

**VIRGIN ISLANDS**

**VIRGIN ISLANDS RED CROSS ACT, 2019**

**ARRANGEMENT OF SECTIONS**

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**SCHEDULE**

I ASSENT

Governor.

, 2019

**VIRGIN ISLANDS**  
**No. of 2019**

**A Bill for**

**An Act to provide for the incorporation of the Virgin Islands Red Cross and for connected matters.**

[Gazetted , 2019]

ENACTED by the Legislature of the Virgin Islands as follows:

Short title.

1. (1) This Act may be cited as the Virgin Islands Red Cross Act, 2019.

(2) The provisions of this Act shall come into force on a date the Minister may by Notice published in the *Gazette* appoint.

Interpretation.

2. In this Act, unless the context otherwise requires,

“Board” means the governing Board of the Virgin Islands Red Cross established pursuant to section 3;

“Branch” means the Virgin Islands Branch of The British Red Cross Society that was in operation immediately before the commencement of this Act;

“Charter” means the Supplemental Royal Charter of the Society dated 22nd July 1997 and all Supplemental Charters, Orders in Council and Rules of the Society made pursuant to the aforesaid Charter;

“Constitution” means the Constitution of the Virgin Islands Red Cross;

“Establishment Agreement” means the agreement between the Society and the Branch established by the Society in the Virgin Islands dated 12<sup>th</sup> October 2000;

“Fundamental Principles” means the Fundamental Principles of the Movement as set out in the Schedule and as may from time to time be varied by the International Conference of the Red Cross and Red Crescent, as promulgated by the Board of Trustees of the Society;

“Members” means those individuals who become members of the Virgin Islands Red Cross in accordance with its Constitution;

“Movement” means the International Red Cross and Red Crescent Movement;

“Objects” means the objects and purposes of the Virgin Islands Red Cross as set out in section 4;

“Society” means The British Red Cross Society incorporated by the Charter;

“Virgin Islands Red Cross” means the Overseas Branch established by the Society in the Virgin Islands and the body corporate established under section 3.

Establishment  
of the Virgin  
Islands Red  
Cross.

3. (1) There is established by this Act a body to be known as the Virgin Islands Red Cross which shall be a body corporate with perpetual succession and a common seal, capable of suing and being sued in its corporate name.

(2) The Virgin Islands Red Cross shall be governed by a Board which shall be responsible for the exercise of any powers conferred and the performance of all the duties imposed on the Virgin Islands Red Cross by this Act, the Constitution and the Establishment Agreement.

(3) The Board shall comprise not less than three members including a Chairperson, a Secretary and a Treasurer who shall be appointed in such a manner and shall hold office for such period as the Constitution may provide.

Objects and  
purposes.

4. (1) The objects and purposes of the Virgin Islands Red Cross are to

- (a) provide assistance to victims of armed conflicts; and
- (b) work for the improvement of health, for the prevention of disease and for the prevention and alleviation of human suffering in the Virgin Islands and throughout the world including the provision of assistance to victims of natural disasters.

(2) In carrying out its objects and purposes, the Virgin Islands Red Cross shall act at all times in accordance with the Fundamental Principles, the

## Constitution and the Establishment Agreement.

### Powers.

5. (1) The Virgin Islands Red Cross shall have the following powers which may be exercised only in furtherance or promotion of its objects and purposes:

- (a) to act as an autonomous auxiliary to the public authorities in the humanitarian field, with a special role in enhancing respect for humanitarian values and human dignity;
- (b) to disseminate knowledge of the Fundamental Principles and of International Humanitarian Law through publications, education programmes and in other ways;
- (c) to co-operate with the Government of the Virgin Islands to ensure respect for International Humanitarian Law and to protect the Red Cross, Red Crescent and Red Crystal emblems and any other distinctive emblems, signs and signals established under International Humanitarian Law;
- (d) to perform its obligations under the Establishment Agreement;
- (e) to publish in, or distribute information to, any media whatsoever;
- (f) to co-operate with other bodies;
- (g) to support and administer other charities within the Virgin Islands;
- (h) to establish other charities, but only with the prior written approval of the Society;
- (i) to raise funds by any legal means which are in conformity with the principles, policies and regulations of the Movement including charging membership fees;
- (j) to borrow money and give security for loans;
- (k) to acquire by purchase or otherwise and hold, sell, lease, hire, dispose of and deal in real property situated within the Virgin Islands and in personal property of all kinds wheresoever situated;
- (l) to make grants or loans of money;

- (m) to set aside funds for special purposes or as reserves against future expenditure;
- (n) to deposit or invest funds in any lawful manner but to invest only after obtaining advice from a financial expert and having regard to the suitability of the investment and the need for diversification;
- (o) to insure its property and itself against damage, loss or liability to loss and as provided in section 8(3);
- (p) to employ paid or unpaid agents, staff or advisers;
- (q) to enter into contracts to provide services to or on behalf of other bodies;
- (r) to pay the costs associated with the incorporation of the Virgin Islands Red Cross;
- (s) to do anything else within the law which promotes or helps to promote the objects and purposes.

