

THE EMPLOYEES' WELFARE FUND ACT 1995

Act 13/1995

Date in force: 1st July 1995

ARRANGEMENT OF SECTIONS

Section

1. [Short title](#)
2. [Interpretation](#)
3. [Establishment of the Fund](#)
4. [Objects of the Fund](#)
5. [Board](#)
6. [Meeting of the Board](#)
7. [Powers of the Board](#)
8. [Appointment of staff](#)
9. [Protection of members](#)
10. [General Fund](#)
11. [Execution of documents](#)
12. [Powers of the Minister](#)
13. [Donations](#)
14. [Annual report and accounts](#)
15. [Regulations](#)
16. [Consequential amendments](#)
17. [Transitional provisions](#)
18. [Commencement](#)

An Act

To provide for the establishment and management of a welfare fund for the benefit of employees and their families

ENACTED by the Parliament of Mauritius as follows –

1. Short title

This Act may be cited as the Employees 'Welfare Fund Act1995.

2. Interpretation

In this Act -

"Chairman" means the Chairman of the Board;

"Board" means the Board set up under section 5:

"employee" means any person in employment aged 18 and above who –

- (i) contributes to the National Savings Fund;

- (ii) is a public officer;
- (iii) is an officer of a parastatal body or a local authority;

"Fund" means the Employees' Welfare Fund;

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

3. Establishment of the Fund

- (1) There is established for the purposes of this Act a Fund which shall be known as the Employees' Welfare Fund.
- (2) The Fund shall be a body corporate.

4. Objects of the Fund

The objects of the Fund shall be –

- (a) to manage the financial and other resources of the Fund;
- (b) to set up and operate schemes and projects for the welfare of employees and their families;
- (c) to give loans or financial assistance to employees or their families for such purposes as may be determined by the Board;
- (d) to do all such things as appear to be necessary and conducive to the promotion of the welfare of employees and their families in general.

5. Board

- (1) The Fund shall be administered and managed by a Board.
- (2) The Board shall consist of -
 - (a) a Chairman to be appointed by the Minister after consultation with representatives of employers and employees;
 - (b) 3 representatives of Government;
 - (c) 3 representatives of employees appointed by the Minister after consultation with the trade unions;
 - (d) 3 representatives of employers appointed by the Minister after consultation with the Mauritius Employers' Federation.
- (3) The members specified in paragraphs 2 (b) to (d) shall hold office for a period of 2 years and shall be eligible for re-appointment.

- (4) No person who is a member of the National Assembly shall be a member.
- (5) Every member of the Board may be paid such fees as the Board may, with the approval of the Minister, determine.

6. Meetings of Board

- (1) The Board shall meet at least once monthly at such time and place as the Chairman may consider appropriate.
- (2) The quorum shall be 5 members including at least one representative each from the Government, employers and employees.
- (3) Subject to the other provisions of this Act, the Board shall regulate its proceedings and meetings in such manner as it thinks fit.

7. Powers of the Board

- (1) The Board may do all such things as appear requisite and advantageous in 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.
- (3) The Board may set up such sub-committees as may be necessary for the discharge of its functions under this Act.

8. Appointment of staff

- (1) The Board, may appoint or employ, on such terms and conditions as it may determine, such officers as may be reasonably necessary for the proper discharge of its functions under this Act.
- (2) The officers shall be under the administrative control of the Board or of any person designated by the Board.

9. Protection of members

No liability, civil or criminal, shall attach to any member or officer of the Fund 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

- (1) The Fund shall establish a General Fund –
 - (a) into which all money received by the Fund shall be paid;
 - (b) out of which all payments required to be effected by the Fund shall be met.

- (2) The Fund shall consist of –
- (a) all monthly contributions paid under the Finance and Audit (Employees' Welfare Fund) Regulations, 1991, as at 30 June 1994;
 - (b) all investments made by the Employees' Welfare Fund created under the Finance and Audit (Employees' Welfare Fund) Regulations 1991;
 - (c) all other monies lawfully accruing to it.

