

LE MORNE HERITAGE TRUST FUND BILL
(No X of 2004)

Explanatory Memorandum

The object of this Bill is to provide for the establishment and management of Le Morne Heritage Trust Fund.

16 April 2004

M. Ramdass
Minister of Arts and Culture

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(No. X of 2004)

ARRANGEMENT OF CLAUSES

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A BILL

**To provide for the establishment and management of
Le Morne Heritage Trust Fund**

ENACTED by the Parliament of Mauritius, as follows -

1. Short title

This Act may be cited as Le Morne Heritage Trust Fund Act 2004.

2. Interpretation

In this Act-

“Board” means the Board set up under section 5;

“Chairperson” means the Chairperson of the Board;

“Director” means the Director appointed under section 9;

“Fund” means Le Morne Heritage Trust Fund established under section 3;

“Le Morne” means the site –

- (a) the coordinates of which are set out in Part A,
- (b) and which is depicted by a plan in Part B,

of the Schedule;

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

“Minister” means the Minister to whom responsibility for the subject of arts and culture is assigned.

3. Establishment of the Fund

(1) There is established for the purposes of this Act a Fund to be known as Le Morne Heritage Trust Fund.

(2) The Fund shall be a body corporate.

4. Objects of the Fund

The objects of the Fund shall be –

- (a) to promote Le Morne as a national, regional and international memorial site;
- (b) to preserve and promote the historical, cultural, environmental and ecological aspects of Le Morne;
- (c) to set up a museum and create public awareness in the history of Le Morne;
- (d) to encourage research and support projects and publications related to slavery and *marronage*;
- (e) to collect, publish and disseminate information pertaining to the history of slavery and *marronage*; and

- (f) to establish links with appropriate international organisations in line with the objects of the Act.

5. Establishment of the Board

(1) The Fund shall be administered and managed by a Board to be known as Le Morne Heritage Trust Fund Board.

(2) The Board shall consist of -

- (a) a Chairperson appointed by the Prime Minister;
- (b) a Vice-Chairperson appointed by the Minister;
- (c) a representative of the Prime Minister's Office;
- (d) a representative of the Ministry responsible for the subject of finance;
- (e) a representative of the Ministry responsible for the subject of arts and culture ;
- (f) a representative of the Ministry responsible for the subject of agriculture;
- (g) a representative of the Ministry responsible for the subject of education;
- (h) a representative of the Ministry responsible for the subject of environment;
- (i) a representative of the Mauritian Cultural Centre;
- (j) a representative of the Nelson Mandela Centre for African Culture;
- (k) a representative of the National Heritage Fund;
- (l) a representative of the Mahatma Gandhi Institute;
- (m) a representative of the Black River District Council; and
- (n) 4 persons having wide experience in matters relating to history, natural history and national heritage to be appointed by the Minister.

(3) The Chairperson and other members of the Board, other than the ex-officio members of the Board, shall hold office for a period of 3 years and shall be eligible for reappointment.

(4) Every member shall be paid such fees and allowances as may be determined by the Minister.

6. Functions of the Board

The functions of the Board shall be –

- (a) to administer and manage the affairs and assets of the Fund and exercise the powers of the Fund in its name and on its behalf;
- (b) to regulate and administer activities within Le Morne;
- (c) generally to do all such things as appear requisite and advantageous for the furtherance of the objects and for the performance of the functions of the Fund.

7. Meetings of the Board

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

- (2) The Board shall meet -
 - (a) subject to paragraph (b), at such time and place as the Chairperson may determine;
 - (b) at least once every month;
 - (c) whenever a request for a meeting is made by not less than 5 members.
- (3) 9 members shall constitute a quorum.
- (4)
 - (a) The Board may co-opt representatives of bodies, other than those specified in section 5(2), to attend meetings.
 - (b) No co-opted member shall have the right to vote.

8. Disclosure of interest

A member, who has a direct or indirect pecuniary or other interest in a matter being considered or about to be considered by the Board shall forthwith, or as soon as is practicable after the relevant facts have come to his knowledge, disclose in writing the nature of his interest to the Board and shall not -

- (a) be present during any deliberation of the Board with respect to that matter; and
- (b) take part in any decision of the Board with respect to that matter.

9. Director

(1) The Board shall, with the approval of the Minister, appoint on such terms and conditions as the Board may determine, a Director.

(2) The Director shall be responsible for the execution of the policy and decisions of the Board and for the control and management of the day to day business of the Fund.

(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 Director may, with the approval of the Board, delegate any of his powers or functions to a member of the staff appointed under section 10.

