THE ACTION FAMILIALE ORDINANCE 1964

Ordinance No. 38 of 1964

I assent,

20th November, 1964.

TOM VICKERS
Officer Administering the Government

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Establishment and incorporation of the Action Familiale.
3. Objects.
4. Powers of the Association.
5. Membership.
6. Managing Committee.
7. Meetings of the Committee.
8. Powers of the Committee.
9. Legal Proceedings.
10. Accounts of the Association.
11. Collection and application of funds of the Association.
12. General Meetings.
13. Business of the General Meeting.
14. Affiliation.
15. Article 910 of the Civil Code not to apply.
16. Fixed registration duty.
17. Saving Clause.

An Ordinance to provide for the incorporation and management of the Action Familiale and matters incidental thereto

WHEREAS several persons have constituted themselves into an association which is styled *l'Action Familiale* for the following purposes namely-

To promote the welfare and happiness of families, to foster the ideas of harmonious married life and responsible parenthood and to support the propagation of all natural methods for regulating childbirth

AND WHEREAS it is deemed necessary that such association be given a legal status as a corporate body with a view to enabling such purposes as aforesaid to be carried out

AND WHEREAS it is expedient that such association be empowered inter alia to acquire by purchase, gifts by way of donation inter vivos, bequests or otherwise, hold, possess, and manage in their corporate name, property both movable and immovable and to sue and be sued in their corporate name;

AND WHEREAS it is further expedient to provide for the management and control of such association

BE IT THEREFORE ENACTED by the Legislature of Mauritius, as follows-

Short title.

1. This Ordinance may be cited as the Action Familiale Ordinance 1964.

Establishment and incorporation of the Action Familiale

2. The Association known by the name of Action Familiale, hereinafter referred to as the Association, shall be and is hereby constituted a Corporation under its aforesaid name and title with perpetual succession and a common seal bearing the name of the Association.

   Its registered office shall be at Rose Hill or at any other subsequent address as may be decided by the Committee.

Objects.

3. The objects of the Association shall be those stated in the first paragraph of the preamble to this Ordinance, and the doing of all such things as are incidental or conducive to the attainment of these objects.

Powers of the Association.

4. The Association shall have the right to hold and possess real and personal property, to acquire property by purchase, donation, legacy or otherwise, to take or give property on lease, to acquire or consent to all easements, to sell or exchange any property or portion thereof, to invest its monies in the acquisition of Government securities or of securities of the Municipality or Town Councils, or in first rank mortgage loans, to give all acquittances; to consent to the removal of all inscriptions, seizures, attachments or other prohibitions with or without payment ; to open all banking accounts; to draw, sign or endorse all cheques; to borrow any monies required for the purpose of the Association upon such securities (including any mortgage) as may be agreed upon by the Association ; to subscribe policies of Insurance to enter into all contracts for the erection or repair of all buildings, or for the supply of materials, medicines and food, and into all other contracts for the lawful interests of the Association ; to appoint, suspend, dismiss all officers and servants, fix their remuneration and gratuities and enter into all contracts to that effect to bring and defend all actions, institute all appeals, compound and compromise, and generally to do all acts and things as be necessary for the fulfilment of the objects of the Association.

Membership

5.(1) Any person over 15 years of age who pays a minimum annual subscription, of an amount to be fixed by the Committee, may become an ordinary member of the Association and shall then have his name entered in the Register of members. An ordinary member shall have the right to vote at all General Meetings of the Association.

(2) The Committee may further enroll any person over the age of

16 years as an auxiliary member. Such auxiliary members shall be exempted from payment of any subscription and shall not have the right to vote at General Meetings.

Managing Committee

6. (1) The Association shall be managed and administered by a committee, which shall consist of seven members elected in accordance with the provisions of the two next succeeding subsections.

(2) The members o 4e Committee shall be elected at the General Meeting of the Association from among members over the age of 21 years and whose names are borne on the current Register of members.

(3) Candidates for election to the Committee shall be proposed and seconded by two other members of the Association at least one of whom must be over the age of 21 years. Nominations shall be forwarded in writing to the Secretary of the Association at least 14 days before the General Meeting.

(4) At the first meeting after its election, the Committee shall appoint from among its members a Chairman, a Vice—Chairman, a Treasurer, a Secretary, and such other officers as it shall deem necessary.

(5) The functions of the Committee shall be honorary

Provided that it shall be lawful for the Committee, if it so decides, to pay for the services of the Treasurer and the Secretary.

(6) In the case of death, absence, resignation or incapacity to act of any of its members, the Committee shall have the power to nominate a member to replace him.

(7) Notwithstanding anything contained in this Ordinance and in derogation of the terms of this section, the members of the Committee for the year 1964 shall be

Dr. Arthur Edgar de Chazal, O.B.E., who shall be the lust Chairman of the Committee

Dr. Regis Lam Po Tang who shall be the Vice-Chairman

Mr. Freddy Appasamy who shall be the Secretary;

Mr. Joseph Raymond Lamusse who shall be the Treasurer;

Mrs. Solange Colin;

Mrs. Yvette Huron; and

Mr. Philippe Guerandel.

Meetings of the Committee.

