THE AFRICAN CULTURAL CENTRE TRUST FUND ACT 1989
Now known as ; Nelson Mandela Centre for African Culture Trust Fund

Act No. 41 of 1989

15 December 1989

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An Act

To provide for the establishment and management of the African Cultural Centre Trust Fund.

ENACTED by the Parliament of Mauritius, as follows-

1. Short title.

This Act may be cited as the African Cultural Centre Trust Fund Act 1989.

2. Interpretation –

In this Act-

"Board" means the Board of Trustees set up under section 5;

"Centre" means the African Cultural Centre;

"Fund means the African Cultural Centre Trust Fund established under section 3;

"Minister" means the Minister to whom responsibility for the subject of education, arts & culture is assigned;

"Ministry" means the Ministry of Education;

"Permanent Secretary" means the Permanent Secretary of the Ministry.

3. Establishment of the Fund.

There is established for the purposes of this Act an African Cultural Centre Trust Fund which shall be a body corporate.

4. Objects of the Fund.

The objects of the Fund shall be--

(a) to preserve and promote African culture;

(b) to collect, publish and disseminate information pertaining to African culture;

(c) to organise lectures, seminars, workshop, exhibitions and any other activities which will lead to a better understanding of African art and culture;

(d) to establish useful links with organisations engaged in similar activities locally and internationally.

5. The Board.

(1) The Fund shah be managed by a Board of Trustees constituted as follows-

(a) a Chairman to be appointed by the Minister from among the members of the Board;

(b) five members to be nominated by the Minister;

(c) 5 representatives of socio-cultural organisations to be appointed by the Minister;

(2) The Board may co-opt five additional members who shall be chosen from persons capable of helping in the advancement of the objects of the Centre.

(3) Every member of the Board shall hold office for a period of 3 years and shall be eligible for reappointment for another period of 3 years.

6. Meetings of the Board.

(1) The Board shall meet at such place and time as the Chairman may think fit or as may be requested in writing by apt less than three members, not more than one of whom may be a co-opted member.

(2) Seven members of the Board shall constitute a quorum.

(3) No member who has a direct or indirect pecuniary interest in any item on the agenda of the Board shall take part in the deliberations of the Board on that item.

7. Appointment of Staff.

(1) The Board shall appoint on such terms and conditions as may be determined a Director for the management of the Centre.

(2) The Director shall be responsible for the execution of the policy of the Board and for control and management of the Centre.

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

(4) The Board may appoint or employ, on such terms and conditions as the Board may determine, such officers and servants as may be reasonably necessary for the purposes of or in connection with the discharge of its functions.

(5) Every officer and servant shall be under the administrative control of the Director.

8. Execution of Documents.

(1) No document shall be executed by or on behalf of the Fund unless it is signed by the Chairman and another member appointed by the Board or, in the absence of the Chairman, by two members appointed by the Board.

(2) Every document signed in accordance with subsection (1) shall be deemed to be duly executed by or on behalf of the Fund.

9. Powers of the Minister.

(1) The Minister may, in relation to the exercise by the Board of the powers of the Fund under this Act, after consultation with the Board, give such general, directions to the Board, not inconsistent with the provisions of this Act, as he considers necessary in the public interest and the Board shall comply with those directions.

(2) The Board shall furnish to the Minister such returns or copies of such documents, including the minutes of proceedings of the Board, the accounts of the Fund and such other information with respect to the activities of the Fund, as the Minister may require.

(3) The Minister may set up a committee which shall supervise, from time to time, the proper functioning of the Fund.

(4) The Committee shall consist of-

(a) The Permanent Secretary or his representative;

(b) three public officers to be designated by the Minister, one of whom shall be an accountant;

(c) two other persons conversant with the management of associations, to be appointed by the Minister on such terms and conditions as he may think fit.

(5) No person appointed under subsection 4(c) shall be deemed to be a public officer by reason only of his appointment.

10. Accounts of the Fund.

(1) The Board shall on or about the 31st of October in every year prepare a statement of accounts and balance sheet of the finances of the fund.

(2) The statement of accounts and balance sheet of the fund shall be annually audited by a qualified auditor who shall be appointed by the Board.

(3) In this section-

"qualified auditor" has the meaning assigned to it in the Statutory Bodies (Accounts and Audit) Act.

(4) The Treasurer of the Fund shall keep the account of the Fund which shall at all reasonable times be open for inspection by any person having an interest in the Fund.

(5) The financial year of the Fund shall end on such date as may be decided by the Annual General Meeting.

11. Service of process.

Service of process on the Secretary of the Board shall be equivalent to service on the Fund.

12. Annual General Meeting.

A General Meeting of the Board shall be held once in every year, not later than 3 months after the end of the financial year.

13. Donations and legacies.

Article 910 of the Code Napoleon shall not apply to the Fund.

14. Regulations.

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

Passed by the Legislative Assembly on the twelfth day of December one thousand nine hundred and eighty-nine.