

Mauritius

Nelson Mandela Centre for African Culture Trust Fund Act 41 of 1989

Legislation as at 30 June 2017

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Nelson Mandela Centre for African Culture Trust Fund
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Mauritius

Nelson Mandela Centre for African Culture Trust Fund Act 41 of 1989

Commenced on 16 December 1989

[This is the version of this document at 30 June 2017.]

1. Short title

This Act may be cited as the Nelson Mandela Centre for African Culture Trust Fund.

[S. 1 amended by Act 5 of 2000.]

2. Interpretation

In this Act—

"**Board**" means the Board of Trustees referred to in [section 5](#);

"**Centre**" means the Nelson Mandela Centre for African Culture;

"**Fund**" means the Nelson Mandela Centre for African Culture Trust Fund established under [section 3](#);

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

"**Ministry**" means the Ministry responsible for the subject of arts and culture;

"**Permanent Secretary**" means the Permanent Secretary of the Ministry.

[S. 2 amended by Act 5 of 2000.]

3. Establishment of Fund

There is established for the purposes of this Act a Nelson Mandela Centre for African Culture Trust Fund which shall be a body corporate.

[S. 3 amended by Act 5 of 2000.]

4. Objects of Fund

The objects of the Fund shall be to—

- (a) preserve and promote African arts and culture;
- (b) preserve and promote Creole arts and culture;
- (c) collect, publish and disseminate information with respect to the African and Creole arts and culture;
- (d) organise lectures, seminars, workshops, exhibitions and any other activities leading to the better understanding of the African and Creole arts and culture;
- (e) do research and reflect on the impact slavery has had in Mauritius;
- (f) establish useful links with organisations engaged in similar activities locally and internationally.

[S. 4 amended by Act 5 of 2000.]

5. The Board

- (1) The Fund shall be managed by a Board of Trustees comprising—
 - (a) a Chairperson, to be appointed by the Prime Minister from among members of the Board;
 - (b) 10 members, to be appointed by the Minister after consultation with the Prime Minister;
 - (c) —
 - (d) a representative of the Prime Minister's Office;
 - (e) a representative of the Ministry responsible for the subject of arts and culture.
 - (f) a representative of the Ministry responsible for the subject of finance;
- (1A) The Chairperson and the members referred to in subsection (1) (b) shall be appointed from amongst persons with a proven track record in initiating, talking or implementing measures for the upliftment of descendants of slaves.
- (2) The Board may co-opt 5 additional members who shall be chosen from persons capable of helping in the advancement of the objects of the Fund.
- (3) Every member of the Board, other than a member specified in subsection (1) (d), (e) and (f), shall hold office for a period of 3 years and shall be eligible for reappointment for another period of 3 years.

[S. 5 amended by Act [4 of 1991](#); s. 32 (b) of Act [27 of 2013](#) w.e.f. 5 September 2014.]

6. Meetings of Board

- (1) The Board shall meet at such place and time as the Chairperson may determine or as may be requested in writing by not less than 3 members, not more than one of whom may be a co-opted member.
- (2) At any meeting of the Board, 7 members 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. Appointment of staff

- (1) The Board shall appoint, on such terms and conditions as it may determine, a Director for the management of the Centre.
- (2) The Director shall be responsible for the execution of the policy of the Board and for control and management 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 Board may appoint or employ, on such terms and conditions as the Board may determine, such officers and servants as may be reasonably necessary for the purposes of or in connection with the discharge of its functions.
- (5) Every officer and servant shall be under the administrative control of the Director.

8. Execution of documents

- (1) No document shall be executed 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.

9. Powers of Minister

- (1) The Minister may, in relation to the exercise by the Board of the powers of the Fund under this Act, after consultation with the Board, 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 returns or copies of such documents, including the minutes of proceedings of the Board, the accounts of the Fund and such other information with respect to the activities of the Fund, as the Minister may require.
- (3) The Minister may set up a Committee which shall supervise, from time to time, the proper functioning of the Fund.
- (4) The Committee shall consist of—
 - (a) the Permanent Secretary or his representative;
 - (b) 3 public officers to be designated by the Minister, one of whom shall be an accountant;
 - (c) 2 other persons conversant with the management of associations, to be appointed by the Minister on such terms and conditions as he may determine.
- (5) No person appointed under subsection (4) (c) shall be deemed to be a public officer by reason only of his appointment.

10. Accounts of Fund

- (1) The Board shall, on or about 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.

11. Service of process

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

12. Annual general meeting

A general meeting of the Board shall be held once in every year, not later than 3 months after the end of the financial year.

13. Donations and legacies

Article 910 of the Code Civil Mauricien shall not apply to the Fund.

14. Regulations

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

15. ***