

AAPRAVASI GHAT TRUST FUND ACT

Act 31 of 2001 – 25 February 2002

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AAPRAVASI GHAT TRUST FUND ACT

1. Short title

This Act may be cited as the Aapravasi Ghat Trust Fund Act.

2. Interpretation

In this Act—

“Aapravasi Ghat” means the site, the coordinates of which are set out in Part A, and which is depicted by the plan in Part C, of the First Schedule, forming part of the waterfront of Port Louis where immigrants landed from the sea on their arrival in Mauritius and includes the existing buildings and structures found on the site;

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

“Buffer Zones” means the areas, surrounding the Aapravasi Ghat, the coordinates of which are set out in Part B, and which are depicted by the plan in Part C, of the First Schedule;

“Fund” means the Aapravasi Ghat Trust Fund established under section 3;

“Director” means the Director appointed under section 8;

“indentured labour” means the recruitment, importation and employment of contractual labourers prior to 1925;

“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.

“planning policy guidance” means Planning Policy Guidance PPG 6 Urban Heritage Area – Buffer Zones of the Aapravasi Ghat World Heritage Property, and such other relevant planning policy guidance as may be, issued under the Planning and Development Act;

“related site” means such site—

- (a) linked to indentured labour;
- (b) bearing a structure, building or monument; and
- (c) having a cultural significance and of outstanding value,

as may be specified in the Second Schedule.

[S. 2 amended by s. 3 of Act 19 of 2006 w.e.f. 26 August 2006; s. 3 of Act 11 of 2011 w.e.f. 10 June 2011.]

3. Establishment of Fund

- (1) There is established for the purposes of this Act the Aapravasi Ghat Trust Fund.
- (2) The Fund shall be a body corporate.

4. Objects of Fund

The objects of the Fund shall be—

- (a) to establish, administer, manage, promote and maintain the Aapravasi Ghat as a national, regional and international heritage site;
- (b) to preserve, restore and manage the Aapravasi Ghat and related sites;
- (c) to set up a museum and create public awareness of the history of indentured labour;
- (d) to promote the social and cultural aspects of the Aapravasi Ghat and related sites;
- (e) to encourage and support projects and publications related to the indentured labour;
- (f) to establish links with appropriate national, regional and international organisations in line with the objects of the Act;
- (g) to identify and acquire sites, buildings and structures associated with indentured labour;
- (h) to encourage and support interdisciplinary scientific research related to indentured labour and to the Aapravasi Ghat and related sites.

[S. 4 amended by s. 4 of Act 19 of 2006 w.e.f. 26 August 2006; s. 4 of Act 11 of 2011 w.e.f. 10 June 2011.]

5. Board

(1) The administration and control of the affairs of the Fund shall vest in a Board which shall consist of—

- (a) a Chairperson, to be appointed by the Minister;
- (b) a Vice-Chairperson, to be appointed by the Minister;
- (ba) a representative of the Prime Minister’s Office;

- (c) a representative of the Ministry responsible for the subject of finance;
- (d) a representative of the Ministry responsible for the subject of arts and culture;
- (e) a representative of the Ministry responsible for the subject of education;
- (f) a representative of the Ministry responsible for the subject of tourism;
- (g) a representative of the Ministry of Human Resource Development, Department of Culture of the Republic of India;
- (h) a representative of the Mahatma Gandhi Institute;
- (i) a representative of the National Heritage Fund; and
- (j) 6 representatives of non-governmental organisations having wide experience in the social and cultural life of Mauritius, to be appointed by the Minister.

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

[S. 5 amended by s. 5 of Act 19 of 2006 w.e.f. 26 August 2006.]

