

THE NATIONAL HERITAGE TRUST FUND ACT 1997

Act No. 29 of 1997

Proclaimed by [\[Proclamation No. 1 of 1998\]](#) w.e.f 1st February 1998

Repealed by [\[Act No. 40 of 2003\]](#)

ARRANGEMENT OF SECTIONS

Section

1. [Short title](#)
2. [Interpretation](#)
3. [Establishment of a National Heritage Trust Fund](#)
4. [Objects of the Fund](#)
5. [The Board](#)
6. [Functions of the Board](#)
7. [Meetings of the Board](#)
8. [Delegation of Powers](#)
9. [The Director](#)
10. [Appointment of staff](#)
11. [Appointment of Advisory Committee](#)
12. [Appointment of Advisory Committees](#)
13. [Powers of the Minister](#)
14. [General Fund](#)
15. [Donations of legacies](#)
16. [Exemptions](#)
17. [Regulations](#)
18. [Consequential amendment](#)
19. [Transitional provisions](#)
20. [Commencement](#)

An Act

To provide for the establishment and management of the National Heritage Trust Fund

1. Short title

This Act may be cited as the National Heritage Trust Fund Act 1997.

2. Interpretation

In this Act -

"Board" means the Board established under section 5;

"Chairman,, means the Chairman of the Board;

"Director, means the person appointed as such under section 9;

"Fund". means the National Heritage Trust Fund established under section 3;

"member" means a member of the Board and includes the Chairman

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

"national monument" has the same meaning as in the National Monuments Act;

3. Establishment of a National Heritage Trust Fund

- (1) There is established for the purposes of this Act a fund to be known as the National Heritage Trust Fund.
- (2) The Fund shall be a body corporate.

4. Objects of the Fund

The objects of the Fund shall be -

- (a) to secure, for the benefit of the public, the preservation, protection, development and improvement of -
 - (i) the aesthetic and architectural quality of such buildings, structures and antiques which are of historical importance or of public interest; and
 - (ii) the immediate surroundings of such buildings and structures;
- (b) to educate the public in the geography, history, natural history, and architecture of, and to promote civic pride in, Mauritius.

5. The Board

- (1) There is established, for the purposes of this Act, a Board which shall administer and manage the affairs of the Fund.
- (2) The Board shall consist of-
 - (a) a Chairman appointed by the Prime Minister;
 - (b) a representative of the Ministry of Arts and Culture;
 - (c) a representative of the Ministry of Finance;
 - (d) a representative of the Ministry of Tourism and Leisure;
 - (e) a representative of the Ministry of Education and Human Resource development;
 - (f) a representative of the ministry of Local Government and Environment;

- (g) a representative of the Mauritius Association of Architects;
 - (h) a representative of the Mauritius Institute, and
 - (i) 3 representatives of non-governmental organisations, to be appointed by the Minister.
- (3) The members of the board shall hold office for a period of 2 years and shall be eligible for re-appointment.
- (4) Subject to the approval of the Minister the Board may provide for the payment of a fee to every member of the Board.

6. Function of the Board

The functions of the Board shall be-

- (a) to buy or otherwise acquire buildings, structures or land or any interest therein;
- (b) to sell, let on lease or tenancy, exchange mortgage or otherwise dispose of, buildings, structures or land or any interest therein subject to such covenants, conditions and restrictions as are reasonably necessary to ensure the preservation of the buildings, structures or lands;
- (c) to repair, renovate restore, rebuild and generally promote the preservation of any buildings, structures or lands;
- (d) to buy or otherwise acquire furniture or equipment, for use in connection with any such buildings, structures or lands, and to sell, lease or otherwise dispose of, any such furniture or equipment;
- (e) to make such arrangements as are necessary to enable the public, whether on payment or a fee or free of charge, to view and enjoy any such buildings or structures;
- (f) to produce and publish materials in any format in order to make known to the public, the existence of buildings or structures or particular beauty or historical, architectural or constructional interest or the features of special of such buildings or structures
- (g) to make surveys, prepare maps and plans, and collect information, in relation to any place, erection or building of particular beauty or of historical interest to any particular area;
- (h) to hold meetings, lectures and exhibitions, and to give advice or other information, pertaining to the pursuit of its objects;
- (i) to undertake or support research into the means of preserving old buildings and structures;

- (j) to cause maintenance works to be carried out on national monuments not belonging to Government.
- (k) to raise funds by subscriptions, donations, grants, gifts or loans;
- (l) to co-operate with any local or public authority or other body concerned to achieve the objects of the Fund.
- (m) generally, to do anything necessary for the attainment of the objects of the Fund.

