

ROSE BELLE SUGAR ESTATE BOARD ACT

Act 31 of 1973 – 14 July 1973

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ROSE BELLE SUGAR ESTATE BOARD ACT

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Rose Belle Sugar Estate Board Act.

2. Interpretation

In this Act—

“Board” means the Board established under section 3;

“Chairperson” means the Chairperson of the Board;

“General Fund” means the General Fund established under section 17;

“General Manager” means the person appointed to that office under section 12;

“member” means a member of the Board;

“Minister” means the Minister to whom responsibility for the Rose Belle Sugar Estate is assigned;

“officer” means a person appointed as such by the Board and includes the General Manager;

“Rose Belle Sugar Estate” means all the properties and rights, including the sugar factory, purchased by Government from—

- (a) the Mauritius Agricultural and Industrial Company Limited;
- (b) the Grand Port Land Company Limited; and
- (c) Eau Bleue Limited.

PART II – ESTABLISHMENT, CONSTITUTION AND MANAGEMENT OF THE BOARD

3. Establishment of Board

(1) There is established for the purposes of this Act the Rose Belle Sugar Estate Board.

(2) The Board shall be a body corporate.

4. Object of Board

The object of the Board shall be to manage the Rose Belle Sugar Estate.

5. —

6. Constitution of Board

(1) The Board shall consist of a Chairperson and not less than 5 nor more than 9 other members appointed by the Minister.

(2) The members shall hold or vacate office on such terms as the Minister may determine.

(3) No member shall be deemed to hold a public office by virtue of his appointment.

7. —

8. Meetings of Board

(1) The Board shall meet as required at such time and place as the Chairperson may appoint.

(2) Four members shall constitute a quorum.

9. —

10. Execution of documents

(1) No document or cheque drawn on a banking account shall be executed or signed by or on behalf of the Board unless it is signed by the Chairperson, or 2 other members, and the officer performing the duties of Secretary to the Board.

(2) Notwithstanding subsection (1), any document to which the Board is a party may be signed by a person nominated for the purpose by the Board and shall, when so signed, be deemed to be duly executed by or on behalf of the Board.

11. Directions of Minister

The Minister may, in relation to the exercise of its functions by the Board, give such directions to the Board as he considers necessary in the public interest, and the Board shall comply with those directions.

PART III – STAFF OF BOARD

12. General Manager

(1) There shall be an officer of the Board to be known as the General Manager who shall be the chief executive officer of the Board.

(2) A member may be appointed as General Manager and, when so appointed, shall continue to hold office as member.

(3) The General Manager shall be appointed by the Board, with the approval of the Minister, on such terms and conditions as the Board may determine.

(4) The General Manager shall be responsible for the execution of the policy of the Board and for the control and management of its day-to-day business.

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

(6) The General Manager may, with the approval of the Board, delegate any of his functions to such officer as he may determine.

13. Employment of staff

(1) The Board may employ, on such terms and conditions as it may, with the approval of the Minister, determine, such employees as may be reasonably necessary for the purposes of, or in connection with, the discharge of its functions.

(2) All employees shall be under the administrative control of the General Manager.

14. Delegation to General Manager

The Board may, subject to such general or specific instructions and rules of a general nature as it may give or make, delegate to the General Manager such of its powers under this Act as are necessary to enable him to transact effectively the day-to-day business of the Board.

15. Staff provisions

The Board may, in such form as it may determine, provide for the conditions of service of its employees and in particular, 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 medical benefits and loan funds and the contributions payable to, and the benefits recoverable from, those funds.

PART IV – FINANCIAL PROVISIONS AND ACCOUNTS

16. Assets of Board

(1) The Rose Belle Sugar Estate shall vest in the Board.

(2) Except with the permission of the Minister, the Board shall not mortgage, pledge or dispose of any of its assets.

17. General Fund

The Board shall establish a General Fund—

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

18. Receipt of money

The Board may receive—

- (a) any money appropriated from the Consolidated Fund;
- (b) the amount of any loan raised under this Act; and
- (c) any money properly accruing to the Board from any other source.

19. Charges to General Fund

(1) The Board may, in the discharge of its functions and in accordance with the terms and conditions upon which its funds may have been obtained, given or derived, charge to the General Fund all remuneration, allowances, salaries, fees, pensions, gratuities, working expenses and all other charges properly arising, including any necessary capital expenditure.

(2) The Board may pay to Government such sum as it thinks fit out of the profits of the Rose Belle Sugar Estate, and any such payment shall, for the purposes of the Income Tax Act, be deemed to be an allowable deduction.

20. Loan redemption and depreciation

The Board shall make adequate provision for—

- (a) the redemption of loans at due times;
- (b) interest on all other charges and expenses incurred in connection with loans; and
- (c) the depreciation in value of assets.

21. Financial year of Board

The financial year of the Board shall be the calendar year.

21A. Share capital of Board

(1) The Board may resolve to invite planters within the Rose Belle factory area and its employees to become shareholders of the Board.

(2) The Minister may, upon being notified that a resolution under subsection (1) has been passed and after consultation with the Board, prescribe—

- (a) a share capital for the Board, due regard being had to the assets of the Board;
- (b) the division of the share capital into Government shares, planters' shares, workers' shares and such other categories of shares as he thinks necessary;
- (c) the face value of each share;
- (d) the terms for the issue, transfer and redemption of shares;
- (e) the conditions to be attached to each category of shares; and
- (f) such other matters as may be necessary or expedient to implement the terms of any resolution passed in accordance with subsection (1).

PART V – MISCELLANEOUS

22. Regulations

The Board may make such regulations as it thinks fit for the purposes of this Act.