6. Functions and powers of Board

(1) 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 make such arrangements as are necessary to enable the public, whether on payment of a fee or free of charge, to visit the Aapravasi Ghat and related sites;
- (c) to organise activities to commemorate the arrival of the indentured labourers;
- (d) to raise funds by subscriptions, donations, grants, gifts or loans and any such other means acceptable to the Board;
- (e) to hold meetings, lectures and exhibitions, and to give advice or other information pertaining to the pursuit of the objects of the Board;
- (f) to undertake or support scientific research related to indentured labour and to the Aapravasi Ghat and related sites;
- (g) to set up interpretation centres which shall interpret the cultural heritage of a site in relation to indentured labour;
- (h) to provide capacity building and training for the purposes of the objects of the Fund;
- (i) to carry out or support archaeological or conservational works on the Aapravasi Ghat and related sites;
- (j) 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.

(2) The Board shall have such powers as are necessary to discharge its functions under this Act.

[S. 6 amended by s. 6 of Act 19 of 2006 w.e.f. 26 August 2006; s. 5 of Act 11 of 2011 w.e.f. 10 June 2011.]

7. Meetings of Board

(1) Subject to subsection (2), 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) Nine members shall constitute a quorum.

(4) Where a member has any interest, direct or indirect, in any matter before the Board, he shall, as soon as reasonably practicable, disclose to the Board the nature of his interest, and shall not take part in the deliberations of the Board relating to that matter unless the Board consents to his participation.

8. Director

(1) The Board shall appoint a Director and determine his terms and conditions of appointment with the approval of the Minister.

(2) The Director shall be responsible for the execution of the policy 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 9.

9. 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.

10. Appointment of Advisory Committees

(1) The Board may set up one or more Advisory Committees as may be necessary to assist it in the performance of its functions.

(2) Every Advisory Committee set up under subsection (1) shall consist of—

- (a) the Chairperson of the Board, as Chairperson of the Committee;
- (b) such other members as the Board may determine; and
- (c) such other co-opted member having specialised skills in the advancement and promotion of historical sites or in the fields of architecture and restoration, as the Board may designate.

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

11. Execution of documents

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 the purpose by the Board; and
- (b) the Director.

12. Powers of Minister

The Minister may—

- (a) give such directions of a general character to the Board, not inconsistent with this Act, as he considers necessary in the public interest and the Board shall comply with those directions;
- (b) request the Board to furnish to him 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.

13. Financial provision and management

(1) The Board shall establish a General Fund—

- (a) into which all monies received by the Fund shall be paid; and
- (b) out of which all payments required to be made by the Fund shall be effected.

(2) There shall be paid into the General Fund—

- (a) any subsidy granted by the Government for the purposes of this Act; and
- (b) all other sums of monies received by the Fund from any other source.

14. Estimates

(1) The Board shall, not less than 3 months before the beginning of every financial year, submit to the Minister a consolidated estimate of the expenditure and income of the Board for the next financial year.

(2) Subject to subsection (3), the Minister shall, before the beginning of the financial year, signify in writing his approval of the estimate.

(3) Where the Minister signifies his approval under subsection (2), he may—

- (a) approve part only of the expenditure under any item;
- (b) direct the Board to amend the estimate in respect of any item in such manner as he thinks fit.

15. Service of process

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

16. Donation 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.

17A. Development in Buffer Zones

Any development, including demolition of a building, in the Buffer Zones shall be

carried out in accordance with the relevant provisions of the planning policy guidance.

[S. 17A inserted by s. 6 of Act 11 of 2011 w.e.f. 10 June 2011.]

18. Regulations

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

(2) Regulations made under subsection (1) may provide for—

- (a) the levying of fees or charges in respect of the activities conducted or facilities provided by the Fund;
- (b) the amendment of the First and Second Schedules.

[S. 18 amended by s. 7 of Act 19 of 2006 w.e.f. 26 August 2006; s. 7 of Act 11 of 2011 w.e.f. 10 June 2011.]

