

NATIONAL TRANSPORT CORPORATION ACT 5 of 1979 – 25 July 1979

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NATIONAL TRANSPORT CORPORATION ACT

1. Short title

This Act may be cited as the National Transport Corporation Act.

2. Interpretation

In this Act—

“Board” means the Board of Directors of the Corporation referred to in section 5;

“Corporation” means the National Transport Corporation established under section 3;

“Minister” means the Minister to whom responsibility for the subject of land transport is assigned.

3. Establishment of Corporation

(1) There is established for the purposes of this Act the National Transport Corporation.

(2) The Corporation shall be a body corporate.

4. Objects of Corporation

(1) The object of the Corporation shall be to establish and operate public transport services and any other ancillary service in Mauritius.

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(2) The Corporation shall, in carrying out its objects under subsection (1), have due regard to the interest of the travelling public and of the employees of the existing bus companies.

(3) The Corporation shall, in carrying out its objects, operate on commercial principles and shall ensure that it earns a reasonable return on its capital investments.

5. The Board

(1) The Corporation shall be administered by a Board of Directors.

(2) The Board of Directors shall consist of—

(a) a Chairperson appointed by the Minister on such terms and conditions as he may determine;

(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 works;

(e) a representative of the Ministry responsible for the subject of economic planning and development;

(f) a representative of the Ministry responsible for the subject of labour;

(g) one representative of the workers of the Corporation elected by those workers in such manner as may be prescribed, and appointed by the Minister; and

(h) not more than 2 persons with wide knowledge and experience in the fields of transport, business or management, and appointed by the Minister.

(3) The members of the Board other than ex officio members shall hold office for a period of 3 years and shall, at the end of the term of office, be eligible for reappointment.

(4) The Board shall meet at least once a month at such time and place as the Chairperson may appoint.

(5) Notice of every meeting shall be given to the members by the General Manager.

(6) The quorum of the Board shall be 4.

(7) No person shall be qualified to be appointed a member of the Board who is—

(a) a member of the Assembly or of a local authority; or

(b) an office-bearer of a political party. [S. 5 amended by Act 2 of 1984; Act 59 of 1985.]

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6. Powers of Minister

(1) The Minister may, after consultation with the Board, give to it directions of a general character as to the exercise and performance of its functions in relation to matters concerning the public interest.

(2) The Board shall furnish to the Minister such reports and other information with respect to the activities of the Corporation, in such manner and at such time, as the Minister may require.

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

[S. 6 amended by Act 2 of 1984.]

7. General Manager

(1) There shall be a chief executive officer of the Corporation who shall— (a) be known as the General Manager; (b) be appointed by the Board, with the approval of the Minister, on

such terms and conditions as it may determine; and (c) attend every meeting of the Board and take part in its delibera-

tions but who shall not be entitled to vote on any question before the Board.

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

(3) The General Manager may, with the approval of the Board, delegate any of his functions to such officer as he may determine.

[S. 7 amended by Act 2 of 1984.]

8. Delegation of powers to General Manager

The Board may, subject to such instructions and rules of a general nature as it may give or make, delegate to the General Manager such of its powers as are necessary to enable him to transact effectively the day-to-day business of the Corporation.

9. Appointment of staff

(1) The Board may appoint, with the approval of the Minister, on such terms and conditions as it thinks fit, such staff as may be necessary for the proper discharge of its functions under this Act.

(2) The staff of the Corporation shall be under the administrative control of the General Manager.

[S. 9 amended by Act 2 of 1984.]

9A. Conditions of service of staff

The Board may, with the approval of the Minister, make provision for the conditions of service of the staff of the Corporation, and, in particular, for— (a) the appointment, dismissal, discipline, pay and leave of, and the security to be given by, staff; and

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(b) appeals by staff against dismissal and other disciplinary measures. [S. 9A amended by Act 2 of 1984.]

10. Share capital

(1) Subject to subsection (2), the share capital of the Corporation shall be 10,000,000 rupees, made up of 1,000,000 shares of 10 rupees each, to be allotted as follows—

(a) 400,000 shares shall be fully subscribed by Government;

(b) the remaining shares shall be subscribed, at such time and in such manner, by such persons as the Board may determine.

(2) The Board may, by resolution, increase the share capital of the Corporation and any such resolution shall make provision for the subscription of the increase.

11. General Fund

The Corporation shall establish a General Fund—

(a) into which all money received by the Corporation shall be paid; and

(b) out of which all payments required to be made by the Corporation shall be paid.

12. Receipt of money

The Corporation may receive—

(a) any money appropriated from the Consolidated Fund or Capital Fund;

(b) any money lawfully accruing to the Corporation from any other source.

13. Raising of funds

Subject to the approval of the Minister, the Corporation may—

(a) raise funds upon such terms and conditions as the Board may determine by—

(i) negotiations of loans within or outside Mauritius;

(ii) the issue of shares, debentures or certificates of indebtedness;

(iii) negotiations or arrangements with any bank for overdraft facilities;

(b) secure the repayment of any fund raised under paragraph (a) by a charge or mortgage over the whole or part of its assets or otherwise as the Board thinks fit.

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14. Depreciation Fund

The Corporation shall establish a Depreciation Fund into which shall be paid such sums as the Board may approve for the purpose of meeting the cost of depreciation of equipment and its replacement.

15. Reserve Fund

(1) The Corporation shall establish a Reserve Fund into which shall be paid yearly such sums as the Board may determine, after payment of expenses authorised to be incurred under this Act.

(2) The Board may, with the approval of the Minister, apply the Reserve Fund for—

(a) the payment of contingencies;

(b) the redemption of any debt or liability of the Corporation;

(c) the equalisation of dividends; or

(d) the distribution of a share of profits to the staff of the Corporation in such manner and at such time as it may determine.

16. Investment of funds

The Corporation may invest, on such terms and conditions as it may determine, such part of its funds, including any sums credited to the Reserve Fund, as are not required to meet its liabilities.

17. Charges to General Fund

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

18. Loan redemption and depreciation

The Corporation shall make adequate provision for—

(a) the redemption of loans at due time;

(b) interest on all other charges and expenses incurred in connection with loans;
and

(c) the depreciation or diminution in value of its assets.

19. Estimates

(1) The Corporation shall, at least 3 months before the beginning of every financial year, submit to the Minister, in such manner as he may approve, an estimate of

the income and expenditure of the Corporation for that financial year.

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

(b) In signifying his approval under paragraph (a), the Minister may— (i) approve part only of the expenditure under any item; (ii) direct the Corporation to amend the estimates in respect of any

item in such manner as he thinks fit.

(3) The Corporation shall not incur any expenditure unless it has received the prior approval of the Minister under this section.

[S. 19 amended by Act 2 of 1984.]

20. Regulations

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

(2) 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 1,000 rupees.

(3) Regulations made under subsection (1) may provide for the levy and collection of fees and charges.

21. Auditor

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