

REPRINT

WINSTON CHURCHILL MEMORIAL TRUST ACT (CAP. 56)

As in force at: 1 March 1996

STATUS: CURRENT

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AN ACT TO MAKE PROVISION FOR THE ESTABLISHMENT OF A FUND TO BE KNOWN AS THE WINSTON CHURCHILL MEMORIAL TRUST FUND AND FOR THE APPOINTMENT AND INCORPORATION OF TRUSTEES TO ACQUIRE, HOLD AND ADMINISTER THE SAID FUND FOR CERTAIN CHARITABLE PURPOSES AND TO PERFORM AND CARRY OUT SUCH OTHER FUNCTIONS OR DUTIES AS MAY BE CONNECTED THEREWITH OR INCIDENTAL THERETO

WINSTON CHURCHILL MEMORIAL TRUST ACT (CAP. 56)

Table of provisions

1	Short title	1
2	Interpretation	1
3	Establishment of the Fund	1
4	Establishment of Board of Trustees	1
5	Incorporation of trustees	3
6	Vesting	3
7	Objects	3
8	Powers of trustees	4
9	Meetings of the Board	5
10	Accounts	5
11	Protection of trustees	6
12	Saving	6

WINSTON CHURCHILL MEMORIAL TRUST ACT (Cap. 56)

As in force at: 1 March 1996

1 Short title

This Act may be cited as the *Winston Churchill Memorial Trust Act*.

2 Interpretation

In this Act, unless the context otherwise requires:

“**Board**” means the Board of Trustees established by virtue of subsection (1) of section 4;

“**Chairman**” means the Chairman of the Board;

“**Fund**” means the Winston Churchill Memorial Trust Fund established by virtue of section 3

“**Trust**” means the Winston Churchill Memorial Trust constituted under this Act; and

“**trustee**” means a trustee for the time being appointed to the Board.

3 Establishment of the Fund

There shall be, and there is hereby established, a fund which shall be known as the Winston Churchill Memorial Trust Fund and shall consist of any money or other property whatsoever which before the coming into operation of this Act has been contributed or donated to any person for the purpose of the establishment of the said fund or which shall after the commencement of this Act be contributed or donated to the Trust together with any income accruing thereto from investments of or rents or profits derived from any such money or other property.

4 Establishment of Board of Trustees

- (1) There shall be a Board of Trustees of the Trust which shall consist of five trustees to be appointed by the Prime Minister, acting in his

discretion, of which number not more than two shall be public officers.

- (2) Each trustee shall, subject to the provisions of this section, hold office for a period of three years from the date of his appointment and may be reappointed for further such periods from time to time at the discretion of the Prime Minister:

Provided that in the case of the trustees first appointed, the period of office shall be as specified by the Prime Minister in each case.

- (3) If any trustee dies, or is adjudicated bankrupt, certified insane, communicates in writing to the Prime Minister notice of resignation or is removed from office in the manner provided in subsection (4), he shall cease to be a trustee and the Prime Minister may, in his discretion, thereupon appoint a new trustee to fill the vacancy thereby created on the Board; and in any such case such new trustee shall hold office initially for the remainder of the period for which the first-mentioned trustee would have held office had he not ceased to be a trustee.
- (4) The Prime Minister may, in his discretion, at any time by notice in writing addressed to any trustee remove such trustee from office and such trustee shall thereupon cease to be a trustee with effect from such date as the Prime Minister may specify in the notice:

Provided that no such notice shall purport to have retrospective effect.

- (5) The Prime Minister may, in his discretion, appoint any person to act as a trustee during any period of illness or incapacity or absence from Solomon Islands of any trustee and the person so appointed shall have all of the powers, duties and liabilities of the trustee for the duration of whose illness, incapacity or absence he is appointed.
- (6) There shall be a Chairman of the Board who shall be selected by the trustees from among their number at a meeting of the Board and who shall hold office until such time as he may resign as Chairman or ceases to be a trustee.

5 Incorporation of trustees

- (1) The trustees shall be and are hereby constituted a body corporate under the style and title “Winston Churchill Memorial Trust Board” and shall in that name have perpetual succession and may sue and be sued and may have and use a common seal.
- (2) Notwithstanding the provisions of any other enactment, any writ of summons, notice or legal process may be served upon the trustees by service in any lawful manner upon the chairman or any other of the trustees.
- (3) Any deed, contract, instrument, notice or other document whatsoever which bears an impress of the common seal of the Board shall be deemed, until the contrary is proved, to have been duly sealed with the authority of, and for and on behalf of, the trustees.

6 Vesting

Upon the commencement of this Act, the Fund and any moneys or other property of what kind soever vested in or in the possession of any person to the use and benefit of the Trust shall become vested in the Board together with any moneys or other property which may thereafter be acquired by or transferred to the Trust or to the Board or to any trustee, for the use and benefit of the Trust.

