

REPORT OF THE SELECT COMMITTEE

ON

**THE TRUST FUND FOR THE SOROPTIMIST DAY
CARE CENTRE FOR THE ELDERLY BILL (No.
XIX of 2004)**

REPORT OF THE SELECT COMMITTEE ON
THE TRUST FUND FOR THE SOROPTIMIST DAY CARE
CENTRE FOR THE ELDERLY BILL (No. XIX of 2004)

At a sitting of the National Assembly held on 07 September 2004 The Trust Fund For The Soroptimist Day Care Centre For The Elderly Bill (No. XIX of 2004) was read a second time and referred to a Select Committee and the following Honourable Members were nominated by Mr. Speaker to serve on the Select Committee –

(i) Hon. Dr R. Bhowon, MP- Chairperson
(ii) Hon. F. Abdoola, MP
(iii) Hon. Mrs. D. Dookun-Luchoomun, MP
(iv) Hon. M. Dowarkasing, MP
(v) Hon. Dr B. Hookoom, MP
(vi) Hon. Dr R. Jeetah, MP
(vii) Hon. S. Lauthan, MP
(viii) Hon. D. Nagalingum, MP
(ix) Hon. Mrs. D. Perrier, MP

2. By letter dated 13 September 2004, the Honorable M. Dowarkasing submitted his resignation from the Select Committee.

3. At the first meeting held on 14 September 2004, Dr the Honourable R. Bhowon, Parliamentary Private Secretary, was unanimously elected Chairperson.

4. Your Committee met on seven occasions, namely, on 14 September 2004, 21 September 2004, 28 September 2004, 11 October 2004, 15 October 2004, 22 October 2004 and 28 October 2004 and heard the following persons -

- (i) Mrs. J. Laurent (President)
- (ii) Mrs. J. Valls

- (iii) Mrs. S. Cuttaree
- (iv) Mrs. M. Seetulsing,
- (v) Mrs. J. Pilot,
- (vi) Mrs. M. Boolell,
- (vii) Mrs. R. Sayed,
- (viii) Mrs. D. Ramtohul,
- (ix) Mrs. F. Pruvost-Sooriah, and
- (x) Mrs. M. Cundasamy,

on behalf of the promoters of the Bill; and

- (xi) Mr. S. Beehuspoteea, Assistant Town Clerk,
on behalf of the Mayor of the Municipality of Beau Bassin/ Rose Hill.

5. Your Committee also heard Mr. S. Boolell, Acting Parliamentary Counsel, Mrs. A. Narain, Assistant Parliamentary Counsel and Mr. I. Maghooa, Acting Assistant Parliamentary Counsel on certain legal aspects of the Bill.

6. Your Committee would like to place on record that -

- (i) the petition (**Annex I**) was presented to the National Assembly by the Honourable Third Member for Stanley and Rose Hill, Mr. F. Abdoola and that the promoters were allowed to proceed with the petition,
- (ii) the petitioners caused the Bill (**Annex II**) to be published in the Government *Gazette* as required by the provisions of the Standing Orders and Rules of the National Assembly,
- (iii) the Bill was read a first time on 31 August 2004, and
- (iv) the Bill was read a second time on 07 September 2004 and was on the same day referred to a Select Committee.

7. After deliberations, Your Committee agreed to propose certain amendments to the Bill. These amendments are set out in **bold italics** at **Annex III**.

8. A copy of the Bill, as amended by your Committee is enclosed at **Annex IV.**

9. Your Committee recommends that the Bill, as amended, be approved by the National Assembly.

Dr R. Bowen
Chairperson

National Assembly
Parliament House
Port Louis

16 November 2004

PETITION

Petition presented by the Honourable Feroz Abdoola.

This Petition is endorsed with the signature of 12 persons.

This first day of June two thousand and four.

