

MAURITIUS CANCER SOCIETY ACT

Act 48 of 1970 – 3 December 1970

ARRANGEMENT OF SECTIONS

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MAURITIUS CANCER SOCIETY ACT

1. Short title

This Act may be cited as the Mauritius Cancer Society Act.

2. Mauritius Cancer Society

The Mauritius Cancer Society shall be a body corporate.

3. Registered office

The office of the Society shall be at such place as may be decided by the Board of Trustees established under section 6.

4. Objects of Society

The objects of the Society shall be for the relief of distress caused by cancer and for the development of work in connection with the prevention, treatment and cure of the disease and, in particular, for the—

- (a) alleviation of suffering of cancer patients;
- (b) provision of necessary relief, financially or otherwise, to the families and dependants of cancer patients;
- (c) erection, maintenance and running of convalescent homes;
- (d) organisation of an adequate service for the transport of patients to and from hospitals or convalescent homes;
- (e) dissemination of propaganda relating to the prevention of the disease and to the necessity for early treatment.

5. —

6. Board of Trustees

(1) For the purpose of managing the Society and exercising any powers vested in the Society by this Act, there is established a Board of Trustees, in this Act referred to as “the Board”, which shall consist of a Chairperson and 10 members.

(2) The Chairperson and members of the Board shall be appointed by the Minister to whom responsibility for the subject of health is assigned and shall, subject to section 7, hold office for such term as may be determined by the Minister and shall be eligible for reappointment.

(3) The Minister shall cause the names of the Chairperson, of the other members of the Board and of every person appointed to fill a vacancy to be published in the *Gazette* as soon as possible after the appointment.

(4) (a) Immediately after its appointment, the Board shall elect from among its members one or more Vice-Chairpersons, a Treasurer and a Secretary.

(b) The Board may also, if it so decides, appoint a Patron, an Honorary President and any number of Honorary Vice-Presidents and may also co-opt any number of honorary members not exceeding 5, but the appointed persons and honorary members shall have no right to vote at meetings of the Board.

7. Procedure at meetings

(1) The Board shall, unless it decides otherwise, meet once a month.

(2) Every meeting of the Board shall be convened by the Secretary who shall, in addition to the meetings specified in subsection (1), convene an extraordinary meeting of the Board where he is so requested by the Chairperson or by 3 members of the Board.

(3) (a) The Chairperson shall preside at all meetings of the Board and, in his absence, the meeting shall be presided by the Vice-Chairperson or, if there is more than one present, any one of them chosen by the members present.

(b) In the absence of the Chairperson, the Vice-Chairperson, and, if more than one, of all of them from any meeting, the members present shall choose a member to preside at that meeting.

(4) (a) The Chairperson of the meeting and 4 members of the Board shall constitute a quorum.

(b) Questions arising at any meeting of the Board shall be decided by a majority of the votes of the members present, and, if at any such meeting the votes are equally divided, the Chairperson of the meeting shall have a second or casting vote.

(c) The ruling given by the Chairperson on all questions of procedure shall be final and conclusive.

(5) (a) The minutes of proceedings at every meeting of the Board shall be recorded by the Secretary, or, in his absence, by the person appointed by the Chairperson of the meeting to discharge the functions of Secretary for that meeting, and shall be signed by the Chairperson and the Secretary for the meeting at which those minutes shall be read and confirmed.

(b) Any copy or extract of any such minutes duly signed by the Chairperson or, in his absence, by the Vice-Chairperson, and if more than one, by any one of them, and by the Secretary shall be received in any Court as *prima facie* evidence of the matters contained in it.

(6) (a) The Board shall, notwithstanding any vacancy, continue in existence.

(b) The validity of any decision, proceeding or act of the Board or act done on the authority of the Board shall not be affected by any vacancy among its members, or by any defect in the appointment of a member, or by the reason that some person who was not entitled to do so took part therein.

8. Removal of members from Board

(1) The Minister may remove or suspend from office any member of the Board who—

- (a) has been absent from 3 consecutive meetings of the Board without special leave from the Chairperson;
- (b) has become insolvent or has assigned his estate for the benefit of his creditors or has made an arrangement with his creditors;
- (c) has committed any misconduct, default or breach of trust in the discharge of his duties as member of the Board under this Act or otherwise which, in the opinion of the Minister, renders him unfit to continue to be a member of the Board;
- (d) has been convicted of an offence of such a nature as, in the opinion of the Minister, renders it desirable that he should be removed from office; or
- (e) is suffering from such mental or physical infirmity as, in the opinion of the Minister, renders him unfit to discharge his duties as a member of the Board.

(2) The Minister shall cause notice of any removal or suspension of a member under this section to be published in the *Gazette*.

9. Records and execution of documents

(1) The Secretary shall keep every book, other than books of account, deed, register or other document relating to the Society and shall have their custody.

(2) All deeds, instruments, contracts and other documents shall be deemed to be duly executed by or on behalf of the Society if signed by the Chairperson or, in his absence, by the Vice-Chairperson, and, if more than one, by any one of them, and by the Secretary.

(3) Cheques drawn on any Bank in the name of the Society shall be signed by the Chairperson or, in his absence, by the Vice-Chairperson, and if more than one, by any one of them, and by the Secretary or the Treasurer.

10. Accounts

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

(2) (a) The statement of accounts and balance sheet shall be annually audited by an auditor who shall report thereon.

(b) The auditor shall be the holder of any qualification specified in section 161 of the Companies Act.

11. Annual report

The Board shall, on or before 31 May in every year, report to the Minister on the general progress of the Society and shall annex to its report the statement of accounts referred to in section 10, duly audited by the auditor together with the latter's report.

12. Donations and legacies

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

13. Exemption from duty

The Society shall be exempt from payment of any duty on donations and legacies received by it.

14. Affiliation with other bodies

The Society may affiliate to, or incorporate with, any association or body, whether corporate or incorporate, having as principal objects those of the Society.

15. Legal proceedings

Service of process by or on the Chairperson or, in his absence, by or on the Vice-Chairperson, and if more than one, by or on any one of them, or by or on the Secretary shall be equivalent to service on the Society.
