ACTION FAMILIALE ACT

Act 38/1964

Date In Force: 21st November 1964

ARRANGEMENT OF SECTIONS

1. Short title
2. Incorporation of Association
3. Objects
4. —
5. Membership
6. Management of Association
7. Meetings of Committee
8. Powers of Committee
9. Legal proceedings
10. Accounts of Association
11. Collection and application of funds
12. General Meetings
13. Business of general meeting
14. Affiliation
15. Donations and legacies
16. Registration duty

1. Short title

This Act may be cited as the **Action Familiale Act 1964**.

2. Incorporation of Association

The Action Familiale, hereinafter referred to as “the Association”, shall be a body corporate.

3. Objects

The objects of the Association shall be to promote the welfare and happiness of families, to foster the ideals of harmonious married life and responsible parenthood and to support the propagation of all natural methods for regulating child birth.

4. Repealed by [Act No. 27 of 1981]

5. Membership

(1) (a) Any person over the age of 16 who pays a minimum annual subscription of an amount to be fixed by the Committee established under section 6, may become an ordinary member of the Association and shall then have his name entered in the register of members.

(b) An ordinary member shall have the right to vote at all general meetings of the Association.

(2) (a) The Committee may further enrol any person over the age of 16 as an auxiliary member.

(b) Such auxiliary members shall be exempted from payment of any subscription and shall not have the right to vote at General Meetings.

6. Management of Association

(1) The Association shall be managed and administered by a Committee consisting of –

(a) 7 members elected in accordance with subsections (2) and (3); and

(b) a representative of the Ministry responsible for the subject of health, to be appointed annually by the Minister.

(2) The election of members of the Committee shall be held at the general meetings of the Association.

(3) A candidate for election to the Committee shall –

(a) be on the register of members;

(b) be over the age of 21;

(c) be proposed and seconded by 2 other members of the Association, at least one of whom shall be over the age of 21; and

(d) have notice of his name forwarded in writing to the Secretary of the Association at least 14 days before the general meeting.

(4) At the first meeting after every election, the Committee shall appoint from among its members a Chairperson, a Vice-Chairperson, a Treasurer, a Secretary and such other officers as it thinks fit.

(5) (a) No member of the Committee other than the Secretary or the Treasurer shall receive any fee or remuneration for his services to the Association.

(b) The Committee may pay such remuneration as it thinks fit to the Treasurer and the Secretary for their services.

(6) In the case of the death, absence, resignation or incapacity to act, of any of its members, other than the representative referred to in subsection (1) (b), the Committee may nominate a member to replace him.

(7) The representative referred to in subsection (1) (b) shall not by virtue only of his being a member of the Committee be deemed to be a member of the Association.

Amended by [Act No. 10 of 1974]

7. Meetings of Committee

(1) The Committee shall meet not less than once in every 3 months and more often if necessary.

(2) Three members shall form a quorum.

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

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

(5) (a) 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.

(b) The minutes of proceedings of each meeting shall be signed by the Chairperson of the meeting and by the Secretary, and extracts duly signed by the Chairperson of the Association and the Secretary shall be *prima facie* evidence of all matters contained in them.

8. Powers of Committee

(1) (a) The Committee shall exercise the powers of the Association and may 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.

(b) It shall appoint all such sub-committees, to be composed of such members as it thinks fit.

(c) The recommendations made by any such sub-committee shall not be binding unless ratified by the Committee.

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

(b) 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 Chairperson, Secretary or Treasurer, as the case may be.

9. Legal proceedings

Service of process on behalf of or on the Secretary of the Committee shall be equivalent to service by or on the Association.

10. Accounts of Association

(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 31 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 2 auditors appointed by the Annual General Meeting.

11. Collection and application of funds

(1) The Association may raise, collect and receive by all legal ways and means, money, funds and subscriptions for the benefit of the Association.

(2) The income and property of the Association shall be applied solely towards the promotion of the objects of the Association and no portion shall be distributed or transferred by way of dividend or bonus to members of the Association.

(3) Nothing in subsection (2) shall prevent the payment in good faith of remuneration to any officer of the Association or to any person in consideration of services rendered to the Association.

12. General Meetings

(1) A general meeting of the Association shall be held once every 3 years, during January.

(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 Chairperson or, in his absence, by the Vice-Chairperson, and in the absence of both the Chairperson and the Vice-Chairperson, the ordinary members present shall appoint a Chairperson for the meeting from among 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 Chairperson of the meeting and by the Secretary, and extracts of such minutes signed by the Chairperson of the Association and by the Secretary shall be *prima facie* evidence of all matters contained in them.

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

(b) A declaration by the Chairperson that a resolution has been carried or lost shall be conclusive unless a poll is demanded by at least 10 of the ordinary members present.

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

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

(7) Where there is no quorum, the Chairperson 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.

13. Business of general meeting

The business of the general meeting shall be -

(a) consideration and adoption of the report of the Committee, of the accounts for the 3 previous financial years and of the auditors' reports;

(b) election of the Committee for the ensuing 3 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 14 days before the date of the meeting.

14. Affiliation

The Association may affiliate with other associations or institutions having similar principal aims and objects.

15. Donations and legacies

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

16. Registration duty

All donations and legacies under which the Association is a beneficiary shall be registered free of charge.