

EXPORT PROCESSING ZONES DEVELOPMENT AUTHORITY ACT

Act 46 of 1990 – 1 February 1991

ARRANGEMENT OF SECTIONS

SECTION

- | | |
|--------------------------------------|--|
| 1. Short title | 11. Director |
| 2. Interpretation | 12. Appointment of employees |
| 3. Establishment of Authority | 13. Conditions of service of employees |
| 4. Objects of Authority | 14. Protection from liability |
| 5. The Board | 15. Powers of Minister |
| 6. Meetings of Board | 16. General Fund |
| 7. Special assignments | 17. Charges to General Fund |
| 8. Disclosure of interest by members | 18. Exemption |
| 9. Attendance of Director | 19. Regulations |
| 10. Delegation of powers | 20. – 22. – |

EXPORT PROCESSING ZONES DEVELOPMENT AUTHORITY ACT

1. Short title

This Act may be cited as the Export Processing Zones Development Authority Act.

2. Interpretation

In this Act—

“Authority” means the Export Processing Zones Development Authority established under section 3;

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

“Chairperson” means the Chairperson of the Board;

“Director” means the person appointed as such under section 11;

“employee” means any employee of the Authority and includes the Director;

“export enterprise” has the same meaning as in the Industrial Expansion Act;

“export processing zone” has the same meaning as in the Industrial Expansion Act;

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

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

“sector” means the export enterprises operating in the export processing zone.

3. Establishment of Authority

(1) There is established for the purposes of this Act the Export Processing Zones Development Authority.

(2) The Authority shall be a body corporate.

4. Objects of Authority

The objects of the Authority shall be to—

- (a) analyse problems facing the sector and make recommendations thereon;
- (b) operate a documentation service and disseminate information to the sector;
- (c) carry out research and development in the sector;
- (d) commission consultancy services for export enterprises facing difficulties and requiring technical assistance; and
- (e) advise the Minister on matters relating to the sector.

5. The Board

(1) The Authority shall be administered by a Board.

(2) The Board shall consist of—

- (a) a Chairperson, to be appointed by the Minister;
- (b) the Financial Secretary or his representative;
- (c) the Permanent Secretary of the Ministry responsible for the subject of industry;
- (d) the Permanent Secretary of the Ministry responsible for the subject of trade;
- (e) the Director of the Mauritius Export Development and Investment Authority or his representative;
- (f) the Director of the Small Enterprises and Handicraft Development Authority or his representative;
- (g) a representative of the Mauritius Chamber of Commerce and Industry;
- (h) a representative of the Mauritius Export Processing Zone Association; and
- (i) 2 other members appointed by the Minister.

(3) Every appointed member shall—

- (a) be a person who, in the Minister's opinion, has—
 - (i) experience and proven ability in the field of industry, trade or finance; or
 - (ii) special knowledge or experience that renders him a fit and proper person to be a member;
- (b) hold and vacate office on such terms and conditions as the Minister thinks fit;
- (c) be paid such fees or allowances as the Board may, with the approval of the Minister, determine.

(4) No person shall be qualified to be a member if he is a member of the Assembly or of a local authority.

[S. 5 amended by Act 8 of 1993.]

6. Meetings of Board

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

(2) The Board shall meet at the request of the Chairperson, the Director or not less than 4 members and at such time and place as the Chairperson may direct.

(3) Five members shall constitute a quorum.

[S. 6 amended by Act 8 of 1993.]

7. Special assignments

(1) The Authority may appoint any person to perform such functions as it may assign to him.

(2) A person appointed under subsection (1) may exercise such of the powers of the Authority as it thinks fit to delegate to him for the proper discharge of his functions.

8. Disclosure of interest by members

A member shall, in relation to any matter before the Board in which he has a direct or indirect interest, disclose at or before the meeting convened to discuss that matter the nature of his interest, and shall not take part in any deliberation or decision of the Board relating to that matter.

9. Attendance of Director

The Director shall, unless directed otherwise by the Board, attend every meeting of the Board and may take part in its deliberations but he shall not be entitled to vote on any matter before the Board.

10. Delegation of powers

(1) Subject to subsection (2) and to such instructions and rules of a general nature as it may give or make, the Board may delegate to the Chairperson

or to the Director, such of its powers under this Act as may be necessary to assist in the effective management of the Authority, other than the power to—

- (a) borrow money; or
- (b) raise loans.

(2) (a) Subject to paragraph (b), no document shall be signed by or on behalf of the Authority unless it is signed by the Director and the Chairperson or, in the absence of the Chairperson, any other member appointed by the Board for that purpose.

(b) A document to which the Authority is a party may be signed outside Mauritius by any person nominated for that purpose by the Board.

11. Director

(1) There shall be a chief executive officer of the Authority who shall—

- (a) be known as the Director; and
- (b) be appointed by the Board with the approval of the Minister.

(2) The Director shall be responsible for the execution of the policy of the Board and for the control and management of the day-to-day business of the Authority.

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

(4) The Director may, with the approval of the Board, delegate his functions or any power delegated to him under section 10 to an employee.

12. Appointment of employees

(1) Subject to subsection (3), the Board may employ, on such terms and conditions as it thinks fit, such employees as may be necessary for the proper discharge of the functions of the Authority.

(2) Every employee shall be under the administrative control of the Director.

(3) No person shall be eligible for employment or, if already employed, continue in employment where he has any interest in any enterprise—

- (a) operating in an export processing zone; or
- (b) involved in the export or re-export of locally manufactured products or in other export services.

(4) No employee shall take an active part in politics or seek election as a member of the Assembly or of a local authority.

13. Conditions of service of employees

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 by, 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.

14. Protection from liability

No liability, civil or criminal, shall attach to any member or employee or to the Authority in respect of loss arising from the exercise in good faith by a member or an employee or the Authority of his or its functions under this Act.

15. Powers of Minister

(1) The Minister may, in relation to the exercise by the Board of the powers of the Authority under this Act, after consultation with the Board, give such directions of general character to the Board as he considers necessary in the public interest, and the Board shall comply with those directions.

(2) The Board shall furnish to the Minister such information with respect to its activities as he may require.

16. General Fund

The Authority shall establish a General Fund—

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

17. Charges to the General Fund

The Authority may, in the discharge of its functions and in accordance with the terms and conditions on which its funds may have been obtained or derived, charge to the General Fund all remunerations, allowances, salaries, fees, pensions and superannuation fund contributions, gratuities, working expenses or all other charges properly arising, including any necessary capital expenditure.

18. Exemption

The Authority shall be exempt from the payment of any duty, charge, fee, rate or tax.

19. 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) Any regulations made under subsection (1) may provide for the taking of fees and levying of charges.

20. – 22. —
