Mauritius

National Solidarity Fund Act

Act 7 of 1991

Legislation as at 30 June 2017

FRBR URI: /akn/mu/act/1991/7/eng@2017-06-30

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PDF created on 21 February 2024 at 16:15.

Collection last checked for updates: 30 June 2017.

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Mauritius

National Solidarity Fund Act

Act 7 of 1991

Commenced on 1 June 1991

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

1. Short title

This Act may be cited as the National Solidarity Fund Act.

2. Interpretation

In this Act—

"**Board**" means the Board referred to in section 5;

"**Chairperson**" means the Chairperson of the Board;

"**Fund**" means the National Solidarity Fund established under section 3;

"**member**"—

(a) means a member of the Board; and

(b) includes the Chairperson;

"**Minister**" means the Minister to whom responsibility for the subject of national solidarity is assigned.

3. Establishment of Fund

(1) There is established for the purposes of this Act a National Solidarity Fund.

(2) The Fund shall be a body corporate.

4. Objects of Fund

The objects of the Fund shall be to—

(a) provide financial assistance to citizens of Mauritius residing in Mauritius, who may require surgical operations which can only be performed abroad or in medical institutions in Mauritius approved by the Ministry responsible for the subject of health;

(b) provide financial assistance to redundant workers;

(c) provide, with the approval of the Minister, financial assistance directly to individuals who have undergone severe personal hardship.

[S. 4 amended by s. 23 (a) of Act 14 of 2005 w.e.f. 21 April 2005.]

4A. Financial assistance to redundant workers

(1) Every employer shall, not later than 31 December 2005, in respect of every person who was, on 30 June 2005, an employee or an insured person, as the case may be, pay to the Fund a contribution of 100 rupees.

(2) Where an employer fails to pay the contribution under subsection (1), he shall be liable to pay, in addition to the contribution, a penalty representing 20 per cent of the contribution.

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(3) The amount of any unpaid contribution and penalty under this section may be recovered by the Fund in the manner provided for the recovery of State debts under the Recovery of State Debts Act.

(4) The receiver, or receiver and manager, of a company under receivership, or the liquidator of a company under compulsory winding up, shall, as soon as practicable, after being appointed as such, give written notice to the Permanent Secretary—

(a) of the date of his appointment as receiver, or receiver and manager, or liquidator, as the case may be;

(b) specifying, in respect of each worker who has become redundant—

(i) his full name and address;

(ii) his last rate of pay;

(iii) whether he has been paid, will be paid, or will not be paid, remuneration or wages in lieu of notice, or severance allowance, or compensation for length of service, as the case may be.

(5) The notice given under subsection (4) shall be in such form as the Permanent Secretary may approve.

(6) Any person who fails to comply with subsection (4) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees.

(7) On receipt of a notice under subsection (4), the Permanent Secretary shall, in writing, notify the Board of the relevant particulars of the workers who have not been paid their remuneration or wages in lieu of notice or severance allowance or compensation for length of service, as the case may be.

(8) There shall be paid out of the Fund, a financial assistance of 6,000 rupees to every worker referred to in subsection (7), whom the Permanent Secretary certifies as being a worker to whom such financial assistance is payable.

(9) For the purpose of this section—

"employee" has the same meaning as in the National Savings Fund Act;

"employer" has the same meaning—

(a) in relation to an insured person, as in the National Pensions Act;

(b) in relation to an employee, as in the National Savings Fund Act;

"insured person" means an insured person under section 13 (1) of the National Pensions Act;

"Ministry" means the Ministry responsible for the subject of social security;

"Permanent Secretary" means the Permanent Secretary of the Ministry responsible for the subject of labour;

"worker" has the same meaning as in the Employment Relations Act.

[S. 4A inserted by s. 23 (b) of Act 14 of 2005 w.e.f. 21 April 2005; amended by s. 3 of Act 32 of 2005.]

5. The Board

(1) There shall be 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 Chairperson, to be appointed by the Minister;

(b) the Permanent Secretary of the Ministry or his representative;

(c) the Senior Chief Executive of the Prime Minister's Office (Home Affairs Division);

(d) the Financial Secretary or his representative;

(e) the Permanent Secretary of the Ministry responsible for the subject of health or his representative;

(f) a representative of the Mauritius Tax Payers' Association;

(g) a representative of the Mauritius Employers' Federation;

(h) a representative of employees' trade unions, appointed by the Minister;

(i) a representative of the Mauritius Council of Social Service.

(3) A person who is—

(a) an office bearer of a political party; or

(b) a member of the Assembly or of a local authority,

shall not be qualified to be a member of the Board.

(4) Every member specified in subsection (2) (a), (f), (g) and (h) shall hold office for 2 years but shall be eligible for reappointment.

6. Meetings of Board

(1) The Board shall be convened by the Chairperson at such time and place as he may determine, or in his absence, by the acting Chairperson.

(2) At any meeting of the Board, 5 members shall constitute a quorum.

(3) Subject to this section, the Board shall regulate its meetings and proceedings in such manner as it may determine.

7. Staff of Fund

The Board may, in furtherance of this Act, employ on such terms and conditions as it may determine and with the approval of the Minister, such staff as it may require for the discharge of its functions under this Act.

7A. Transfer to Consolidated Fund

The Board may, at the request of the Minister and after consultation with the Minister to whom responsibility for the subject of finance is assigned, transfer any surplus money from the Fund to the Consolidated Fund.

[S. 7A inserted by s. 12 of Act 10 of 2010 w.e.f. 24 December 2010.]

8. Exemption

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 fee shall be payable in respect of any document under which the Fund is the sole beneficiary.

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9. Annual reports

(1) The Board shall furnish to the Minister, as soon as practicable after the end of each financial year, a copy of the audited accounts of the Fund for that financial year, together with the Director of Audit's report on those accounts.

(2) The Minister shall, at the earliest available opportunity, lay a copy of the audited annual accounts of the Fund before the Assembly.

10. Regulations

The Board may, with the approval of the Minister, make such regulations as it thinks fit for the purposes of this Act.

11. ***

12. ***

13. ***