

LE MORNE HERITAGE TRUST FUND ACT

Act 10 of 2004 – 1 July 2004

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LE MORNE HERITAGE TRUST FUND ACT

1. Short title

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

2. Interpretation

In this Act—

“Board” means the Board referred to in 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, the coordinates of which are set out in Part A, 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 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 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*;
- (f) to establish links with appropriate international organisations in line with the objects of the Act.

5. 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, to be appointed by the Prime Minister;
- (b) a Vice-Chairperson, to be 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 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 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) Nine 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 set up under subsection (1) 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 2 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 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

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;
 - (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 by or on the Director shall be equivalent to service by or 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 he thinks fit for the purposes of this Act.

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

19. Regulations

(1) – (3) —

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

20. —

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° 19.329'E; 20°26.594'S through Point 57°19.843'E; 20°26.603'S up to Point 57°20.805'E; 20° 26.895'S.

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

Towards the South, partly by private property starting from Point 57° 20.416'E; 20° 27.454'S up to Point 57° 20.313'E; 20° 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° 19.259'E; 20° 27.593'S, partly by *Pas Géométriques* up to Point 57° 19.226'E; 20° 27.571'S and partly by private property up to Point 57° 18.796'E; 20° 27.241'S.

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

All coordinates are in the WGS 84 datum.

PART B – Plan of Le Morne

