

**TRUST FUND FOR SOROPTIMIST DAY CARE  
CENTRES FOR THE ELDERLY ACT**

Act 46 of 2004 – 11 December 2004

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**TRUST FUND FOR SOROPTIMIST DAY CARE  
CENTRES FOR THE ELDERLY ACT**

**1. Short title**

This Act may be cited as the Trust Fund for Soroptimist Day Care Centres for the Elderly Act.

**2. Interpretation**

In this Act—

“Board” means the Board referred to in section 5;

“local authority” means the local authority of the area in which a day care centre is to be established or maintained by the Trust Fund;

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

“Minister” means the Minister to whom responsibility for the subject of senior citizen welfare is assigned;

“Soroptimist International Ipsae Club” means the non-governmental service club for women registered under this name with the Registrar of Associations;

“Trust Fund” means the Trust Fund for Soroptimist Day Care Centres for the Elderly established under section 3.

### **3. Establishment of Trust Fund**

(1) There is established for the purposes of this Act the Trust Fund for Soroptimist Day Care Centres for the Elderly.

(2) The Trust Fund shall be a body corporate.

### **4. Objects of Trust Fund**

The objects of the Trust Fund shall be to—

- (a) establish and operate day care centres to provide day care, nursing and other services to the elderly; and
- (b) promote the welfare of the elderly generally.

### **5. The Board**

(1) The Trust Fund shall be managed by a Board which shall consist of—

- (a) a Chairperson who shall be a member of the Executive Committee of the Soroptimist International Ipsae Club, designated by the Minister;
- (b) a Deputy Chairperson who shall be designated by the Executive Committee of the Soroptimist International Ipsae Club;
- (c) a representative of the Ministry; and
- (d) 4 members who shall be designated by the Executive Committee of the Soroptimist International Ipsae Club.

(2) The Chairperson and Deputy Chairperson of the Board shall hold office for a period of 2 years and shall be eligible for reappointment for a further period of 2 years.

(3) The members designated under subsection (1) (d) shall hold office for a period of 2 years and shall be eligible for reappointment for a further period of 2 years.

(4) The Board may co-opt such representatives of a local authority, not exceeding 2 in number, as it thinks fit.

(5) The members shall appoint from among themselves a Secretary, an Assistant Secretary, a Treasurer and an Assistant Treasurer.

(6) No member shall receive any fee or remuneration for his services.

(7) The Board may, subject to this Act, enter into an agreement or a memorandum of understanding with a local authority for the purpose of administering or operating a day care centre.

### **6. Meetings of Board**

(1) The Board shall hold its meetings—

- (a) at such place; and
- (b) at least once a month, or at such other time,

as the Chairperson deems fit or upon a written request addressed to the Chairperson by any 3 members.

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

(3) The Chairperson, and in his absence, the Deputy Chairperson shall preside at every meeting of the Board.

(4) In the absence of the Chairperson and the Deputy Chairperson, the members of the Board present shall elect from among themselves a member to act as Chairperson for that meeting and the member so elected shall, in relation to that meeting, exercise all the functions, and have all the powers, of the Chairperson.

(5) Four members shall constitute a quorum.

## **7. Staff**

(1) The Board shall appoint a Manager, who shall be responsible for the day-to-day running and operation of the day care centres, on such terms and conditions as it may determine.

(2) The Board may employ such other persons as may be required, on such terms and conditions as it deems fit.

(3) Every employee of the Trust Fund shall be under the administrative responsibility of the Manager.

## **8. Execution of documents**

Every document, act or deed relating to the Trust Fund shall be signed by the Chairperson, or in his absence, the Deputy Chairperson, and one member designated by the Board.

## **9. Application of funds**

(1) The property, income or any other fund or money of the Trust Fund shall be applied solely towards the furtherance of the objects of the Trust Fund.

(2) No property, income or any other fund or money of the Trust Fund shall be distributed or transferred in any manner by way of dividend, bonus or otherwise.

## **10. Donations and legacies**

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

## **11. Exemptions**

Notwithstanding any other enactment—

- (a) the Trust Fund shall be exempt from the payment of any registration duty;

- (b) no stamp duty or registration fee shall be payable in respect of any document under which the Trust Fund is the sole beneficiary.

**12. Audit**

The Board shall appoint every year an auditor who shall examine the finances of the Trust Fund and make a report thereon.

**13. Publication of accounts**

The Board shall, on or before 30 September in every year, publish in the *Gazette* an audited statement of its accounts in respect of the 12 months ending on 30 June in that year.

**14. Dissolution of Trust Fund**

(1) The Trust Fund may be dissolved by the unanimous decision of the Board.

(2) Where the Trust Fund is dissolved, all assets remaining after dissolution shall be transferred to such charitable institution, or be used for such charitable cause, as may be designated by the Board.

**15. Rules**

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

(2) Notwithstanding the Interpretation and General Clauses Act, rules made under subsection (1) shall not be required to be—

- (a) laid before the Assembly; and
  - (b) published in the *Gazette*.
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