman or in their absence, of some other member of the Council authorised for that purpose by the Council or of the Secretary.

Service of documents.

22. (1) The Trust shall within twenty-eight days of the commencement of this Act notify the Registrar General of its address for the purposes of this Act and may from time to time notify the Registrar General of any change of its address.

(2) Every document to be served on the Trust may be served by leaving the same at, or by sending the same by registered post to, the address for the time being notified to the Registrar General under subsection (1).

Restriction on exportation of listed property.

23. (1) A person shall not export any listed property without a licence issued by the Minister on the recommendation of the Council.

(2) A person who exports or attempts to export any property in contravention of subsection (1) is liable on summary conviction to a fine of five thousand dollars and the property, the subject of such export or attempted export shall be forfeited.

Changes in ownership or possession.

24. (1) A person who, being the owner of listed property—

(a) disposes of his interest in the property; or

(b) permits a change to take place in the person having possession of the property,

shall, within thirty days of the disposition or change in the person having possession of the property, give the Trust notice in writing thereof supplying particulars of the disposition and the name and address of the disponee.

(2) A person contravening subsection (1) or (2) commits an offence and is liable on summary conviction to a fine of two thousand, five hundred dollars.

Whereabouts of listed property.

25. (1) The Trust may, in writing, request the owner or the person in possession of listed property to disclose to the Trust the whereabouts of the property and the person to whom the request is made shall comply with the request.

(2) A person contravening subsection (1) commits an offence and is liable on summary conviction to a fine of two thousand, five hundred dollars.

Orders for protecting listed property.

26. (1) The Trust may, for the purposes of securing the safety of any listed property or preserving any listed property from deterioration, by order in writing given to—

(a) the owner or the person in possession of listed property, require that person to take such measures as are specified in the order in relation to the property, save, however, that the Trust shall undertake all works related to the preservation of the listed property at its own expenses;

(b) any person, require that person to refrain from such acts in relation to the property as are specified in the order.

(2) A person aggrieved by an order under subsection (1) may appeal in writing to the Minister against the order and the Minister may—

(a) suspend the operation of the order pending his determination of the appeal;

(b) confirm, vary, or revoke the order, and the decision of the Minister shall have effect according to its tenor.

(3) A person who contravenes an order under subsection (1) commits an offence and is liable on summary conviction to a fine of five thousand dollars and the Court may, in addition, order him to pay to the Trust by way of

compensation such sum as the Court thinks fit for the purpose of repairing or restoring the property.

Damaging or destroying listed property.

27. A person who—

(a) alters, damages, injures or defaces any listed property;

(b) demolishes or destroys or causes to be demolished or destroyed any listed property otherwise than in accordance with the written permission of the Council,

is liable on summary conviction to a fine of five thousand dollars and the Court may, in addition, order him to pay to the Trust by way of compensation such sum as the Court thinks fit for the purpose of repairing or restoring the property.

Recovery and disposal of fines, etc. Ch. 4:20.

28. (1) All sums becoming due to the Trust are recoverable summarily as a civil debt in the name of the Secretary of the Trust.

(2) All fines, forfeitures and penalties incurred by or under this Act and all sums becoming due to the Trust shall be received by the Secretary of the Trust for the use and benefit of the Trust.

Annual report.

29. The Trust shall, not later than the last day of April in each year, furnish to the Minister a report of its proceedings and operations for the preceding year, and the Minister shall lay or cause to be laid before Parliament a copy of the report.

Regulations.

Second Schedule.

30. The Council may with the approval of the Minister and subject to the affirmative resolution of Parliament, make such Regulations as are necessary or convenient for the purposes of this Act, but the Regulations set out in the Second Schedule attached hereto shall take effect until altered in accordance with this section.

Section 4.

FIRST SCHEDULE

THE RULES

Citation.

1. These Rules may be cited as the National Trust Rules.

Definitions.

2. In these Rules—

"Act" means the National Trust of Trinidad and Tobago Act.

