

# OUTER ISLANDS DEVELOPMENT CORPORATION ACT

Act 41 of 1982 – 16 March 1983

## ARRANGEMENT OF SECTIONS

1. Short title
2. Interpretation
3. Establishment of Corporation
4. Objects of Corporation
5. Powers of Corporation
6. The Board
7. Meetings of Board
8. Delegation of powers
9. General Manager
10. Appointment of employees
11. Conditions of service of employees
12. Protection from liability
13. Powers of Minister
14. Principles of financial management
15. Capital of Corporation
16. Assets of Corporation
17. Revenue of Corporation
18. General Fund and Reserve Fund
19. Charges to General Fund
20. Investments
21. Raising of funds
22. Estimates
23. Valuation
24. Facilities for employees and their families
25. Exemptions
26. Regulations
27. – 30. —

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## OUTER ISLANDS DEVELOPMENT CORPORATION ACT

### 1. Short title

This Act may be cited as the Outer Islands Development Corporation Act.

### 2. Interpretation

In this Act—

“Board” means the Outer Islands Development Board referred to in section 6;

“Chairperson” means the Chairperson of the Board;

“Corporation” means the Outer Islands Development Corporation established under section 3;

“employee” means an employee of the Corporation;

“General Manager” means the person appointed as such under section 9;

“local authority” has the same meaning as in the Local Government Act 2011;

“member” means a member of the Board and includes the Chairperson;

“Minister” means the Minister to whom responsibility for the Outer Islands is assigned;

“Outer Islands” means all the islands comprised in the State of Mauritius other than the Islands of Mauritius and Rodrigues.

[S. 2 amended by Act 3 of 1986; s. 165 (12) of Act 36 of 2011 w.e.f. 15 December 2011.]

### **3. Establishment of Corporation**

There is established for the purposes of this Act an Outer Islands Development Corporation which shall be a body corporate.

### **4. Objects of Corporation**

The Corporation shall—

- (a) be responsible for the management and development of the Outer Islands;
- (b) advise the Minister on—
  - (i) the development of such activities as may lead to a more economic exploitation of the Outer Islands;
  - (ii) the grant or determination of leases over the Outer Islands on such terms and conditions as shall warrant their optimum use.

### **5. Powers of Corporation**

The Corporation may enter into an agreement with any person—

- (a) for the performance, or provision, by that person of any service or facility which the Corporation is authorised to perform or provide; or
- (b) to provide for, or to facilitate, the assessment, collection or recovery of any amount payable by or to the Corporation.

### **6. The Board**

(1) (a) The administration of the affairs of the Corporation shall vest in a Board which shall be known as the Outer Islands Development Board.

(b) The Board shall perform, exercise and discharge the functions, powers and duties of the Corporation.

(2) The Board shall consist of—

- (a) a Chairperson;
- (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) —
- (f) a representative of the Ministry responsible for the subject of public infrastructure;
- (g) the Director of the Meteorological Services or his representative;
- (h) the Director of Civil Aviation or his representative;
- (i) a person with experience in fishing activities;
- (j) a person with experience of work conditions on the Outer Islands;
- (k) a person with experience of the Outer Islands.

(3) The persons mentioned in subsection (2) (a) and (i) to (k)—

- (a) shall be appointed by the Minister; and
- (b) shall hold office for 3 years but shall be eligible for reappointment.

(4) (a) A member of the Assembly or of a local authority shall not be a member.

- (b) Every member shall vacate his office if he becomes a member of the Assembly or of a local authority.
- (c) The seat of a member, other than an *ex officio* member, shall become vacant if he absents without a valid reason from 3 consecutive meetings of the Board.

(5) Every member shall be paid by the Corporation such fees and allowances as the Board may, with the approval of the Minister, determine.

[S. 6 amended by Act 51 of 1984; Act 3 of 1986.]

## **7. Meetings of Board**

(1) The Board shall meet at such time and place as the Chairperson thinks fit or as may be requested by no fewer than 3 members.

(2) Six members of the Board shall constitute a quorum.

(3) Where the Corporation proposes to transact business with a member, or an undertaking belonging to a member or in which a member is a partner or shareholder, or an undertaking or an organisation in which a member has a direct or indirect interest, the member shall, as soon as practicable, disclose his interest to the Board and shall not—

- (a) unless authorised by the Board, take part in the consideration or discussion of any question relating to the business; or
- (b) vote on the question.

## **8. Delegation of powers**

(1) Subject to subsection (2) and to such instructions and rules of a general nature as it may give or make, the Board may delegate to a committee consisting of not less than 3 members, or to the General Manager, such of its powers under this Act as may be necessary to assist in the effective management of the business of the Corporation, other than the power—

- (a) to borrow money;
- (b) to make investments; or
- (c) to enter into any transaction in respect of capital expenditure which exceeds 100,000 rupees.

(2) (a) No document shall be executed by or on behalf of the Corporation unless it is signed by the General Manager and the Chairperson or, in the absence of the Chairperson, any other member appointed by the Board for the purpose.

- (b) Notwithstanding paragraph (a), any document to which the Corporation is a party may be signed by any other person nominated for the purpose by the Board and shall, when so signed, be deemed to be duly executed by or on behalf of the Corporation.

