

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

(No. 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. 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.
- (3) 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*.