7. Meetings of the Board

- (1) Subject to subsections (2) and (3), the Board shall regulate its meetings and proceedings in such manner as it thinks fit.
- (2) the Board shall meet, at such time and place as the Chairman may determine-
 - (a) at least once every month; and
 - (b) whenever a request for a meeting is made by the Chairman or by not less than 5 members.
- (3) Six members shall constitute a quorum.

8. Delegation of powers

Subject to such instructions and rules of a general nature as it may give or make, the Board may delegate to the Chairman or to the Director such of its powers under this Act as may be necessary to assist it in the effective management of the Fund, other than the power-

- (a) to borrow money;
- (b) to raise loans; or
- (c) to entertain into any transactions involving capital expenditure which exceeds 100 000 rupees.

9. The Director

- (1) The Board shall, with the approval of the Minister, appoint on such terms and conditions as the Board may determine, a Director for the management of the Fund.
- (2) The Director shall be responsible for the execution of the policy and decisions of the Board and for the control and management of the day to day business of the Fund.
- (3) In the exercise of his functions, the Director shall act in accordance with such directions as he may receive from the Board.

10. Appointment of staff

- (1) The Board may appoint, on such terms and conditions as the Board may determine, such staff as may be reasonably necessary for the purposes of, or in connection with, the discharge of its functions.
- (2) Every member of the staff shall be under the administrative control of the Director.

11. Appointment of Advisory Committees

- (1) The Board may set up advisory committees to advise the Minister and the Board on matters pertaining to the -
 - (a) maintenance and repairs techniques of buildings or structures of aesthetic architectural, archaeological, traditional, artistic, historical or scientific interest;
 - (b) design and restoration techniques of such buildings and structures;
 - (c) vulgarization of such techniques;
 - (d) suggestions to be made to the National Monuments Board as regards the designation of national monuments;
 - (e) acquisition and sale of national monuments under private ownership.
- (2) Any committee set up under subsection (1) shall -
 - (a) consist of
 - (i) the Chairman of the Board, as Chairman;
 - (ii) such other members of the Board as the Board may designate; and
 - (iii) such co-opted members, having appropriate specialised skills in the field of restoration techniques, as the Minister may designate;
 - (b) regulate its meetings and proceedings in such manner as it thinks fit.

12. Execution of documents

- (1) Subject to subsection (2), all documents shall be deemed to be executed by or on behalf of the Fund if signed by the Chairman or the Director.
- (2) Every cheque of the Fund shall be signed by any 2 of the following persons -
 - (a) the Chairman;
 - (b) the Director; or

(c) such other member as may be appointed for that purpose by the Board.

13. Powers of the Minister

- (1) The Minister may give such directions of a general character 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.
- (2) The Board shall furnish to the Minister such information with respect to its activities as the Ministry may require.

14. General Fund

- (1) There shall be a General Fund into which shall be paid all monies accruing to the Fund.
- (2) The Board shall charge to the General Fund such expenditure as is necessary for the attainment of the objects of the Fund.

15. Donations and legacies

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

16. Exemptions

Notwithstanding any other enactment -

- (a) the Fund shall be exempt from the payment of any duty, rate, charge, fee or tax;
- (b) no stamp duty or registration 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 purposes of this Act.
- (2) Regulations made under subsection (1) may provide for the levying of fees or charges in respect of the activities conducted or facilities provided by the Fund.

18. Consequential amendments

- (1) The National Monuments Act 1985 is amended in section 7(3) by deleting the words "Consolidated Fund" and replacing them by the words "National Heritage Trust Fund established under the National Heritage Trust Fund Act 1997."
- (2) Subject to subsections (3) and (4), the Statutory Bodies (Accounts and Audit) Act is amended in Part II of the Schedule by adding the following in its appropriate alphabetical order -

National Heritage Trust Fund

- (3) The auditor to be appointed under section 5(1) of the Statutory Bodies (Accounts and Audit) Act shall be the Director of Audit.

19. Transitional Provisions

- (1) For the purposes of the Statutory Bodies (Accounts and Audit) Act, the period extending from the commencement of this Act to 30 June next following shall be deemed to be the first financial year of the Fund,
- (2) Section 7(1) of the Statutory Bodies (Accounts and Audit) Act shall not apply in relation to the first financial year of the Fund.

20. Commencement

Proclaimed by [\[Proclamation No. 1 of 1998\]](#) w. e. f 1st February 1998