

# THE MALCOLM DE CHAZAL TRUST FUND ACT

Act No. 51 of 2002

Proclaimed by [\[Proclamation No. 3 of 2003\]](#) w.e.f. from 10 February 2003

I assent

21<sup>st</sup> December 2002

KARL AUGUSTE OFFMANN  
President of the Republic

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### **AN ACT**

**To provide for the establishment and management of the Malcolm de Chazal Trust Fund**

ENACTED by the Parliament of Mauritius, as follows-

## 1. Short title

This Act may be cited as the **Malcolm de Chazal Trust Fund Act 2002**.

## 2. Interpretation

In this Act-

"Board" means the Board of Trustees set up under section 5;

"Fund" means the Malcolm de Chazal Trust Fund established under section 3;

"Member" means a member of the Board and includes the Chairperson;

"Minister" means the Minister to whom responsibility for the subject of arts and culture is assigned.

## 3. Establishment of the Trust

There is established for the purposes of this Act the Malcolm de Chazal Trust Fund which shall be a body corporate.

## 4. Objects of the Fund

The objects of the Fund shall be to-

- (a) preserve the collection of the work of Malcolm de Chazal as part of the Mauritian cultural heritage;
- (b) promote a greater understanding and dissemination of his works and ideas nationally and internationally; and
- (c) encourage the expression of the Mauritian creative genius in the philosophical, literary, artistic and other related domains.

## 5. The Board

(1) The Fund shall be managed by a Board of Trustees which shall consist of -

- (a) a Chairperson appointed by the Minister;

- (b) a representative of the Ministry of Finance;
  - (c) a representative of the Ministry responsible for the subject of arts and culture;
  - (d) a representative of the Municipal Council of Port Louis;
  - (e) a member of the family of the late Malcolm de Chazal appointed by the Minister; and
  - (f) three persons appointed by the Minister.
- (2) The Chairperson and other members shall hold office for a period of 3 years and shall be eligible for re-appointment.

## **6. Functions of the Board**

The functions of the Board shall be to-

- (a) make provision for the creation and management of a museum, galleries and documentation centres;
- (b) create a Malcolm de Chazal prize and offer grants and awards in literature, art and other related domains;
- (c) promote cross-cultural research, writing and publication on Malcolm de Chazal;
- (d) to organize talks, seminars, conferences, exhibitions and other activities on the works and ideas of Malcolm de Chazal; and
- (e) to take action for the inclusion of selected works of Malcolm de Chazal in the syllabus and courses of educational institutions.

## **7. Meetings of the Board**

- (1) The Board shall meet at such place and time as the Chairperson may think fit or as may be requested in writing by not less than 3 members.
- (2) 5 members shall constitute a quorum.

- (3) No member who has a direct or indirect pecuniary interest in any matter on the agenda of the Board shall take part in the deliberations of the Board on that item.

## **8. Appointment of Advisory Committees**

- (1) The Board may set up one or more Advisory Committees as may be necessary to assist it in the performance of its functions.
- (2) Every Advisory Committee set up under subsection (1), shall consist of -
  - (a) the Chairperson of the Board as chairperson of the Committee; and
  - (b) such other members as the Board may determine.
- (3) Every Advisory Committee shall regulate its meetings and proceedings in such manner as it thinks fit.
- (4) No person appointed under subsection (2) shall be deemed to be a public officer by reason only of his appointment.

## **9. Execution of documents**

- (1) No document shall be executed by or on behalf of the Fund unless it is signed by the Chairperson and another member appointed by the Board or in the absence of the Chairperson, by 2 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-

- (a) give such directions of a general character to the Board, not inconsistent with this Act, as he considers necessary in the public interest and the Board shall comply with those directions;
- (b) request the Board to furnish to him such document, including the minutes of proceedings of the Board and the accounts of the Fund, and such other information with respect to the activities of the Fund.

## **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 Fund shall be effected.
- (2) There shall be paid into the General Fund-
  - (a) any subsidy granted by the Government for the purposes of this Act; and
  - (b) all other sums of money received by the Fund 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 who shall be appointed by the Board.
- (3) In this section-

"qualified auditor" has the meaning assigned to it in the Statutory Bodies (Accounts and Audit) Act.
- (4) The treasurer of the Fund shall keep the accounts of the Fund which shall at all reasonable times be open for inspection by any person having an interest in the Fund.
- (5) The financial year of the Fund shall end on such date as may be decided by the annual General Meeting.

## **13. Service of process**

Service of process on the secretary of the Board shall be equivalent to service on the Fund.

## **14. Annual General Meeting**

An Annual General Meeting of the Board shall be held once in every year not later than 3 months after the end of the financial year.

## **15. Donations and legacies**

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

## **16. Exemptions**

Notwithstanding any other enactment, no stamp duty or registration fee or duty shall be payable in respect of any document under which the Fund is the sole beneficiary.

## **17. Regulations**

- (1) The Board may, with the approval of the Minister, make such regulations as it thinks fit for the purposes of this Act.
- (2) Regulations made under subsection (1) may provide for-
  - (a) the levying of fees and the payment of charges in respect of the activities conducted or facilities provided by the Fund;
  - (b) that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 3 months.

## **18. Commencement**

This Act shall come into operation on a date to be fixed by Proclamation.

Passed by the National Assembly on the seventeenth day of December two thousand and two.

Bhupen Dwarka  
Deputy Clerk of the National Assembly