

LAWS OF PITCAIRN, HENDERSON, DUCIE
AND OENO ISLANDS

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CHAPTER XXVII

PITCAIRN SOUVENIR AGENCY ORDINANCE

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Ordinance
No. 2 of 1964.

An ordinance to make provision for the establishment of a Souvenir Agency on Pitcairn Island.

[8th November, 1964]

Short title.

1. This ordinance may be cited as the Pitcairn Souvenir Agency Ordinance.

Interpretation.

2. In this ordinance, except where the context otherwise requires—

“Agency” means the Pitcairn Souvenir Agency established by the provisions of this ordinance;

“Council” means the Island Council constituted under the provisions of the Local Government Ordinance;

“souvenir” means any article of whatsoever nature made, manufactured, prepared for sale or produced by any of the inhabitants of Pitcairn Island.

cap. 11

Establishment of
Pitcairn Souvenir
Agency, election of
members and conduct
of meetings thereof.

3.— (1) There is hereby established a public agency to be known as the Pitcairn Souvenir Agency.

(2) The Agency shall consist of the Mayor who shall be President of the Agency and five members who shall be elected at a public meeting of the inhabitants of Pitcairn Island to be held within thirty days of the date of commencement of this ordinance and thereafter annually at a public meeting of the inhabitants of Pitcairn Island to be held in the month of January in each year.

(3) In the event of the death, resignation or absence from the islands or any other incapacity, other than a temporary absence or incapacity, of any member of the Agency the Council shall forthwith appoint such suitable person as it sees fit to be a member of the Agency in place of the member who has died, resigned, is absent from the Islands or otherwise incapacitated and the person so appointed shall be deemed to have been elected as a member of the Agency under the provisions of this ordinance.

(4) The members of the Agency shall appoint their own chairman at the first meeting of the Agency held in each year after each public meeting held under the provisions of subsection (3).

(5) The Chairman of the Agency shall preside over all meetings of the Agency provided that in the event of his or her absence from any meeting the members present shall appoint a deputy chairman for that meeting.

(6) The Chairman or Deputy Chairman of the Agency shall have an original and a casting vote.

(7) The Chairman or Deputy Chairman of the Agency and three other members shall form a quorum for any meeting of

the Agency.

(8) All decisions of the Agency or of any public meeting held under the provisions of this ordinance shall be made by a simple majority vote.

(9) Meetings of the Agency shall be held at such times and at such places as the members may from time to time determine provided that there shall be not less than one meeting of the Agency in each quarter of each year.

4.—(1) The Agency shall be a body corporate under the name of the Pitcairn Souvenir Agency and by that name shall have perpetual succession and a common seal. The Agency may sue and be sued in respect of all matters arising in connection with the exercise of its powers or the carrying on of its functions under the provisions of this ordinance.

Agency to be a body corporate.

(2) Service of any document on the Chairman of the Agency shall be deemed to be service on the Agency.

5. The Agency may employ a secretary and such other officers and servants not being members of the Agency as it considers necessary and may pay to such officers and servants and to its members such remuneration as may from time to time be approved by the Island Council.

Agency may employ officers and pay remuneration to officers and members.

6. Neither the Chairman of the Agency nor any other member or any officer or servant of the Agency shall be personally liable for any act or default of the Agency done or omitted to be done in good faith and without negligence in the purported exercise of any of the powers or functions of the Agency.

Liability of members, officers and servants.

7. The Agency shall keep to the satisfaction of the Government Auditor such accounts as the Island Council may from time to time prescribe by Regulations made under the provisions of this ordinance.

Accounts.

8. The accounts of the Agency shall be audited annually by the Government Auditor.

Audit.

9. The Chairman of the Agency shall before the public meeting held under the provisions of section 3 of this ordinance prepare a report on the operations of the Agency during the preceding year which report shall be publicly notified by affixing a copy of the same to the public notice board not less than three days prior to such meeting and the Chairman of the Agency shall submit such report to the public meeting for its consideration.

Annual report.

