

## STATE TRADING CORPORATION ACT

Act 24 of 1982 – 6 December 1982

### ARRANGEMENT OF SECTIONS

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## STATE TRADING CORPORATION ACT

### 1. Short title

This Act may be cited as the State Trading Corporation Act.

[S. 1 amended by Act 48 of 1991.]

### 2. Interpretation

In this Act—

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

“Chairperson” means the Chairperson of the Board;

“Corporation” means the State Trading Corporation established under section 3;

“General Manager” means the person appointed as such under section 10;

“goods” means an article which is the subject of trade or business;

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

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

“officer” means an employee of the Corporation and includes the General Manager.

### **3. Establishment of Corporation**

(1) There is established for the purposes of this Act the State Trading Corporation.

(2) The Corporation shall be a body corporate.

### **4. Objects of Corporation**

The objects of the Corporation shall be to—

- (a) negotiate the purchase of goods;
- (b) engage in the manufacture or processing of goods and to ensure their marketing;
- (c) import goods with a view to their marketing, distribution or supply by wholesale or retail;
- (d) export goods;
- (da) engage in the storage of petroleum products and promotion and development of bunkering and petroleum-related activities; and
- (e) engage in such other activities as may be authorised by the Minister.

[S. 4 amended by s. 50 (a) of Act 18 of 2016 w.e.f. 7 September 2016.]

### **5. The Board**

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

(2) The Board shall consist of—

- (a) a Chairperson, to be appointed by the Minister with the approval of the Prime Minister;
- (b) a representative of the Ministry responsible for the subject of finance;
- (c) a representative of the Ministry responsible for the subject of trade;
- (d) a representative of the Ministry responsible for the subject of agriculture;
- (e) a representative of the Ministry responsible for the subject of economic planning;
- (f) a representative of the Ministry responsible for the subject of energy;
- (g) the Director-General of the Mauritius Ports Authority or his representative;
- (h) a representative of consumer interests appointed by the Minister; and
- (i) not more than 2 other members appointed by the Minister.

(3) Every appointed member shall—

- (a) be a person who, in the Minister's opinion, has experience and proven ability in the field of commerce, finance or administration or has some special knowledge or experience that renders him a fit and proper person to be a member; and
- (b) hold and vacate office on such terms and conditions as the Minister thinks fit.

(4) (a) A member of the Assembly or of a local authority shall not be qualified to be an appointed member.

(b) Every appointed member shall vacate his office if he becomes a member of the Assembly or of a local authority.

(5) Every member shall be paid by the Corporation such remuneration or allowance as the Board may, with the approval of the Minister, determine.

[S. 5 amended by Act 29 of 1988; Act 3 of 1998.]

## **6. Meetings of Board**

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

(2) The Board shall meet at the request of the Chairperson or of not less than 3 members and at such time and place as the Chairperson may determine.

(3) Five members shall constitute a quorum.

## **7. Disclosure of interest by members**

A member shall, in relation to a 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 a deliberation or decision of the Board relating to that matter.

## **8. Attendance of General Manager**

The General Manager shall attend every meeting of the Board, and may take part in its deliberations, but he shall not be entitled to vote on a matter before the Board.

## **9. Delegation of powers**

Subject 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 General Manager such of its powers under this Act as may be necessary to assist in the effective management of the Corporation, other than the power to—

- (a) borrow money;
- (b) raise loans; or
- (c) enter into any transaction in respect of capital expenditure which exceeds 100,000 rupees.

## **10. General Manager**

- (1) There shall be a chief executive officer of the Corporation who shall—
  - (a) be known as the General Manager; and
  - (b) be appointed by the Minister with the approval of the Prime Minister.

(2) The General Manager 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 Corporation.

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

(4) The General Manager may, with the approval of the Board, delegate his functions or any power delegated to him under section 9 to an officer.

[S. 10 amended by Act 29 of 1988.]

## **11. Appointment of officers**

(1) Subject to subsection (3), the Corporation may employ such officers as may be reasonably necessary for the purposes of this Act, and under such terms and conditions as it may determine.

(2) Every officer shall be under the administrative control of the General Manager.

(3) No person shall be eligible for employment or, if already employed, continue in employment where he has a direct or indirect interest in a contract with the Corporation.

(4) The employment and the terms and conditions of service of officers under subsection (1) above shall be subject to the Minister's approval.

[S. 11 amended by Act 29 of 1988.]

## **12. Conditions of service of officers**

The Board may make provision, in such form as it may determine, to govern the conditions of service of officers and in particular, to deal with—

- (a) the appointment, dismissal, discipline, pay and leave of, and the security to be given by, officers;
- (b) appeals by officers 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.

## **13. Protection from liability**

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

#### **14. Powers of Minister**

The Minister may, in relation to the exercise of its powers by the Corporation under this Act, give such directions of a general character to the Corporation, not inconsistent with this Act, as he considers to be necessary in the public interest, and the Corporation shall comply with these directions.

