

MAURITIAN CULTURAL CENTRE TRUST ACT

Act 6 of 2001 – 15 August 2001

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MAURITIAN CULTURAL CENTRE TRUST ACT

1. Short title

This Act may be cited as the Mauritian Cultural Centre Trust Act.

2. Interpretation

In this Act—

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

“Centre” means the Mauritian Cultural Centre;

“Director” means the Director appointed under section 7;

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

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

“Trust” means the Mauritian Cultural Centre Trust established under section 3.

3. Establishment of Trust

(1) There is established for the purposes of this Act a Mauritian Cultural Centre Trust.

(2) The Trust shall be a body corporate.

4. Objects of Trust

The objects of the Trust shall be—

- (a) to promote Mauritian culture and develop a plural Mauritian cultural identity through, *inter alia*—
 - (i) the establishment of a register of Mauritian artists and associations of artists;
 - (ii) the creation of facilities for multi-disciplinary documentation and research;
 - (iii) the collection, publication and dissemination of information on Mauritian culture and history;
 - (iv) the organisation of lectures, seminars, workshops, exhibitions and other activities to develop and improve the knowledge, understanding and practice of Mauritian culture;
 - (v) the collaboration with other Cultural Centres both at national and international levels; and
 - (vi) the establishment of links with organisations engaged in similar activities locally and internationally;
- (b) to identify, develop and perpetuate Mauritian cultural heritage inclusive of oral traditions and folk arts;
- (c) to showcase Mauritian culture worldwide, by, *inter alia*, setting up a website;
- (d) to encourage Mauritian artistic and cultural creativity; and
- (e) to set up a Mauritian cultural troupe.

5. Board of Trustees

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

- (a) a Chairperson to be appointed by the Prime Minister, after consultation with the Leader of the Opposition;
- (b) a Vice-Chairperson to be appointed by the Prime Minister, after consultation with the Leader of the Opposition;
- (c) 6 members having proficiency in one or more artistic fields, to be appointed by the Minister;
- (d) 4 members having a keen interest in arts and culture, to be appointed by the Minister;
- (e) a representative of the Prime Minister's Office;
- (f) a representative of the Ministry responsible for the subject of finance;
- (g) a representative of the Ministry responsible for the subject of arts and culture;
- (h) a representative of the Ministry responsible for the subject of education.

(2) Every member of the Board, other than a member specified in subsection (1) (e), (f), (g) and (h), shall hold office for a maximum period of 3 years and shall be eligible for reappointment for another period of not more than 3 years.

(3) Subject to the approval of the Minister, the Board may provide for the payment of a fee to every member of the Board.

6. Meetings of Board

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

(2) The Board shall meet—

- (a) subject to paragraph (b), at such time and place as the Chairperson may determine;
- (b) at least once every month; and
- (c) whenever a request for a meeting is made by not less than 6 members.

(3) Nine members shall constitute a quorum.

(4) A member, who has a direct or indirect pecuniary or any other interest in relation to any matter before the Board, shall not take part in the deliberations of the Board relating to that matter.

7. Director

(1) The Board shall—

- (a) with the approval of the Minister, appoint a Director;
- (b) after consultation with the Minister, determine the terms and conditions of appointment of the Director.

(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 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 Director may, with the approval of the Board, delegate any of his powers or functions to a member of the staff appointed under section 8.

8. Appointment of staff

(1) The Board may appoint such staff as may be necessary for the proper discharge of its functions.

(2) The Board shall, after consultation with the Minister, determine the terms and conditions of appointment of the staff.

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

(4) No person shall be eligible for appointment, or if employed, remain in employment, where he has an interest in any contract with the Trust.

9. Appointment of Advisory Committees

(1) The Board may set up Advisory Committees to advise it on matters pertaining to the promotion of the matters specified in the Schedule.

(2) Any Committee set up under subsection (1), shall—

(a) consist of—

- (i) a Chairperson who shall be appointed by the Board;
- (ii) such other members as the Board may decide;

(b) regulate its meetings and proceedings in such manner as it thinks fit.

(3) The Committee shall consist of not more than 12 members.

(4) Seven members shall constitute a quorum of the Committee.

10. Execution of documents

(1) No document shall be executed by or on behalf of the Trust 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 Trust.

11. Powers of Minister

(1) The Minister may give such general directions to the Board, not inconsistent with 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 document, including the minutes of proceedings of the Board and the accounts of the Trust, and such other information with respect to the activities of the Trust, as the Minister may require.

12. Financial provision and management

(1) The Board shall establish a General Fund—

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

(2) There shall be paid into the General Fund—

- (a) any subsidy granted by Government for the purposes of this Act; and
- (b) all other sums of money received by the Trust from any other source.

13. Service of process

Service of process on the Director shall be equivalent to service on the Trust.

14. Donations and legacies

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

15. Exemptions

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

16. 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) The Minister may, by regulations, amend the Schedule.

17. Consequential amendments

(1) – (3) –

(4) The auditor to be appointed under section 5 of the Statutory Bodies (Accounts and Audit) Act shall be the Director of Audit.

18. –

SCHEDULE

[Section 9 (1)]

1. Music
 2. Dance
 3. Theatre
 4. Fine arts
 5. Literature
 6. Architecture
 7. Cinema and audio visual media
 8. History
 9. Linguistics
 10. Cuisine
 11. Design and fashion
 12. Any other domain pertaining to the promotion of Mauritian culture
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