

I ASSENT

[L.S.]

PEARLETTE LOUISY,
Governor-General.

24th October, 2005.

SAINT LUCIA

No. 23 of 2005

AN ACT to provide for the establishment, organization and management of the Saint Lucia Cadet Corps, to repeal the Cadet Corp Ordinance (Cap 64) and for matters related thereto.

[ON ORDER]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same as follows:

Short title and commencement

1. This Act may be cited as the Saint Lucia Cadet Corps Act 2005, and shall come into force on a date to be prescribed by the Minister by Order published in the *Gazette*.

Interpretation

2. In this Act —

“Advisory Council” means the Saint Lucia Cadet Corps Advisory Council;

“authorized school” means a school authorized by the Governor General under section 8 for the formation of a school Cadet Corps;

“Cadet Corps” means the Saint Lucia Cadet Corps established under section 3;

“cadet officer” does not include a non-commissioned officer of the Cadet Corps;

“Commandant” means the Commandant of the Saint Lucia Cadet Corps;

“financial year” means the period of twelve months ending the 31st day of March or such other period of twelve months as may be established by law;

“local force” means the Royal Saint Lucia Police Force;

“Minister” means the Minister responsible for Education;

“minor” means a person under the age of eighteen years;

“non-commissioned officer” means a cadet who holds the rank of under officer, warrant officer, company sergeant, master or lower cadet rank;

“parent” in relation to a student, includes a guardian and every person who is liable to maintain or has custody of any child and a person living as husband with the mother of a child whether or not he is the father and a person living as wife with the father of a child whether or not she is the mother;

“school Cadet Corps” means the unit within an authorized school;

“special event” includes camps, anniversary parades and major parades;

“student” means a person attending a secondary school;

“unit” means a school Cadet Corps declared by the Advisory Council to be a unit.

Establishment of Cadet Corps

3.— (1) There is hereby established for the purposes of this Act a body called the Saint Lucia Cadet Corps.

(2) The Cadet Corps shall consist of —

(a) every school Cadet Corps authorized under section 8; and

(b) the Commandant, cadet officers and every other cadet, appointed or enlisted under this Act.

(3) Subject to the provisions of this Act, the Cadet Corps shall be under the command of the Commandant.

Objective of Cadet Corps

4. The objective of the Cadet Corps is to inspire young persons to achieve success in life with a spirit of service to their country and their local community, and to develop in them qualities required of a good citizen.

Establishment of Advisory Council

5.— (1) There shall be an Advisory Council to be called the Cadet Corps Advisory Council which shall manage the affairs of the Cadet Corps.

(2) The constitution and proceedings of the Advisory Council shall be in accordance with the provisions of the Schedule.

Functions of the Advisory Council

6.— (1) The Advisory Council shall, in respect of the Cadet Corps—

(a) formulate policies;

(b) provide budgetary estimates to the Government; and

(c) arrange annual inspections on the advice of the Cadet Corps.

(2) The Advisory Council shall act in an advisory capacity and shall advise the Governor-General through the Minister on all matters pertaining

to the Cadet Corps including the appointment, promotion and discipline of cadet officers.

Training curriculum

7.—(1) The Advisory Council, in consultation with the Minister, shall establish a training curriculum for the training of cadets and shall ensure that cadets undergo a program of activities which include the following—

- (a) drills to enable cadets to function as individuals, units or groups in a uniform and disciplined manner;
- (b) ~~first aid exercises~~ to enable cadets to effectively manage emergencies including the performance of cardiopulmonary resuscitation;
- (c) water safety exercises to enable cadets to develop safety skills, in particular, the operation of small water-crafts and the use of water-safety clothing and gear;
- (d) ~~fire safety exercises~~ to teach cadets fire prevention methods;
- (e) an approved award scheme which offers practical, cultural and adventurous activities;
- (f) communications activities including the use of effective communication methods, in particular, the receipt and transfer of messages with or without the use of instrument or apparatus;
- (g) musical training;
- (h) basic technical education;
- (i) basic civic education to enable cadets to recognize, understand and display respect for volunteerism, community service, human rights, the environment, the law and their fundamental responsibility as citizens;
- (j) orienteering; and
- (k) field craft.

