

LEGAL SUPPLEMENT
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THE FISHERMEN WELFARE FUND ACT 2000

Act No. 28 of 2000

I assent

CASSAM UTEEM

11th August 2000

President of the Republic

ARRANGEMENT OF SECTIONS

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An Act
To establish a Fishermen Welfare Fund to provide for the social and economic welfare
of fishermen and their families

ENACTED by the Parliament of Mauritius, as follows —

1. Short title

This Act may be cited as the Fishermen Welfare Fund Act 2000.

2. Interpretation

In this Act —

“Board” means the Board of the Fishermen Welfare Fund referred to in section 5;

“Chairman” means the Chairman of the Board;

"employee" means any member of staff appointed by the Board under section 8(1);

"fisherman" means any person registered as such under the Fisheries and Marine Resources Act 1998;

"Fund" means the Fishermen Welfare Fund established under section 3;

"licensee" means a person who holds a licence under section 39 of the Fisheries and Marine Resources Act 1998;

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

"Minister" means the Minister to whom responsibility for the subject of Fisheries has been assigned.

3. Establishment of the Fund

(1) There is established for the purposes of this Act the Fishermen Welfare Fund.

(2) The Fund shall be a corporate body.

4. Objects of the Fund

The objects of the Fund shall be —

(a) to advance and promote the welfare of fishermen and their families;

(b) to manage and optimise the financial and other resources of the Fund to further the social and economic welfare of fishermen;

(c) to develop schemes and projects for the welfare of fishermen;

(d) to set up schemes, including schemes in respect of loan other financial assistance,

for the benefit of fishermen; who should make contributions under section 11 (2);
(e.) to do all such things as appear to be necessary and conducive to the promotion of the welfare of fishermen in general.

5. Board

(1) The administration and control of the affairs of the Fund shall vest in a Board to be known as the Board of the Fishermen Welfare Fund.

(2) The Board shall consist of—

- (a) a Chairman appointed by the Minister;
- (b) a representative of the Prime Minister's Office;
- (c) a representative of the Ministry responsible for the subject of Finance;
- (d) a representative of the Ministry responsible for the subject of Fisheries;
- (e) a representative of the Ministry responsible for Rodrigues;
- (f) 2 fishermen, each of whom shall be nominated by one, of the 2 most representative organisations of fishermen;
- (g) one fisherman from the banks fishermen community;
- (h) one fisherman from Rodrigues nominated by the fishermen's associations of Rodrigues;
- (i) one representative of the organisations of operators from the fishing industry, nominated by the organization the members of which produce the highest tonnage of fish.

(3) The members referred to in subsection (2) (f), (g), (h) and (i) shall be appointed by the Minister.

(4) A member shall hold office for a period of 2 years, but shall be eligible for re-appointment.

(5) A person shall cease to hold office if he becomes a member of the National Assembly or a local authority, or the holder of an office in a political party.

(6) The members of the Board shall be paid such fees or allowances as the Minister shall determine.

(7) For the purposes of subsection (2), the expression "most representative organisation of fishermen- means those organizations of fishermen which according to the records of the Registrar of Associations or the Registrar of Cooperatives have the highest number of members.

6. Meetings of Board

- (1) Subject to this Act and to section 37(6) and (8) of the Interpretation and General Clauses Act, the Board shall regulate its proceedings and meetings in such manner as it thinks fit.
- (2) The Board shall meet at least once monthly at such time and place as the Chairman considers appropriate.
- (3) The quorum shall be 6.
- (4) Notwithstanding subsection (3), no meeting shall be held unless it is attended by at least —
 - (a) one representative of government;
 - (b) one of the representatives referred to —
 - (i) in section 5(2)(f),
 - (ii) in section 5(2)(g)\ and
 - (iii) in section 5 {2}(h).
- (5) The Board may set up such sub-committees as may be necessary for the discharge of its functions under this Act.

7. Powers of the Board

- (1) The Board may do all such things as appear requisite and advantageous for the furtherance of the objects of the Fund.
- (2) Without prejudice to the generality of subsection (1), the Board may invest any surplus remaining in the Fund in such manner as the Board may determine, regard being had to the need for an appropriate level of liquidity in the Fund.

8. Appointment of staff

- (1) The Board shall, with the approval of the Minister, and on, such terms and conditions as it may determine, appoint a Secretary to the Board and such other employees as are required for the discharge by the Board of its functions under this Act.
- (2) Every employee shall be under the administrative control and direction of the Secretary.
- (3) The Board may make provision, in such form as it may determine, to govern the conditions of service of employees and, in particular, to deal with —
 - (a) the appointment, dismissal, discipline, pay and leave of, and the security to be given by, employees;

- (b) appeals by employees against criminal or other disciplinary measures; and
- (c) the establishment and maintenance of provident and pension fund scheme and the contributions payable to and the benefits recoverable from those schemes.

9. Protection of members

No liability, civil or criminal, shall attach to any member or employee in respect of any act done or omitted to be done in good faith in the exercise of his functions under this Act.

10. General Fund

Subject to section 11, the Fund shall establish a General Fund—

- (a) into which all money received by the Fund, including such grants as the Fund may receive from Government, shall be paid,
- (b) out of which payments required to be effected by the Fund shall be met.

11. Contribution

- (1) For the purposes of this Act, a licensee of a fishing vessel shall pay into the General Fund such contribution as may be prescribed.
- (2) Any fisherman who wishes to benefit from any scheme set up under section 4(d) shall pay such contribution as may be prescribed into such special fund as the Fund may set up,
- (3) Notwithstanding the contributions paid under subsection (2), the Fund may, out of the General Fund, pay into the special fund such amounts as it may consider necessary in order to meet the objectives of the special fund.

12. Execution of documents

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

- (a) the Chairman or, in his absence, by another member designated by the Board; and
- (b) the Secretary.

13. Powers of the Minister

- (1) The Minister may, in relation to the exercise by the Board of its powers under this Act, after consultation with the Board, give such general directions to the Board as he considers necessary in the interest of fishermen and the Board shall comply with those directions.
- (2) The Minister may require the Board to furnish such information with respect to its

activities as he deems necessary, and the Board shall supply such information.

14. Donations

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

15. Annual report and accounts

(1) The Board shall, not later than 6 months after the close of every financial year furnish to the Minister an annual report, together with an audited statement of accounts and balance sheet, on the operation of the Fund in respect of the financial year ending on 30 June of the same year.

(2) The report of the Board shall be laid before the Assembly.

16. Exemptions

Notwithstanding any other enactment —

(a) refund 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.

17. Winding up

In case of winding up of the Fund, the net assets of the Fund shall accrue to Government.

18. Regulations

The Minister may, after consultation with the Board, make such regulations as he thinks fit for the purposes of this Act.

Passed by the National Assembly on the eighteenth day of July two thousand.

ANDRE POMPON

Clerk of the National Assembly