## **9. General Manager**

(1) There shall be a chief executive officer of the Corporation who shall—

- (a) be known as the General Manager; and
- (b) be appointed by the Board with the approval of the Minister.

(2) The General Manager shall be responsible for the execution of the policy of the Board and for the control and management of the day-to-day business of the Corporation.

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

(4) The General Manager may, with the approval of the Board, delegate his functions, or any power delegated to him under this section, to an employee.

#### **10. Appointment of employees**

(1) The Board may appoint, on such terms and conditions as it thinks fit, such employees as may be necessary for the proper discharge of the functions of the Corporation.

(2) Every employee shall be under the administrative control of the General Manager.

#### **11. Conditions of service of employees**

(1) 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 the employees against dismissal, or any 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.

(2) No employee shall stand as a candidate for election to the Assembly or a local authority.

#### **12. Protection from liability**

No liability, civil or criminal, shall attach to any member or employee or to the Corporation in respect of loss arising from the exercise in good faith by a member or an employee or the Corporation of his or its functions under this Act.

#### **13. Powers of Minister**

(1) The Minister may, in relation to the exercise by the Board of the powers of the Corporation under this Act, after consultation with the Board, give such directions to the Board, not inconsistent with this Act, as he considers to be necessary in the public interest and the Board shall comply with those directions.

(2) The General Manager shall furnish to the Minister such returns or copies of such documents, including the minutes of proceedings of the Board, the accounts of the Corporation and such other information in respect of the activities of the Corporation, as the Minister may require.

#### **14. Principles of financial management**

The Corporation shall conduct its business according to sound commercial principles.

#### **15. Capital of Corporation**

(1) The initial capital of the Corporation shall be the net value of the assets vested in the Corporation under section 16 (1) and (2).

(2) The initial capital of the Corporation may be increased by such amount as may be determined by the Board, with the approval of the Minister.

(3) The amount of any increase of the capital of the Corporation under subsection (2) shall be paid to the Corporation out of—

- (a) the Capital Fund in such instalments as the Minister may, after consultation with the Board, determine;
- (b) such other money whether consisting of reserves, undistributed profits or other funds at the disposal of the Corporation as the Minister may approve.

## **16. Assets of Corporation**

(1) The coconut plantations existing on Agaléga and all buildings, equipment and facilities connected therewith shall vest in the Corporation.

(2) The lease rentals in respect of the Cargados Carajos group of islands shall accrue to the Corporation.

(3) The Minister may, by regulations, designate other public property that shall vest in the Corporation.

## **17. Revenue of Corporation**

The Board may fix—

- (a) the purchase or sale price of copra;
- (b) the purchase or sale price of any other agricultural or fishing product obtained from the Outer Islands;
- (c) any lease rentals that may be levied;
- (d) the purchase or sale price of guano.

## **18. General Fund and Reserve Fund**

(1) The Corporation shall establish a General Fund—

- (a) into which all monies received by the Corporation shall be paid; and
- (b) out of which all payments required to be made by the Corporation shall be effected.

(2) The Corporation may, establish such other funds as may be required and shall establish a Reserve Fund for such purposes as may be prescribed.

## **19. Charges to General Fund**

The Corporation may, in the discharge of its functions and in accordance with the terms and conditions upon which its funds may have been obtained or derived, charge to the General Fund all remunerations, allowances, salaries, fees, pensions and superannuation fund contributions, gratuities, working expenses and all other charges properly arising, including any necessary capital expenditure.

## **20. Investments**

The Board may invest, on such terms and conditions as it may determine, any part of the funds of the Corporation which is not required to meet its liabilities.

## **21. Raising of funds**

The Corporation may, with the approval of the Minister responsible for the subject of finance, raise funds on such terms and conditions as the Board may determine.

## **22. Estimates**

(1) The Board shall, not less than 3 months before the beginning of every financial year, submit to the Minister an estimate of the income and expenditure of the Board for the financial year.

(2) (a) The Minister shall, before the beginning of the financial year, but subject to paragraph (b), signify in writing to the Board his approval of the estimate.

(b) In signifying his approval under paragraph (a), the Minister may—

- (i) approve part only of the expenditure under any item;
- (ii) direct the Board to amend the estimate in respect of any item.

(3) The Corporation shall not incur any expenditure in excess of 100,000 rupees unless it has been approved by the Minister under this section.

(4) No contract, the consideration for which is in excess of 50,000 rupees, shall be awarded by the Corporation unless the award has been recommended by a committee of members appointed for that purpose in accordance with the procedure laid down by the Board.

(5) —

### **23. Valuation**

(1) The Board shall cause periodic valuations of the assets and liabilities of the Corporation to be made by persons appointed by the Board with the approval of the Minister.

(2) A report of any valuation made under subsection (1) shall be submitted to the Minister.

### **24. Facilities for employees and their families**

(1) Subject to such conditions as may be prescribed, the Corporation shall provide suitable housing accommodation in the Outer Islands for its employees and their families.

(2) The Corporation may establish and maintain on the Outer Islands—

- (a) a crèche for the children of the employees; and
- (b) a social welfare hall, a dispensary, and such other facilities as the Board may determine for the employees and their families.

### **25. Exemptions**

Notwithstanding any other enactment, the Corporation shall be exempt from the payment of any duty, rate, charge, fee or tax.

### **26. Regulations**

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

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