

MAURITIUS MUSEUMS COUNCIL ACT

Act 3 of 2000 – 31 August 2000

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MAURITIUS MUSEUMS COUNCIL ACT

1. Short title

This Act may be cited as the Mauritius Museums Council Act.

2. Interpretation

In this Act—

“Board” means the Mauritius Museums Board referred to in section 6;

“Chairperson” means the Chairperson of the Board;

“classified museum” means a museum recognised by the Board under section 12;

“Council” means the Mauritius Museums Council established under section 3;

“Director-General” means the Director-General of the Council appointed under section 13;

“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;

“National Collection” means all objects and specimens of scientific, cultural, technological, historical, archaeological and artistic value which form part of the collections managed by the Mauritius Museums Council;

“national museum” means a museum specified in Part I of the Schedule;

“specialised museum” means a museum specified in Part II of the Schedule.

3. Establishment of Council

(1) There is established for the purposes of this Act a Mauritius Museums Council.

(2) The Mauritius Museums Council shall be a body corporate.

4. Objects of Council

The objects of the Council shall be to—

- (a) lead and encourage the formulation of policies in the field of museology;
- (b) develop, maintain and promote national and specialised museums;
- (c) conduct and control the affairs of national or specialised museums and coordinate their activities and services they provide;
- (d) develop and maintain a National Collection as well as keep and maintain a national register of objects and specimens in the National Collection;
- (e) promote the continuous flow of information to the public regarding the professional activities, programmes and projects of the Council and national or specialised museums; and
- (f) promote the use of the resources available at national and specialised museums for educational purposes and for research.

5. Powers and functions of Council

(1) The Council may, in addition to the powers conferred to a statutory corporation—

- (a) establish and foster links with other organisations with a purpose similar to its own;
- (b) raise funds, charge fees, solicit, accept and receive subscriptions, donations, devises and bequests locally and overseas for the purposes of attaining the objects of the Council;
- (c) purchase any object or specimen which, in the opinion of the Board, is desirable to be acquired for a national or specialised museum;

- (d) establish appropriate purchase procedures from time to time in respect of purchases to be made for a national or specialised museum;
- (e) erect, operate, maintain and improve buildings to be used for any purpose connected with a national or specialised museum;
- (f) operate restaurants, lounges, parking facilities, shops and other amenities for the public;
- (g) make available any of its facilities to other persons and institutions;
- (h) perform all functions as, in the opinion of the Council, are necessary to further most effectively the objects of the Council.

(2) The Board may, with the approval of the Minister, exchange, sell or otherwise dispose of any object or specimen not required for the purpose of any national or specialised museum, but no object or specimen which is accessioned and registered as part of the National Collection shall be sold, given away, mortgaged, pledged or in any way permanently disposed of.

6. Management of Council

(1) The Council shall be administered and managed by the Mauritius Museums Board.

(2) The Board shall consist of—

- (a) a Chairperson, who shall be a person having knowledge of museums or the heritage sector;
- (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 tourism;
- (e) a representative of the Ministry responsible for the subject of education;
- (f) the Director-General and one representative from each national museum; and
- (g) 5 members having knowledge and experience in natural sciences, history, arts, science and technology or any area of knowledge relevant to museums.

(3) (a) The Minister shall appoint the members, except the *ex officio* members, on such terms and conditions as he thinks fit.

(b) Every member of the Board shall hold office for a period of 3 years and shall be eligible for reappointment.

(4) Every member shall be paid such fees and allowances as the Minister may determine.

(5) The Board may co-opt such resource persons as it considers necessary to assist it in its deliberations.

(6) (a) The Board may, in the exercise of its functions under this Act, set up such committees as it thinks fit.

(b) Every committee shall elect a rapporteur who shall inform the Board at each meeting of the progress of the work of the committee.

7. Disclosure of interest

A member who has any direct or indirect interest in any matter about to be considered or being considered by the Board shall, forthwith or as soon as practicable after relevant facts have come to his knowledge, disclose in writing the nature of his interest to the Board and shall not be present during any deliberation of, or take part in any decision of, the Board with respect to that matter.

8. Meetings of Board

(1) The Board shall meet at such place and time as the Chairperson may determine—

- (a) at least once every 3 months; and
- (b) whenever a request for a meeting is made by the Chairperson or by not less than 3 members.

(2) Seven members shall constitute a quorum.

(3) Subject to this section, the Board shall regulate its meetings and proceedings in such manner as it thinks fit.

9. Termination of appointment

(1) Where a member appointed by the Minister is absent from 3 consecutive meetings of the Board, otherwise than by reason of being on leave recommended by the Board and approved by the Minister or on other valid grounds, the Minister shall terminate his appointment.