*Feroz Abdoola
Third Member for Stanley
and Rose Hill*

To Mr Speaker

1. Jane VALLS
2. Swatee CUTTAREE
3. Meena SEETULSINGH
4. Florence PRUVOST-SOORIAH
5. Damie RAMTOHUL
6. Jacqueline PILOT
7. Mary CUNDASAMY
8. Manda BOOLELL
9. Rassoul SAYED
10. Clairette AH HEN
11. Jacqueline LAURENT
12. Colette LECHARTIER

The persons mentioned above are the promoters of the Soroptimist Day Care Centre Trust Fund Act and hereby request the Assembly to grant leave for the introduction of this Bill, the object and functions whereof are as follows –

1. Objects of the Trust Fund

The Trust Fund shall –

- (a) be responsible for the maintenance and development of the premises on which the centre is situated, the building, furniture, fittings, equipment and all other assets;
- (b) provide and operate day care for the elderly of the region of Camp Levieux and its immediate neighbourhood;
- (c) manage and administer any Day Care Centre entrusted to it, and
- (d) promote the welfare of the elderly generally.

2. **Functions**

- (i) with an aging population, a rapidly developing industrial society, and a new generation less willing or able to look after elderly parents, there is an urgent need in Mauritius for facilities for the elderly;
- (ii) the site falls within the jurisdiction of the Municipal Council of Beau Bassin/Rose Hill. It is expected that the aged population of this area will be the main beneficiaries. It is estimated that 12% of the 150,000 people who live in this area will be over 60 by the end of 2004;
- (iii) the Soroptimist Day Care Centre is expected to be served by society as well as serve society. Older people who are able to care for themselves and who will be present at the Centre will help others by organising games and recreational activities for others;
- (iv) the main building will accommodate the following facilities –
 - recreational area with various activities
 - medical area
 - reception
 - reading room
 - rest room
 - wash room
 - laundry
 - kitchen
- (v) the Soroptimist Day Care Centre will be managed by a Board of Trustees which will include members of Soroptimist International and other sponsors including representatives of the Municipal Council of Beau Bassin/Rose Hill and other funding organisations.

The petitioners therefore request the National Assembly to grant leave to introduce the Soroptimist Day Centre Trust Fund Act.

First publication of a Notice of a Private Bill proposed for introduction into the National Assembly.

MAURITIUS NATIONAL ASSEMBLY

WHEREAS it is provided under Standing Order 66(1) of the Standing Orders and Rules of the National Assembly 1995 that a Private Bill, which has for its intention the promotion of the interests of some particular person, association or corporate body or whereby the private rights or property of any particular person, association or corporate body may be directly affected, shall not be introduced except in pursuance of a petition from the parties interested in promoting it, stating the nature and objects of the Bill, and alleging concisely any reasons which the promoters think fit to urge.

AND WHEREAS a petition presented to the National Assembly at a sitting held on 29 June 2004 by the Honourable F. Abdoola on behalf of Mrs J. Valls, Mrs S. Cuttaree, Mrs M. Seetulsingh, Mrs F. Pruvost-Sooriah, Mrs D. Ramtohul, Mrs J. Pilot, Mrs Mary Cundasamy, Mrs M. Boolell, Mrs R. Sayed, Mrs C. Ah Hen, Mrs J. Laurent and Mrs C. Lechartier, for the purpose set out in the Schedule hereunder.

AND WHEREAS at the same sitting of the National Assembly the promoters were allowed to proceed.

AND WHEREAS it is provided under Standing Order 66(4) of the Standing Orders and Rules of the National Assembly, 1995, that notice shall be given to all parties concerned of the general nature and objects of a Private Bill by advertisement in the Government Gazette to be published one month before the first reading of such Bill.

AND WHEREAS it is further provided that such advertisement shall be inserted three time at least in successive issues of the Government Gazette before such first reading.

THIS IS therefore to give notice for the first time to all parties which may be concerned that a Bill entitling The Trust Fund for the Soroptimist Day Care Centre for the Elderly Bill is proposed for introduction into the National Assembly and the general nature and objects of such Bill are set out in the following schedule.

SCHEDULE

To set up the Trust Fund for the Soroptimist Day Care Centre for the Elderly.

André Pompon
Clerk of the National Assembly

**THE TRUST FUND FOR THE SOROPTIMIST DAY CARE CENTRE FOR
THE ELDERLY BILL**

(No. XIX of 2004)

Explanatory Memorandum

The object of this Bill is to provide for the setting up of the Trust Fund of the Soroptimist Day Care Centre for the Elderly the objects of which shall be to assist and provide care for the elderly.

