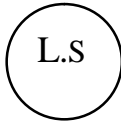


Proclamation No. 36 of 2000

TO FIX THE DATE OF THE COMING INTO OPERATION OF THE
MAURITIUS MUSEUMS COUNCIL ACT 2000

CASSAM UTEEM
President of the Republic

CASSAM UTEEM - By Mr. CASSAM UTEEM, Grand Commander of
the Order of the Star and Key of the Indian Ocean,
President of the Republic of Mauritius.



&c., &c., &c.,

WHEREAS by section 25 of the Mauritius Museums Council Act 2000, it is enacted that the said Act shall come into operation on a date to be fixed by Proclamation.

NOW THEREFORE, by virtue of the said provision, I do hereby proclaim that the said Act shall come into operation on 31 August 2000.

Given at State House, Le Reduit, this 28th day of August, two thousand.

THE MAURITIUS MUSEUMS COUNCIL ACT 2000

Act No. 3 of 2000

I assent

20th June 2000

CASSAM UTEEM
President of the Republic

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Establishment of the Council
4. Objects of the Council
5. Powers and functions of the Council
6. Management of the Council
7. Disclosure of interest
8. Meetings of the Board
9. Termination of appointment
10. National and specialised museums
11. Functions of national and specialised museums
12. Classified museums
13. The Director-General
14. Director
15. Appointment of staff
16. Execution of documents
17. Powers of the Minister
18. Donations
19. Accounts
20. Exemption from duty
21. Regulations
22. Consequential amendments
23. Transitional provisions
24. Repeal
25. Commencement

An Act

To provide for the establishment and management of the Mauritius Museums Council

ENACTED by the Parliament of Mauritius, as follow :-

1. **Short title**

This Act may be cited as the Mauritius Museums Council Act 2000.

2. **Interpretation**

In this Act -

"Board" means the Board established under section 6;

"Chairperson" means the Chairperson of the Board;

"classified museum" means a museum specified in section 12;

"Council" means the Mauritius Museums Council established under section 3;

"Director-General" means the Director-General of the Council appointed under section 13;

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

"Minister" means the Minister to whom responsibility for the subject of arts and culture is assigned;

"National Collection" means all objects and specimens of scientific, cultural, technological, historical, archaeological and artistic value which form part of the collections managed by the Mauritius Museums Council;

"national museum" means a museum specified as such in section 10 and the Schedule;

"specialised museum" means a museum specified as such in section 10 and the Schedule;

3. Establishment of the Council

- (1) There is established for the purpose of this Act a Mauritius Museums Council.
- (2) The Mauritius Museums Council shall be a body corporate.

4. Objects of the Council

The objects of the Council shall be to -

- (a) lead and encourage the formulation of policies in the field of museology;
- (b) develop, maintain and promote national and specialised museums;
- (c) conduct and control the affairs of national or specialised museums and coordinate their activities and services they provide;
- (d) develop and maintain a National Collection as well as keep and maintain a national register of objects and specimens in the National Collection;
- (e) promote the continuous flow of information to the public regarding the professional activities, programmes and projects of the Council and national or specialised museums;
- (f) promote the use of the resources available at national and specialised museums for educational purposes and for research.

5. Powers and functions of the Council

- (1) The Council may in addition to the powers conferred to a statutory body under section 37 of the Interpretation and General Clauses Act exercise the following powers-
 - (a) establish and foster links with other organizations with a purpose similar to its own;
 - (b) raise funds, charge fees, solicit, accept and receive subscriptions, donations, devises and bequests locally and overseas for the purpose of attaining the objects of the Council;
 - (c) purchase any object or specimens which, in the opinion of the Board, is desirable to be acquired for a national or specialised museum;

- (d) establish appropriate purchase procedures from time to time in respect of purchases to be made for a national or specialised museum;
 - (e) erect, operate, maintain and improve buildings to be used for any purpose connected with a national or specialised museum;
 - (f) operate restaurants, lounges, parking facilities, shops and other amenities for the public;
 - (g) make available any of its facilities to other persons and institutions;
 - (h) perform all functions as, in the opinion of the Council, are necessary to further most effectively the objects of the Council.
- (2) The Board may, with the approval of the Minister, exchange, sell or otherwise dispose of any object or specimen not required for the purpose of any national or specialised museum, but no object or specimen which is accessioned and registered as part of the National Collection shall be sold, given away, mortgaged, pledged or in any way permanently disposed of.

