

**THE MAURITIUS TAMIL CULTURAL CENTRETRUST ACT 2001**

Act No. 5 of 2001

I assent

CASSAM UTEEM

28th May 2001

President of the Republic

ARRANGEMENT OF SECTIONS

Section

- |                               |  |
|-------------------------------|--|
| 1. Short title                | 10. Powers of the Minister             |
| 2. Interpretation             | 11. Financial provision and Management |
| 3. Establishment of the Trust | 12. Service of process                 |
| 4. Objects of the Trust       | 13. Donations and legacies             |
| 5. Board of Trustees          | 14. Exemptions                         |
| 6. Meetings of the Board      | 15. Regulations                        |
| 7. Director                   | 16. Consequential amendments           |
| 8. Appointment of staff       | 17. Commencement                       |
| 9. Execution of documents     |  |

An Act

To provide for the establishment and management of the Mauritius Tamil Cultural Centre Trust

ENACTED by the Parliament of Mauritius, as follows-

1. Short title

This Act may be cited as the Mauritius Tamil Cultural Centre Trust Act 2001.

2. Interpretation

In this Act -

"Board" means the Board of Trustees referred to in section 5;

"Centre" means the Mauritius Tamil Cultural Centre;

"Director" means the Director appointed under section 7;

"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;

"Trust" means the Mauritius Tamil Cultural Centre Trust established under section 3.

3. Establishment of the Trust

- (1) There is established for the purposes of this Act a Mauritius Tamil Cultural Centre Trust.
- (2) The Trust shall be a body corporate.

4. Objects of the Trust

The objects of the Trust shall be -

- (a) to preserve and promote Tamil art and culture;
- (b) to promote the study of Tamil;
- (c) to manage the Centre;
- (d) to collect, publish and disseminate information pertaining to Tamil art and culture;
- (e) to organise lectures, seminars, training, workshops, exhibitions and any other activities which will lead to a better understanding of Tamil art and culture;
- (f) to create facilities for documentation and research on Tamil art and culture;
- (g) to establish useful links with organisations engaged in similar activities locally and internationally;
- (h) to undertake any other activity which is cognate to the achievement of the above objects.

5. Board of Trustees

- (1) The Trust shall be managed by a Board of Trustees which shall consist of the following members -
  - (a) A Chairperson, appointed by the Minister from among the members of the Board;
  - (b) a Vice-Chairperson, appointed by the Minister from among the members of the Board;
  - (c) 7 members, appointed by the Minister on the recommendation of the organisations specified in the Schedule;
  - (d) 3 representatives appointed by the Minister from among Tamil organisations registered as associations under the Registration of Associations Act or established as statutory bodies;
  - (e) a representative of the Prime Minister's Office;
  - (f) a representative of the Ministry of Finance;
  - (g) a representative of the Ministry to which responsibility for the subject of arts and culture is assigned.

- (2) The Board may coopt 5 persons to help in the advancement of the objects of the Trust.
- (3) Every member of the Board, other than a member referred to in subsection (1) (e), (f) and (g), shall hold office for a maximum period of 3 years and shall be eligible for re-appointment for another period of not more than 3 years.
- (4) A person coopted under subsection (2) -
  - (a) shall hold office for such period as the Board may decide;
  - (b) shall not have the right to vote.

#### 6. Meetings of the Board

- (1) Subject to this Act, the Board shall regulate its meetings and proceedings in such manner as it thinks fit.
- (2) The Board shall -
  - (a) subject to paragraph(b), meet at such time and place as may be determined by the Chairperson; and
  - (b) meet at least once every month.
- (3) Seven members shall constitute a quorum.
- (4) A member, who has a direct or indirect pecuniary or any other interest in relation to any matter before the Board, shall not take part in the deliberations of the Board relating to that matter.

#### 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 appointment of the Director.
- (2) The Director shall be responsible for the execution of the policy of the Board and for the control and management of the day to day business of the Centre.
- (3) In the exercise of his functions, the Director shall act in accordance with such directions as he may receive from the Board.
- (4) The Director, may, with the approval of the Board, delegate any of his powers or functions to a member of the staff appointed under section 8.

#### 8. Appointment of staff

- (1) The Board may appoint such staff as may be necessary for the proper discharge of its functions.

- (2) The Board shall, after consultation with the Minister, determine the terms and conditions of appointment of the staff.
- (3) Every member of the staff shall be under the administrative control of the Director.
- (4) No person shall be eligible for appointment, or if employed, remain in employment, where he has an Interest in any contract with the Trust.

9. Execution of documents

- (1) No document shall be executed by or on behalf of the Trust 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 Trust.

10. Powers of the Minister

- (1) The Minister may give such general directions to the Board, not inconsistent with 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 document including the minutes of proceedings of the Board and the accounts of the Trust, and such other information with respect to the activities of the Trust, as the Minister may require.

11. Financial provision and management

- (1) The Board shall establish a General Fund -
  - (a) into which all money received by the Trust shall be paid; and
  - (b) out of which all payments required to be made by the Trust shall be made,
- (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 Trust from any other source.

12. Service of process

Service of process on the Director shall be equivalent to service on the Trust.

13. Donations and legacies

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

14. Exemptions

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

15. 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) The Minister may, by regulations, amend the Schedule.

16. Consequential amendments

- (1) Subject to subsections (2) and (3), the Schedule to the Statutory Bodies (Accounts and Audit) Act is amended in Part II by adding the following item -

The Mauritius Tamil Cultural Centre Trust

- (2) 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 to the Trust.
- (3) Section 7 (1) of the Statutory Bodies (Accounts and Audit) Act shall apply in relation to the first financial year of the Trust.
- (3) The auditor to be appointed under section 5 of the Statutory Bodies (Accounts and Audit) Act shall be the Director of Audit.

17. Commencement

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

Passed by the National Assembly on the eighth day of May two thousand and one.

ANDRE POMPON  
Clerk of the National Assembly

SCHEDULE

(section 5(i)(c))

Mauritius Tamil Temples Federation