"Chairman", "Deputy Chairman", "Treasurer" and "Secretary" means the officers of the Council respectively constituted by section 12 of the Act.

Classes of members.

3. The Classes of members of the Trust and the rates of their subscriptions are as follows:

Class of Member	*Rate of Annual Subscription*
(a) Ordinary … … … …	$25.00
(b) Family (exceeding four) … … …	$100.00
(c) Life … … … …	$500.00
(d) Corporate … … … …	$500.00
(e) Association … … … …	$250.00
(f) Visiting … … … …	$50.00
(g) Junior … … … …	$20.00
(h) Honorary … … … …	Free

Description of members.

4. (1) An Ordinary member is over 18 years of age.

(2) A Family member resides with an Ordinary grandparent, parent or child.

(3) A Life member is an individual who has paid his life subscription.

(4) A Corporate member is a Company registered under the Companies Act or a Statutory Corporation. Ch. 81:01.

(5) An Association member is an unincorporate non-profit organisation whose aims and objects are sympathetic to those of the Trust.

(6) A Visiting member is not a permanent resident of Trinidad and Tobago.

(7) A Junior member is less than 18 years of age.

(8) An Honorary member is an individual who has made a significant contribution—

(a) to the promotion of the Trust or of an Associate member; or

(b) to a positive aspect of conservation of the environment, the national patrimony or any art form.

Application for membership.

5. (1) Subject to this rule, an applicant for membership is a citizen of, or is ordinarily resident in Trinidad and Tobago and has an interest in the aims and objects of the Trust.

(2) An application shall be in a form approved by the Council, be addressed to the Council and delivered at the head office of the Trust.

(3) Visiting membership is conferred by invitation of the Council on the written recommendation of two members, one of whom is a member of the Council.

(4) Honorary membership is conferred only by invitation of the Council.

Grant of membership.

6. (1) The Council shall decide whether to accept an application for membership or to confer honorary membership and the Council may appoint a Committee to advise it in respect to either matter.

(2) Within seven days after the regular meeting of the Council at which a decision is taken under subrule (1), the Secretary shall notify the person concerned of the decision.

(3) If the person concerned does not respond to the notification within thirty days, the decision of the Council is deemed to have been revoked.

(4) The Secretary shall issue to every member an identification card indicating the class of membership.

(5) The Secretary shall keep at its offices, Registers—

(a) of members of the Trust;

(b) of the officers and other members of the Council; and

(c) of every Committee appointed by the Council.

(6) The Registers shall be open to inspection free of charge by members of the Trust during office hours.

Removal of members of the Council.

7. (1) A member of the Council shall vacate his office when he—

(a) is absent from more than three meetings of the Council without the consent of the Council;

(b) has become bankrupt or has made an arrangement with his creditors;

(c) is incapacitated by physical or mental illness; or

(d) is otherwise unable or unfit to discharge the functions of a member.

(2) In case of absence or inability to act of a member, the Council may elect a suitable member of the Trust to act temporarily in place of that member.

(3) An elected member of the Council is ineligible for reappointment for more than two consecutive terms.

Meetings of the Trust.

8. (1) The Secretary shall send to every member of the Trust a notice of the annual general meeting or other meeting of the Trust, and the agenda for that meeting.

(2) The non-receipt by a member of the notice or agenda of a meeting does not invalidate the proceedings of the meeting.

(3) Thirty financial members constitute a quorum.

(4) When neither the Chairman nor the Vice-Chairman is present at a meeting, the meeting shall elect a member to preside at that meeting.

(5) With the consent of the members present, the Chairman may adjourn a meeting to another time and to the same or another place.

(6) No business shall be transacted at an adjourned meeting other than that left indisposed of at the meeting at which the adjournment took place, unless in pursuance of a notice and agenda as provided for in this rule.

(7) Every financial member is entitled to one vote.

(8) No proxies are allowed, but Corporate and Association members may be represented by a nominee of the member.

(9) Voting is by a show of hands unless a ballot is demanded by one-third of the members present.