[S. 14 amended by Act 29 of 1988.]

#### **15. Capital of Corporation**

(1) Subject to subsection (2), the share capital of the Corporation shall be 10,000,000 rupees made up of 1,000,000 shares of 10 rupees each, to be allotted as follows—

- (a) 100,000 shares shall be fully subscribed by Government; and
- (b) the remaining shares shall be subscribed at such time and in such manner as the Minister may determine.

(2) The Board may, by resolution, increase the share capital of the Corporation, subject to the approval of the Minister, and any such resolution shall make provision for the subscription of the increase.

#### **16. Financial provisions**

(1) The Corporation shall, in carrying out its objects, operate on sound commercial principles.

(2) The revenue of the Corporation in a financial year shall be applied in payment of, or to provide for, all expenses properly charged to the Corporation.

(3) The Board may declare dividends on its paid-up share capital out of the balance of revenue after meeting all expenses.

(4) (a) The Corporation shall, at least 3 months before the beginning of every financial year, submit to the Minister an estimate of the revenue and expenditure of the Corporation for that financial year.

(b) Subject to subsection (5), the Minister shall, before the beginning of the financial year, signify in writing his approval of the estimate.

(5) Where the Minister signifies his approval under subsection (4), he may—

- (a) approve part only of the expenditure under any item;
- (b) direct the Corporation to amend the estimate in respect of any item in such manner as he thinks fit.

(6) —

#### **16A. Interest in agency or body of persons**

The Corporation may, for the purpose of its activities, acquire or hold any interest in any other agency or body of persons, whether corporate or unincorporate.

[S. 16A inserted by s. 50 (b) of Act 18 of 2016 w.e.f. 7 September 2016.]

## **17. Borrowing powers**

The Corporation may, subject to the approval of the Minister, raise or borrow funds on such terms and conditions as the Board may determine.

## **18. Reserve Fund**

(1) Subject to subsections (2) and (3) and subject to such directions as the Minister may give, the Board may set aside out of the profits of the Corporation such sum as it thinks proper as a Reserve Fund for—

- (a) the payment of contingencies;
- (b) the stabilising or equalisation of prices;
- (c) the amortisation of loans; and
- (d) such other purposes as, in the opinion of the Board, are in the best interests of the Corporation.

(2) The Board may invest on such terms and conditions as it thinks fit any sum set aside under subsection (1) or employ such sum for the business of the Corporation.

(3) There shall be paid into the Reserve Fund the contributions referred to in section 3A of the Consumer Protection (Price and Supplies Control) Act and these contributions shall, at the rates specified in the Fourth Schedule to the Consumer Protection (Price and Supplies Control) Act, be applied in the following manner—

- (a) in relation to the Contribution to Road Development Authority, be paid, in such amount as may be prescribed—
  - (i) to the Road Development Authority; and
  - (ii) through the Accountant-General, to the National Transport Authority;
- (b) in relation to the Contribution to Rodrigues Transportation and Storage, be paid, through the Accountant-General, into the Rodrigues Subsidy Account; and
- (c) in relation to the Contribution to the Construction of Storage Facilities for Petroleum Products and the Contribution to Subsidy on Liquefied Petroleum Gas (LPG), Flour and Rice, be retained by the State Trading Corporation.

[S. 18 amended by s. 65 of Act 11 of 2018 w.e.f. 9 August 2018.]

## **19. Execution of documents**

(1) Subject to subsection (2), all documents shall be deemed to be executed by or on behalf of the Corporation if signed by the Chairperson or the General Manager.

(2) Every cheque of the Corporation shall be signed by any 2 of the following persons—

- (a) the Chairperson;

- (b) the General Manager;
- (c) such other officer as may be appointed for the purpose by the Board.

**20. Transfer of assets and liabilities**

(1) The Government shall, on a day to be fixed by regulations made by the Minister, transfer to the Corporation such assets as may be specified in the regulations.

(2) A contract, entered into by or on behalf of Government and specified by the Minister, shall have effect as if it has been entered into on the same terms and conditions by the Corporation and a right, obligation, liability or arrangement subsisting in favour of or against Government shall continue to exist in favour of or against the Corporation.

**21. Grant of State land**

The Government may, on such terms and conditions as it thinks fit, grant to the Corporation an interest in or over State land.

[S. 21 amended by Act 48 of 1991.]

**22. Exemption**

Notwithstanding any other enactment, the Corporation shall be exempt from payment of duty, rate, charge, fee, tax or licence.

**23. Regulations**

(1) The Board may, with the approval of the Minister, make such regulations as it may determine for the purposes of this Act.

(2) Any regulations made under subsection (1) may provide—

- (a) for the issue of licences;
- (b) for the taking of fees and the levying of charges; and
- (c) that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5,000 rupees and to imprisonment for a term not exceeding one year.

**24. – 26. —**

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