

**NATIONAL AGENCY FOR THE TREATMENT AND
REHABILITATION OF SUBSTANCE ABUSERS ACT**

Act 25 of 1996 – 1 December 1996

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**NATIONAL AGENCY FOR THE TREATMENT AND
REHABILITATION OF SUBSTANCE ABUSERS ACT**

1. Short title

This Act may be cited as the National Agency for the Treatment and Rehabilitation of Substance Abusers Act.

2. Interpretation

In this Act—

“Agency” means the National Agency for the Treatment and Rehabilitation of Substance Abusers established under section 3 (1);

“Board” means the Board referred to in section 5 (1);

“Chairperson” means the Chairperson of the Board;

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

“Minister” means the Minister responsible for the subject of health;

“substance” means a natural or synthetic product, whether licit or illicit, which has—

- (a) a potential for abuse or for dependence by individuals; and
- (b) harmful effects on the physical and mental health of those individuals.

3. Establishment of Agency

(1) There is established for the purposes of this Act the National Agency for the Treatment and Rehabilitation of Substance Abusers.

(2) The Agency shall be a body corporate.

4. Objects of Agency

The objects of the Agency shall be to—

- (a) coordinate and facilitate efforts at national level towards the implementation of programmes for the prevention of substance abuse and the treatment and rehabilitation of substance abusers;
- (b) complement existing facilities for—
 - (i) the prevention of substance abuse; and
 - (ii) the treatment and rehabilitation of substance abusers;
- (c) mobilise resources locally and overseas for treatment and rehabilitation of substance abusers;
- (d) set up and manage institutions for the treatment and rehabilitation of substance abusers;
- (e) provide after-care services for the rehabilitation of substance abusers;
- (f) advise, guide and help voluntary social organisations engaged in the prevention of substance abuse and in the treatment and rehabilitation of substance abusers.

5. Management of Agency

(1) The Agency shall be administered and managed by a Board.

(2) The Board shall consist of—

- (a) a Chairperson;
- (b) a representative of the Prime Minister's Office;
- (c) a representative of the Ministry responsible for the subject of social security;
- (d) a representative of the Ministry responsible for the subject of health;
- (e) the Commissioner of Police or his representative;
- (f) the Commissioner of Prisons or his representative;
- (g) 4 members from non-governmental organisations who have wide experience in the prevention of substance abuse, treatment or rehabilitation of substance abusers;
- (h) a representative of employers, who shall be appointed by the Minister;

- (i) a representative of trade unions, who shall be appointed by the Minister;
- (j) 2 members who shall be appointed by the Minister.

(3) The Chairperson shall be appointed by the Minister after consultation with the Prime Minister.

(4) The Minister shall appoint the members referred to in subsection (2) (g) and one of the members so appointed shall be from Rodrigues.

6. Terms of office

(1) The Chairperson shall hold office for 2 years and shall be eligible for reappointment.

(2) The members specified in section 5 (2) (g), (h), (i) and (j) shall hold office for one year and shall be eligible for reappointment.

7. Meetings of Board

(1) The Board shall meet at least once a month and at such other times as may be determined by the Chairperson.

(2) Seven members shall constitute a quorum.

8. Membership of Board

(1) A person who is an office-bearer of a political party or a member of the Assembly or a local authority shall not be qualified to be a member.

(2) A member shall cease to be a member if he becomes an office-bearer of a political party or a member of the Assembly or of a local authority.

9. Powers of Board

The Board shall do such things as are requisite and advantageous in furtherance of the objects of the Agency and may in particular—

- (a) receive funds from Government and raise funds from other sources for the prevention of substance abuse, treatment and rehabilitation of substance abusers;
- (b) allocate funds to non-governmental organisations involved in the prevention of substance abuse and the treatment and rehabilitation of substance abusers;
- (c) set up such committees as it deems fit for the purpose of carrying out its objects;
- (d) co-opt such persons as may assist it in carrying out its objects;
- (e) compile information or data on any matter falling within the objects of the Agency; and
- (f) charge fees for the treatment and rehabilitation of substance abusers.

10. Director

(1) There shall be a Director who shall be the chief executive officer of the Agency.

(2) The Director shall be responsible for the execution of the policy of the Board and the control and management of the Agency.

(3) The Director shall, unless otherwise decided by the Board, attend every meeting of the Board.

(4) The Director may take part in the deliberations of the Board, but he shall have no right of vote.

11. Appointment of staff

(1) Subject to subsection (2), the Board may employ, on such terms and conditions as it thinks fit, such officers as may be necessary for the proper carrying out by the Agency of its objects.

(2) Any appointment under subsection (1) shall be subject to the approval of the Minister.

(3) All officers employed by the Board shall be under the administrative control of the Director.

12. Protection from liability

No liability, civil or criminal, shall attach to any officer in respect of any act which is done or omitted by the officer in good faith in the execution or purported execution of the duties of the Agency under this Act.

13. General Fund

(1) The Agency shall establish a General Fund—

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

(2) The Agency may, in carrying out its objects, charge to the General Fund all remuneration, salaries, fees, working expenses and other charges properly arising.

14. Execution of documents

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

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

15. Powers of Minister

The Minister may give such directions of a general character to the Board, not inconsistent with this Act, as the Minister considers necessary in the public interest and the Board shall comply with these directions.

16. Exemptions

(1) The Agency shall be exempt from the payment of income tax.

(2) No stamp duty or registration fee shall be payable in respect of any document signed or executed by the Agency or under which the Agency is a beneficiary.

17. Donations

Article 910 of the Code Civil Mauricien shall not apply to any donation received by the Agency.

18. Accounts of Agency

(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 Agency in respect of the preceding 12 months ending on 30 June of the same year.

(2) The report of the Board shall be laid before the Assembly.

19. Auditor

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

20. Regulations

The Minister may make such regulations as he thinks fit for the purposes of this Act.

21. – 24. —