19. Consequential amendment

(1) – (3) —

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

20. —

First Schedule

[Section 2]

PART A – COORDINATES OF AAPRAVASI GHAT

“Aapravasi Ghat” means a site of an extent of 0.167 hectares (1670 square metres) and is bounded as follows—

Starting from point A located at the exterior corner of a stone wall of the Aapravasi Ghat, having grid coordinates 997364.07 mE, 1004385.62 mN and geographical coordinates 20°09' 30.63" S, 57° 30' 13.11" E, the limit runs along the exterior side of the stone wall in a general westerly direction through points B (997357.87 mE, 1004387.67 mN or 20°09' 30.57" S, 57° 30' 12.90" E) and C (997347.85 mE, 1004389.15 mN or 20°09' 30.52" S, 57° 30' 12.55" E) to point D (997347.96 mE, 1004389.82 mN or 20°09' 30.50" S, 57° 30' 12.55" E).

From point D, the limit runs along the exterior of the stone wall in a westerly direction to point E (997319.38 mE, 1004393.96 mN or 20°09' 30.36" S, 57° 30' 11.57" E).

From point E, the limit runs along the exterior side of the stone wall in a southerly direction through points F (997317.57 mE, 1004388.20 mN or 20°09' 30.55" S, 57° 30' 11.51" E) and G (997310.55 mE, 1004360.06 mN or 20°09' 31.47" S, 57° 30' 11.27" E) and in a westerly direction to point H having grid coordinates 997283.00 mE, 1004367.37 mN and geographical coordinates 20°09' 31.23" S, 57° 30' 10.32" E.

From point H, the limit runs along the exterior side of the stone wall in a southerly direction to point I having grid coordinates 997279.75 mE, 1004354.60 mN and geographical coordinates 20°09' 31.64" S, 57° 30' 10.21" E.

From point I, the limit follows the external sinuosities of a stone wall in an easterly direction through points J (997303.30 mE, 1004348.46 mN or 20°09' 31.84" S, 57° 30' 11.02" E), K (997306.99 mE, 1004347.47 mN or 20°09' 31.88" S, 57° 30' 11.14" E), L (997314.50 mE, 1004347.22 mN or 20° 09' 31.88" S, 57° 30' 11.40" E), and M (997321.79 mE, 1004350.42 mN or 20°09' 31.78" S, 57° 30' 11.65" E) from which point it runs in a north-easterly direction along the external sinuosities of a stone wall up to the starting point A.

PART B – COORDINATES OF BUFFER ZONES

“Buffer Zones” comprises 2 areas, Buffer Zone 1 of extent of 5.52 hectares (55241 square metres) and Buffer Zone 2 of an extent of 24.60 hectares (245960 square metres) which are bounded as

follows—

(a) Buffer Zone 1

Starting from point N located on the median axis of Port Louis – Pamplemousses Dual Carriage Way (M2) at Trou Fanfaron having grid coordinates 997482.64 mE, 1004491.15 mN and geographical coordinates 20°09' 27.20" S, 57°30' 17.19" E, the limit follows the retaining wall of Trou Fanfaron wharf to Point O having grid coordinates 997437.61 mE, 1004532.90 mN and geographical coordinates 20° 09' 25.85" S, 57° 30' 15.64" E in a north-westerly direction.

From Point O, the limit runs in a south-westerly direction along the Trou Fanfaron wharf through points P (997322.18mE, 1004415.53 mN or 20° 09' 29.66" S, 57° 30' 11.67" E), Q (997146.78 mE, 1004470.47 mN or 20° 09' 27.87" S, 57° 30' 05.63" E), R (997138.10 mE, 1004466.22 mN or 20° 09' 28.01" S, 57° 30' 05.33" E), S (997131.49 mE, 1004457.98 mN or 20° 09' 28.28" S, 57° 30' 05.10" E), T (997129.22 mE, 1004439.81 mN or 20° 09' 28.87" S, 57° 30' 05.02" E), U (997131.50 mE, 1004439.57 mN or 20° 09' 28.88" S, 57° 30' 05.10" E), V (997128.21 mE, 1004426.64 mN or 20° 09' 29.30" S, 57° 30' 04.99" E), and W (997134.81 mE, 1004422.70 mN or 20° 09' 29.43" S 57° 30' 05.21" E) to point X having grid coordinates 997051.93 mE, 1004277.73 mN and geographical coordinates 20° 09' 34.14" S, 57° 30' 02.36" E.

