

**TRADE UNION TRUST FUND ACT**

Act 1 of 1997 – 25 April 1997

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**TRADE UNION TRUST FUND ACT**

**1. Short title**

This Act may be cited as the Trade Union Trust Fund Act.

**2. Interpretation**

In this Act—

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

“Fund” means the Trade Union Trust Fund established under section 3;

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

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

“workers’ organisations” means the federations of trade unions duly registered under the Employment Relations Act.

**3. Establishment of Fund**

There is established for the purposes of this Act a Trade Union Trust Fund which shall be a body corporate.

**4. Objects of Fund**

The objects of the Fund shall be to—

- (a) receive and manage funds and other property obtained from Government and other sources;
- (b) promote workers’ education;
- (c) provide assistance to workers’ organisations;

- (d) organise and sponsor seminars, conferences, workshops, training courses and other related activities for the benefit of the members of trade unions affiliated to workers' organisations;
- (e) carry out such other activities, not inconsistent with this Act, as the Board may decide.

## **5. Management of Fund**

(1) The Fund shall be managed and administered by a Board of Trustees which shall consist of—

- (a) 8 representatives of workers' organisations, one of whom shall be the Chairperson, appointed by the Minister;
- (b) a representative of the Ministry responsible for the subject of industrial relations;
- (c) a representative of the Ministry responsible for the subject of finance;
- (d) a representative of the Ministry responsible for the subject of education;
- (e) a representative of the Ministry responsible for the subject of civil service affairs;
- (f) a representative of the Ministry responsible for the subject of human resource development;
- (g) a representative of the Ministry responsible for the subject of women's affairs; and
- (h) an independent person with experience in adult education or industrial relations, to be appointed by the Minister.

(2) For the purposes of subsection (1) (a)—

- (a) "workers' organisations" shall be deemed to refer to the 8 most representative workers' organisations;
- (b) each of the 8 workers' organisations referred to in paragraph (a) shall nominate one representative; and
- (c) the Chairperson shall be appointed by the Minister after consultation with, and from among, the 8 representatives nominated under paragraph (b).

(3) The members shall hold office for a period of one year and shall be eligible for reappointment.

(4) The Board shall, with the approval of the Minister, appoint a Secretary and a Treasurer from amongst its members.

(5) At any meeting of the Board, 8 members shall constitute a quorum.

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

(7) For the purposes of subsection (2), the expression “most representative workers’ organisations” means those federations of trade unions which, according to the records kept by the Registrar of Associations under the Employment Relations Act, have the most numerous membership in terms of the total number of members of the trade unions affiliated to the federations.

## **6. Powers of Board**

The Board may do all such things as appear requisite and advantageous in furtherance of the objects of the Fund.

## **7. General Fund**

(1) There shall be a General Fund into which shall be paid all monies accruing to the Fund.

(2) The Board shall charge to the General Fund such expenditure as is necessary for the attainment of the objects of the Fund.

## **8. Execution of documents**

(1) Subject to subsection (2), no deed, instrument, contract or cheque drawn on a banking account shall be executed or signed by or on behalf of the Fund unless it is signed—

- (a) by the Chairperson and another member appointed by the Board;
- (b) in the absence of the Chairperson, by 2 members appointed by the Board.

(2) A document to which the Fund is a party may be signed outside Mauritius by a person nominated in writing for the purpose by the Board.

## **9. Donations and legacies**

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

## **10. Annual report**

(1) The Fund shall, not later than 3 months after the close of a financial year, issue an annual report on its activities and audited accounts for that financial year.

(2) The annual report shall be submitted to the Minister for his approval and be laid subsequently before the National Assembly.

## **11. Exemption**

Notwithstanding any other enactment—

- (a) the Fund shall be exempt from the payment of any duty, rate, charge, fee or tax;
- (b) no stamp duty or registration fee shall be payable in respect of any document under which the Fund is the sole beneficiary.

**12. Dissolution**

(1) The Fund may be dissolved by the unanimous decision of the Board.

(2) In the event of the dissolution of the Fund, all assets of the Fund shall be transferred to a body designated by the Minister.

**13. Powers of Minister**

The Minister may give directions of a general character to the Board, not inconsistent with this Act, and the Board shall comply with these directions.

**14. Regulations**

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

**15. – 16. —**

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