

AUSTIN WILSON HOME ACT

Cap 348 – 24 December 1932

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AUSTIN WILSON HOME ACT

1. Short title

This Act may be cited as the Austin Wilson Home Act.

2. Object of Austin Wilson Home

There shall exist in Mauritius an institution to provide accommodation and subsistence for aged gentlefolk, under the name “Austin Wilson Home”, in this Act referred to as “the Home”.

3. Incorporation of Home

The Home shall be a body corporate.

4. Powers of Home

The Home shall have all the powers of a body corporate.

5. Legal proceedings

Service of process by or on the President of the Board of Trustees shall be equivalent to service by or on the Home.

6. Management by Board of Trustees

The Home shall be under the care and management of a Board of Trustees to be appointed in accordance with section 7.

7. Constitution of Board of Trustees

The Board of Trustees shall consist of 5 members to be appointed every year in December by the Minister to whom responsibility for the subject of social security is assigned, as follows—

- (a) 2 members chosen by the Minister;
- (b) 3 members on nomination made to the Minister before 1 December every year by all the descendants of Mr A J Wilson in the direct line who shall be of age, and present or duly represented in Mauritius;
- (c) where the descendants fail to agree and nominate more members than 3, the final choice of the 3 members between such nominees shall lie with the Minister and where they nominate fewer than 3 members, the additional member or members will be chosen by the Minister, and in case no nomination is sent to the Minister before 1 December every year through any cause, the 3 members will be chosen by the Minister.

8. Office bearers

(1) (a) The Board of Trustees shall immediately after its appointment every year select among its members a President who shall always be chosen from the members nominated by the descendants of Mr A J Wilson.

(b) The Board of Trustees shall also appoint a Secretary and a Treasurer, who may not be members of the Board of Trustees, and shall fix the salary or remuneration to be paid to those officers.

(2) The functions of the office bearers will be honorary, but nothing herein contained shall prevent the Board of Trustees from remunerating any member for any services actually rendered to the Home and from appointing any salaried officer whenever need be.

(3) In case of absence or incapacity to act of any of its members, the Board may appoint an agent or proxy to replace him on the Board during his absence or incapacity.

(4) In case of death, absence or resignation of any member of the Board of Trustees who was chosen by the Minister himself, the vacancy shall be filled by the Minister as soon as possible and if such member was nominated by the descendants of Mr A J Wilson, they shall nominate to the Minister another member for appointment within 15 days of such death, absence or resignation failing which the Minister shall choose another member to fill the vacancy.

(5) The death, absence, resignation or incapacity to act of one or more of the office bearers from any cause shall not invalidate or diminish the powers of those who remain in office so long as the Board of Trustees shall not be reduced below 3 members.

9. Proceedings

(1) The Board of Trustees shall be convened by the President as often as may be necessary.

(2) In the absence of the President, the members present shall elect a President of the meeting.

(3) Three members shall form a quorum.

(4) The decisions of the Board shall be taken by a majority of votes, the President having an original and a casting vote.

(5) The Secretary shall have the custody of all books, deeds and documents relating to the Home and shall keep minutes of all the proceedings of the Board.

(6) Minutes of proceedings shall be signed by the President and the Secretary, and shall be *prima facie* evidence of all matters therein mentioned.

10. Powers of Board of Trustees

(1) The Board of Trustees shall have and exercise the same powers concerning the Home as those conferred upon the Home by this Act and shall have all authority to do all acts for the execution of such powers.

(2) The Board of Trustees may delegate by resolution all or any of the powers conferred by subsection (1) to one or more of its members.

11. Signature of deeds and documents

All deeds, acts and documents concerning the Home shall be signed by the President and the Secretary.

12. Application of corporate funds

The income and property of the home shall be applied solely towards the promotion of the objects of the Home and no portion shall be distributed or transferred by way of dividend, bonus or otherwise.

13. Auditing

The Board of Trustees shall appoint every year an auditor whose duty shall be to examine and supervise the finances of the Home and to make a report.

14. Annual report

The Board of Trustees shall report annually to the President on or before 30 November on the condition and progress of the Home during the preceding year, annexing to the report the statement of account and the report of the auditor.

15. Donations and legacies

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

16. Duty on donations and legacies

All donations and legacies under which the Home is a beneficiary shall be registered free of charge.
