

**MAURITIUS SOCIETY FOR THE PREVENTION OF
CRUELTY TO ANIMALS ACT**

Act 3 of 1971 – 29 March 1971

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**MAURITIUS SOCIETY FOR THE PREVENTION OF
CRUELTY TO ANIMALS ACT**

1. Short title

This Act may be cited as the Mauritius Society for the Prevention of Cruelty to Animals Act.

2. Interpretation

In this Act—

“Council” means the Council of the Society set up under section 10;

“Minister” means the Minister to whom responsibility for the subject of agriculture is assigned;

“Society” means the Mauritius Society for the Prevention of Cruelty to Animals.

[S. 2 amended by s. 3 of Act 43 of 2003.]

3. Incorporation

The Mauritius Society for the Prevention of Cruelty to Animals shall be a body corporate.

4. Objects of Society

The objects of the Society shall be to—

- (a) promote kindness and to prevent or suppress cruelty to animals;
- (b) organise the catching and disposal of stray dogs;* and
- (c) do anything which the Society considers to be conducive or incidental to the attainment of its objects.**

5. —

6. Membership

(1) Membership of the Society shall be open to any person interested in the objects of the Society.

(2) The membership of the Society shall consist of—

- (a) life members;
- (b) honorary life members; and
- (c) ordinary members.

(3) Every application for membership shall be made on an approved form carrying full acceptance of this Act and any rules and by-laws of the Society and shall be signed by the applicant.

(4) (a) The decision of the Council on any application for membership shall be notified to the applicant and, in case of approval, the applicant shall pay to the Treasurer within one month from the date of the notification the subscription fees specified in section 7.

(b) The Council may, without assigning any reason, reject an application for membership.

(5) Any member who has resigned from the Society or whose name has been struck off the roll of members may, with the approval of the Council, be readmitted as a member on payment of the subscription fees specified in section 7.

(6) All members, irrespective of the category to which they belong, shall enjoy the same rights and privileges.

7. Subscriptions

(1) (a) A life member shall pay 1,000 rupees in one lump sum in lieu of subscriptions.

(b) On receipt by the Society of a donation of not less than 2,000 rupees made by a body corporate, the Council may appoint as life member of the Society a person nominated by the body corporate who is the holder of an office or appointment in the body corporate.

EDITORIAL NOTE:

* Deleted by section 9 of Act 30 of 2000 which is not yet in operation.

** This section will be re-lettered (b) on the coming into operation of Act 30 of 2000.

(2) The Council may appoint as honorary life members persons who have rendered distinguished service in the cause of animal welfare and no subscription shall be payable by those persons.

(3) (a) Ordinary members shall pay, for each financial year or part of a financial year during which they are members, a subscription fee of 60 rupees or of such other amount as the Council may determine.

(b) Any member who has not paid his subscription fee 3 months after it has become due shall be notified by the Secretary and, if he fails to pay his subscription fee within a month of the date of the notification, he shall cease to be a member of the Society from the day he is notified that his name has been erased from the register of members.

(4) All subscriptions shall be paid direct to the Society at its registered office or through a bank.

(5) For the purposes of this section, "financial year" means the period extending from 1 January to 31 December of each year.

8. Disciplinary proceedings

(1) A member of the Society shall cease to be a member and shall forfeit all rights and privileges as such if his conduct, in the opinion of not less than two thirds of the members of the Council present and voting at a meeting of the Council, has been found prejudicial to the interests of the Society.

(2) The Secretary shall, not less than 14 days before the meeting of the Council at which a decision is to be taken regarding a member's conduct, give notice of the meeting to the member by registered post at his last known address and informing him that he may, either personally or in writing, submit an explanation regarding the matter complained of.

(3) A member dissatisfied with the decision of the Council to erase his name from the register of members shall, within one month of the notification of the Council's decision, have the right to appeal to a general meeting of the Society.

9. Appointment of Patron

The Head of the State of Mauritius, in virtue of his office, may be invited by the Council to become, and if he so accepts shall be, the Patron of the Society.