(2) The training curriculum established under subsection (1) shall be balanced and broad-based.

(3) The Advisory Council shall, in consultation with the Minister, establish an approved training programme for Cadet Corps and rank officers and shall review the training curriculum whenever it is necessary and expedient to do so.

Formation of schools Cadet Corps

8.— (1) The Governor-General may, by Notice published in the *Gazette*, authorize —

- (a) the formation of a company of students attending any assisted or private secondary school into a school Cadet Corps to be maintained in accordance with the provisions of this Act;
- (b) the Cadet Corps to be attached to an established local force for the purpose of any special training.

(2) A principal of any assisted or private secondary school desiring to obtain the authority of the Governor-General for the formation of a school cadet corps shall, after consultation with the Board of Management and the Parent Teacher Association of the school, make an application in writing through the Advisory Council.

(3) The application shall contain the following —

- (a) a request for the affiliation of the school Cadet Corps to the Cadet Corps; and
- (b) any information which might bear upon the question of granting authority for the formation of the school cadet corps.

(4) The Governor-General may withdraw any authorization given under subsection (1) as he or she thinks fit.

(5) For the purpose of this Act Government secondary schools and senior primary schools are deemed to be schools authorized for the formation of a school Cadet Corps.

(6) Notwithstanding subsection (5), subsection (1) (b), and subsection (3) apply to secondary schools owned by government.

(7) An application on behalf of a secondary school owned by Government shall be made by the Advisory Council after consultation with the Minister.

Enlistment of Cadets

9. The Advisory Council may, upon an application on the prescribed form, enlist in the Cadet Corps a student of an authorized school if the student —

- (a) has attained the age of twelve years or more;
- (b) has the approval in writing of his or her principal; and
- (c) in the case of a minor, has the consent in writing of a parent.

Termination of membership

10.— (1) A person shall cease to be a cadet —

- (a) when, subject to subsection (2), he or she ceases to be a student of an authorised school;
- (b) if he or she is dismissed from the Cadet Corps;
- (c) if he or she resigns from the Cadet Corps; or
- (d) if he or she has been convicted of an offence except where the offence is a minor traffic offence or has been spent in accordance with the Criminal Records (Rehabilitation of Offenders) Act 2004.

(2) Where a cadet ceases to be a student of an authorized school the Advisory Council may, upon an application, permit that cadet to remain in the Cadet Corps if —

- (a) he or she is of good character and has the approval in writing of the Principal of the authorized school; and
- (b) in the opinion of the Advisory Council the circumstances of the case warrant it.

Equipment

11.— (1) Every cadet shall be clothed and equipped in such manner as may be prescribed by Regulations made under this Act.

(2) Where a cadet is supplied with an article at the public expense, the cadet shall hold the article at the order of the Advisory Council.

Appointment of officers

12.— (1) The Governor-General shall appoint —

- (a) a fit and proper person to be the Commandant; and
- (b) fit and proper persons to be cadet officers.

(2) The Commandant shall use his or her best endeavor to recommend fit and proper teachers of the authorized schools for appointment as cadet officers.

(3) A person shall not be appointed as —

- (a) the Commandant unless he or she -
 - (i) is a citizen of Saint Lucia;
 - (ii) completes or has completed a basic Para-military or relevant military training course; and
 - (iii) is not absent from the jurisdiction for a period of two years or more; or
- (b) a cadet officer, unless he or she completes or has completed a basic training course as prescribed in the Regulations.

(4) A person appointed under this section shall be over the age of twenty but under the age of fifty-five years.

