

LA CLINIQUE MAURICIENNE ACT
Act 36 of 1957 – 23 December 1957

ARRANGEMENT OF SECTIONS

SECTION

- | | |
|----------------------------|---|
| 1. Short title | 8. Acts to be valid in spite of vacancy |
| 1A. Interpretation | 9. Proceedings of Board |
| 2. La Clinique Mauricienne | 10. Documents |
| 3. Objects of Clinic | 11. Property of Clinic |
| 4. Powers of Clinic | 12. Accounts |
| 5. Board of Trustees | 13. Annual report |
| 6. Officers of Board | 14. Donations and legacies |
| 7. Vacancy in Board | 15. Exemption from duty |

LA CLINIQUE MAURICIENNE ACT

1. Short title

This Act may be cited as the La Clinique Mauricienne Act.

1A. Interpretation

In this Act—

“Board” means the Board of Trustees of the Clinic established under section 5;

“Clinic” means La Clinique Mauricienne;

“Minister” means the Minister to whom responsibility for the subject of health is assigned.

2. La Clinique Mauricienne

La Clinique Mauricienne is established as a body corporate in the form of a foundation.

3. Object of Clinic

The object of the Clinic shall be to admit and treat patients requiring surgical intervention, especially those patients who cannot find the required accommodation in the hospitals and who through lack of means cannot afford to pay the fees charged by other clinics.

4. Powers of Clinic

The Clinic shall have the powers of a natural person.

5. Board of Trustees

(1) For the purpose of managing the Clinic and exercising any of the powers vested in the Clinic, there is established a Board of Trustees which shall consist of 7 members to be appointed under this section.

(2) The members of the Board shall be appointed in December of every year by the Minister on nomination made in that behalf by the Chairperson and sent in writing to the Minister on or before 1 December in every year.

(3) Where no nomination has been made on 1 December in any year, the members of the Board shall be selected and appointed by the Minister.

6. Officers of Board

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

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

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

7. 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 the manner specified in section 5.

(2) (a) Any nomination for appointment shall be transmitted to the Minister within 15 days of the vacancy.

(b) Where no nomination is made, the Minister shall select and appoint such person as he thinks fit to fill the vacancy.

(3) Where a member is absent from Mauritius for less than 3 months, the Board may fill his post, but any person so chosen shall retain his office only as long as the original member is absent from Mauritius.

8. Acts to be valid 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 only of any vacancy on the Board through any cause mentioned in section 7, but where and as long as the number of members is reduced to less than 3, the Board shall discontinue the exercise of its powers.

9. Proceedings of Board

(1) (a) The Board shall be convened by the Chairperson—

(i) at such time as the Chairperson thinks fit; and

(ii) at any other time on application made in that behalf by not less than 3 members.

(b) In the event of the death, incapacity or absence from Mauritius of the Chairperson, the Board shall be convened by any member.

(2) Where the Chairperson or Secretary, as the case may be, is absent from any meeting of the Board, the members present shall elect from their number a Chairperson or a Secretary respectively for that meeting.

(3) The quorum of the Board shall be 3.

(4) The Secretary shall keep every document relating to the Clinic and shall be its custodian.

(5) (a) The minutes of proceedings at every meeting of the Board shall be recorded by the Secretary and be signed by the Chairperson or Secretary for the meeting at which those minutes are read and confirmed.

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

10. Documents

Every document relating to the Clinic shall be signed by the Chairperson and Secretary of the Board.

11. Property of Clinic

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

12. Accounts

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

(2) The statement of accounts and balance sheet shall be annually audited by an auditor, appointed every year in that behalf by the Board, who shall report on it.

13. Annual report

The Board shall, on or before 30 November in every year, report to the Minister on the general progress of the Clinic and shall annex to its report the statement of accounts referred to in section 12 duly audited by an auditor together with the report of the auditor.

14. Donations and legacies

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

15. Exemption from duty

The Clinic shall be exempt from the payment of duty on any bequest or donation it receives.