7 Objects

All moneys or other property vested in the Board by virtue of section 6 shall be held upon trust to be used for the purposes of providing scholarships, bursaries or other means, including the provision of travelling, clothing or subsistence expenses or allowances, to enable residents of Solomon Islands to undertake or further studies or training in such subject, arts, crafts or professions as may, in the opinion of the trustees, thereafter equip them better to serve either in a public or private capacity the interests and development of Solomon Islands:

Provided that the trustees shall, without prejudice to the generality of the foregoing, give preference to agricultural development.

8 Powers of trustees

- (1) The trustees may, subject to the provisions of subsection (2), from time to time for the furtherance of the objects of the Trust as specified in section 7 and for the proper administration of the funds thereof:
 - (a) solicit, acquire, purchase, take, hold and enjoy any moneys or other movable or immovable property;
 - (b) sell, convey, assign, exchange, surrender, yield up, mortgage, demise, transfer, donate or otherwise dispose of or deal with any moneys or other movable or immovable property;
 - (c) invest any moneys in any investment authorised for the investment of trust funds by the law for the time being in force in England or in Solomon Islands, or such other investments as may from time to time be authorised by the Prime Minister, in his discretion, for the purposes of this Act, and vary, sell or transfer any such investment as may appear to them necessary or expedient for the proper administration of the Fund;
 - (d) select, with or without prior advertisement, suitable persons to whom to extend assistance from the Fund and to extend such assistance as may to the trustees appear necessary subject to such conditions, limitations or restrictions as may appear to the trustees to be expedient generally or in any particular case;
 - (e) employ, or engage the services of, at such remuneration to be paid out of the Fund as the trustees may consider appropriate, such barristers, solicitors, bankers, accountants, brokers or other agents and such clerks or other office staff or servants, as may appear to them from time to time necessary or expedient for the proper operation of the Trust;
 - (f) pay out of the Fund all proper and reasonable expenses incurred in the operation of the Trust; and
 - (g) do such other things as may be necessary or expedient for the purpose of carrying out the objects of the Trust.
- (2) Except with the prior consent in writing of the Prime Minister, granted in his discretion, the trustees shall not borrow any moneys or charge

or mortgage any of the capital or assets of the Fund.

9 Meetings of the Board

- (1) The Board shall hold meetings at such times and in such places as the Chairman may from time to time determine:

Provided that not less than one meeting shall be held in each year.

- (2) The Chairman shall preside *ex officio* at meetings of the Board but if for any reason the Chairman be absent from any meeting, those trustees being present at the meeting shall elect from among their number one trustee who shall take the chair.
- (3) At any meeting of the Board, three trustees shall constitute a quorum.
- (4) Minutes shall be kept of all business conducted at any meeting of the Board.
- (5) All matters arising for determination at any meeting of the Board, unless unanimously agreed, shall be determined by the majority of those trustees present and voting at the meeting, and in the event of the votes being equally divided the Chairman shall have a second or casting vote.
- (6) If the Chairman at any meeting of the Board considers it expedient for the determination of any matter before the Board he may invite any person to attend the meeting and take part in the discussion of such matter, but such person shall not be entitled to vote upon the determination thereof.
- (7) For the purposes of subsections (5) and (6) "Chairman" includes a trustee acting as Chairman pursuant to the provisions of subsection (2).

10 Accounts

- (1) The Chairman shall cause full and proper accounts to be kept of all capital assets and income and expenditure of the Trust and shall cause an annual statement of such accounts to be prepared in respect of each period of twelve months ending the 31st August in each year and shall sign each such statement.

- (2) Each such annual statement of the accounts signed by the Chairman shall be audited by an auditor to be appointed by the Prime Minister in his discretion.
- (3) Each such signed and audited annual statement of accounts shall be laid before a meeting of the Board and shall thereafter be submitted to the Prime Minister not later than the 30th November next succeeding the termination of the period covered by the accounts or such later date as the Prime Minister may in his discretion in any particular case permit, together with the report thereof by the auditor and a report by the Board concerning the accounts and the operation of the Trust during the period covered by such statement of accounts.
- (4) A copy of every such statement of accounts, auditor's report and report by the Board referred to in the foregoing subsection shall be tabled at the next succeeding meeting of the National Parliament after the submission thereof to the Prime Minister.

11 Protection of trustees

No act or thing done by any trustee or by any servant or other person acting under the directions of the Board shall, if such act or thing was done *bona fide* and without negligence for the purpose of carrying out the objects of the Trust or any of the provisions of this Act, subject such trustee, servant or other person personally to any liability, action, claim or demand whatsoever.

12 Saving

Nothing in this Act shall in any way prejudice or affect any rights of Her Majesty the Queen, Her Heirs and Successors, or of any body politic or corporate or other person except such as are mentioned in this Act and those claiming by, from or under them.

ENDNOTES

1

KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 56 of the Revised Edition of the Laws of Solomon Islands.

2

LIST OF LEGISLATION

Winston Churchill Memorial Trust Act (Cap. 56)

Constituent legislation: 8 of 1966 (Commenced 23 December 1966)
11 of 1970
LN 46A of 1978

3

LIST OF AMENDMENTS