

EDGAR LAURENT TUBERCULOSIS FOUNDATION ACT

Act 85 of 1951 – 31 December 1951

ARRANGEMENT OF SECTIONS

SECTION

- | | |
|--|-----------------------------------|
| 1. Short title | 8. Acts valid in spite of vacancy |
| 1A. Interpretation | 9. Proceedings of Board |
| 2. The Edgar Laurent Tuberculosis Foundation | 10. Signing documents |
| 3. Objects of Foundation | 11. Property of Foundation |
| 4. Powers of Foundation | 12. Accounts of Foundation |
| 5. Board of Trustees | 13. Annual report |
| 6. Officers of Board | 14. Donations and legacies |
| 7. Vacancy on Board | 15. Registration duty |

EDGAR LAURENT TUBERCULOSIS FOUNDATION ACT

1. Short title

This Act may be cited as the Edgar Laurent Tuberculosis Foundation Act.

1A. Interpretation

In this Act—

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

“Foundation” means the Edgar Laurent Tuberculosis Foundation established under section 2.

2. The Edgar Laurent Tuberculosis Foundation

There is established for the purposes of this Act the Edgar Laurent Tuberculosis Foundation, which shall be a body corporate.

3. Objects of Foundation

The objects of the Foundation shall be to—

- (a) further the prevention and control of tuberculosis and the treatment, after-care and rehabilitation of tuberculous persons;
- (b) remove the environmental conditions which favour the development and spread of tuberculosis;
- (c) help to set up and maintain an organisation of voluntary welfare workers to assist the Government medical and welfare services in the fight against tuberculosis.

4. Powers of Foundation

The Foundation, through its Board of Trustees, shall have all the powers of a body corporate.

5. Board of Trustees

For the purpose of managing the Foundation and exercising any of the powers vested in the Foundation by this Act, there shall be a Board of Trustees which shall consist of 6 members, including a Chairperson, who shall be appointed by the Minister to whom responsibility for the subject of health is assigned.

6. Officers of Board

(1) Immediately after appointment every year the Board shall elect a Secretary, who shall also act as Treasurer, from among its members.

(2) (a) The Board may, for such purpose as it thinks fit, appoint any officer or suspend or dismiss any officer so appointed.

(b) Except where the Board otherwise decides, no office-bearer, member or other officer of the Board shall be paid any fee, salary or other form of remuneration for services rendered or duties performed by them to the interests of the Foundation or in connection with such interests.

7. Vacancy on Board

(1) Where a vacancy occurs in the Board through the death, absence from Mauritius for more than 3 months, incapacity or resignation of any member, such vacancy shall, as soon as may be after its occurrence, be filled by the appointment of any person as member in the manner prescribed in section 5.

(2) Where a member absents himself from Mauritius for less than 3 months, the Board may fill his post, but any person so chosen shall retain his office so long only as the vacating member is absent from Mauritius.

8. Acts valid in spite of vacancy

Any act performed by the Board, or any power exercised by it, shall not be deemed to have been invalid or invalidly performed, as the case may be, by reason only of a vacancy in the Board through any of the causes mentioned in section 7 but if at any time, the number of members is reduced to less than 3, the Board shall discontinue the exercise of its powers.

9. Proceedings of Board

(1) (a) The Board shall be convened by the Chairperson—

(i) at such time as the Chairperson thinks fit; and

(ii) at any other time on application made in that behalf by not less than 3 members.

(b) In the event of the death, incapacity or absence from Mauritius of the Chairperson, the Board may be convened by any member.

(2) Where the Chairperson or Secretary, as the case may be, is absent from any meeting of the Board convened under subsection (1), the members present shall elect from their members a Chairperson and Secretary respectively for that meeting.

(3) The quorum of the Board shall be 3.

(4) (a) All decisions of the Board shall be determined by a majority of the members present and voting.

(b) The Chairperson shall have a second or casting vote.

(5) The Secretary shall keep and have the custody of every book, register, deed or document relating to the Foundation.

(6) (a) The minutes of proceedings at every meeting of the Board shall be recorded by the Secretary and signed by the Chairperson and Secretary or such persons as may have been elected as Chairperson or Secretary for the meeting at which such minutes shall be read and confirmed.

(b) Any copy or extract of any such minutes duly signed by the Chairperson or Secretary shall be received as *prima facie* evidence of the matter contained in it.

10. Signing documents

Every document relating to the Foundation shall be signed by the Chairperson and Secretary of the Board.

11. Property of Foundation

The property of the Foundation shall be applied towards the furtherance of the objects for which the Foundation was established and no portion of that property shall be distributed or transferred in any manner by way of dividend, bonus or otherwise.

12. Accounts of Foundation

(1) The Treasurer shall, on or about 31 October in every year, prepare a statement of accounts and balance sheet of the finances of the Foundation.

(2) Such statement of accounts and balance sheet shall be annually audited by an auditor to be appointed every year in that behalf by the Board, who shall report on them.

13. Annual report

The Board shall, on or before 30 November every year, report to the President on the general progress of the Foundation and annex to such report the statement of accounts referred to in section 12 duly audited by the auditor together with the report of such auditor.

[S. 13 amended by Act 48 of 1991.]

14. Donations and legacies

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

15. Registration duty

All donations and legacies of which the Foundation is a beneficiary shall be registered free of charge.