(10) Where the votes are equally divided, the presiding member has, in addition to his own vote, a second or casting vote.

Annual general meetings.

9. (1) The Annual General Meeting shall be held on a day between September 1 and November 30 at a time and place appointed by the Council.

(2) The Council shall—

(a) lay before the annual general meeting a Report of the work done by the Trust during the preceding year and the Accounts of the Trust for that year;

(b) make a copy of the Report and of the Audited Accounts available to every member of the Trust not later than June 30, preceding the date of the meeting.

(3) If within one hour after the time appointed for the meeting a quorum is not present, the meeting shall be called to order, but no business shall be transacted other than—

(a) the election of members of the Council;

(b) the consideration of the Report of the Council and of the accounts; and

(c) the election of Auditors.

(4) Any financial member of the Trust may be nominated for election to the Council.

(5) The nomination paper and a member's resolution shall be signed by not less than five financial members of the Trust and shall be left with the Secretary not later than June 15, preceding the date of the meeting.

(6) The nomination paper may be accompanied by written information, not exceeding fifty words, concerning the nominee, that may assist the members in exercising their vote.

(7) Notice of a member's resolution shall be accompanied by a text of the resolution.

Extraordinary meetings.

10. (1) The Council may, whenever it thinks fit, convene an extraordinary meeting of the Trust; and the Council shall, upon requisition made in writing and signed by not less than ten financial members convene an extraordinary meeting.

(2) A requisition shall specify the object of the proposed meeting and shall be left with the Secretary.

(3) On receipt of the requisition the Council shall forthwith convene an extraordinary meeting; and if it does not do so within twenty-eight days of the receipt, the requisitionists may convene the meeting.

(4) The Council, or the requisitionists, shall serve notice of the meeting on members of the Trust not less than fourteen days before the date of the meeting.

(5) No business shall be transacted at the meeting other than that set out in the notice convening the meeting.

Functions of officers of the Trust.

11. (1) The Chairman shall—

(a) preside at meetings of the Trust and of the Council;

(b) maintain order at the meetings, at which his ruling on all points of procedure is final;

(c) have an ordinary vote, and in case of a tie a casting vote also;

(d) at each meeting sign the minute book kept by the Secretary; and

(e) countersign all vouchers for the payment of money.

(2) The Vice-Chairman shall assist the Chairman in the exercise of his duties and, in the absence of the Chairman, shall perform the duties of the Chairman.

(3) The Secretary shall—

(a) keep the seal, the minute book, and all other books, registers, documents and papers of the Trust and shall be responsible for their proper care and custody;

(b) in the minute book, record a true minute of all business transacted at each meeting of the Council and of the Trust;

(c) at a meeting of the Council and of the Trust read the minutes of the previous meeting, and after approval of those minutes sign them after the Chairman has done so;

(d) pay over all moneys he received at the earliest opportunity to the Treasurer and obtain a receipt therefor; and

(e) sign vouchers for payment by the Treasurer of sums due and payable by the Trust.

(4) The Treasurer shall—

(a) receive from the Secretary the moneys paid to and on behalf of the Trust and issue receipts therefor;

(b) pay other liabilities of the Trust on receipt of orders or vouchers signed by the Secretary and countersigned by the Chairman;

(c) as directed by the Council, prepare and present at the annual general meeting or other meeting a statement of accounts showing the financial position of the Trust for a specified period; and

(d) retain in his possession moneys of the Trust, not exceeding that specified by the Council; and deposit all sums in excess thereof in a bank approved by the Council.

SECOND SCHEDULE

Section 30. [31 of 1999].

THE REGULATIONS

Citation.

1. These Regulations may be cited as the National Trust Regulations.

Procedure for listing.

2. (1) Where the Council considers that a property is likely to be regarded as property of interest that should be listed, the Council may appoint and authorise a Special Committee or a person to research and compile a dossier containing pertinent details of that property.

