

THE MAURITIUS RECREATION COUNCIL BILL
(No. XVII of 2021)

Explanatory Memorandum

The main object of this Bill is to establish the Mauritius Recreation Council which shall be responsible for the promotion and organisation of recreational activities in Mauritius.

2. The Council will, in the discharge of its functions and exercise of its powers –

- (a) maintain effective communication with the public with regard to recreational activities;
- (b) call for projects from the community in order to promote recreational activities;
- (c) establish an annual plan and calendar for recreational activities;
- (d) assist organisations involved in the promotion of recreational activities;
- (e) advise the Minister on matters pertaining to recreation and recreational activities.

3. In addition, the Bill provides for matters connected, incidental and related thereto.

J. C. S. TOUSSAINT
*Minister of Youth Empowerment, Sports
and Recreation*

12 November 2021

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ARRANGEMENT OF CLAUSES

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A BILL

To establish the Mauritius Recreation Council

ENACTED by the Parliament of Mauritius, as follows –

PART I – PRELIMINARY

1 Short title

This Act may be cited as the Mauritius Recreation Council Act 2021.

2. Interpretation

In this Act –

“Board” means the Board of the Council referred to in section 7;

“Chairperson” means the Chairperson of the Board referred to in section 7(1)(a);

“Council” means the Mauritius Recreation Council established under section 3(1);

“Managing Secretary” means the chief executive officer of the Council referred to in section 7;

“member” –

(a) means a member of the Board; and

(b) includes the Chairperson;

“Minister” means the Minister to whom responsibility for the subject of recreation is assigned;

“Ministry” means the Ministry responsible for the subject of recreation;

“officer” –

(a) means an officer of the Council appointed as such under section 12; and

(b) includes the Managing Secretary;

“recreation” means a directed process of participation on a voluntary basis in any type of activity which contributes to societal growth and the enhancement of physical, social and mental well-being of an individual.

PART II – THE COUNCIL

Sub-Part A – Objects, Functions and Powers of Council

3. Establishment of Council

(1) There is established for the purposes of this Act the Mauritius Recreation Council.

(2) The Council shall be a body corporate.

4. Objects of Council

The Council shall be responsible for the promotion and organisation of recreational activities in Mauritius.

5. Functions and powers of Council

The Council shall have such functions and powers as are necessary to further its objects most effectively and may, in particular –

- (a) maintain effective communication with the public with regard to recreational activities;
- (b) call for projects from the community in order to promote recreational activities;
- (c) establish an annual plan and calendar for recreational activities;
- (d) assist organisations involved in the promotion of recreational activities;
- (e) enter into any contract in accordance with the Public Procurement Act;
- (f) buy, sell, mortgage or exchange any property;
- (g) advise the Minister on matters pertaining to recreation and recreational activities; and
- (h) do such other acts and things as may be necessary for the purposes of this Act.

6. Assistance by Council

(1) Where an organisation wishes to obtain assistance from the Council, it shall make an application to the Council in such form and manner as the Council may approve.

(2) No assistance shall be provided under subsection (1) unless the applicant furnishes to the Council such document or information as the Council may require.

Sub-Part B – Board of Council

7. Board

(1) The Council shall be administered and managed by a Board which shall consist of the following members –

- (a) a Chairperson, to be appointed by the Minister;
 - (b) a representative of the Ministry;
 - (c) a representative of the Ministry responsible for the subject of education;
 - (d) a representative of the Ministry responsible for the subject of environment;
 - (e) a representative of the Ministry responsible for the subject of finance;
 - (f) a representative of the Ministry responsible for the subject of gender;
 - (g) a representative of the Ministry responsible for the subject of tourism;
 - (h) a representative of the Ministry responsible for national parks and conservation service;
 - (i) a representative from Business Mauritius; and
 - (j) 4 other members, to be appointed by the Minister.
- (2) A member, other than a member referred to in subsection (1)(b) to
- (i) –
- (a) shall hold office for a period of 2 years; and
 - (b) may be eligible for reappointment.
- (3) Every member shall be paid such allowance as the Minister may determine.
- (4) Where any person appointed under subsection (1) ceases to hold office, the vacancy shall be filled by another person appointed by the Minister, who shall hold office for the remainder of the term of office of that member.
- (5) (a) The Board may co-opt any other person who may be of assistance in relation to any matter before it.
- (b) A person co-opted under paragraph (a) shall –

- (i) not have the right to vote at a meeting of the Board; and
- (ii) be paid such allowance as the Board may determine.

8. Meetings of Board

(1) Subject to subsections (2) and (3), the Board shall regulate its meetings and proceedings in such manner as it may determine.

(2) The Board shall meet at the request of the Chairperson or of at least 6 members.

(3) At a meeting of the Board, 7 members shall constitute a quorum.

(4) At a meeting of the Board, each member shall have one vote on a matter in issue and in the event of an equality of votes, the person presiding shall have a casting vote.

(5) The Managing Secretary shall act as Secretary to the Board who –

- (a) shall prepare and attend every meeting of the Board;
- (b) shall keep minutes of proceedings of every meeting of the Board;
- (c) may take part in the deliberations of the Board, but shall not have the right to vote;
- (d) have such other duties as may be conferred on him by the Board.