01 June 2004

Mohamed Feroz Abdoola
Third Member for Stanley and Rose Hill

**THE TRUST FUND FOR THE SOROPTIMIST DAY CARE CENTRE FOR
THE ELDERLY BILL**

(No. XIX of 2004)

ARRANGEMENT OF CLAUSES

Clause

1. Short title
2. Interpretation
3. Establishment of the Trust Fund
4. Objects of the Trust Fund
5. The Board
6. Meetings of the Board
7. Staff
8. Execution of Documents
9. Application of corporate funds
10. Donations and Legacies
- 11.. Exemption
12. Audit
13. Publication of Accounts
14. Dissolution of the Trust Fund
15. Regulations

A BILL

To set up the Trust Fund for the SOROPTIMIST DAY CARE CENTRE
FOR THE ELDERLY

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Trust Fund for the Soroptimist Day Care Centre for the Elderly Act 2004.

2. Interpretation

In this Act –

“Board” means the Board of Trustees specified in section 5.

“Centre” means the Soroptimist Day Care Centre for the Elderly at Camp Levieux built and managed by the Soroptimist International Ipsae Club in Mauritius;

“Minister” means the Minister to whom responsibility for the purpose of Social Security, National Solidarity and Senior Citizen Welfare & Reform Institutions is assigned.

“Trust Fund” means the Trust Fund established under section 3.

3. Establishment of the Trust Fund

(1) There is established for the purposes of this Act the Trust Fund for the Soroptimist Day Care Centre for the Elderly.

(2) The Fund shall be a body corporate.

4. Objects of the Trust Fund

The objects of the Trust Fund shall be to –

(a) maintain and develop the premises on which the centre is situated, its building, furnitures, fittings, equipment and any other assets;

(b) provide and operate day care for the elderly of the region of Camp Levieux and its immediate neighbourhood;

- (c) provide accommodation for day care, nursing and other services to the elderly;
- (d) manage and administer any day care centre entrusted to it; and
- (e) promote the welfare of the elderly generally.

5. The Board

(1) The Trust Fund shall be managed by a Board which shall consist of –

- (a) a Chairperson who shall be designated by the Minister;
- (b) a Deputy Chairperson who shall be designated by the Soroptimist International Ipsae Club;
- (c) four members who shall be designated by the Soroptimist International Ipsae Club, and
- (d) four members who shall be designated by the Municipal Council of Beau Bassin - Rose Hill.

(2) The Chairperson of the Board shall hold office for a period of two years and shall be eligible for re-appointment for a further period of two years.

(3) The Deputy Chairperson of the Board shall hold office for a period of two years and shall be eligible for re-appointment for a further period of two years.

(4) The members of the Board shall hold office for a period of two years and shall be eligible for re-appointment for a further period of two years.

(5) The members of the Board shall appoint among themselves a Secretary, an Assistant Secretary, a Treasurer and an Assistant Treasurer.

6. Meetings of the Board

(1) The Board shall hold its meetings at the seat of the Day Care Centre and at such time as the Chairman deems fit or upon a written request addressed to the Chairperson by any three members of the Board.

(2) The Chairperson, and in his absence, the Deputy Chairperson shall preside the Board Meeting.

(3) In the absence of either the Chairperson or the Deputy Chairperson, the members of the Board present shall elect among themselves a member to act as Chairperson for that meeting and the member so elected shall, in relation to that meeting, exercise the functions and have all the powers of the Chairperson.

(4) Five members out of whom at least one appointed under section 5(1)(b) and one appointed under section 5(1)(c) shall constitute a quorum.

7. Staff

(1) The Board shall appoint a Manager who will be responsible for the day to day running and operation of the Day Care Centre on such terms and conditions as it may determine.

(2) The Board may employ such other persons as may be required on such terms and conditions as it deems fit.

(3) The employees of the Trust Fund shall be under the administrative responsibility of the Manager.

8. Execution of Documents

Every document, act or deed relating to the Trust Fund shall be signed by the Chairperson, or in his absence, the Deputy Chairperson and one member designated by the Board.

9. Application of Corporate Funds

(1) The property, income or any other fund or money of the Trust Fund shall be applied solely towards the furtherance of the objects of the Trust Fund.

(2) No property, income or any other fund or money of the Trust Fund shall be distributed or transferred in any manner by way of dividend, bonus or otherwise.

