



## BERMUDA

### NATIONAL SPORTS CENTRE TRUSTEES ACT 1988

1988 : 5

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*[preamble and words of enactment omitted]*

#### **Short title**

- 1 This Act may be cited as the National Sports Centre Trustees Act 1988.

#### **Interpretation**

- 2 In this Act, unless the context otherwise requires—
- “the Auditor” means the person appointed to the public office of Auditor that is established under section 101 of the Constitution [*title 2 item 1*];

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“the Centre” means the centre at Prospect in the Parish of Devonshire—

- (a) known as the National Sports Centre; and
- (b) consisting of land, together with buildings erected on, and equipment, furniture and effects appurtenant to, that land;

“Minister” means the Minister charged with responsibility for sport;

“the Trustees” means the Trustees of the Centre established under section 3.

*[Section 2 amended by 1995:45 effective 1 April 1996]*

### **“Trustees of the National Sports Centre” established**

3 (1) For the purposes of this Act there shall be established a body of Trustees (hereafter referred to as “the Trustees”) who have the powers and shall perform the duties imposed on them under this Act.

(2) The Trustees shall be a body corporate under the name of the “Trustees of the National Sports Centre” with exclusive right to use that name and with power to sue and liability to be sued in their corporate capacity by that name in all courts and with power to have and use a common seal and to renew or vary the same at pleasure.

### **Appointment of Trustees; conduct of meetings**

4 (1) The Trustees shall consist of not less than five and not more than seven members who shall be appointed for a period not exceeding three years by the Minister acting in his discretion but may be reappointed for one or more further terms.

(2) The Minister shall appoint one of the Trustees to be the Chairman thereof and another to be the Deputy Chairman.

(3) The Minister may appoint a public officer as ex-officio trustee from his Ministry to serve on the body of Trustees.

(4) The Minister may at any time revoke the appointment of any of the Trustees.

(5) The names of the Trustees as first constituted and any change in the membership thereof shall be published in the Gazette.

(6) If at any time a trustee is by reason of, absence from Bermuda, ill health or other sufficient cause, unable to perform his duties as such, the Minister may appoint another person to act as a trustee during the incapacity of the substantive trustee and any person so appointed shall, while so acting, be deemed for the purposes of this Act to be a trustee.

(7) If at any meeting of the Trustees the Chairman is absent, the Deputy Chairman shall preside over the meeting, and if both the Chairman and the Deputy Chairman are absent, then the Trustees present shall elect one of their number to act as Chairman at that meeting.

(8) A majority of the Trustees in Bermuda at the date of any meeting shall form a quorum thereat except that not less than four Trustees shall constitute a quorum.

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(9) Every question or matter to be determined by the Trustees at any meeting shall be decided by a majority of the votes of the Trustees present and voting on that question or matter except that in the event of an equal division of votes, the Chairman may give a second or casting vote.

(10) Subject to subsections (7), (8) and (9), the Trustees have power to regulate their own procedure.

(11) Fees shall be paid to the Trustees in accordance with the Government Authorities (Fees) Act 1971 [*title 14 item 6*].

### **Trustees responsible to Minister**

5 (1) The Trustees are responsible to the Minister who may overrule any decision of the Trustees which appears to the Minister not to be in the public interest.

(2) The Minister may, after consultation with the Trustees, give to the Trustees such general directions as to policy to be followed by the Trustees in the performance of their functions as appear to the Minister to be necessary in the public interest; the directions may include directions to discontinue or to restrict or vary any of their activities and the Trustees shall give effect to such directions.

### **Co-operation by Government departments**

6 The Trustees may with the approval of the appropriate Minister call upon any public officer who is the head of any Ministry or Department of Government for such advice and assistance as they may consider desirable for the proper discharge of their functions and any such officer shall provide the advice and assistance sought.

### **Vesting of the Centre**

6A (1) Subject to subsection (2), all the land, buildings, equipment, furniture and effects which immediately before the date of commencement of the National Sports Centre Trustees Amendment Act 1995 constituted or were part of the Centre (as then defined) are by virtue of this subsection and without further assurance vested in the Trustees to be held by them to the extent and subject to any conditions to or subject to which they were held by the Government immediately before that date.

(2) The Trustees shall not sell or otherwise dispose of any land that is vested in them except with the prior written approval of the Minister and the Minister of Finance.

*[Section 6A inserted by 1995:45 effective 1 April 1996]*

### **Management of Centre**

7 (1) Subject to this Act, there shall be vested in the Trustees the general control and management of the Centre.

