

JOSEPH GUY ROZEMONT MEMORIAL FOUNDATION ACT

Act 50 of 1965 – 27 December 1965

ARRANGEMENT OF SECTIONS

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JOSEPH GUY ROZEMONT MEMORIAL FOUNDATION ACT

1. Short title

This Act may be cited as the Joseph Guy Rozemont Memorial Foundation Act.

2. Interpretation

In this Act—

“Board” means the Board of Trustees established under section 6;

“Foundation” means the Joseph Guy Rozemont Memorial Foundation referred to in section 3.

3. Incorporation of Foundation

The Joseph Guy Rozemont Memorial Foundation shall be a body corporate.

4. Objects of Foundation

The objects of the Foundation shall be to assist and help—

- (a) any deserving and necessitous student in the latter part of his primary education or at any stage in his secondary education by providing and financing educational facilities;
- (b) deserving students who, through lack of means, cannot afford to pursue higher studies, academic and non-academic, by providing and financing scholarships.

5. Powers of Foundation

The Foundation through the Board shall have and exercise all the powers of a natural person.

6. Board of Trustees

(1) For the purpose of managing the Foundation and exercising any of the powers vested in the Foundation, there is established a Board of Trustees which shall consist of 8 members.

(2) The Chairperson shall be appointed by the President on nomination made in that behalf by the Board and sent in writing to the President on or before 1 December in every year and where no nomination is received by the President by 1 December in any year, the Chairperson shall be selected and appointed by the President.

(3) The members of the Board shall be appointed in December every year by the President on nominations made in that behalf by the Chairperson and sent in writing to the President on or before 1 December in every year and where no nomination is received by the President by 1 December in any year, the members of the Board shall be selected and appointed by the President.

[S. 6 amended by Act 48 of 1991.]

7. Officers of Board

(1) Immediately after its constitution every year, the Board shall elect from among its members a Secretary who shall also act as Treasurer.

(2) The Board may, for such purposes as it thinks fit, appoint any officer or servant or suspend or dismiss any officer or servant so appointed.

(3) Except where the Board otherwise decides, no office bearer, member or other officer or servant of the Board shall be paid any fee, salary or other form of remuneration for services rendered or duties performed by them in the interests of the Foundation or in connection with such interests.

8. Vacancy in Board

(1) Where a vacancy occurs in the Board through the death, absence from Mauritius for more than 3 months, incapacity or resignation of any member, the vacancy shall, as soon as may be after its occurrence, be filled by the appointment of any person as member in accordance with section 7.

(2) Any nomination for appointment made in that behalf by the Chairperson shall be transmitted to the President within 15 days of the incidence of the vacancy.

(3) Where no nomination has been made under subsection (1), the President shall select and appoint such person as he thinks fit to fill the vacancy.

[S. 8 amended by Act 48 of 1991.]

9. Validity of acts in spite of vacancy

Any act performed by the Board, or any power exercised by it, shall not be deemed to have been invalid or invalidly performed, as the case may be, by reason of any vacancy in their number through any cause mentioned in section 8 but if, and as long as, the number of members is reduced to less than 3, the Board shall discontinue the exercise of its powers.

10. Proceedings and quorum

(1) The Board shall meet as often as may be necessary.

(2) Three members shall form a quorum.

(3) The Secretary-Treasurer shall keep every document relating to the Foundation and shall have its custody.

(4) The minutes of proceedings of every meeting of the Board shall be recorded by the Secretary and, after any necessary amendments, be signed by the Chairperson and the Secretary at the next meeting.

(5) Any copy or extract of the minutes duly signed by the Chairperson and the Secretary shall be received as *prima facie* evidence of the matter contained in it.

11. Deeds to be signed

Every deed, act or document relating to the Foundation shall be signed by—

(a) the Chairperson and the Secretary-Treasurer of the Board; or

(b) 2 members of the Board delegated by the Board in that behalf.

12. Property of Foundation

The property of the Foundation shall be applied towards the furtherance of the objects for which the Foundation has been established and no portion of that property shall be distributed or transferred in any manner by way of dividend, bonus or otherwise.

13. Finances

(1) The Secretary-Treasurer shall, on or about 31 October in every year, prepare a statement of accounts and balance sheet of the finances of the Foundation.

(2) The statement of accounts and balance sheet shall be annually audited by a qualified auditor who shall then make a report to the Board.

14. Annual report

The Board shall, on or before 30 November in every year, report to the President on the general progress of the Foundation and shall annex to the report the statement of accounts and balance sheet together with the report of the auditor.

[S. 14 amended by Act 48 of 1991.]

15. Donations and legacies

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

16. Exemption from duty

The Foundation shall be exempt from payment of any duty levied on donations and legacies made to it.