Thereafter, the limit follows an imaginary line in a south-easterly direction to point Y having grid coordinates 997067.69 mE, 1004265.84 mN and geographical coordinates 20° 09' 34.53" S, 57° 30' 02.90" E and then runs along the external alignment of a stone wall forming part of the General Post Office building up to a point Z found on the median axis of Port Louis – Pamplemousses Dual Carriage Way (M2) and having grid coordinates 997175.05 mE, 1004188.24 mN and geographical coordinates 20° 09' 37.05" S, 57° 30' 06.60" E.

Thereafter, it follows the median axis of Port Louis – Pamplemousses Dual Carriage Way (M2) in a general north-easterly direction up to the starting point N.

(b) Buffer Zone 2

Starting from point ZA found on the North East corner of Royal and Arsenal Streets and having grid coordinates 997676.19 mE, 1004360.38 mN and geographical coordinates 20° 09' 31.46" S, 57° 30' 23.86" E, the limit follows the north-east side of Arsenal Street up to point ZB in a north-westerly direction and having grid coordinates 997587.83 mE, 1004449.41 mN and geographical coordinates 20° 09' 28.56" S, 587° 30' 20.81" E.

From point ZB, the limit follows imaginary lines in a general westerly direction through points ZC (997594.12 mE, 1004525.12 mN or 20° 09' 26.10" S, 57° 30' 21.03"E), ZD (997521.07 mE, 1004580.85 mN or 20° 09' 24.29" S, 57° 30' 18.52" E), ZE (997530.80 mE, 1004660.21 mN or 20° 09' 21.71" S, 57° 30' 18.85" E), ZF (997472.86 mE, 1004709.20 mN or 20° 09' 20.11" S, 57° 30' 16.86" E), ZG (997292.63 mE, 1004707.76 mN or 20° 09' 20.16" S, 57° 30' 10.65" E), ZH (997254.94 mE, 1004686.94 mN or 20° 09' 20.84" S, 57° 30' 09.35" E), ZI (997204.63 mE, 1004676.99 mN or 20° 09' 21.16" S, 57° 30' 07.62" E) and ZJ (997121.32 mE, 1004626.02 mN or 20° 09' 22.82" S, 57° 30' 04.75" E).

From point ZJ, the limit follows imaginary lines in a south-easterly direction through points ZK (997125.65 mE, 1004528.93 mN or 20° 09' 25.97" S, 57° 30' 04.90" E), ZL (997110.52 mE, 1004442.63 mN or 20° 09' 28.78" S, 57° 30' 04.38" E), and ZM (996990.17 mE, 1004254.69 mN or 20° 09' 34.89" S, 57° 30' 00.23" E).

From point ZM, the limit runs along an imaginary line in a south-easterly direction through ZN (997030.95 mE, 1004209.05 mN or 20° 09' 36.38" S, 57° 30' 01.64" E) to point ZO found on the south-east corner of Duke of Edinburgh and Royal Streets and having grid coordinates 997291.19 mE, 1003959.76 mN and geographical coordinates 20° 029' 44.48" S, 57° 30' 10.60" E.

Thereafter, the limit follows in a north-easterly direction the south-east side of Royal Street up to the starting point ZA.

Note:

- (a) Grid coordinates are based on the National Grid System of Mauritius which is referenced on Clarke 1880 datum and Lambert Conical Orthomorphic projection and the Geographical coordinates are referenced to the World Geodetic System 1984 (WGS 84);
- (b) mE means metre East;
- (c) mN means metre North.