10. Donations and Legacies

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

11. Exemption

Notwithstanding any other enactment –

- (a) the Trust 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 Trust Fund is the sole beneficiary.

12. Audit

The Board shall appoint every year an auditor who shall examine the finances of the Trust Fund and make a report thereon.

13. Publication of Accounts

The Board shall on or before 01 September in every year publish in the *Gazette* an audited statement of its accounts in respect of the 12 months ending on 30 June in that year.

14. Dissolution of the Trust Fund

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

(2) Where the Trust Fund is dissolved, all assets remaining after dissolution shall be transferred to such charitable institution or be used for such charitable cause as may be designated by the Board.

15. Regulations

(1) The Board may make such rules and regulations, as it thinks fit for the purposes of this Act.

(2) Notwithstanding the Interpretation and General Clauses Act, the rules and regulations made under subsection (1) shall not be required to be –

- (a) approved by the Minister
- (b) laid before the Assembly; and
- (c) published in the *Gazette*.

THE TRUST FUND FOR THE SOROPTIMIST DAY CARE CENTRE FOR THE ELDERLY BILL

THE TRUST FUND FOR SOROPTIMIST DAY CARE CENTRES FOR THE ELDERLY BILL

(No. XIX of 2004)

Explanatory Memorandum

The object of this Bill is to provide for the setting up of the Trust Fund of the Soroptimist Day Care Centre for the Elderly the objects of which shall be to assist and provide care for the elderly.

The object of this Bill is to provide for the setting up of the Trust Fund for Soroptimist Day Care Centres for the Elderly, the main object of which shall be to establish day care centres to provide day care, nursing and other services to the elderly.

06 June 2004

*Mohamed Feroz Abdoola
Third Member for Stanley and Rose Hill*

THE TRUST FUND FOR THE SOROPTIMIST DAY CARE CENTRE FOR THE ELDERLY BILL

THE TRUST FUND FOR SOROPTIMIST DAY CARE CENTRES FOR THE ELDERLY BILL

(No. XIX of 2004)

ARRANGEMENT OF CLAUSES

Clause

- | | |
|---------------------------------------|-------------------------------------|
| 1. Short title | 9. Application of corporate funds |
| 2. Interpretation | 9. Application of funds |
| 3. Establishment of Trust Fund | 10. Donations and Legacies |
| 3. Establishment of Trust Fund | 11. Exemption |
| 4. Objects of the Trust Fund | 11. Exemptions |
| 4. Objects of Trust Fund | 12. Audit |
| 5. The Board | 13. Publication of Accounts |
| 6. Meetings of the Board | 14. Dissolution of the Trust Fund |
| 6. Meetings of Board | 14 Dissolution of Trust Fund |
| 7. Staff | 15. Regulations |
| 8. Execution of Documents | 15. Rules |

A BILL

To set up the Trust Fund for the Soroptimist Day Care Centre
for the Elderly
To set up the Trust Fund for Soroptimist Day Care Centres for the Elderly

ENACTED by the Parliament of Mauritius, as follows –

6. Short title

This Act may be cited as the Trust Fund for the Soroptimist Day Care Centre for the Elderly Act 2004.

This Act may be cited as the Trust Fund for Soroptimist Day Care Centres for the Elderly Act 2004.

7. Interpretation

In this Act –

“Board” means the Board of Trustees specified in section 5.

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

“Centre” means the Soroptimist Day Care Centre for the Elderly at Camp Levieux built and managed by the Soroptimist International Ipsae Club in Mauritius;

(Deleted)

“local authority” means the local authority of the area in which a day care centre is to be established or maintained by the Trust Fund;

(Added)

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

(Added)

“Minister” means the Minister to whom responsibility for the purpose of Social Security, National Solidarity and Senior Citizen Welfare & Reform Institutions is assigned.

“Minister” means the Minister to whom responsibility for the subject of senior citizen welfare is assigned;

“Soroptimist International Ipsae Club” means the non-governmental service club for women registered under this name with the Registrar of Associations;

(Added)

“Trust Fund” means the Trust Fund established under section 3.

8. Establishment of the Trust Fund

3. *Establishment of Trust Fund*

(1) There is established for the purposes of this Act the Trust Fund for the Soroptimist Day Care Centre for the Elderly.