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(2) Notwithstanding section 6 of the Non-Belongers Land Holding Regulation Act, for the purpose of holding real property within the Virgin Islands, the Virgin Islands Red Cross shall be deemed to be a Belonger company.

Administration.

6. (1) The administration of the Virgin Islands Red Cross shall be regulated by the Constitution which shall become effective upon the commencement of this Act.

(2) The Virgin Islands Red Cross may amend or replace the Constitution in accordance with the terms thereof.

(3) The persons acting as Chairperson, Director, Secretary and Treasurer and all other officers and Board members of the Branch shall hold the same appointments and offices in the Virgin Islands Red Cross upon the commencement of this Act.

Establishment Agreement.

7. (1) Upon the commencement of this Act, the Virgin Islands Red Cross shall be deemed to be a party to the Establishment Agreement.

(2) The Virgin Islands Red Cross and the Society may amend, replace or terminate the Establishment Agreement in accordance with the terms thereof.

Exemption from liability for Board members, employees and volunteers.

8. (1) All members of the Board, employees and volunteers of the Virgin Islands Red Cross, acting pursuant to the objects and purposes of the Virgin Islands Red Cross or in the provision of medical assistance to members of the public shall be exempt from any liability attaching to them by virtue of any rule of

law, except in respect of any fraud, dishonesty or wilful negligence of which the Board member, employee or volunteer may be liable.

(2) The Virgin Islands Red Cross may, in the Constitution or in any contract or agreement between it and any Board member (whether active or retired), employees or volunteers, agree to indemnify such Board member, employees or volunteers, to the extent that they are not exempted under subsection (1), in respect of any loss arising or liability attaching to him or her by virtue of any rule of law, in relation to any of the affairs of the Virgin Islands Red Cross except that any such indemnification shall not extend to any matter in respect of any fraud, dishonesty or wilful negligence of which the Board member, employee or volunteer may be liable.

(3) The Virgin Islands Red Cross may purchase and maintain insurance in respect of any such indemnity except that any such indemnification shall not extend to any matter in respect of any fraud, dishonesty or wilful negligence of which the Board member, employee or volunteer may be liable.

Liability for debts etc. of members.

9. The liability of any member of the Virgin Islands Red Cross for the debts and legal obligations of the Virgin Islands Red Cross shall be limited to the amount, for the time being, owing by that member to the Virgin Islands Red Cross by way of subscription or otherwise, except as respects any debt or legal obligation of the Virgin Islands Red Cross for which the member has expressly agreed to be responsible either alone or with another member or person; but the property of the Virgin Islands Red Cross shall be liable for its debts and obligations.

Vesting property.

10. (1) Any property, assets and rights whatsoever in the Virgin Islands which immediately before the commencement of this Act were vested in, or held by trustees on behalf of, the Branch, shall on the commencement of this Act vest in the Virgin Islands Red Cross.

(2) Any legal obligations or liabilities incurred before the commencement of this Act by the Branch and remaining unsatisfied shall on the commencement of this Act devolve on the Virgin Islands Red Cross.

Execution of documents.

11. (1) The Virgin Islands Red Cross may make and execute any document in the performance or exercise of its duties or powers or in connection with any matter reasonably incidental to or consequential upon the performance or exercise of its duties or powers.

(2) Contracts on behalf of the Virgin Islands Red Cross may be made as follows:

(a) all deeds and other instruments requiring the seal of the Virgin Islands Red Cross shall be authorised or ratified by resolution of the Board, and shall be signed in such manner as the Constitution provides;

- (b) a contract which if made between private persons would by law be required to be in writing and signed by the parties to the contract, may be made on behalf of the Virgin Islands Red Cross in writing signed by any person acting under its authority, express or implied; and
- (c) a contract which if made between private persons would by law be valid although made orally, and not reduced into writing, may be made orally on behalf of the Virgin Islands Red Cross by any person acting under its authority, express or implied.

(3) A contract made according to this section shall be effectual in law, and shall bind the Virgin Islands Red Cross and its successors and all other parties thereto.

(4) A contract made according to this section may be varied or discharged in the same manner in which it is authorised by this section to be made.

Evidence:  
books and  
documents.

**12.** All books and other documents which would, before the commencement of this Act, have been evidence in respect of any matter for or against the Branch shall be admissible in evidence in respect of the same matter for or against the Virgin Islands Red Cross.

Status of the  
Virgin Islands  
Red Cross.

**13.** The Virgin Islands Red Cross is an Overseas Branch of the Society.

Savings.

**14.** Nothing in this Act shall affect or be deemed to affect the rights and powers of the Government of the Virgin Islands, or of Her Majesty the Queen, Her Heirs or Successors, or of the Government of the United Kingdom, or the rights and powers of the Society under its Charter, except as specifically provided in this Act.

