

MAURITIUS FILM DEVELOPMENT CORPORATION ACT

Act 31 of 1986 – 15 October 1986

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MAURITIUS FILM DEVELOPMENT CORPORATION ACT

1. Short title

This Act may be cited as the Mauritius Film Development Corporation Act.

2. Interpretation

In this Act—

“Advisory Council” means the Council referred to in section 7;

“Board” means the Mauritius Film Development Board referred to in section 5;

“Chairperson” means the Chairperson of the Board;

“Corporation” means the Mauritius Film Development Corporation established under section 3;

“film” includes film recorded on video cassettes;

“General Manager” means the person appointed as such under section 8;

“member” means a member of the Board and includes the Chairperson;

“Minister” means the Minister to whom responsibility for the subject of arts and culture is assigned;

“officer” means an employee of the Corporation.

3. Establishment of Corporation

There is established for the purposes of this Act the Mauritius Film Development Corporation which shall be a body corporate.

4. Objects of Corporation

The objects of the Corporation shall be to—

- (a) import, export, exhibit and produce films;
- (b) establish relations with foreign and international persons or bodies for the promotion of film activities;
- (c) hold or promote the holding of film show festivals to cater for the cultural and linguistic needs of the people of Mauritius;
- (d) give such assistance, financial or otherwise, as the Board may determine to persons or bodies engaged in the production or exhibition of films.

5. The Board

(1) The administration and control of the affairs of the Corporation shall vest in the Mauritius Film Development Board.

(2) The Board shall consist of—

- (a) a Chairperson, to be appointed by the Minister on such terms and conditions as the Minister may determine;
- (b) a representative of the Prime Minister's Office;
- (c) a representative of the Ministry responsible for arts and culture;
- (d) a representative of the Ministry responsible for labour;
- (e) a representative of the Ministry responsible for finance;
- (f) a representative of the Ministry responsible for information; and
- (g) 3 members of the public appointed by the Minister on such terms and conditions as the Minister may determine.

6. Meetings of Board

(1) The Board shall meet at such place and time as the Chairperson thinks fit and as may be requested by not less than 3 members.

(2) Three members of the Board shall constitute a quorum.

7. Advisory Council

(1) There shall be for the purposes of this Act an Advisory Council.

(2) The Council shall advise the Minister and the Board on any matter relating to the promotion of the objects of the Corporation.

(3) The Council shall consist of—

- (a) a Chairperson, to be appointed by the Minister;

- (b) a representative of the Ministry responsible for the subject of arts and culture;
- (c) a representative of the Ministry responsible for the subject of finance;
- (d) a representative of the Ministry responsible for the subject of labour;
- (e) a representative of the Prime Minister's Office;
- (f) a representative of the Ministry responsible for the subject of information;
- (g) a representative of the Ministry responsible for the subject of health;
- (h) the Director of the Mauritius Broadcasting Corporation or his representative;
- (i) the Director of the Mauritius College of the Air or his representative;
- (j) the General Manager; and
- (k) 10 representatives of socio-cultural organisations to be appointed by the Minister for such period, not exceeding 3 years, as the Minister may determine.

(4) Every member of the Council shall be refunded, subject to the approval of the Minister, such expenses as he may incur in the performance of his duties.

(5) The Council may regulate its meetings and proceedings in such manner as it thinks fit.

8. General Manager

(1) The Board shall have a chief executive officer who shall be known as the General Manager.

(2) The General Manager shall be appointed by the Board with the approval of the Minister.

(3) The General Manager shall be responsible for the execution of the policy of the Board and for the control and management of the day-to-day business of the Corporation.

(4) In the exercise of his functions, the General Manager shall act in accordance with such directions as he may receive from the Board.

(5) The General Manager may, with the approval of the Board, delegate to an officer his functions or any power delegated to him under section 9.

(6) The General Manager shall submit to the Board a report on the activities and the finances of the Corporation, every 6 months.

9. Delegation of powers

(1) Subject to subsection (2) and to such instructions and rules of a general nature as it may give or make, the Board may delegate to a committee consisting of not less than 3 members, or to the General Manager, such of its powers under this Act as may be necessary to assist in the effective management of the business of the Corporation other than the power—

- (a) to borrow money;
- (b) to make investments; or
- (c) to enter into any transaction in respect of capital expenditure which exceeds 25,000 rupees.

(2) (a) No document shall be executed by or on behalf of the Corporation unless it is signed by the General Manager and the Chairperson or, in the absence of the Chairperson, any other member appointed by the Board for that purpose.

(b) Notwithstanding paragraph (a), any document to which the Corporation is a party may be signed by any other person nominated for that purpose by the Board and shall, when so signed, be deemed to be duly executed by or on behalf of the Corporation.

10. Appointment of staff

(1) The Board may employ, on such terms and conditions as it thinks fit and subject to the approval of the Minister, such staff as may be necessary for the proper discharge of the functions of the Corporation.

(2) Every officer shall be under the administrative control of the General Manager.

11. Conditions of service of officers

(1) The Board may make provision, in such form as it may determine, to govern the conditions of service of officers and in particular to deal with—

- (a) the appointment, dismissal, discipline, pay and leave of, and the security to be given by, officers;
- (b) appeals by the officers against dismissal, or any other disciplinary measures; and
- (c) the establishment and maintenance of provident and pension fund schemes and the contributions payable to and the benefits recoverable from those schemes.

(2) No officer shall be authorised to take active part in politics or to stand as a candidate for election to the Assembly or any local authority.

12. Protection from liability

No liability, civil or criminal, shall attach to any member or officer or to the Corporation in respect of any loss arising from the exercise, in good

faith, by a member or an officer or by the Corporation of his or its functions under this Act or any subsidiary enactment made under it.

13. Powers of Minister

(1) The Minister may, in relation to the exercise by the Board of the powers of the Corporation and after consultation with the Board, give such directions to the Board, not inconsistent with the provisions of this Act, as he considers to be necessary in the public interest and the Board shall comply with those directions.

(2) The General Manager shall furnish to the Minister such returns or copies of such documents of the Corporation, including the minutes of proceedings of the Board and the accounts of the Corporation, as the Minister may require.

14. Exemption from duty and charges

Notwithstanding any other enactment—

- (a) the Corporation shall be exempt from payment of any licence duty, rate or charge leviable on immovable property or any tax leviable on income;
- (b) no stamp duty or registration fee shall be payable in respect of any document signed or executed by the Corporation or under which the Corporation is a beneficiary; and
- (c) the Corporation may frank letters and postal packets destined to persons in Mauritius free of charge.

15. Financial provision and management

(1) The Corporation shall establish a General Fund—

- (a) into which all monies received by the Corporation shall be paid; and
- (b) out of which all payments required to be made by the Corporation shall be paid.

(2) There shall be paid into the General Fund—

- (a) fees, charges and other sums accruing from exhibitions, distribution or other commercial activities undertaken in accordance with section 4;
- (b) any subsidy granted by Government;
- (c) all other sums of money received by the Corporation from any other source.

16. Legal proceedings

Service of process by or on the Corporation shall be sufficient if made on behalf of or on the General Manager.

17. Recovery of claims

Any claim in favour of the Corporation under this Act or any subsidiary enactment made under it shall be recovered by the Corporation in the same manner as a small State debt issued for and recovered by the Accountant-General under the Recovery of State Debts Act.

[S. 17 amended by Act 48 of 1991.]

18. Regulations

(1) The Corporation may make such regulations as it thinks fit for the purposes of this Act.

(2) Regulations made under subsection (1) may provide for the taking of fees or charges.

19. – 20. —