(2) The dossier shall include, but not wholly confined to, the following categories of investigation:

(a) historicity;
(b) rareity;
(c) uniqueness;
(d) aesthetics;
(e) patronage;
(f) natural or outstanding beauty;
(g) ecological balance;
(h) artistic excellence;
(i) provenance;
(j) Caribbean patrimony;
(k) scientific attributes;
(l) international repute;
(m) indigenousness to Trinidad and Tobago;
(n) with respect to buildings, the matters contained in regulation 4.

(3) The investigator shall, wherever appropriate—

(a) take measurements;
(b) weigh;
(c) photograph;
(d) sketch;
(e) prepare scaled or free hand drawings;
(f) paint;
(g) survey;
(h) take impressions;
(i) describe; and
(j) do whatever else that may be necessary to create a pictorial or dimensional impression of the property.

(4) As soon as practicable after receiving the dossier the Council shall classify the property, and shall—

(a) set aside the dossier, if in the opinion of the Council the property should not be listed; in which event the dossier or a modification thereof may be reviewed not earlier than six months thereafter, or

(b) determine the grade listing of the property in accordance with regulation 3.

Grade listings.

3. (1) The grades of property of interest with a view to listing are as provided in this regulation.

(2) In respect to buildings, including the curtilage, the grades are—

(a) *Grade* 1—property in which there should be no change, nor alteration to its shape or form, nor in or upon any material object, plant or other thing that may deform or deface the property;

(b) *Grade* 2—property in which material change may be permitted, provided that similarity is maintained in all respects as it origined composition, shape and form;

(c) *Grade* 3—property in which there may be allowed *(a)* alterations to international non-structural components and roof cladding material; or *(b)* specified alterations to the internal structure;

(d) *Grade* 4—property of which one or more of the facades or some specified part or area should be preserved.

(3) In respect to other property, the grades are—

(a) *Grade A*—an object or artifact made by man that is rare or unique or is considered to be a fine crafted example of its kind;

(b) *Grade B*—an area, site or place of natural beauty or repose that would be despoiled if it were to be altered by the introduction or removal of any flora, fauna or work of man;

(c) *Grade C*—a site or place which contains or breeds a particular specie of plant, animal, bird, fish, insect or marine life, that is likely to be despoiled by the introduction or removal of any, or all, or a combination of, the species present, or by the introduction of any new specie;

(d) *Grade D*—a work of man considered to be of outstanding artistic merit or to be indigenous to Trinidad and Tobago or to the region;

(e) *Grade E*—a work of international repute that by circumstance of relation, gift or bequest, belongs or belonged to a citizen or a resident of Trinidad and Tobago;

(f) *Grade F*—an original manuscript, music score or other similar work that was written or composed by a citizen or resident of Trinidad and Tobago or by a person of international repute.

Criteria for listing buildings. [31 of 1999].

4. Without prejudice to regulations 2 and 3, the criteria for listing buildings are—

(a) individual architectural merit;

(b) historical associations, social and economic;

(c) sociological interest;

(d) technological innovation or virtuosity;

(e) association with well known characters or events;

(f) group value, especially as examples of town planning.

Notice of intention to list property.

5. Where the Council decides to list the property it shall, as soon as practicable, give notice of its intention to do so—

(a) to the owner or the person in possession of the property and provide him with such information as may be necessary of the benefits to be derived from preserving the property as a national treasure; and

(b) in the *Gazette* and in at least three issues of a daily newspaper circulating in Trinidad and Tobago.

Registration and index of listing of buildings and lands. Ch. 19:03.

6. (1) The Registrar General shall, in accordance with section 4(4)*(a)* of the Registrar General Act, keep a separate and distinct index of all listings of buildings and lands made or revoked under sections 8 and 9 of the Act.

(2) The Registrar General shall cause every listing registered with him to be entered in the index of listings under the letter of the alphabet corresponding with the initial surname of every person whose property is intended to be affected by the listing, with the given names and surname, at full length, of every such person and a description of the property thereby affected.