(2) A vacancy shall be filled by the Minister in accordance with section 6 (3) for the remaining period for which the member was appointed.

10. National and specialised museums

(1) The museums specified in Part I of the Schedule shall be national museums.

(2) The museums specified in Part II of the Schedule shall be specialised museums.

(3) The Board may, subject to the approval of the Minister—

- (a) acquire any existing museum with its contents;
- (b) establish new national museums or specialised museums; and
- (c) establish branches of national museums at appropriate places.

11. Functions of national and specialised museums

National and specialised museums shall—

- (a) serve as national repositories for items of scientific, archaeological, historical, artistic, cultural, social and technological interest; and
- (b) enable research and dissemination of knowledge in science, archaeology, history, literature, technology, arts and culture.

12. Classified museums

(1) A museum, other than the national and specialised museums, possessing specimens and objects which form part of a private collection, may be recognised by the Board as a classified museum.

(2) A recognition made under subsection (1) renders a classified museum eligible for assistance in the development and maintenance of the museum, including—

- (a) the deposition in the museum of specimens and other objects under the control of the Council;
- (b) the extension to it of the professional and technical services of the Council to maintain, conserve and advise on the display of specimens and other objects; and
- (c) the extension to it of financial assistance.

(3) The Board shall not extend recognition to a museum under this section, unless it is satisfied that it is—

- (a) non-profit making and open to the public; and
- (b) maintained to a standard approved by the Board.

(4) Where a museum recognised by the Board as a classified museum is not maintained to the approved and agreed standard, the Board may withdraw its recognition.

(5) Where a recognition has been withdrawn under subsection (4), all specimens and objects deposited by the Council in that museum shall be returned to the care and control of the Board.

13. The Director-General

(1) The Board shall, with the approval of the Minister, appoint, on such terms and conditions as the Board may determine, a Director-General of the Council.

(2) The Director-General shall be responsible for the execution of the policy and decisions of the Board and for the control and management of the day-to-day business of national and specialised museums and all units under the control of the Council.

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

14. Director

(1) The Board shall, with the approval of the Minister, appoint a Director for each national museum.

(2) The Director shall be responsible for the control and management of the day-to-day business of a national museum.

15. Appointment of staff

(1) The Board may appoint, on such terms and conditions as it may determine, such staff as may be necessary for the purpose of, or in connection with the discharge of, its functions.

(2) Every member of the staff shall be under the administrative control of the Director-General.

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

- (a) the appointment, dismissal, discipline, pay and leave of, and the security to be given to, employees;
- (b) appeals by employees against dismissal or 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.

16. Execution of documents

No document shall be executed by or on behalf of the Council unless it is signed by—

- (a) the Chairperson or, in his absence, a member designated by the Board; and
- (b) the Director-General or, in his absence, an officer of the Council designated by the Board.

17. Powers of Minister

(1) The Minister may give such directions of a general character to the Board, not inconsistent with this Act, as he considers necessary in the public interest and the Board shall give effect to those directions.

(2) The Board shall, at the request of the Minister, furnish to him such information and such documents in relation to the activities of the Council as he may require.

18. Donations

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

19. Accounts

(1) The Board shall, on or before 31 October in every year, submit to the Minister a report together with an audited statement of accounts on the operations of the Council in respect of the 12 months ending on 30 June of the same year.

(2) The Minister shall, at the earliest opportunity, lay a copy of the report of the Board before the Assembly.

20. Exemption from duty

Notwithstanding any other enactment—

- (a) the Council shall be exempt from payment of any duty, levy, rate, charge, fee or tax;
- (b) no registration fee shall be payable in respect of any document under which the Council is the sole beneficiary.

21. Regulations

(1) The Board may, with the approval of the Minister, make such regulations, as it thinks fit, for the purposes of this Act.

(2) Regulations made under subsection (1) may provide for—

- (a) the levying and collection of fees or charges;
- (b) amendment of the Schedule.

22. Consequential amendments

(1) —

(2) The auditor to be appointed under section 5 (1) of the Statutory Bodies (Accounts and Audit) Act shall be the Director of Audit.

23. – 25 —

SCHEDULE

PART I

[Section 10 (1)]

NATIONAL MUSEUMS

- 1. National History Museum of Mahebourg.
 - 2. Natural History Museum of the Mauritius Institute.
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PART II

[Section 10 (2)]

SPECIALISED MUSEUMS

1. SSR Memorial Centre for Culture.
 2. Frederik Hendrik Museum.
 3. Museum of Indian Immigration, Mahatma Gandhi Institute.
 4. Sookdeo Bissoondoyal Memorial Museum.
 5. Postal Museum.
 6. Robert Edward Hart Memorial Museum.
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