## SCHEDULE

[Section 2]

### **THE FUNDAMENTAL PRINCIPLES OF THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT**

#### **HUMANITY**

The International Red Cross and Red Crescent Movement, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours, in its international and national capacity, to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being. It promotes mutual understanding, friendship, co-operation and lasting peace amongst all peoples.

#### **IMPARTIALITY**

It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.

#### **NEUTRALITY**

In order to continue to enjoy the confidence of all, the Movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.

#### **INDEPENDENCE**

The Movement is independent. The National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement.

#### **VOLUNTARY SERVICE**

It is a voluntary relief movement not prompted in any manner by desire for gain.

#### **UNITY**

There can only be one Red Cross or one Red Crescent Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory.

#### **UNIVERSALITY**

The International Red Cross and Red Crescent Movement, in which all Societies have equal status and share equal responsibilities and duties in helping each other, is worldwide.

Passed by the House of Assembly this                      day of                      , 2019.

Speaker.

Clerk of the House of Assembly.



## OBJECTS AND REASONS

This Bill seeks to establish the Virgin Islands Red Cross as a body corporate as a means of, among other things, granting it recognition as a voluntary aid society auxiliary to the public authorities in the Virgin Islands. Under the provisions of the Supplemental Royal Charter of Incorporation of The British Red Cross Society sealed on the 18th day of December 1997, the Society has the power to establish its overseas branches as separate legal entities in accordance with the laws of the relevant local jurisdiction.

The Virgin Islands Red Cross would be a non-profit voluntary organisation primarily tasked with providing humanitarian assistance and relief to persons in need. The organisation would operate as an overseas branch of The British Red Cross Society, which is recognised as a National Society as provided in the Statutes of the International Red Cross and Red Crescent Movement (the "Movement").

The British Red Cross Society has carried on its activities in the Virgin Islands through a branch office that is managed and administered by a Board made up of members of the local community. Since its establishment in 1956, the Branch has provided skilled and impartial care to people in need and in crisis, and has offered financial and other assistance to sister Red Cross organisations in the region. The Branch also delivers Basic Home Care, First Aid and CPR (cardio-pulmonary resuscitation) training, and has executed a MOU with the Department of Disaster Management as a key partner in disaster risk reduction.

The Government of the Virgin Islands recognises the unique status of the Branch as a private organisation with specially recognised auxiliary public functions and seeks to formally establish the Overseas Branch of The British Red Cross Society in local law.

The Bill consists of fifteen clauses.

Clause 1 would provide for the short title and commencement.

Clause 2 would define the various terms in the Act.

Clause 3 would establish the Virgin Islands Red Cross as a body corporate with perpetual succession and a common seal. It would also provide for the establishment of a governing Board.

Clause 4 would provide for objects and purposes of the Virgin Islands Red Cross and for those objects and purposes to be carried out in accordance with the Fundamental Principles of the International Red Cross and Red Crescent Movement, the Constitution and the Establishment Agreement.

Clause 5 would confer the powers that may be exercised by the Virgin Islands Red Cross in furtherance or promotion of its objectives. The organisation would be empowered to act as an autonomous auxiliary to the public authorities in the Virgin Islands in the

humanitarian field; to spread awareness and promote respect for international humanitarian law, and generally administer its own affairs in accordance with its Establishment Agreement and the principles, policies and regulations of the Movement. It would also provide for the Virgin Islands Red Cross to be treated as a Belonger company for the purposes of holding real property within the Virgin Islands.

Clause 6 would provide for the Administration of the Virgin Islands Red Cross in accordance with the Constitution. It would also provide for the continuation of the tenure of the serving officers and Board members of the Branch.

Clause 7 would deem the Virgin Islands Red Cross to be a party to the Establishment Agreement, upon commencement of this Act. It would also provide for the Establishment Agreement to be amended, replaced or terminated in accordance with the terms of the Agreement.

Clause 8 would provide for officers, employees and volunteers to be exempted from, or indemnified against, liability attaching to them in the course of active duty except with respect to fraud, dishonesty or wilful negligence.

Clause 9 would limit the liabilities of any member for the debts and legal obligations of the Virgin Islands Red Cross.

Clause 10 would provide that any pre-existing assets and liabilities be transferred to the Virgin Islands Red Cross upon commencement of this Act.

Clause 11 would give power to the Virgin Islands Red Cross to enter into contracts and agreements. It would also set out the manner in which contracts may be made, varied or discharged.

Clause 12 would provide for all books and other documents held before the commencement of the Act to be admissible as evidence in proceedings relating to the Virgin Islands Red Cross.

Clause 13 would declare the status of the Virgin Islands Red Cross as an Overseas Branch of The British Red Cross Society.

Clause 14 would provide for saving existing rights and powers.

Minister for Health and Social Development.