Term of office of Commandant

13. The Appointment of the Commandant shall be for a period of five years and may be renewed from time to time.

Revocation of Appointment of officers

14. The Governor-General may revoke the appointment of the Commandant or any other cadet officer for cause.

Resignations

15.— (1) The Commandant or any other cadet officer may in writing addressed to the Governor-General, resign from the Cadet Corps.

- (2) A cadet who is not a cadet officer may —
 - (a) in writing addressed to the Commandant; and
 - (b) in the case of the minor, with the consent of a parent, resign from the Cadet Corps.

Notification of appointment etc. in *Gazette*

16. A notice of the appointment, resignation, absence, removal from office or death of the Commandant or any other cadet officer shall be published in the *Gazette*.

No power of command over local force

17. The Commandant and cadet officers, warrant officers and non-commissioned officers shall have no power of command over members of the local force.

Funds and resources

18. The funds and resources of the Cadet Corps shall consist of —

- (a) such sums as may be provided by Parliament for the purposes of this Act;
- (b) any grant made to the Cadet Corps by the Government or, with the approval in writing of the Minister, by any person, company or organisation;
- (c) such sums as may be derived from fundraising activities; and
- (d) moneys or such property as may be derived by way of gifts, bequests, trusts or donations or in any other manner whatsoever.

Bank account

19. There shall be established, solely for the benefit of the Cadet Corps, an account in any financial institution specified by the Minister.

Account and audit

20.— (1) The Advisory Council shall keep account of its transactions to the satisfaction of the Minister and the accounts shall be audited annually by a qualified auditor appointed by the Advisory Council, with the prior approval of the Minister.

(2) The Advisory Council shall present a statement of its audited accounts, in accordance with the provisions of subsection (1), to the Minister within four months of expiration of every financial year.

(3) The Minister shall, as soon as possible after receiving the statement of accounts in accordance with subsection (2), lay a copy thereof before Parliament.

(4) The provisions of subsection (1) do not derogate from the powers of the Director of Audit by any other written law.

Regulations

21.— (1) The Minister may, after consultation with the Advisory Council, make Regulations as he or she considers necessary for carrying out the purposes of this Act.

(2) Without restricting the generality of subsection (1), the Minister may make Regulations respect to —

- (a) formation, organization and administration of the Cadet Corps;
- (b) training, discharge of duties and discipline of members of the Cadet Corps;
- (c) Clothing and equipment of the cadets;
- (d) protection and safety of cadets;
- (e) management and accountability by the Advisory Council of -
 - (i) moneys or other property payable to or vested in the Cadet Corps;
 - (ii) money derived from fundraising activities;
 - (iii) money or other property of the Cadet Corps derived by way of gift, bequests, trusts or donations or in any other manner whatsoever.

Amendment of Schedule

22. The Minister may, by Order, amend the schedule from time to time after consultation with the Advisory Council.

Repeal

23. The Cadet Corps Ordinance Cap 64 is repealed.

SCHEDULE
THE ADVISORY COUNCIL

Composition of the Advisory Council

1. — (1) The Advisory Council shall consist of nine members appointed by the Minister as follows —

- (a) The Chairperson who shall be an attorney-at-law of not less than five years standing to be nominated by the Attorney General;
- (b) The Commandant or Deputy Commandant of the Cadet Corps who shall be an *ex officio* member of the Advisory Council;
- (c) A representative of the Royal Saint Lucia Police Force to be nominated by the Commissioner of Police;
- (d) A representative of the National Youth Council to be nominated by the executive of that Association;
- (e) A representative of the National Principals' Association to be nominated by the executive of that Association;
- (f) A representative of the Ministry of Education, Human Resource Development, Youth and Sports to be nominated by the Minister;
- (g) A former Commanding Officer of the Cadet Corps to be nominated by the Minister;
- (h) One male and one female parent or guardian of a member of the Cadet Corps to be selected by the Minister acting on the advice of the Commandant of the Cadet Corps.

