

**SUB-CONTRACTING AND PARTNERSHIP  
EXCHANGE (SUBEX-M) ACT**

Act 4 of 1997 – 15 May 1997

ARRANGEMENT OF SECTIONS

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**SUB-CONTRACTING AND PARTNERSHIP  
EXCHANGE (SUBEX-M) ACT**

**1. Short title**

This Act may be cited as the Sub-contracting and Partnership Exchange (SUBEX-M) Act.

**2. Interpretation**

In this Act—

“associate member” means a person whose activities shall be restricted to participation in seminars, meetings and promotion campaigns organised by SUBEX-M;

“Committee” means the Management Committee referred to in section 6;

“employee” means an employee of SUBEX-M and includes the Director;

“General Assembly” means the annual general meeting referred to in section 11;

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

“ordinary member” means a person whose participation in the activities of SUBEX-M includes sub-contracting;

“small and medium enterprise” has the meaning assigned to it in the Industrial Expansion Act;

“SUBEX-M” means the Sub-contracting and Partnership Exchange of Mauritius established under section 3.

### **3. Establishment of SUBEX-M**

(1) There is established for the purpose of this Act the Sub-contracting and Partnership Exchange of Mauritius which shall be known as the SUBEX-M.

(2) The SUBEX-M shall be a body corporate.

### **4. Objects of SUBEX-M**

The SUBEX-M shall, with a view to making optimal use of manufacturing capabilities—

- (a) promote co-operation, at the national and international levels, in the field of sub-contracting amongst small, medium and large scale enterprises in all areas of economic activities;
- (b) carry out industrial surveys and organise meetings, seminars, discussions and regional as well as international sub-contracting fairs with a view to assessing sub-contracting opportunities;
- (c) provide technical assistance and know-how to its members in the area of management with a view to improving sub-contracting activities;
- (d) promote the expansion of existing, and the creation of new, industrial capacities and provide information and documentation to its members; and
- (e) do all such things as are incidental or conducive to the attainment of these objects.

### **5. Membership of SUBEX-M**

(1) Membership of SUBEX-M shall be open to a person whose enterprise or business subscribes to its objects.

(2) There shall be such honorary, ordinary or associate members as may be determined by the Committee.

(3) Every member shall pay such subscription or other fees as may be prescribed by the Committee.

### **6. Management Committee**

(1) Subject to section 20, the SUBEX-M shall be administered and managed by a Management Committee.

(2) Subject to section 20, the Committee shall consist of 8 members elected by the General Assembly and of 4 *ex officio* members.

(3) The *ex officio* members shall be—

- (a) a representative of the Ministry responsible for the subject of industry;
- (b) a representative of the Ministry responsible for the subject of finance;
- (c) —
- (d) a representative of the Small Enterprises and Handicraft Development Authority.

(4) (a) There shall be a Chairperson of the Committee who shall be elected—

- (i) by the members of the Committee at its first meeting; and
- (ii) from amongst the 8 members referred to in subsection (2).

(b) There shall be a Vice-Chairperson of the Committee who shall be the member referred to in subsection (3) (a) or any other *ex officio* member designated by the Committee.

(5) The Committee may co-opt up to 3 persons with wide experience in administrative, economic, financial or commercial matters, or in matters relating to industrial development, to sit on the Committee.

(6) The 8 elected members of the Committee shall hold office for a period of one year and shall be eligible for re-election.

## **7. Meetings of Committee**

(1) The Committee shall meet as often as the Chairperson may decide but not less than once every 2 months.

(2) In the absence of the Chairperson and the Vice-Chairperson at any meeting of the Committee, a Chairperson for the meeting shall be chosen by the members present from among themselves.

(3) The Chairperson shall, at any meeting, have an original as well as a casting vote.

(4) The quorum of the Committee shall be 7, including not less than one member from the elected members and one member from the *ex officio* members.

(5) The Committee shall regulate its meetings and proceedings in such manner as it thinks fit.

## **8. Director**

(1) There shall be a Director of SUBEX-M who shall be appointed by the Committee.