(1) *There is established for the purposes of this Act the Trust Fund for Soroptimist Day Care Centres for the Elderly.*

(2) The Fund shall be a body corporate.

(2) *The Trust Fund shall be a body corporate.*

9. Objects of the Trust Fund

4. *Objects of Trust Fund*

The objects of the Trust Fund shall be to –

(f) maintain and develop the premises on which the centre is situated, its building, furnitures, fittings, equipment and any other assets;

(a) *establish and operate day care centres to provide day care, nursing and other services to the elderly; and*

(g) provide and operate day care for the elderly of the region of Camp Levieux and its immediate neighbourhood;

(b) *promote the welfare of the elderly generally.*

(h) provide accommodation for day care, nursing and other services to the elderly;
(Deleted)

(i) manage and administer any day care centre entrusted to it; and
(Deleted)

(j) promote the welfare of the elderly generally.
(Deleted)

10. The Board

(1) The Trust Fund shall be managed by a Board which shall consist of –

- (e) a Chairperson who shall be designated by the Minister;
- (a) *a Chairperson who shall be a member of the Executive Committee of the Soroptimist International Ipsae Club, designated by the Minister;*
- (f) a Deputy Chairperson who shall be designated by the Soroptimist International Ipsae Club;
- (b) *a Deputy Chairperson who shall be designated by the Executive Committee of the Soroptimist International Ipsae Club;*
- (g) four members who shall be designated by the Soroptimist International Ipsae Club, and
- (c) *a representative of the Ministry; and*
- (h) four members who shall be designated by the Municipal Council of Beau Bassin - Rose Hill.
- (d) *four members who shall be designated by the Executive Committee of the Soroptimist International Ipsae Club.*

(2) The Chairperson of the Board shall hold office for a period of two years and shall be eligible for re-appointment for a further period of two years.

(2) The Chairperson and Deputy Chairperson of the Board shall hold office for a period of 2 years and shall be eligible for re-appointment for a further period of 2 years.

(3) The Deputy Chairperson of the Board shall hold office for a period of two years and shall be eligible for re-appointment for a further period of two years.

(3) The members designated under subsection (1)(d) shall hold office for a period of 2 years and shall be eligible for re-appointment for a further period of 2 years.

(4) The members of the Board shall hold office for a period of two years and shall be eligible for re-appointment for a further period of two years.

(4) The Board may co-opt such representatives of a local authority, not exceeding 2 in number, as it thinks fit.

(5) The members of the Board shall appoint among themselves a Secretary, an Assistant Secretary, a Treasurer and an Assistant Treasurer.

(5) The members shall appoint from among themselves a Secretary, an Assistant Secretary, a Treasurer and an Assistant Treasurer.

(6) No member shall receive any fee or remuneration for his services.

(Added)

(7) The Board may, subject to this Act, enter into an agreement or a memorandum of understanding with a local authority for the purpose of administering or operating a day care centre.

(Added)

6. Meetings of the Board

6. Meetings of Board

(1) The Board shall hold its meetings at the seat of the Day Care Centre and at such time as the Chairman deems fit or upon a written request addressed to the Chairperson by any three members of the Board.

(1) The Board shall hold its meetings -

(a) at such place; and

(b) at least once a month, or at such other time,

as the Chairperson deems fit or upon a written request addressed to the Chairperson by any 3 members.

(2) The Chairperson, and in his absence, the Deputy Chairperson shall preside the Board Meeting.

(2) Subject to this section, the Board shall regulate its meetings and proceedings in such manner as it thinks fit.

(3) In the absence of either the Chairperson or the Deputy Chairperson, the members of the Board present shall elect among themselves a member to act as Chairperson for that meeting and the member so elected shall, in relation to that meeting, exercise the functions and have all the powers of the Chairperson.

(3) The Chairperson, and in his absence, the Deputy Chairperson shall preside every meeting of the Board.

(4) Five members out of whom at least one appointed under section 5(1)(b) and one appointed under section 5(1)(c) shall constitute a quorum.

(4) In the absence of the Chairperson and the Deputy Chairperson, the members of the Board present shall elect from among themselves a member to act as Chairperson for that meeting and the member so elected shall, in relation to that meeting, exercise all the functions, and have all the powers, of the Chairperson.