PART C – PLAN OF THE AAPRAVASI GHAT AND ITS BUFFER ZONES



COORDINATES OF AAPRAVASI GHAT AND ITS BUFFER ZONES

POINT	NATIONAL GRID COORDINATES		WGS 84 COORDINATES	
	EASTING (m)	NORTHING (m)	LATITUDE (S)	LONGITUDE (E)
A	997364.07	1004385.62	20° 09' 30.63"	57° 30' 13.11"
B	997357.87	1004387.67	20° 09' 30.57"	57° 30' 12.90"
C	997347.85	1004389.15	20° 09' 30.52"	57° 30' 12.55"
D	997347.96	1004389.82	20° 09' 30.50"	57° 30' 12.55"

E	997319.38	1004393.96	20° 09' 30.36"	57° 30' 11.57"
F	997317.57	1004388.20	20° 09' 30.55"	57° 30' 11.51"
G	997310.55	1004360.06	20° 09' 31.47"	57° 30' 11.27"
H	997283.00	1004367.37	20° 09' 31.23"	57° 30' 10.32"
I	997279.75	1004354.60	20° 09' 31.64"	57° 30' 10.21"
J	997303.30	1004348.46	20° 09' 31.84"	57° 30' 11.02"
K	997306.99	1004347.47	20° 09' 31.88"	57° 30' 11.14"
L	997314.50	1004347.22	20° 09' 31.88"	57° 30' 11.40"
M	997321.79	1004350.42	20° 09' 31.78"	57° 30' 11.65"
N	997482.64	1004491.15	20° 09' 27.20"	57° 30' 17.19"
O	997437.61	1004532.90	20° 09' 25.85"	57° 30' 15.64"
P	997322.18	1004415.53	20° 09' 29.66"	57° 30' 11.67"
Q	997146.78	1004470.47	20° 09' 27.87"	57° 30' 05.63"
R	997138.10	1004466.22	20° 09' 28.01"	57° 30' 05.33"
S	997131.49	1004457.98	20° 09' 28.28"	57° 30' 05.10"
T	997129.22	1004439.81	20° 09' 28.87"	57° 30' 05.02"
U	997131.50	1004439.57	20° 09' 28.88"	57° 30' 05.10"
V	997128.21	1004426.64	20° 09' 29.30"	57° 30' 04.99"
W	997134.81	1004422.70	20° 09' 29.43"	57° 30' 05.21"
X	997051.93	1004277.73	20° 09' 34.14"	57° 30' 02.36"
Y	997067.69	1004265.84	20° 09' 34.53"	57° 30' 02.90"
Z	997175.05	1004188.24	20° 09' 37.05"	57° 30' 06.60"
ZA	997676.19	1004360.38	20° 09' 31.46"	57° 30' 23.86"
ZB	997587.83	1004449.41	20° 09' 28.56"	57° 30' 20.81"
ZC	997594.12	1004525.12	20° 09' 26.10"	57° 30' 21.03"
ZD	997521.07	1004580.85	20° 09' 24.29"	57° 30' 18.52"
ZE	997530.80	1004660.21	20° 09' 21.71"	57° 30' 18.85"
ZF	997472.86	1004709.20	20° 09' 20.11"	57° 30' 16.86"
ZG	997292.63	1004707.76	20° 09' 20.16"	57° 30' 10.65"
ZH	997254.94	1004686.94	20° 09' 20.84"	57° 30' 09.35"
ZI	997204.63	1004676.99	20° 09' 21.16"	57° 30' 07.62"
ZJ	997121.32	1004626.02	20° 09' 22.82"	57° 30' 04.75"
ZK	997125.64	1004528.93	20° 09' 25.97"	57° 30' 04.90"
ZL	997110.52	1004442.63	20° 09' 28.78"	57° 30' 04.38"
ZM	996990.17	1004254.69	20° 09' 34.89"	57° 30' 00.23"
ZN	997030.95	1004209.05	20° 09' 36.38"	57° 30' 01.64"
ZO	997291.19	1003959.76	20° 09' 44.48"	57° 30' 10.60"

[First Sch., previously Sch., added by s. 8 of Act 19 of 2006 w.e.f. 26 August 2006; repealed and replaced by s. 8 of Act 11 of 2011 w.e.f. 10 June 2011.]

Second Schedule

[Section 2]

RELATED SITES

Old Labourers' Quarters (Trianon)

[Second Sch. inserted by s. 8 of Act 11 of 2011 w.e.f. 10 June 2011.]