THE TRUST FUND FOR SPECIALISED MEDICAL CARE ACT 1992

Act No. 52 of 1992

Proclaimed by [Proclamation No. 4 of 1993] w.e.f. 12th March 1993

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Establishment of the Trust Fund
4. Objects of the Fund
5. Management of the Fund
6. Powers of the Board
7. Executive Director
8. Appointment of staff
9. Protection of officers
10. Execution of documents
11. Powers of the minister
12. Donations
13. Accounts of the Fund
14. Regulations
15. Consequential amendments
16. Commencement

An Act

To provide for the setting up of a trust fund for the provision of Specialised medical care

ENACTED by the Parliament of Mauritius, as follows-

1. Short title.

This Act may be cited as the Trust Fund for Specialised Medical Care Act 1992.

2. Interpretation

"Board" means the Board of Trustees established under section 5;

"Executive Director" means the officer appointed under section 7;

"Fund" means the Trust Fund for Specialised Medical Care 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 health is assigned.

3. Establishment of the Trust Fund
(1) There is established for the purposes of this Act a trust fund to be known as the Trust Fund for Specialised Medical Care.

(2) The Fund shall be a body corporate.

4. Objects of the Fund

The objects of the Fund are-

(a) to set up and operate a Specialised Medical Care Centre;

(b) to set up and manage other institutions for the Provision of high-tech medical care.

5. Management of the Fund

(1) The Fund shall be administered and managed by a Board of Trustees which shall comprise-

(a) a Chairman appointed by the Minister;

(b) the Permanent Secretary, Ministry of Health;

(c) the Chief Medical Officer;

(d) a representative of the Prime Minister's Office;

(e) a representative of the Ministry of Finance;

(f) a representative of the Ministry of Social Security and National Solidarity;

(g) the Executive Director;

(h) two independent persons appointed by the Minister.

(2) The Chairman and every member specified in subsection (1) (h) shall hold office for 2 years but shall be eligible for reappointment.

(3) The Board shall be convened at least once a month by the Chairman at such time and place as he thinks fit.

(4) 5 members shall constitute a quorum,

(5) Every member shall be paid such fees and allowances as the Minister may determine.

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

6. Powers of the Board
The Board may do all such things as appear requisite and advantageous in furtherance of the objects of the Fund and may, in particular-

(a) raise funds in such manner as may be prescribed;

(b) buy or sell property;

(c) charge fees for the provision of medical care;

(d) receive grants in aid, gifts, donations or legacies.

7. Executive Director

The Board shall, with the approval of the Minister, appoint on such terms and conditions as the Board may determine, an Executive Director who shall be responsible for-

(a) the execution of the policy of the Board;

(b) the day to day management of the Fund;

(c) the management of the Specialised Medical Care Centre.

8. Appointment of staff

(1) The Board may appoint on such terms and conditions as it may determine such officers as may be reasonably necessary for the discharge of the functions of the Fund.

(2) All officers shall be under the administrative control of the Executive Director.

9. Protection of officers

No liability, civil or criminal, shall attach to any officer in respect of any act which is done or omitted by him in good faith in the execution or purported execution of the duties of the Fund under this Act.

10. 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 a member designated by the Board; and

(b) the Executive Director or, in his absence, by another officer of the Fund designated by the Board.

11. Powers of the Minister

The Minister may, after consultation with the Board, 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 comply with these directions.
12. Donations

Article 910 of the Code Napoleon shall not apply to any donation received by the Fund.

13. Accounts of the Fund

(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 Fund in respect of the 12 months ending on 30 June of the same year.

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

14. Regulations

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

(2) Any regulation made under subsection (1) may provide for the levy of fees and charges.

15. Consequential amendments

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

The Trust Fund for Specialised Medical Care

(2) For the purpose of the Statutory Bodies (Accounts and Audit) Act, the period extending from the commencement of this act to 30 June 1993, shall be deemed to be the first financial year of the Fund.

(3) Section 7 (1) 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 5(1) of the Statutory Bodies (Accounts and Audit) Act shall be the Director of Audit.

17. Commencement

Proclaimed by [Proclamation No. 4 of 1993] w.e.f. 12th March 1993