

MAURITIUS COUNCIL OF SOCIAL SERVICE ACT

Act 55 of 1970 – 9 December 1970

ARRANGEMENT OF SECTIONS

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MAURITIUS COUNCIL OF SOCIAL SERVICE ACT

1. Short title

This Act may be cited as the Mauritius Council of Social Service Act.

1A. Interpretation

In this Act—

“Committee” means the Executive Committee of the Council;

“Council” means the Mauritius Council of Social Service.

2. Mauritius Council of Social Service

The Mauritius Council of Social Service shall be a body corporate.

3. —

4. Objects of Council

(1) The objects of the Council shall be to—

- (a) promote any charitable purposes for the benefit of the community in Mauritius and, in particular, the advancement of social education, the furtherance of health and the relief of poverty, distress and sickness;
- (b) promote and foster co-operation in the achievement of the purposes under paragraph (a) by bringing together representatives of the statutory bodies and voluntary organisations engaged in the furtherance of those purposes;

- (c) do anything which is incidental or conducive to the attainment of those objects.

(2) In particular but without prejudice to the generality of its objects under subsection (1), the Council shall endeavour to—

- (a) give financial or other assistance to any person;
- (b) procure and provide information;
- (c) procure to be written, and print, publish, issue and circulate reports, periodicals, books, leaflets or other documents;
- (d) arrange and provide for, or join in arranging and providing for, the holding of exhibitions, meetings, lectures, seminars, forums, group discussions and classes; and
- (e) promote, encourage or undertake experimental work.

5. —

6. Membership

(1) Any statutory body or other voluntary organisation working towards the promotion of charity, the advancement of social education, the furtherance of health or the relief of poverty, distress or sickness may, on being sponsored by 2 member organisations of the Council, apply to the Committee for membership of the Council.

(2) The Committee may refuse membership to any organisation without assigning any reason for it.

(3) (a) The Committee may, after giving due notice in writing, and giving the organisation an opportunity to be heard, expel any member organisation which acts in any manner that is prejudicial to the interests of the Council.

(b) The expelled organisation may appeal to a general meeting, annual or special, of the Council within one month of the notice of expulsion.

(4) (a) Membership fees shall be payable in advance, at least one month before the annual general meeting, and only paid up member organisations shall be entitled to vote or be nominated as candidates.

(b) No election or other proceedings shall be nullified by reason of any member organisation being in arrears with the payment of its subscription.

(5) Any member organisation may resign from the Council by giving the Secretary notice in writing of its intention.

(6) Any member organisation which has not paid its subscription fee by the end of the financial year shall cease to be a member of the Council.

(7) Any statutory body or other voluntary organisation which is pursuing any of the objects of the Council may be invited by the Council to participate in its work and to appoint such number of persons as the Council may determine to be members of the Council.

(8) The Council may invite any person holding a public office to become an *ex officio* member of the Council.

(9) The Council may co-opt as members persons having special knowledge or experience in the matters specified in the objects of the Council, but the number of those persons shall not exceed one fourth of the number of persons appointed under subsection (7).

(10) –

(11) Member organisations may nominate any person to represent them on the Council and may nominate alternate or temporary representatives.

(12) The Council may invite any person to attend its meeting as an observer without the right to vote.

(13) The Council may appoint a Patron, an Honorary President and any number of Honorary Vice-Presidents.

7. Executive Committee

(1) The Council shall be managed and administered by an Executive Committee which shall consist of the Chairperson of the Council, who shall also be the Chairperson of the Committee, and of 20 representatives of member organisations to be elected as provided in this section.

(2) The Committee may further co-opt not more than 5 persons to serve on the Committee.

(3) The Committee shall each year elect from among its number a Deputy Chairperson, a Vice-Chairperson and a Treasurer.

(4) The Chairperson of the Council shall be the Social Welfare Commissioner or such other person as the Council may determine.

(5) The Secretary may take part in the deliberations at any meeting of the Council or of the Committee, but he shall not have the right to vote.

(6) The Treasurer shall receive all money, keep the accounts and effect such payments as he may be authorised to make by the Chairperson or any other appointed for that purpose by the Committee.

(7) (a) The Committee shall employ a Secretary at such remuneration and on such terms and conditions of service as it thinks fit.

(b) The Secretary shall have the custody of all documents relating to the Council and shall keep minutes of all the proceedings of the Council and of the Committee.

(c) The minutes of proceedings of each meeting shall be signed by the Chairperson of the meeting and by the Secretary and extracts duly signed by the Chairperson of the Council and the Secretary shall be *prima facie* evidence of all facts contained in them.

(8) (a) Nominations from member organisations for candidates to fill the vacant seats among the elected members of the Committee shall be sent to the Secretary at least 14 days before the date of the annual general meeting.