10. Management

(1) The management of the Society and the conduct of its business shall be vested in a Council consisting of—

- (a) 18 members elected every 2 years at the annual general meeting;
- (b) a representative of the Ministry responsible for the subject of agriculture;

- (c) a representative of the Ministry responsible for the subject of environment; and
- (d) 2 other persons to be appointed by the Minister, who shall hold office for 2 years.

(2) (a) The members of the Council shall elect from among themselves a President, Vice-President, one Treasurer, one Assistant Treasurer, and one Assistant Secretary.

(b) The Secretary shall be appointed as provided under section 14.

[S. 10 amended by s. 4 of Act 43 of 2003.]

11. Vacancies on Council

(1) The office of a member of the Council shall be vacated where—

- (a) by notice in writing addressed to the Secretary, he resigns his office or ceases to be a member of the Society; or
- (b) he fails to attend 3 consecutive meetings of the Council and after having been notified by the Secretary of that failure, he does not furnish a satisfactory explanation to the Council within 15 days of the notification.

(2) (a) A casual vacancy on the Council shall be filled by the Council selecting any member of the Society to fill the vacancy.

(b) The appointments made under subsection (2) (a) shall not exceed 3 in any one year.

(c) Where the number of casual vacancies exceeds 3, a general meeting of the Society shall be called to fill the vacancies.

(d) The Council may act notwithstanding any casual vacancy.

12. Powers of Council

(1) The Council shall, except as otherwise provided, have and exercise the same powers concerning the Society as those conferred on the Society by this Act and may perform all acts for the due execution and the exercise of those powers.

(2) The Council may appoint subcommittees which shall be composed of such members and have such powers as it shall decide.

13. Documents and cheques

(1) (a) Every deed, act or other document relating to the Society shall be signed by the President, the Treasurer and the Secretary of the Society, or, where one or more of these persons is unable to do so, by any person or persons, as the case may be, designated for that purpose by the Council.

(b) All cheques shall be signed by the President or the Vice-President, the Treasurer and the Secretary.

(2) Copies or extracts of all documents under the hand of the Secretary shall be *prima facie* evidence of the facts contained in them.

14. Secretary

There shall be a Secretary of the Society who shall—

- (a) be appointed by the President on the recommendation of the Council;
- (b) have no voting rights; and
- (c) have such executive powers and duties as the Council may confer or direct.

15. Auditor

There shall be appointed annually by the Society at its annual general meeting an auditor who shall hold any of the qualifications set out in section 198 of the Companies Act.

16. Duties of office bearers

The office bearers shall have such duties as may be assigned to them by rules made by the Council under section 17.

17. Rules

The Council may make rules and regulations for—

- (a) the management of the affairs of the Society;
- (b) regulating the procedure in relation to the election of members to serve on the Council; and
- (c) generally carrying into effect the objects of the Society.

18. Funds of Society

The property and income of the Society shall be applied solely towards the promotion and attainment of the objects of the Society and no portion of the property or income shall be distributed or transferred by way of dividend or bonus to members of the Society.

19. Winding up

Where the Society is wound up, all the assets, after payment of all debts and meeting all liabilities, shall be transferred to the Royal Society for the Prevention of Cruelty to Animals in England, to ensure that the residual funds are solely applied in the cause of animal welfare.

20. Legal proceedings

Without prejudice to section 8 of the Mauritius Society for the Prevention of Cruelty to Animals (Officers' Powers and Protection) Act, where—

- (a) with the sanction of the Council, any prosecution, action or other legal proceeding is commenced by any member of the Society or by any officer employed by the Society; or

- (b) any prosecution or other legal action is commenced against any member of the Society or any of its officers for anything properly done by him under a general or specific direction or with the sanction of the Council or in pursuance of his general duty,

the member or officer shall be indemnified against all loss, damage and expenses attending the prosecution, action or other legal proceeding by and at the expense of the Society.

21. Donations and legacies

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

22. Exemption from duty

Notwithstanding any other enactment—

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

23. —

24. Affiliation

The Society may affiliate with any other society or body corporate in Mauritius or elsewhere which has the same objects as those of the Society.