10. Appointment of staff

(1) The Board may appoint such staff as may be necessary for the proper discharge of its functions and determine their terms and conditions of appointment.

(2) Every member of the staff shall be under the administrative control of the Director.

11. Appointment of Advisory Committees

(1) The Board may set up one or more Advisory Committees on an *ad-hoc* basis to advise the Board on matters relating to the objects of the Fund.

(2) Any committee set up under subsection (1), shall consist of -

- (a) a Chairperson designated by the Board, from amongst members of the Board;
- (b) such other members as the Board may designate; and
- (c) such other persons, having experience in historical sites related to slavery and *marronage*, as the Board may designate.

(3) Every Committee shall regulate its meetings and proceedings in such manner as it thinks fit.

12. Execution of documents

(1) Subject to subsection (2) all documents shall be deemed to be executed by or on behalf of the Fund if signed by -

- (a) the Chairperson or a member designated for that purpose by the Board; or

(b) the Director.

(2) Every cheque of the Fund shall be signed by any two of the following persons -

(a) the Chairperson;

(b) the Director;

(c) such other member as may be appointed for that purpose by the Board.

13. Powers of the Minister

(1) The Minister may give such directions of a general character to the Board, not inconsistent with the objects of the Fund, 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 document, including the minutes of proceedings of the Board and the accounts of the Fund, and such other information with respect to the activities of the Fund, as the Minister may require.

14. Financial provision and management

(1) There shall be a General Fund -

(a) into which shall be paid –

(i) all monies accruing to the Fund, including all charges or fees that may be prescribed; and

(ii) all donations, grants and contributions received by the Fund; and

(iii) any other sum which may lawfully accrue to the Fund,

(b) out of which all payments required to be made by the Fund shall be effected.

15. Service of process

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

16. Donations and legacies

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

17. Exemptions

Notwithstanding any other enactment -

- (a) the Fund shall be exempt from payment of any duty, rate, charge, fee or tax;
- (b) no registration fee shall be payable in respect of any document under which –
 - (i) the Fund is the sole beneficiary; or
 - (ii) immovable property is acquired by the Fund in pursuit of its objects under section 4.

18. Regulations

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

(2) Regulations made under subsection (1) may provide for the levying of fees or charges.

19. Consequential amendments

(1) Subject to subsections (2) and (3), the Schedule to the Statutory Bodies (Accounts and Audit) Act is amended in Part II by adding the following item -

Le Morne Heritage Trust Fund

(2) For the purposes of the Statutory Bodies (Accounts and Audit) Act, the period extending from the commencement of this Act to 30 June next following shall be deemed to be the first financial year of the Fund.

(3) Section 7(1) of the Statutory Bodies (Accounts and Audit) Act shall apply in relation to the first financial year of the Fund.

(4) The auditor to be appointed under section 5 of the Statutory Bodies (Accounts and Audit) Act shall be the Director of Audit.

20. Commencement

This Act shall come into operation on a date to be fixed by Proclamation.

SCHEDULE

(section 2)

Part A

Coordinates of Le Morne

“Le Morne” means a site of an extent of 480 hectares comprising of private properties, State Land and mountain reserves bounded as follows –

Towards the North by a Public Road starting from Point $57^{\circ} 19.329'E$; $20^{\circ} 26.594'S$ through Point $57^{\circ} 19.843'E$; $20^{\circ} 26.603'S$ up to Point $57^{\circ} 20.805'E$; $20^{\circ} 26.895'S$.

Towards the East by Black River Savanne Coast Road (B9) starting from Point $57^{\circ} 20.805'E$; $20^{\circ} 26.895'S$ up to Point $57^{\circ} 20.416'E$; $20^{\circ} 27.454'S$.

Towards the South, partly by private property starting from Point $57^{\circ} 20.416'E$; $20^{\circ} 27.454'S$ up to Point $57^{\circ} 20.313'E$; $20^{\circ} 27.502'S$ situated on the High Water Mark of the sea partly by the high water mark of the sea up to Point $57^{\circ} 19.259'E$; $20^{\circ} 27.593'S$, partly by Pas Géométriques up to Point $57^{\circ} 19.226'E$; $20^{\circ} 27.571'S$ and partly by private property up to Point $57^{\circ} 18.796'E$; $20^{\circ} 27.241'S$.

And towards the West partly by a public road starting from Point $57^{\circ} 18.796'E$; $20^{\circ} 27.241'S$ up to Point $57^{\circ} 18.857'E$; $20^{\circ} 27.073'S$ and partly by another public road up to the starting point.

All coordinates are in the WGS 84 datum.