(5) Four members shall constitute a quorum.
(Added)

7. Staff

(1) The Board shall appoint a Manager who will be responsible for the day to day running and operation of the Day Care Centre on such terms and conditions as it may determine.

(1) The Board shall appoint a Manager, who shall be responsible for the day to day running and operation of the day care centres, on such terms and conditions as it may determine.

(2) The Board may employ such other persons as may be required on such terms and conditions as it deems fit.

(3) The employees of the Trust Fund shall be under the administrative responsibility of the Manager.

(3) Every employee of the Trust Fund shall be under the administrative responsibility of the Manager.

12. Execution of Documents

Every document, act or deed relating to the Trust Fund shall be signed by the Chairperson, or in his absence, the Deputy Chairperson and one member designated by the Board.

13. Application of Corporate Funds

9. *Application of funds*

(1) The property, income or any other fund or money of the Trust Fund shall be applied solely towards the furtherance of the objects of the Trust Fund.

(2) No property, income or any other fund or money of the Trust Fund shall be distributed or transferred in any manner by way of dividend, bonus or otherwise.

14. Donations and Legacies

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

15. Exemption

11. *Exemptions*

Notwithstanding any other enactment –

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

12. Audit

The Board shall appoint every year an auditor who shall examine the finances of the Trust Fund and make a report thereon.

13. Publication of Accounts

The Board shall on or before 01 September in every year publish in the *Gazette* an audited statement of its accounts in respect of the 12 months ending on 30 June in that year.

The Board shall, on or before 30 September in every year, publish in the Gazette an audited statement of its accounts in respect of the 12 months ending on 30 June in that year

14. Dissolution of the Trust Fund

14. Dissolution of Trust Fund

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

(2) Where the Trust Fund is dissolved, all assets remaining after dissolution shall be transferred to such charitable institution or be used for such charitable cause as may be designated by the Board.

15. Regulations

15. Rules

(1) The Board may make such rules and regulations, as it thinks fit for the purposes of this Act.

(1) The Board may, after consultation with the Minister, make such rules as it thinks fit for the purposes of this Act.

(2) Notwithstanding the Interpretation and General Clauses Act, the rules and regulations made under subsection (1) shall not be required to be –

(2) Notwithstanding the Interpretation and General Clauses Act, rules made under subsection (1) shall not be required to be –

(d) approved by the Minister;

(a) laid before the Assembly; and

(e) laid before the Assembly; and

(b) published in the Gazette.

(f) published in the *Gazette*.
(Deleted)

THE TRUST FUND FOR SOROPTIMIST DAY CARE CENTRES FOR THE ELDERLY BILL

(No. XIX of 2004)

Explanatory Memorandum

The object of this Bill is to provide for the setting up of the Trust Fund for Soroptimist Day Care Centres for the Elderly, the main object of which shall be to establish day care centres to provide day care, nursing and other services to the elderly.

..... 2004

Mohamed Feroz Abdoola
Third Member for Stanley and Rose Hill

THE TRUST FUND FOR SOROPTIMIST DAY CARE CENTRES FOR THE ELDERLY BILL

(No. XIX of 2004)

ARRANGEMENT OF CLAUSES

Clause

- | | | | |
|----|-----------------------------|-----|---------------------------|
| 1. | Short title | 9. | Application of funds |
| 2. | Interpretation | 10. | Donations and legacies |
| 3. | Establishment of Trust Fund | 11. | Exemptions |
| 4. | Objects of Trust Fund | 12. | Audit |
| 5. | The Board | 13. | Publication of accounts |
| 6. | Meetings of Board | 14. | Dissolution of Trust Fund |
| 7. | Staff | 15. | Rules |
| 8. | Execution of documents | | |

A BILL

To set up the Trust Fund for Soroptimist Day Care Centres for the Elderly

ENACTED by the Parliament of Mauritius, as follows -

1. Short title

This Act may be cited as the Trust Fund for Soroptimist Day Care Centres for the Elderly Act 2004.

2. Interpretation

In this Act -

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

“local authority” means the local authority of the area in which a day care centre is to be established or maintained by the Trust Fund;

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

“Minister” means the Minister to whom responsibility for the subject of senior citizen welfare is assigned;

“Soroptimist International Ipsae Club” means the non-governmental service club for women registered under this name with the Registrar of Associations;

“Trust Fund” means the Trust Fund established under section 3.

