

LEONARD CHESHIRE MAURITIUS ACT*

Act 48 of 1965 – 27 December 1965

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LEONARD CHESHIRE MAURITIUS ACT*

1. Short title

This Act may be cited as the Leonard Cheshire Mauritius Act.

[S. 1 amended by s. 4 (a) of Act 5 of 2007 w.e.f. 3 May 2007.]

1A. Interpretation

In this Act—

“Foundation” means the Leonard Cheshire Mauritius.

[S. 1A inserted by s. 4 (b) of Act 5 of 2007 w.e.f. 3 May 2007.]

2. Incorporation of Foundation

The Foundation shall be a body corporate.

[S. 2 amended by s. 4 (c) of Act 5 of 2007 w.e.f. 3 May 2007.]

3. Object and functions of Foundation

(1) The object of the Foundation shall be to promote the well-being and rehabilitation, whether in their own domestic environment or elsewhere, of persons of any age, sex, colour or creed who—

- (a) are in need of special attention because they are mentally, or physically, disabled;

* EDITORIAL NOTE: This Act previously bore the title “Cheshire Foundation Homes for the Sick Act”. It has been retitled as above by s. 3 of Act 5 of 2007 w.e.f. 3 May 2007.

(b) are ill, aged or in destitute or needy circumstances.

(2) The functions of the Foundation shall, in relation to its beneficiaries, be to—

- (a) ensure that they obtain such facilities as may enable them to engage in productive activities, or such training as may render them fit for gainful employment;
- (b) provide them, in accordance with their needs, with residential accommodation, including private homes, flats, apartments or rooms;
- (c) set up and manage homes and hostels for their benefit;
- (d) promote, conduct and engage in such research and experimental work as may be relevant to the Foundation;
- (e) organise, sponsor and participate in national or international conferences and meetings on subjects useful to the object of the Foundation;
- (f) establish, or assist in establishing, any association or institution, in Mauritius or overseas, with similar pursuits;
- (g) do all such other things as are incidental or conducive to the attainment of its object.

[S. 3 repealed and replaced by s. 4 (d) of Act 5 of 2007 w.e.f. 3 May 2007.]

4. Powers of Foundation

The Foundation shall exercise its powers through its Board of Trustees.

5. Board of Trustees

(1) For the purpose of managing the Foundation and exercising any of its powers, there shall be established a Board of Trustees which shall consist of 12 members to be appointed as provided in subsection (3).

(2) —

(3) (a) The members of the Board shall be appointed in December of every year by the President on nomination made in that behalf by the Chairperson and sent in writing to the President on or before 1 December in every year.

(b) Where for any cause no nomination is so made on 1 December in any year, the members of the Board shall be selected and appointed by the President.

[S. 5 amended by Act 48 of 1991.]

6. Officers of Board

(1) Immediately after their appointment every year, the Board shall select among its members a Chairperson, a Vice-Chairperson, a Treasurer and a Secretary for the following year.

(2) 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 in the interests of the Foundation or in connection with such interests.

7. Vacancy by death or otherwise in Board

(1) Where any vacancy occurs in the Board through death, absence from Mauritius for more than 6 months, incapacity or resignation of any member, the vacancy shall, as soon as may be after its occurrence, be filled by the appointment of any person as member in the manner provided for the appointment of members by section 5.

(2) (a) Any nomination for appointment made in the behalf shall be transmitted to the President within 15 days of the occurrence of the vacancy.

(b) Where no nomination is made under paragraph (a), the President shall select and appoint such person as he thinks fit to fill the vacancy.

(3) Where a member absents himself from Mauritius for less than 6 months, the Board may fill his post, but any person so chosen shall retain his office so long as the vacating member is absent from Mauritius.

[S. 7 amended by Act 48 of 1991.]

8. Acts to be valid in spite of vacancy

Any act performed, or any power exercised, by the Board shall not be deemed to have been invalid or invalidly performed, as the case may be, by reason only of any vacancy in its number through any of the causes mentioned in section 7 but if at any time, and so long as, the number of members is reduced to less than 5, the Board shall discontinue the exercise of its powers.

9. Proceedings and quorum of Board

(1) The Board shall be convened by the Chairperson or, in the event of the death, incapacity or absence from Mauritius of the Chairperson, the Board shall be convened, by the Vice-Chairperson—

(a) at such time as he thinks fit;

(b) at any other time on application made in that behalf by not less than 5 members.

(2) In case of death, incapacity, resignation or absence of the Chairperson, the Vice-Chairperson shall act as Chairperson.

(3) Where the Chairperson or Vice-Chairperson or Secretary, as the case may be, is absent from any meeting of the Board, the members present shall elect from their number a Chairperson, a Vice-Chairperson and a Secretary respectively for that meeting.

(4) The quorum of the Board shall be 5.

(5) All decisions of the Board shall be determined by a majority of the members present and voting and, in the event of an equality of votes, the Chairperson shall have a second or casting vote.

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

(7) (a) The minutes of proceedings at every meeting of the Board shall be recorded by the Secretary and signed by the Chairperson and Secretary for the meeting at which those minutes shall be read and confirmed.

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

10. Signature of documents

Every deed, act or document relating to the Foundation shall be signed by the Chairperson and Secretary of the Board or by 2 members of the Board delegated by the Board in that behalf.

11. Property and funds

(1) The property of the Foundation or any fund or money of which the Foundation may become possessed at any time shall be applied towards the furtherance of the objects of the Foundation.

(2) No portion of any property, fund or money of the Foundation 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) The statement of accounts and balance sheet shall be annually audited by an auditor who shall report on them.

13. Annual report

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

[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. No duty on donations and bequests

No duty shall be levied on donations and bequests made to the Foundation.

16. Exemption from taxation

The Foundation shall be exempt from payment of licence duty and from payment of tax leviable on income under any enactment, rates leviable under the Local Government Act and the tax payable under section 29 of the Road Traffic Act in respect of a licence for a road vehicle.

[S. 16 amended by s. 4 (e) of Act 5 of 2007 w.e.f. 3 May 2007.]

17. Other fiscal exemptions

No stamp duty or registration fee shall be payable in respect of any document signed or executed by the Foundation or to which the Foundation is a party.

18. Affiliation to other bodies

The Foundation may become affiliated to, or incorporated with, other societies or incorporated bodies or institutions having for their principal objects those of the Foundation.

19. Legal proceedings

Service of process on the Chairperson or Secretary of the Board shall be equivalent to service on the Foundation.