10A. Employees' Real Estate Investment Trust

- (1) There shall be a unit trust scheme which shall be known as the Employees' Real Estate Investment Trust and which shall be deemed to be an authorised scheme for the purposes of the Unit Trust Act.
- (2) The objects of the Trust shall be, directly or through such body controlled by it as may be approved by the Minister, to purchase, lease or otherwise acquire land, manage, develop and sell, transfer or otherwise dispose of such land, and do all other things as are incidental thereto and connected therewith, for the promotion of the welfare and benefit of employees.
- (3) Notwithstanding section 10(1)(b), a sum of 350 million rupees in cash or its cash equivalent shall, on the setting up of the Trust, be transferred from the Fund to the Trust for investment in the manner referred to in subsection (2).
- (4) In consideration of the transfer referred to in subsection (3), the Trust shall issue to every person who is an employee as at 30 June 2004 one unit in the Trust.
- (5) For the purposes of the Sugar Industry Efficiency Act 2001, the Employees' Real Estate Investment Trust shall be a specified entity and shall accordingly be exempt from any duty, tax or fee payable under -
 - (a) the Registration Duty Act;
 - (b) the Stamp Duty Act;

- (c) the Land (Duties and Taxes) Act;
 - (d) the Morcellement Act; and
 - (e) the Sugar Industry Efficiency Act 2001 in respect of land conversion tax.
- (6) Any unit issued under subsection (4) shall be exempt from registration duty under the Registration Duty Act.
- (7) The income of the Employees' Real Estate Investment Trust and the value of any unit received by an employee under the National Savings Fund Act from, or any distributions made by, the Employees' Real Estate Investment Trust shall be exempt from income tax.
- (8) In this section -

“employee” has the same meaning as in the National Savings Fund Act;

‘Trust’ means the Employees' Real Estate Investment Trust.

Added by [\[Act No. 28 of 2004\]](#)

11. Execution of documents

- (1) 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) an officer appointed by the Board.
- (2) Any document signed in accordance with subsection (1) shall be deemed to be duly executed by or on behalf of the Fund.

12. 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 directions of general character to the Board as he considers necessary in the interest of employees, and the Board shall comply with those directions.
- (2) The Fund shall furnish to the Minister such information with respect to its activities as the Minister may require.

13. Donations

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

14. Annual report and accounts

- (1) The Board shall, not later than 6 months after the end of every financial year, furnish to the Minister a report together with an audited statement of accounts on the operation of the Fund in respect of the period of 12 months ending 30 June of the same year.
- (2) The report of the Board shall be laid before the National Assembly.

15. Regulations

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

16. Consequential amendments

- (1) Subject to subsections (2) and (3), the Statutory Bodies (Accounts and Audit) Act is amended in Part II of the Schedule by adding the following in its appropriate alphabetical order –

The Employees' Welfare Fund
- (2) Sections 5 and 7 (1) of the Statutory Bodies (Accounts and Audit) Act shall not apply in relation to the first financial year of the Board.
- (3) The auditor to be appointed under section 5 (1) of the Statutory Bodies (Accounts and Audit) Act shall be the Director of Audit.

17. Transitional provisions

- (1) All sums representing, and represented by contributions made as at 30 June 1994 and credited by the National Pensions Fund to the Employees' Welfare Fund established under the Finance and Audit Act and all investments made in the name of that Employees' Welfare Fund as at the date of coming into force of this Act, shall vest in the Fund.
- (2) Notwithstanding any other provisions of this Act, a lump sum in such amount as may be determined by the Board, may be paid out of the Fund to every person -
 - (a) in respect of whom a contribution was made during the period commencing on 1 July, 1991 and ending on 30 June, 1994 under the Finance and Audit (Employees' Welfare Fund) Regulations 1991; and
 - (b) who retired during the period specified in paragraph (a)."

18. Commencement

This Act shall be deemed to have come into operation on 1 July, 1995.

Passed by the National Assembly on the eighteenth day of July one thousand nine hundred and ninety-five.