

# THE CONSERVATOIRE DE MUSIQUE FRANCOIS MITTERRAND TRUST FUND ACT

Act 6/1992

Proclaimed by [\[Proclamation No. 10 of 1992\]](#) w.e.f 12<sup>th</sup> June 1992

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To provide for the establishment and management of the Conservatoire de Musique François Mitterrand Trust Fund.

### 1. Short title

This Act may be cited as the Conservatoire National de Musique François Mitterrand Trust Fund Act 1992.

Amended by [\[Act No. 22 of 2007\]](#)

### 2. Interpretation

In this Act -

“Board” means the Board of Trustees set up under section 5;

“Conservatoire” means the Conservatoire National de Musique François Mitterrand;

Amended by [\[Act No. 22 of 2007\]](#)

“Director” means the Director appointed under section 7;

“Fund” means the Trust Fund established by section 3;

“member” means a member of the Board and includes the Chairman;

"Minister" means the Minister to whom responsibility for the subject of education is assigned.

**Amended by [\[Act No. 22 of 2007\]](#)**

### **3. Establishment of the Fund**

- (1) There is established for the purposes of this Act the Conservatoire National de Musique François Mitterrand Trust Fund.
- (2) The Fund shall be a body corporate.

**Amended by [\[Act No. 22 of 2007\]](#)**

### **4. Objects of the Fund**

The objects of the Fund shall be -

- (a) to manage the Conservatoire and its branches;
- (b) to organise and run music courses including courses of music technology at all levels;
- (c) to promote music and the Mauritian musical heritage; and
- (d) to advise the Minister on short and long term plans for teaching of music and on the need for appropriate research in the field of music.

**Amended by [\[Act No. 22 of 2007\]](#)**

### **5. The Board**

- (1) There shall be a Board of Trustees which shall be in charge of the Fund.
- (2) The Board shall consist of -
  - (a) a Chairman to be appointed by the Minister;
  - (b) a representative of the Ministry responsible for the subject of education;
  - (c) a representative of the Ministry responsible for the subject of finance;
  - (d) a representative of the Ministry responsible for the subject of arts and culture;
  - (e) the Director of the Conservatoire;

- (f) the Chairman of the Parent-Teachers Association of the Conservatoire;
  - (g) a representative of the Mauritius Examinations Syndicate;
  - (h) a representative of employees of the Conservatoire appointed by the Minister; and
  - (i) 3 persons with experience or special knowledge in the matters specified in the objects of the Fund to be appointed by the Minister.
- (3) A member other than an ex-officio member shall hold office for a period of 2 years but shall be eligible for re-appointment.

Amended by [\[Act No. 22 of 2007\]](#)

## **6. Meetings of the Board**

- (1) The Board shall meet at such place and time as the Chairman may think fit.
- (2) Six members of the Board shall constitute a quorum.
- (3) No member who has a direct or indirect pecuniary interest in any item on the agenda of the Board shall take part in the deliberations of the Board on that item.

## **7. Director**

- (1) The Board shall -
  - (a) with the approval of the Minister, appoint a Director;
  - (b) after consultation with the Minister, determine the terms and conditions of service of the Director.
- (2) The Director shall be responsible for -
  - (a) the execution of the policy of the Board; and
  - (b) the control and management of the Conservatoire.
- (3) The Director shall attend the meetings of the Board and take part in its deliberations, but shall not have a right to vote on any issue before the Board.

## **8. Appointment of staff**

- (1) The Board may, with the approval of the Minister, appoint such staff as it may require to discharge its functions.

- (2) Every member of staff shall be under the administrative control of the Director.
- (3) The Board shall, after consultation with the Minister, determine the terms and conditions of service of the staff.

#### **9. Execution of documents**

- (1) No document shall be executed by or on behalf of the Fund unless it is signed by the Chairman and another member appointed by the Board or, in the absence of the Chairman, by two members appointed by the Board.
- (2) Every document signed in accordance with subsection (1) shall be deemed to be duly executed by or on behalf of the Fund.

#### **10. Powers of the Minister**

The Minister may give such general directions to the Board, not inconsistent with the provisions of this Act, as he considers necessary in the public interest and the Board shall comply with those directions.

#### **11. Financial provision and management**

- (1) The Board shall establish a General Fund -
  - (a) into which all money received by the Fund shall be paid; and
  - (b) out of which all payments required to be made by the Board shall be made.
- (2) There shall be paid into the General Fund -
  - (a) fees, charges and other sums accruing to the Conservatoire;
  - (b) any subsidy granted by the Government; and
  - (c) all other sums of money received by the Board from any other source.

#### **12. Accounts of the Fund**

- (1) The Board shall on or about the 31 October in every year prepare a statement of accounts and balance sheet of the finances of the Fund.
- (2) The statement of accounts and balance sheet of the Fund shall be annually audited by a qualified auditor appointed by the Board.
- (3) The accounts of the Fund shall at all reasonable times be open for inspection by the Board or any person appointed by the Minister.

- (4) Notwithstanding anything contained in the Statutory Bodies (Accounts and Audit) Act, the period extending from the date of the coming into operation of this Act to the following 30 June shall be deemed to be the first financial year of the Fund.

### **13. Donations and Legacies**

Article 910 of the Code Napoléon shall not apply to the Fund.

### **14. Regulations**

The Minister may make such regulations as he thinks fit for the purpose of this Act.

### **15. Transitional provisions**

- (1) The Minister may transfer to the Fund such assets, rights and liabilities on such terms and conditions as he thinks fit.
- (2) Subject to subsection (3), every member of the staff of the Conservatoire who is a public officer shall be eligible upon application to be permanently transferred to the Fund on terms and conditions which are not less favourable than those obtaining as at the commencement of this Act.
- (3) Every application for transfer shall be made within 3 months of the commencement of this Act.
- (4) The previous term of service of any transferee with the Conservatoire shall be reckoned by the Fund.

### **16. Commencement**

Proclaimed by [\[Proclamation No. 10 of 1992\]](#) w.e.f 12<sup>th</sup> June 1992