6. Management of the Council

- (1) The Council shall be administered and managed by the Mauritius Museums Board.
- (2) The Board shall consist of -
 - (a) a Chairperson, who shall be a person having knowledge of museums or the heritage sector;
 - (b) a representative of the Ministry responsible for the subject of arts and culture;
 - (c) a representative of the Ministry responsible for the subject of finance;
 - (d) a representative of the Ministry responsible for the subject of tourism;
 - (e) a representative of the Ministry responsible for the subject of education;
 - (f) the Director-General and one representative from each national museum; and

- (g) 5 members having knowledge and experience in natural sciences, history, arts, science and technology or any area of knowledge relevant to museums.
- (3)
 - (a) The Minister shall appoint the members of the Board, except the ex-officio members, on such terms and conditions as he thinks fit.
 - (b) Members of the Board shall hold office for a period of 3 years and shall be eligible for re-appointment.
- (4) Every member shall be paid such fees and allowances as the Minister may determine.
- (5) The Board may co-opt such resource persons as it considers necessary to assist it in its deliberations.
- (6)
 - (a) The Board may, in the exercise of its functions under this Act, set up such committees as it thinks fit.
 - (b) Every committee shall elect a rapporteur who shall inform the Board at each meeting of the progress of the work of the committee.

7. Disclosure of interest

A member of the Board who has any direct or indirect interest in any matter about to be considered or being considered by the Board shall forthwith or as soon as practicable after relevant facts have come to his knowledge, disclose in writing the nature of his interest to the Board and shall not be present during any deliberation of, or take part in any decision of, the Board with respect to that matter.

8. Meetings of the Board

- (1) The Board shall meet at such place and time as the Chairperson may determine -
 - (a) at least once every 3 months; and

(b) whenever a request for a meeting is made by the Chairperson or by not less than 3 members.

(2) Seven members shall constitute a quorum.

(3) Subject to this section, the Board shall regulate its meetings and proceedings in such manner as it thinks fit.

9. Termination of appointment

(1) Where a member appointed by the Minister is absent from 3 consecutive meetings of the Board, otherwise than by reason of being on leave recommended by the Board and approved by the Minister or of other valid grounds, the Minister shall terminate his appointment.

(2) A vacancy shall be filled by the Minister in accordance with section 6(3) for the remaining period for which the member was appointed.

10. National and specialised museums

(1) The museums specified in Part I of the Schedule shall be national museums.

(2) The museums specified in Part II of the Schedule shall be specialised museums.

(3) The Board may, subject to the approval of the Minister -

(a) acquire any existing museum with its contents;

(b) establish new national museums or specialised museums;

(c) establish branches of national museums at appropriate places.

11. Functions of national and specialised museums

National and specialised museums shall -

(a) serve as national repositories for items of scientific, archaeological, historical, artistic, cultural, social and technological interest; and

(b) enable research and dissemination of knowledge in science, archaeology, history, literature, technology, arts and culture.

12 Classified museums

- (1) A museum, other than the national and specialised museum, possessing specimens and objects which form part of a private collection, may be recognised by the Board as a classified museum.
- (2) A recognition made under subsection (1) renders a classified museum eligible for assistance in the development and maintenance of the museum, including -
 - (a) the deposition in the museum of specimens and other objects under the control of the Council;
 - (b) the extension to it of the professional and technical services of the Council, to maintain, conserve and advise on the display of, specimens and other objects; and
 - (c) the extension to it of financial assistance.
- (3) The Board shall not extend recognition to a museum under this section, unless it is satisfied that it is -
 - (a) non-profit making and open to the public; and
 - (b) maintained at a standard approved by the Board.
- (4) Where a museum recognised by the Board as a classified museum is not maintained at the approved and agreed standard, the Board may withdraw its recognition.
- (5) Where a recognition has been withdrawn under subsection (4), all specimens and objects deposited by the Council in that museum shall be returned to the care and control of the Board.

13. The Director-General

- (1) The Board shall, with the approval of the Minister, appoint on such terms and conditions as the Board may determine a Director-General of the Council.
- (2) The Director-General shall be responsible for the execution of the policy and decisions of the Board and for the control and management of the day-to-day business of national and specialised museums and all units under the control of the Council.

- (3) In the exercise of his functions, the Director-General shall act in accordance with such directions as he may receive from the Board.

14. Director

- (1) The Board shall, with the approval of the Minister, appoint a Director for each national museum.
- (2) The Director shall be responsible for the control and management of the day to day business of a national museum.

