

THE SUGAR CANE PLANTERS TRUST ACT 1997

Act No. 3 of 1997

I assent

C. UTEEM

22nd April 1997

President of the Republic

ARRANGEMENT OF SECTIONS

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An Act

**To provide for the setting up and management of
a Sugar Cane Planters Trust**

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Sugar Cane Planters Trust Act 1997.

2. Interpretation

In this Act –

“Board” means the Board of Trustees appointed under section 5;

“factory area” has the same meaning as in the Cane Planters and Millers Arbitration and Control Board Act, but does not include any factory area other than a factory area referred to in section 5;

“member” means a member of the Board;

“Minister” means the Minister to whom responsibility for the subject of agriculture is assigned;

“planter” means a former tea planter who is entitled to proceeds from the Trust;

“Trust” means the Sugar Cane Planters Trust established under section 3.

3. Establishment of Trust

There is established for the purposes of this Act the Sugar Cane Planters Trust which shall be a body corporate.

4. Objects of the Trust

The objects of the Trust shall be to –

- (a) manage the state lands leased to the Trust and on which sugar cane will be cultivated on behalf of planters;
- (b) hire the services of contractors for the purposes of land clearing, and land preparation and for planting, harvesting, loading and transporting cane to sugar factories;
- (c) invest in diversification schemes related to cane production, such as interline growing of specific food crops;
- (d) maintain the financial control of all operations related to cane production;
- (e) keep accounts in respect of, and manage, monies derived from the sales of canes;
- (f) distribute to planters profits from cane cultivation according to the factory area where the sugar cane is cultivated.

5. Board of Trustees

- 1) The Minister shall appoint a Board of Trustees to manage the Trust.
- 2) The Board shall consist of –
 - (a) a Chairman to be appointed by the Minister;
 - (b) a representative of the Ministry of Agriculture and Natural Resources;
 - (c) a representative of the Ministry of Finance;
 - (d) a representative of the Mauritius Sugar Authority;
 - (e) a representative of the Farmers' Service Corporation;
 - (f) a representative of the Mauritius Sugar Producers' Association;
 - (g) a representative of the Mauritius Sugar Industry Research Institute;
 - (h) one planter elected among planters from the factory area of Mon Desert Alma;
 - (i) one planter elected among planters from the factory area of Rose Belle;
 - (j) one planter elected among planters from the factory area of Highlands;
 - and
 - (k) one planter elected among planters from the factory area of F.U.E.L.
- 3). The Chairman and the other members shall hold office for a period of 3 years and shall be eligible for re-appointment.
- 4). Five members shall constitute a quorum.
- 5). The Board shall meet not less than 4 times a year.

6. Employees of the Trust

- 1) The Board shall appoint a Secretary-Manager and a Technical Adviser on such terms and conditions as it thinks fit.
- 2) The Secretary-Manager shall –
 - (a) work under the direct supervision of the Board;
 - (b) keep all books, records, deeds, documents and minutes of proceeding of the Board;

- (c) act as secretary to the Board and to the Trust; and
- (d) be responsible for –
 - i. the execution of the policies of the Board; and
 - ii. the day-to-day management of the affairs of the Trust.

3). The Technical Adviser shall monitor and control field activities related to production of sugar cane and food crops and shall report directly to the Board on technical matters related to production.

4). The Board shall, with the approval of the Minister, appoint on such terms and conditions as it may determine such other staff as it may deem necessary for the proper discharge of the functions of the Trust.

7. General Fund

- 1) There shall be a general fund into which shall be paid all monies accruing to the Trust.
- 2) The Board shall charge to the general fund such expenditure as is necessary for the attainment of the objects of the Trust.

8. Separate accounts in respect of each factory area

- 1) The Secretary-Manager shall, in respect of all transactions relating to the cultivation of sugar cane in each factory area, keep a separate account.
- 2) Profits from the sale of sugar cane produced in each factory area shall be distributed exclusively and in a fair and equitable manner to planters in that factory area.

9. Annual report

- 1) The Board shall, not later than 3 months after the close of every financial year, submit to the Minister a report together with an audited statement of accounts on the operations of the Trust in respect of that financial year.

- 2) The statement of accounts and balance sheet of the Trust shall be audited by a qualified auditor appointed by the Board.
- 3) In this section “qualified auditor” has the meaning assigned to in the Statutory Bodies (Accounts and Audit) Act.
- 4) The Technical Adviser shall submit an annual report to the Board.

10. Execution of documents

Every document relating to the Trust shall be signed by the Chairman and the Secretary-Manager of the Trust or by 2 other members designated by the Board.

11. Trust Property

The property of the Trust shall be applied towards the furtherance of the objects of the Trust and no portion of that property shall be distributed or transferred in any manner by way of dividend, bonus or otherwise.

12. Donations and legacies

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

13. Exemptions

Notwithstanding any other enactment –

- (a) the Trust shall not pay any duty, rate, charge, fee or tax;
- (b) no stamp duty or registration fee shall be payable in respect of any other document which the Trust is the sole beneficiary.

14. Dissolution

- 1) The Trust may, with the approval of the Minister, be dissolved by the unanimous decision of the Board.
- 2) In the event of the dissolution of the Trust, all assets of the Trust shall be transferred to such organisation as may be designated by the Board.

15. Regulations

- 1) The Board may, with the approval of the Minister, make such regulations as it thinks for the purposes of this Act.
- 2) Any regulations made under subsection (1) may provide that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 5000 rupees and to imprisonment for a term not exceeding one year.

16. Consequential amendment

- 1) The Statutory Bodies (Accounts and Audit) is amended in Part II of the Schedule by adding the following item –
Sugar Cane Planters Trust
- 2) Notwithstanding the Statutory Bodies (Accounts and Audit) Act –
 - (a) the period extending from the commencement of this Act to 30 June following shall be deemed to be the first financial year of the Trust;
and
 - (b) section 7(1) of that Act shall not apply in relation to the first year of the Trust.

17. Commencement

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

Passed by the National Assembly on the seventh day of April one thousand nine hundred and ninety-seven.

ANDRÉ POMPON

Clerk of the National Assembly