(6) Where a member or a person related to him by blood or marriage has a pecuniary or other material interest in relation to any matter before the Board, the member shall –

- (a) disclose the nature of the interest before or at the meeting convened to discuss that matter; and
- (b) not take part in any deliberations of the Board relating to that matter.

9. Committees of Board

(1) The Board may set up such committees as may be necessary to assist it in the discharge of its functions.

(2) A committee shall consist of not less than 3 members and such other persons as may be co-opted by the Board.

(3) A committee shall –

(a) meet as often as is necessary and at such time and place as the chairperson of the committee thinks fit;

(b) meet as and when required by the Board; and

(c) regulate its meetings and proceedings in such manner as it may determine.

(4) A committee shall submit its report within such time as the Board may determine.

(5) The report referred to in subsection (4) shall contain the committee's observations, comments, recommendations or findings, if any, on any matter referred to it.

10. Powers of Minister

(1) The Minister may 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.

(2) The Minister may require the Board to furnish such information in such manner and at such time as he thinks fit in respect of its activities and the Board shall supply that information in a timely manner.

Sub-Part C – Staff of Council

11. Managing Secretary

(1) There shall be a chief executive officer of the Council who shall be known as the Managing Secretary.

(2) The Managing Secretary shall be appointed, subject to the approval of the Minister, by the Board on such terms and conditions as it may determine.

(3) The Managing Secretary 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 Council.

(4) The Managing Secretary shall, in the discharge of his functions, act in accordance with such directions as he may receive from the Board.

(5) (a) The Board may, subject to such instructions as it may give, delegate to the Managing Secretary such of its powers and functions as may be necessary for the effective management of the day to day business and activities of the Council, other than the power to –

- (i) buy, sell, mortgage or exchange any property, or make any donation;
- (ii) borrow money; or
- (iii) enter into a contract which exceeds the prescribed amount.

(b) The Managing Secretary may, with the approval of the Board, delegate his powers and functions to such officer as he may determine.

12. Appointment of officers

(1) The Board may, subject to the approval of the Minister, appoint such number of officers as may be necessary for the proper discharge of its functions under this Act.

(2) Every officer referred to in subsection (1) shall be under the administrative control of the Managing Secretary.

(3) The Council may make provision to govern the conditions of service of officers and, in particular, to deal with –

- (a) the appointment, discipline, pay and leave of, and the security to be given by, officers;
- (b) appeals by officers against dismissal or other disciplinary measures; and

- (c) the establishment and maintenance of provident and pension fund schemes and the contributions payable to, and the benefits recoverable from, such schemes.

PART III – FINANCIAL PROVISIONS AND ACCOUNTS

13. General Fund

- (1) The Council shall set up a General Fund –
 - (a) into which shall be paid all the revenue of the Council; and
 - (b) out of which shall be paid all the expenses incurred by the Council.
- (2) The revenue of the Council shall consist of –
 - (a) Government grants and subsidies; and
 - (b) such other income from any other source as approved by the Minister.

14. Income and expenditure

(1) The Council shall, not later than 31 March in every year, submit to the Minister an estimate of the expenditure and income of the Council for the next financial year for his approval.

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

(3) Where the Minister gives his approval under subsection (1), he may direct the Council to amend the estimate in respect of any item in such manner as he thinks fit.

(4) Subsection (1) shall not apply to the first financial year of the Council.

15. Annual report

(1) The Board shall prepare and submit, in accordance with the Statutory Bodies (Accounts and Audit) Act, an annual report to the Minister together with an audited statement of accounts on the operations of the Council in respect of every financial year.

(2) The Minister shall, at the earliest available opportunity, lay a copy of the annual report and audited accounts of the Council before the Assembly.

(3) The auditor to be appointed under section 5(1) of the Statutory Bodies (Accounts and Audit) Act shall be the Director of Audit.

16. Donations and exemptions

(1) Article 910 of the Civil Code shall not apply to the Council.

(2) Notwithstanding any other enactment, the Council shall be exempt from payment of any registration duty, fee or charge in respect of any document under which the Council is the sole beneficiary.

17. Execution of documents

No deed, cheque or other document shall be executed by, or on behalf of, the Council unless it is signed by the –

- (a) Chairperson or, in his absence, a member designated by the Board; and
- (b) Managing Secretary, or, in his absence, an officer designated by the Board.

PART IV – MISCELLANEOUS

18. Confidentiality

(1) No member or officer shall, during or after his term of office with the Council, use or disclose any matter which comes to his knowledge in the discharge of his functions or use any material of the Council, except for the purposes of administering this Act.

(2) Any person who contravenes subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding one year.

19. Legal proceedings

(1) The Council shall act, sue and be sued in its corporate name.

(2) Service of process by, or on the Council, shall be sufficient if made on behalf of, or on, the Managing Secretary.

20. Protection from liability

No liability, civil or criminal, shall be incurred by the Council, the Board, a member or an officer in respect of any act done or omitted in good faith in the discharge of its or his functions or exercise of its or his powers under this Act.

21. Regulations

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

(2) Any regulations made under subsection (1) may provide that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding one year.

22. Commencement

(1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by Proclamation.

(2) Different dates may be fixed for the coming into operation of different sections of this Act.