(2) The Director shall be responsible for the day-to-day management of SUBEX-M.

(3) The Director shall attend every meeting of the Committee or the General Assembly, but shall have no right to vote.

#### **9. Appointment of employees**

(1) The Committee may appoint, on such terms and conditions as it may determine, such employees as may be reasonably necessary for the proper discharge of its functions under this Act.

(2) The employees shall be under the administrative control of the Director.

#### **10. Protection from liability**

No liability, civil or criminal, shall attach to a member of the Committee or an employee of SUBEX-M in respect of any act done or omitted to be done in good faith in the exercise of his functions under this Act.

#### **11. General Assembly**

(1) SUBEX-M shall hold its General Assembly once every year at such time and place as the Committee may decide.

(2) The business of the General Assembly shall be to—

- (a) consider and adopt the annual report and approve the audited accounts for the previous financial year;
- (b) approve the estimates for the next financial year;
- (c) appoint 2 auditors;
- (d) consider any resolution from the Committee; and
- (e) consider any other business which a member may wish to raise and of which notice has been given to the Director in such manner as may be determined by the Committee.

(3) A special general meeting may be convened either by the Committee or at the request of not less than one quarter of the ordinary members of SUBEX-M or of 25 ordinary members, whichever is less.

(4) All decisions at a General Assembly or special general meeting shall be taken by a majority of votes.

(5) The quorum at a General Assembly or special general meeting shall be 25 ordinary members, or one quarter of the total number of ordinary members, whichever is less.

#### **12. Financial arrangements**

(1) The operational costs of SUBEX-M shall be borne by all the ordinary and associate members in such manner as may be decided by the General Assembly.

(2) SUBEX-M shall set up a General Fund into which shall be remitted all monies received and out of which shall be paid all expenses.

(3) The Committee may, with the approval of the General Assembly, raise or borrow such sums of money for its purposes under this Act as it thinks fit.

(4) The SUBEX-M may receive gifts in cash or in kind and grants from public or private bodies or from enterprises.

### **13. Accounts**

(1) The financial year of SUBEX-M shall end on 30 June in every year.

(2) The Director shall—

- (a) keep the accounts of SUBEX-M;
- (b) be answerable to the Committee for all financial transactions; and
- (c) receive and disburse money on behalf of SUBEX-M.

(3) The Committee shall, 3 months before the end of its financial year, draw up an estimate of the income and expenditure for the next financial year and submit it to the General Assembly for approval.

(4) The Committee shall not, without the approval of the General Assembly, incur expenditure in excess of the amount specified in the approved estimate of expenditure for any year.

(5) All accounts and books of SUBEX-M shall, once a year and within one month after the end of the financial year, be audited by 2 auditors appointed at the General Assembly.

### **14. Execution of documents**

(1) Every deed, act or other document relating to SUBEX-M shall be signed by the Chairperson, the Vice-Chairperson, the Director or such other person as may be designated for that purpose by the Committee.

(2) All cheques shall be signed by the Chairperson or Vice-Chairperson and by the Director and, in their absence, by such persons as may be designated by the Committee.

(3) Copies or extracts of all documents under the hand of the Director shall be *prima facie* evidence of the facts contained therein.

### **15. Donations and legacies**

Article 910 of the Code Civil Mauricien shall not apply to SUBEX-M.

### **16. Exemption from duty**

SUBEX-M shall be exempt from payment of any duty on donations and legacies received by it.

### **17. Affiliation**

SUBEX-M may affiliate with other organisations or institutions having similar aims and objects.

**18. Regulations**

(1) The Minister may make such regulations as he thinks fit for the purposes of this Act.

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

- (a) for the election of members to sit on the Committee;
- (b) for the terms and conditions of membership of SUBEX-M;
- (c) that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees.

**19. Rules**

(1) The Committee may make such rules as it considers necessary for the purpose of this Act.

(2) Rules under subsection (1) may provide for the—

- (a) admission, resignation and expulsion of members;
- (b) procedure relating to general meetings; and
- (c) levy of fees and subscriptions.

**20. – 21. —**

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