3. Establishment of Trust Fund

(1) There is established for the purposes of this Act the Trust Fund for Soroptimist Day Care Centres for the Elderly.

(2) The Trust Fund shall be a body corporate.

4. Objects of Trust Fund

The objects of the Trust Fund shall be to -

(b) establish and operate day care centres to provide day care, nursing and other services to the elderly; and

(b) promote the welfare of the elderly generally.

5. The Board

- (1) The Trust Fund shall be managed by a Board which shall consist of -
 - (c) a Chairperson who shall be a member of the Executive Committee of the Soroptimist International Ipsae Club, designated by the Minister;
 - (d) a Deputy Chairperson who shall be designated by the Executive Committee of the Soroptimist International Ipsae Club;
 - (c) a representative of the Ministry; and
 - (d) four members who shall be designated by the Executive Committee of the Soroptimist International Ipsae Club.

(2) The Chairperson and Deputy Chairperson of the Board shall hold office for a period of 2 years and shall be eligible for re-appointment for a further period of 2 years.

(3) The members designated under subsection (1)(d) shall hold office for a period of 2 years and shall be eligible for re-appointment for a further period of 2 years.

(4) The Board may co-opt such representatives of a local authority, not exceeding 2 in number, as it thinks fit.

(5) The members shall appoint from among themselves a Secretary, an Assistant Secretary, a Treasurer and an Assistant Treasurer.

(6) No member shall receive any fee or remuneration for his services.

(7) The Board may, subject to this Act, enter into an agreement or a memorandum of understanding with a local authority for the purpose of administering or operating a day care centre.

6. Meetings of Board

(2) The Board shall hold its meetings -

(a) at such place; and

(b) at least once a month, or at such other time,

as the Chairperson deems fit or upon a written request addressed to the Chairperson by any 3 members.

(2) Subject to this section, the Board shall regulate its meetings and proceedings in such manner as it thinks fit.

(3) The Chairperson, and in his absence, the Deputy Chairperson shall preside every meeting of the Board.

(4) In the absence of the Chairperson and the Deputy Chairperson, the members of the Board present shall elect from among themselves a member to act as Chairperson for that meeting and the member so elected shall, in relation to that meeting, exercise all the functions, and have all the powers, of the Chairperson.

(5) Four members shall constitute a quorum.

7. Staff

(2) The Board shall appoint a Manager, who shall be responsible for the day to day running and operation of the day care centres, on such terms and conditions as it may determine.

(3) The Board may employ such other persons as may be required, on such terms and conditions as it deems fit.

(4) Every employee of the Trust Fund shall be under the administrative responsibility of the Manager.

16. Execution of documents

Every document, act or deed relating to the Trust Fund shall be signed by the Chairperson, or in his absence, the Deputy Chairperson, and one member designated by the Board.

17. Application of funds

(1) The property, income or any other fund or money of the Trust Fund shall be applied solely towards the furtherance of the objects of the Trust Fund.

(2) No property, income or any other fund or money of the Trust Fund shall be distributed or transferred in any manner by way of dividend, bonus or otherwise.

18. Donations and legacies

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

19. Exemptions

Notwithstanding any other enactment -

(a) the Trust Fund shall be exempt from the payment of any registration duty;

- (b) no stamp duty or registration fee shall be payable in respect of any document under which the Trust Fund is the sole beneficiary.

12. Audit

The Board shall appoint every year an auditor who shall examine the finances of the Trust Fund and make a report thereon.

13. Publication of accounts

The Board shall, on or before 30 September in every year, publish in the *Gazette* an audited statement of its accounts in respect of the 12 months ending on 30 June in that year.

14. Dissolution of Trust Fund

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

(2) Where the Trust Fund is dissolved, all assets remaining after dissolution shall be transferred to such charitable institution, or be used for such charitable cause, as may be designated by the Board.

15. Rules

(3) The Board may, after consultation with the Minister, make such rules as it thinks fit for the purposes of this Act.

(4) Notwithstanding the Interpretation and General Clauses Act, rules made under subsection (1) shall not be required to be –

- (g) laid before the Assembly; and

- (h) published in the *Gazette*.