

ISLAMIC CULTURAL CENTRE TRUST FUND ACT

Act 46 of 1989 – 16 December 1989

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ISLAMIC CULTURAL CENTRE TRUST FUND ACT

1. Short title

This Act may be cited as the Islamic Cultural Centre Trust Fund Act.

2. Interpretation

In this Act—

“Board” means the Board of Trustees set up under section 5;

“Centre” means the Islamic Cultural Centre;

“Fund” means the Islamic Cultural Centre Trust Fund established under section 3;

“Minister” means the Minister to whom responsibility for the subject of arts and culture is assigned;

“Permanent Secretary” means the Permanent Secretary of the Ministry.

[S. 2 amended by Act 37 of 2000.]

3. Establishment of Fund

There is established for the purposes of this Act an Islamic Cultural Centre Trust Fund which shall be a body corporate.

4. Objects of Fund

The objects of the Fund shall be to—

- (a) preserve and promote Islamic art and culture;
- (b) promote study of Arabic and Urdu;
- (c) collect, publish and disseminate valuable information pertaining to Islamic art and culture through the establishment of educational and welfare institutions affiliated to the Centre;

- (d) organise lectures, seminars, workshop, exhibitions and any other activities which will lead to a better understanding of Islamic art and culture;
- (e) create facilities for documentation and research on Islamic art and culture;
- (f) provide training in relevant fields of study;
- (g) establish useful links with organisations engaged in similar activities locally and internationally;
- (h) deal with matters relating to the organising, facilitating, monitoring and supervision of Islamic pilgrimage to the holy places.

[S. 4 amended by Act 37 of 2000; s. 3 of Act 22 of 2001 w.e.f. 25 September 2001.]

5. The Board

- (1) The Fund shall be managed by a Board of Trustees constituted of—
 - (a) a Chairperson, to be appointed by the Board from among the members of the Board;
 - (b) a representative from Rabita-Al-Alam-Al-Islami;
 - (c) a representative from the Islamic Development Bank to be designated by the Rabita Office in Mauritius;
 - (d) a representative of the Waqf Board;
 - (e) a representative of the Ministry responsible for the subject of arts and culture;
 - (f) a representative of the Prime Minister's Office;
 - (g) a representative of the Ministry responsible for the subject of finance;
 - (h) 5 representatives to be designated by Islamic socio-cultural organisations after consultation with the Rabita Office in Mauritius.

(2) The Board may co-opt 5 additional members who shall be chosen from persons capable of helping in the advancement of the objects of the Centre.

(3) A member of the Board shall hold office for a period of 3 years but shall be eligible for reappointment for another period of 3 years.

[S. 5 amended by Act 1 of 1991.]

6. Meetings of Board

(1) The Board shall meet at such place and time as the Chairperson may think fit or as may be requested in writing by not less than 3 members, not more than one of whom may be a co-opted member.

(2) Five members of the Board shall constitute a quorum.

(3) No member who has a direct or indirect pecuniary interest in any item on the agenda of the Board shall take part in the deliberations of the Board on that item.

7. Appointment of staff

(1) The Board shall appoint on such terms and conditions as may be determined a Director for the management of the Centre.

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

(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 Board may appoint or employ, on such terms and conditions as the Board may determine, such staff as may be reasonably necessary for the purposes of or in connection with the discharge of its functions.

(5) Every member of the staff shall be under the administrative control of the Director.

8. Execution of documents

(1) No document shall be executed by or on behalf of the Fund unless it is signed by the Chairperson and another member appointed by the Board or, in the absence of the Chairperson, by 2 members appointed by the Board.

(2) Every document signed in accordance with subsection (1) shall be deemed to be duly executed by or on behalf of the Fund.

9. Powers of Minister

(1) The Minister may, in relation to the exercise by the Board of the powers of the Fund under this Act, after consultation with the Board, give such general directions to the Board, not inconsistent with the provisions of this Act, 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 returns or copies of such documents, including the minutes of proceedings of the Board, the accounts of the Fund and such other information with respect to the activities of the Fund, as the Minister may require.

(3) The Minister may set up a committee which shall supervise, from time to time, the proper functioning of the Fund.

(4) The Committee shall consist of—

- (a) the Permanent Secretary or his representative;
- (b) 3 public officers to be designated by the Minister, one of whom shall be an accountant;
- (c) 2 other persons conversant with the management of associations, to be appointed by the Minister on such terms and conditions as he thinks fit.

(5) No person appointed by the Minister under subsection (4) shall be deemed to be a public officer by reason only of his appointment.

10. Accounts of Fund

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

(2) The statement of accounts and balance sheet of the Fund shall be annually audited by the director of Audit, who shall report on the accounts of the Fund to the Board.

(3) The Board shall, as soon as practicable after the end of each financial year, furnish to the Minister a copy of the accounts duly audited together with the Director of Audit's report thereon.

(4) The Minister shall, at the earliest available opportunity, lay a copy of the audited accounts together with the report thereon before the National Assembly.

(5) The Treasurer of the Fund shall keep the accounts of the Fund which shall at all reasonable times be open for inspection by any person having an interest in the Fund.

(6) The financial year of the Fund shall be the period starting on 1 July and ending on 30 June next year.

[S. 10 amended by s. 3 of Act 25 of 2004 w.e.f. 26 August 2004.]

10A. Exemption from duty

Notwithstanding any other enactment, no stamp duty or registration fee or duty shall be payable in respect of any document under which the Fund is the sole beneficiary.

[S. 10A amended by Act 37 of 2000.]

11. Service of process

Service of process on the Secretary of the Board shall be equivalent to service on the Fund.

12. Annual general meeting

A general meeting of the Board shall be held once in every year not later than 3 months after the end of the financial year.

13. Donations and legacies

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

14. 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—

- (a) for the levying of fees and the payment of charges;
- (b) that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 3 months.

[S. 14 amended by Act 37 of 2000.]