10. The functions of the Agency shall be—

(a) to foster and develop the making, preparation and

Functions of the Agency.

- marketing of souvenirs;
- (b) to make the best possible arrangements for the export and sale of souvenirs and to conduct all necessary negotiations for that purpose;
- (c) to take such measures as it considers necessary to secure an abundant and sufficient supply of souvenirs of a high standard of workmanship and good quality for sale or export;
- (d) to buy sufficient souvenirs of a high standard of workmanship and of good quality from islanders as are necessary to fill all orders that may be received by the Agency;
- (e) to ensure that all orders accompanied by cash or postal order for the purchase of souvenirs are properly recorded and promptly filled or, if the Agency is unable to fill any such order, that the money or postal order is promptly returned; and
- (f) to ensure that current price lists, including all necessary postage and packing charges, are published from time to time.

Powers of the Agency.

11. For the purpose of carrying out any of its functions the Agency may—

- (a) own or take on lease any land or buildings;
- (b) enter into any contract;
- (c) buy, sell, grade, store, insure, advertise and transport souvenirs; and
- (d) borrow money on such terms as may be approved by the Governor.

Quarterly reports to Island Council.

12. In addition to the annual report required to be prepared and submitted under the provisions of section 9 of this ordinance the Chairman of the Agency shall submit to the Island Council a quarterly report on the operations of the Agency and the Island Council may after considering such report require the Chairman of the Agency to provide any further information that the Council considers necessary to satisfy itself that the affairs of the Agency are being properly conducted and may give such directions to the Agency as it considers necessary to ensure the proper conduct of the Agency which directions shall be complied with by the Agency.

Expenditure of moneys received and payment of bonuses to suppliers of souvenirs.

13.—(1) All moneys obtained by the Agency from the sale of souvenirs or carried forward as reserves for working capital from the previous year's operations shall be devoted as follows:—

- (a) first, in payment to the suppliers of all souvenirs purchased by the Agency;

- (b) secondly, in payment of all necessary postage and packing charges;
- (c) thirdly, in payment of all the Agency's administration costs including the salaries of any servants of the Agency but not any remuneration payable to any member of the Agency;
- (d) fourthly, in repayment of any interest payable on any loans raised by the Agency under the authority of section 11 of this ordinance and in payment as they fall due of any instalments of the principal of any such loan;
- (e) fifthly, in payment of any remuneration payable to the members of the Agency.

(2) After payment of all moneys required to be paid under the provisions of subsection (1) the Agency shall at the end of each year allocate such amount as it, with the approval of the Council, considers necessary to carry forward as reserves for working capital in the following year, pay one-third of any balance remaining to the Island Council for use in any community purpose approved by the Council, and distribute the remainder as bonuses amongst all islanders who have sold souvenirs to the Agency during the year. The amount of bonus to be paid to each such person shall be that proportion of the total amount to be distributed as the total value of all sales by that person to the Agency during the year bears to the total value of all purchases made by the Agency during the year.

14.—(1) The Island Council may (with the approval of the Governor) make Regulations for the purpose of carrying out the provisions of this ordinance and in particular for prescribing—

Regulations.

- (a) the standards of quality and workmanship of souvenirs purchased or sold by the Agency;
- (b) the allocation of marks for use by suppliers of souvenirs to the Agency, the use of such marks and offences in relation thereto;
- (c) the records and accounts to be kept by the Agency and the manner in which such records and accounts are to be kept; and
- (d) any other matter which may be necessary or desirable for the betterment or furtherance of the making, preparation or marketing of souvenirs, or for carrying out any other functions or powers conferred on the Agency by or under the provisions of this ordinance.

(2) All regulations made under the provisions of this ordinance shall be signed by the Mayor and by the Island

Secretary and publicly notified by affixing copies thereof to the public notice board and shall come into force on the day of such notification.

(3) Copies of all regulations made under the provisions of this ordinance shall be sent forthwith to the Governor who may by order to be publicly notified by affixing a copy of the same to the public notice board, alter, vary or revoke any such regulations.