15. Appointment of staff

- (1) The Board may appoint, on such terms and conditions as it may determine, such staff as may be necessary for the purpose of, or in connection with the discharge of its functions.
- (2) Every member of the staff shall be under the administrative control of the Director-General.
- (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 to employees;
 - (b) appeals by employees 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 those schemes.

16. Execution of documents

No document shall be executed by or on behalf of the National Museums unless it is signed by -

- (a) the Chairperson or, in his absence, a member designated by the Board; and
- (b) the Director-General or, in his absence, an officer of the Council designated by the Board.

17. Powers of the 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 give effect to those directions.
- (2) The Board shall, at the request of the Minister, furnish to him such information and such documents in relation to the activities of the Council as he may require.

18. Donations

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

19. Accounts

- (1) The Board shall, on or before 31 October in every year, submit to the Minister a report together with an audited statement of accounts on the operations of the Council in respect of the 12 months ending on 30 June of the same year.
- (2) The Minister shall at the earliest opportunity lay a copy of the report of the Board before the National Assembly.

20. Exemption from duty

Notwithstanding any other enactment -

- (a) the Council shall be exempt from payment of any duty, levy, rate, charge, fee or tax;
- (b) no registration fee shall be payable in respect of any document under which the Council is the sole beneficiary.

21. Regulations

- (1) The Board may, with the approval of the Minister, make such regulations, as it thinks fit for the purposes of this Act.
- (2) Regulations made under subsection (1) may provide for -
 - (a) levy and collection of fees or charges;
 - (b) amendment of the Schedule.

22. Consequential amendments

- (1) The Statutory Bodies (Accounts and Audit) Act is amended in Part II of the Schedule by adding in its appropriate alphabetical order, the following -

Mauritius Museums Council

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

23. Transitional provisions

- (1) Notwithstanding the Statutory Bodies (Accounts and Audit) Act -
 - (a) the period extending from the coming into operation of this Act to 30 June next following shall be deemed to be the first financial year of the Council.
 - (b) Section 7(1) of the Statutory Bodies (Accounts and Audit) Act shall not apply in relation to the first financial year of the Council.
- (2) Notwithstanding any other enactment, the Council shall, within a period of one year after the date of coming into force of this Act, offer to every public officer who, immediately before that date, is in the public service for the purposes of, or in connection with any of the objects of the Council under this Act, the opportunity to be transferred to the Council from such date and on such terms and conditions, including accrued pension rights in accordance with the Statutory Bodies Pension Funds Act, being terms and conditions not less favourable than those of their current employment in the public service, as may be specified in the offer.
- (3) An officer who fails to accept in writing an offer made to him by the Council under subsection (2) within 6 months after such offer has been made to him, shall be deemed to have refused such offer and the officer shall be deemed to have retired from the service on the ground of abolition of office unless he is offered and accepts posting elsewhere in the public service.

- (4) A person who, immediately before the day this Act comes into operation, is employed by the Mahatma Gandhi Institute for the purposes of, or in connection with any of the objects of the Council under this Act, shall -
- (a) where he is not employed by the Council, be entitled to such compensation as may be provided in his contract of employment or by law;
 - (b) not be entitled to any compensation where that person is appointed to the staff of the Council without break in the continuity of employment and on terms not less favourable than those of his previous employment with the Mahatma Gandhi Institute.
- (5) On the day this Act comes into operation -
- (a) all the assets and liabilities of any national or specialised museums shall vest in the Council without compliance with any other formality and the Council shall have all the powers necessary to take possession of, recover and deal with, those assets and discharge those liabilities;
 - (b) the State may, notwithstanding the State Land Act, grant to the Council, upon such terms and conditions as it thinks fit, any interest in and over State land which, immediately before the coming into operation of this Act, was occupied in relation to any of the objects of the Council under this Act.

24. **Repeal**

The Mauritius Institute Advisory Council Act 1985 is repealed.

24. **Commencement**

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

Passed by the National Assembly on the thirtieth day of May two Thousand.

André POMPON
Clerk of the National Assembly

SCHEDULE
PART 1
(Section 10(1))

National Museums

- (1) National History Museum of Mahebourg .
- (2) Natural History Museum of the Mauritius Institute

PART II
(Section 10(2))

Specialised Museums

- (1) SSR Memorial Centre for Culture
- (2) Frederik Hendrik Museum
- (3) Museum of Indian Immigration, Mahatma Gandhi Institute
- (4) Sookdeo Bissoondoyal Memorial Museum
- (5) Postal Museum
- (6) Robert Edward Hart Memorial Museum