7. (1) The Committee shall meet not less than once in every three calendar months and more often if found necessary.

(2) Three members shall form a quorum.

(3) Every meeting of the Committee shall be presided by the Chairman, or, in his absence, by the Vice-Chairman and, in the absence of both the Chairman and the Vice-Chairman, the members present shall appoint a Chairman for the meeting from amongst themselves.

(4) All decisions shall be taken by a majority of votes, the Chairman having an original as well as a casting vote.

(5) The Secretary shall have the custody of all books, deeds and documents relating to the Association and shall keep minutes of all the proceedings of the Committee. The minutes of proceedings of each meeting shall be signed by the Chairman of the meeting and by the Secretary, and extracts thereof duly signed by the Chairman of the Association and the Secretary shall be prima facie evidence of all matters therein contained.

Powers of the Committee

8. (1) The Committee shall have and shall exercise the same powers concerning the Association as those conferred upon the Association by section 4 of this 017dinatice and shall have authority to do and perform all acts for the due execution and the exercise of such powers, and shall decide all questions of admission, expulsion, suspension, and readmission of members. It shall appoint all such sub-committees, to be composed of ordinary or auxiliary members or both, as it shall deem necessary;

Provided that the recommendations made by any such sub-committees shall not be binding unless ratified by the Committee.

(2) Every deed, act or document relating to the Association shall be signed by the Chairman and the Secretary or the Treasurer of the Association :

Provided that in the event of the death, incapacity or absence from Mauritius of any of these officers the committee may appoint a member of the Committee to act as Chairman, Secretary or Treasurer, as the case may be.

Legal proceedings

9. (1) The Association shall act, sue and be sued, implead or be impleaded under its corporate name.

(2) Service of process on the Secretary of the Committee shall be equivalent to service on the Association.

Accounts of the Association

10. (1) The Treasurer shall keep the accounts of the Association which shall at all reasonable times be open to inspection by any person having an interest in the funds of the Association.

(2) The financial year of the Association shall end on the thirty first day of December.

(3) All accounts and books of the Association shall be audited once a year as soon as may be after the end of the financial year by two Auditors appointed by the Annual General Meeting:

Provided that the Committee may appoint two ordinary members to act as auditors in respect of the financial year ending on the 31st December, 1964.

Collection and application of funds of the Association

11. (1) It shall be lawful for the Association, acting as aforesaid to raise, collect and receive by all legal ways and means, monies, funds and subscriptions for the benefit of the Association.

(2) The income and property of the Association wheresoever derived shall be applied solely towards the promotion of the objects of the Association and no portions thereof shall be distributed or transferred by way of dividend or bonus to members of the Association :

Provided that nothing herein contained shall pi-event the payment in good faith of remuneration to any officer or servant of the Association or to any person in consideration of services rendered to the Association.

General Meetings

12. (1) A General Meeting of the Association shall be held once every three years, during the month of January -

Provided that the first General Meeting of the Association shall be held not later than the 31st January 1965.

(2) Extraordinary General Meetings shall be called whenever desired by the Committee or upon a request of not less than one quarter of the Members of the Association.

(3) Every General Meeting shall be presided by the Chairman or in his absence, by the Vice-Chairman and in the absence of both the Chairman and the Vice-Chairman, the ordinary members present shall appoint a Chairman for the meeting from amongst themselves.

(4) The Secretary of the Committee shall act as Secretary of the meetings and shall keep minutes of the proceedings

which shall be signed by the Chairman of the meeting and by the Secretary and extracts of such minutes signed by the Chairman of the Association and by the Secretary shall be prima facie evidence of all matters therein contained.

(5)a) All questions to be decided at a General Meeting shall be decided by a show of hands.

(b) A declaration by the Chairman that a Resolution has been carried or lost shall be conclusive unless a poll be demanded by at least ten of the ordinary members present.

(c) Each ordinary member shall have one vote and the Chairman shall have an original as well as a casting vote.

(6) The quorum for a General Meeting shall be 25 ordinary members or one quarter of the ordinary membership, whichever is the smaller number.

(7) If there is no quorum, the Chairman shall adjourn the meeting to such day, time and place as shall be notified to the members, and the meeting shall thereupon take place irrespective of the number of members present.

Business of the General Meeting

13. The business of the General Meeting shall be-

(a) Consideration and adoption of the report of the Committee, of the accounts for the three previous financial years and of the auditors' reports.
(b) Election of the Committee for the ensuing three years in accordance with the Rules of the Association.
(c) Any other business which a member may wish to raise and of which notice has been given to the Secretary at least fourteen days before the date of the meeting.

Affiliation.

14. It shall be lawful for the Association to become affiliated with other Associations or Institutions having similar principal aims and objects.

Article 910 of the Civil Code not to apply.

15. Article 910 of the Civil Code shall not apply to the Association.

Fixed registration duty.

16. A fixed duty of one rupee shall be levied on all donations and legacies on which registration duty would be chargeable on the Association.

Saving Clause.

17. Nothing in this Ordinance shall prejudice or affect the rights of Her Majesty the Queen, Her heirs and Successors, of any body

politic or corporate, or any person or persons except such as are mentioned in this Ordinance and those claiming by, from, through or under them.