(2) The Advisory Council as first constituted and every change in the membership shall be published in the *Gazette*.

(3) Subject to the provisions of this Schedule, the term of office of a member of the Advisory Council shall be as specified in the instrument of appointment but shall not exceed three years.

(4) The term of the Chairperson shall be three years and at the expiration of his or her term of office he or she shall be eligible for reappointment.

(5) Every member of the Advisory Council shall on the expiration of his or her term of office be eligible for reappointment.

(6) Any parent or guardian appointed by virtue of paragraph 1(1) (h) of this Schedule shall cease to be a member of the Advisory Council if his or her child or ward ceases to be an active member of the Cadet Corps or resigns from the Cadet Corps.

(7) The Minister may appoint any person to act temporarily in place of any member of the Advisory Council in the case of the absence or inability to act of that member.

Revocation

2. The Minister may at any time revoke the appointment of members of the Advisory Council appointed by virtue of paragraph 1 (1) (b) (f) and (h) of this Schedule.

Resignation

3. — (1) Any member of the Advisory Council may at any time resign his or her office in writing addressed to the Minister and the Chairperson.

(2) The Chairperson of the Advisory Council may at any time by notice in writing addressed to the Minister resign his or her office.

Deputy Chairperson

4. — (1) The Advisory Council shall elect a person from among its member to be Deputy Chairperson.

(2) In the absence of the Chairperson the Deputy Chairperson shall preside over meetings of the Advisory Council.

Secretary

5. — (1) The Advisory Council shall elect a person from among its members to be Secretary to the Advisory Council.

(2) The Chairperson of the Advisory Council shall, forthwith after appointment of the Deputy Chairperson or a Secretary by virtue of paragraph 4 (1) or 5 (1) of this Schedule, inform the Minister of such appointment by notice in writing.

(3) The Secretary of the Advisory Council shall, under the supervision of the Chairperson, prepare the agenda, record minutes and deal with any other matters of a secretarial nature but shall have no vote in the Advisory Council.

(4) Notwithstanding paragraph 5(3) of this Schedule, the Commandant and the Deputy Commandant of the Cadet Corps shall assist the Secretary in the performance of the secretarial duties of the Advisory Council.

Procedure and Meetings

6. — (1) Subject to the provisions of this paragraph, the Advisory Council shall have the power to regulate its procedure.

(2) The Chairperson may at any time, but at least once every quarter, convene a meeting of the Advisory Council.

(3) Decisions of the Advisory Council shall be adopted by simple majority of members voting. However, in any case of equality of votes, the Chairperson shall have a second or casting vote.

(4) The validity of any proceedings of the Advisory Council shall not be affected by any vacancy in its membership nor by any defect in the appointment of a member of the Advisory Council.

(5) The Chairperson or Deputy Chairperson and four other members of the Advisory Council shall constitute a quorum.

(6) In the absence of the Chairperson or the Deputy Chairperson, a member shall be elected to preside over that meeting.

Committees

7. — (1) The Advisory Council may appoint committees for purposes which in the opinion of the Advisory Council would be better regulated and managed by a committee.

(2) The number of members of a committee appointed pursuant to sub-paragraph (1), their functions and terms of appointment, the quorum of the committee and the area, if any, within which the committee is to exercise authority shall be determined by the Advisory Council.

(3) A committee appointed pursuant to sub-paragraph (1) may include persons who are not members of the Advisory Council. However, such persons are to have no vote at meetings of the Advisory Council.

(4) The validity of the proceedings of a Committee appointed pursuant to sub-paragraph (1) shall not be affected by any vacancy in the membership thereof or by any defect in the appointment of a member.

Passed in the House of Assembly this 16th day of August, 2005.

J. BADEN ALLAIN,
Speaker of the House of Assembly.

Passed in the Senate this 6th day of October, 2005.

HILFORD DETERVILLE,
President of the Senate.