(2) The Trustees shall administer the Centre generally in an efficient manner, shall at all times maintain the field, track, facilities for sport, buildings, equipment, furniture and effects of the Centre and also appurtenances incidental to the operation of the Centre, shall provide or otherwise make available facilities for the purposes of sport and shall do such

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other things as appear to them necessary or expedient for increasing the utility of the Centre.

(2A) Notwithstanding any law to the contrary, the Trustees may carry out such capital development or works or both to the Centre as they consider necessary or expedient but shall not do so without first obtaining the written approval of the Minister charged with responsibility for Works and Engineering.

(2B) The Trustees shall in connection with the capital development and works referred to in subsection (1) submit, with effect from the date the capital development and works commenced, quarterly reports within thirty days of the end of each quarter, to the Minister of Finance and the Accountant-General on current capital operations and proposed capital development and works.

(3) The Trustees shall appoint and employ at such remuneration and on such terms and conditions such officers or servants as they think necessary for the proper conduct of the business of the Centre and may suspend or dismiss any person so appointed.

*[section 7 amended by 1993 : 36 effective 13 July 1993, and by 1995 : 45 effective 1 April 1996]*

### **Use of Centre**

8 Subject to this Act, the Trustees may allow the Centre and the premises thereof to be used, whether in return for payment or not, for the holding of sport, exhibitions and meetings, the showing of films or slides, the giving of musical performances or the holding of other events of an educational or a cultural nature.

*[section 8 amended by 1995 : 45 effective 1 April 1996]*

### **Revenue**

9 (1) The Trustees may receive donations, raise funds by such lawful means as they see fit to adopt and in addition they may fix and collect fees and charges for the use of the Centre and its facilities, for the hire of equipment or otherwise of the Centre.

(2) The Trustees shall as far as is practicable meet the expenditure of the Trustees and of the Centre from the revenues or other moneys received, raised or collected.

### **Borrowing**

10 (1) Subject to subsection (3), the Trustees may borrow from the Government or from any other person any money that they may require for the purpose of discharging any of their functions under this Act or of meeting their obligations.

(2) Subject to subsection (3), the repayment of any money borrowed under subsection (1) may be secured upon the property of the Trustees by the issue by them of debentures or debenture stock or otherwise.

(3) The Trustees shall not exercise any of their powers under this section except with the prior written approval of the Minister and the Minister of Finance.

*[Section 10 substituted by 1995:45 effective 1 April 1996]*

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### **Funds from Legislature**

11 Any funds appropriated by the Legislature for the operation or maintenance of the Centre or for capital expenditure in connection therewith shall be applied for those purposes but—

- (a) any proposed capital development expenditure shall be subject to the prior written approval of the Minister and the Minister of Finance and shall be included in the Annual or Supplementary Estimates; and
- (b) any funds appropriated by the Legislature for the operation or maintenance of the Centre or for capital development shall be applied, subject to the terms of the appropriation, to any written instructions issued by the Minister of Finance or by direction of the said Minister under section 3(1) of the Public Treasury (Administration and Payments) Act 1969 [*title 14 item 1*] and to any written instructions issued by the Minister.

*[section 11 amended by 1995 : 45 effective 1 April 1996]*

### **Accounts and audit**

12 (1) The Trustees shall cause proper accounts to be kept relating to their operations, and those accounts shall be maintained in such manner as the Accountant General may direct.

(2) The Accountant General shall produce or cause to be produced such reports and other financial information as may be required by the Trustees to enable them to perform their functions under this Act.

(3) The accounts of the Trustees shall be audited annually by the Auditor.

*[section 12 amended by 1995 : 45 effective 1 April 1996]*

### **Report**

13 (1) The Trustees shall, as soon as practicable after the end of each financial year, make to the Minister a report on the exercise and performance by them of their functions during that year and on their policy and programme, and the Minister shall cause a copy of the report to be laid before each House of the Legislature within a reasonable time.

(2) The report for any year made under subsection (1) shall set out any directions given by the Minister to the Trustees during that year and shall include the audited financial statement together with the Auditor's report thereon and a statement setting out the scales of salaries and wages paid to officers and servants of the Trustees

*[section 13 amended by 1995 : 45 effective 1 April 1996]*

### **Land tax and employment tax exemption**

14 The Trustees shall not be subject to payroll tax or land tax.

*[Section 14 amended by 1995:45 effective 1 April 1996]*

[Assent Date: 24 March 1988]

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*[Amended by:*

1993 : 36

1995 : 45]