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Mauritius: the Trust Fund for Disabled Persons Act 1988

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Mauritius: the Trust Fund for Disabled Persons Act 1988

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Mauritius.

THE TRUST FUND FOR DISABLED PERSONS ACT 1988

Act No. 30 of 1988

**to provide for the establishment of a Trust Fund for Disabled
Persons**

ARRANGEMENT OF SECTIONS

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ENACTED by the Parliament of Mauritius, as follows

1. Short title.

This Act may be cited as the Trust Fund for Disabled Persons Act 1988.

2. Interpretation.

In this Act

"Board" means the Board of Trustees set up under section 5;

"disabled person" means a person who is unable to ensure by himself, wholly or partly, the necessities of a normal individual as a result of a deficiency, whether congenital or not, in his physical or mental capabilities;

"Fund" means the Trust Fund for Disabled Persons established under section 3.,

"member" means a member of the Board and includes the Chairman;

"Minister" means the Minister to whom responsibility for the subject of social security and national solidarity is assigned;

"sheltered workshop" means a place of work designated by the Minister where work is undertaken and performed mainly by disabled persons.

3. Establishment of the Fund.

(1) There is established for the purposes of this Act a Fund to be known as the Trust Fund for Disabled Persons.

(2) The Fund shall be a body corporate.

4. Objects of the Fund.

(1) The objects of the Fund are to set up training centres and sheltered workshops for, develop and provide appropriate training to disabled persons with a view to enabling them to secure employment or to work on their own account.

(2) In determining whether a disabled person is eligible for training, due regard shall be had to the nature of his disablement and his ability to work.

5. The Board.

(1) The Fund shall be managed by a Board of Trustees which shall Consist of

(a) a Chairman. to be appointed by the Minister.,

(b) the Rehabilitation Officer of the Ministry of Social Security. National Solidarity and Reform Institutions;

(c) a representative of the Ministry of Social Security. National Solidarity and Reform Institutions;

- (d) a representative of the Ministry of Education, Arts and Culture;
- (e) 2 persons representing the interests of disabled persons to be appointed by the Minister; and 5 independent persons to be appointed by the Minister.

(2) 5 members shall constitute a quorum.

(3) The Board shall regulate its meetings and proceedings in such manner as it thinks fit.

6. Staff.

The Board shall, with the approval of the Minister, appoint on such terms and conditions as it may determine

(a) a General Manager who will be responsible for (i) co-ordinating the activities of the Fund; (ii) the training of disabled persons; (iii) the production of articles by disabled persons; (iv) the financial management of the Fund so as to ensure its viability and the development of its activities.

(b) a Secretary/ Treasurer who will (i) keep all books, records, deeds, documents and minutes of proceedings of the Fund; and (ii) act as Secretary of the Board,

(c) such other staff as may be necessary for the proper discharge of the functions of the Fund.

7. General Fund.

(1) There shall be a General Fund into which shall be paid all monies accruing to the Fund.

(2) The Board shall charge to the General Fund such expenditure as is necessary for the attainment of the objects of the Fund.

8. Execution of documents.

No document shall be executed by or on behalf of the Fund unless it is signed by

(a) the Chairman, and

(b) the Secretary.

9. Donations and legacies

Article 910 of the Code Napoleon shall not apply to the Fund.

10. Exemption.

Notwithstanding any other enactment

(a) the 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 Fund is the sole beneficiary.

11. Powers of Minister.

The Minister may give directions of a general character to the Board, not inconsistent with this Act, and the Board shall comply with these directions.

12. Regulations.

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

13. Consequential amendment.

(1) Subject to subsections (2) and (3), the Statutory Bodies (Accounts and Audit) Act is amended in Part 11 of the Schedule by adding the following in its appropriate alphabetical place-

"Trust Fund for Disabled Persons".

(2) For the purpose of the Statutory Bodies (Accounts and Audit) Act, the period extending from the commencement of this Act to the 30 June 1989 shall be deemed to be the first financial year of the Fund.

(3) Section 70) of the Statutory Bodies (Accounts and Audit) Act shall not apply in relation to the first financial year of the Fund.

(4) The auditor to be appointed under section 50) of the Statutory Bodies (Accounts and Audit) Act shall be the Director of Audit.

14. Commencement

This Act shall come into operation on a day to be fixed by Proclamation.

Passed by the Legislative Assembly on the twenty-second day of November one thousand nine hundred and eighty-eight.