(b) Where the number of nominations exceeds the number of vacancies, an election shall take place by ballot at the annual general meeting.

(9) (a) One third of the elected members of the Committee shall retire annually but they shall be eligible for re-election, the members to retire being those who have been longest in office.

(b) As between members who have been in office the same length of time, those due to retire shall be chosen by lot.

(10) The Committee shall be convened by the Secretary to meet at least 4 times a year.

(11) (a) Any vacancy which may occur on the Committee in the interval between 2 elections may be filled by the Committee and any person appointed to fill the vacancy shall hold office until the conclusion of the next annual general meeting.

(b) Any member of the Committee who fails without sufficient cause to attend 3 consecutive meetings of the Committee may be removed by a decision of the Committee.

(12) The Council may remove or suspend from office any member of the Committee who—

- (a) has become insolvent or has assigned his estate for the benefit of his creditors or has made an arrangement with his creditors;
- (b) has committed any misconduct which, in the opinion of the Council, renders him unfit to continue to be a member of the Committee; or
- (c) is suffering from such physical or mental infirmity as, in the opinion of the Council, renders him unfit to discharge his duties as a member of the Committee.

8. Powers of Executive Committee

Except as otherwise expressly provided, the Committee shall have and exercise the powers conferred upon the Council by this Act and may—

- (a) do and perform all acts for the due execution, suspension or re-admission of member organisations;
- (b) appoint and dismiss the paid officers and employees of the Council, arrange for their terms and conditions of service, fix their remuneration and gratuities, and enter into all contracts to that effect; and
- (c) decide on any fees, allowances or remuneration to be paid to auditors and generally for services rendered.

9. Documents

Every document relating to the Council shall be signed by the Chairperson and Treasurer or, where any of them is unable to do so, by any person or persons designated for that purpose by the Council.

10. Service of process

Service of process by or on the Secretary of the Council shall be equivalent to service by or on the Council.

11. Sub-committees

(1) The Committee may appoint a finance sub-committee and such other special or standing sub-committees as it thinks necessary and determine their terms of reference, powers, duration and composition.

(2) The Secretary shall be an *ex officio* member of every sub-committee.

12. Meetings of Council

(1) (a) The annual meeting of the Council shall be held in each year at such time, not being more than 15 months after the holding of the preceding annual meeting, and place as the Committee shall determine.

(b) At least 21 clear days' notice shall be given in writing by the Secretary to the member organisations.

(c) Other meetings of the Council shall be held at such time and place as may be determined by the Council.

(2) All meetings shall be summoned by post or by notice inserted in at least 3 of the principal newspapers at least 21 days before the date of the meeting stating, the business to be transacted at the meeting.

(3) At the annual meeting, the business shall include the election of persons to fill vacancies on the Committee, the appointment of auditors, and the consideration of an annual report of the work done by or under the auspices of the Council and of the audited accounts.

(4) A special meeting of the Council shall be called at 14 days' notice in writing upon the written request of one fourth of the member organisations or at the request of the Committee, and not less than 14 days' notice of the meeting shall be given.

13. Procedure at meetings

(1) The quorum at any meeting of the Council shall be 15 and the quorum at any meeting of a Committee shall be 5.

(2) (a) The Chairperson or, in his absence, the Deputy Chairperson or, in their absence, the Vice-Chairperson shall preside at all meetings of the Council or the Committee.

(b) In the absence of those 3 persons, the persons present at any meeting shall elect a person from among those present to preside.

(3) (a) Questions arising at any meeting of the Council or the Committee shall be decided by a majority of the persons present and voting.

(b) In case of equality in the number of votes, the person presiding shall have a second or casting vote.

(4) Subject to this section, the Council or the Committee, as the case may be, shall regulate its own procedure.

14. Funds of Council

(1) The Council may raise money by means of membership fees, subscriptions, donations or legacies, grants in aid from statutory bodies, loans and other sources.

(2) Every member or member organisation shall pay a fee of 5 rupees per annum or such other sum as the Council may determine.

(3) (a) Subject to paragraph (b), the income and property of the Council shall be applied solely towards the promotion of the objects of the Council and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or profit to any member of the Council.

(b) Nothing in this Act shall prevent the payment in good faith of reasonable and proper remuneration to any officer or servant of the Council or the repayment of expenses.

15. Financial year and audit

(1) The financial year of the Council shall end on 31 December.

(2) Once at least in every year the accounts of the Council shall be audited by one or more qualified auditors appointed by the Committee.

16. Donations and legacies

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

17. Exemption from tax and duty

(1) The Council shall not be liable to any tax leviable by any enactment relating to personal income.

(2) The Council shall be exempt from payment of duty on all donations and legacies received by it and on all documents executed by it.

SCHEDULE

[Spent.]
