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# NATIONAL AGENCY FOR THE TREATMENT AND REHABILITATION OF SUBSTANCE ABUSERS ACT 1996

**Act No. 25 of 1996**

Proclaimed by [[Proclamation No. 11 of 1996](#)] w. e. f. 1<sup>st</sup> December 1996

## ARRANGEMENT OF SECTIONS

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### **1. Short title**

This Act may be cited as the National Agency for the Treatment and Rehabilitation of Substance Abusers Act 1996.

## **2. Interpretation**

In this Act—

“Agency” means the National Agency for the Treatment and Rehabilitation of Substance Abusers established under section 3(1);

“Board” means the Board referred to in section 5(1);

“Chairperson” means the Chairperson of the Board;

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

“Minister” means the Minister responsible for the subject of Social Security and National Solidarity;

“substance” means a natural or synthetic product, whether licit or illicit, which —

- (a) has a potential for abuse or for dependence by individuals; and
- (b) has harmful effects on the physical and mental health of those individuals.

## **3. Establishment of the Agency**

(1) There is established for the purposes of this Act the National Agency for the Treatment and Rehabilitation of Substance Abusers.

(2) The Agency shall be a body corporate.

## **4. Objects of the Agency**

The objects of the Agency shall be—

- (a) to co-ordinate and facilitate efforts at national level towards the implementation of programme for the prevention of substance abuse and the treatment and rehabilitation of substance abusers;
- (b) to complement existing facilities for—

- (i) the prevention of substance abuse and
- (ii) the treatment and rehabilitation of substance abusers;
- (c) to mobilize resources locally and overseas for treatment and rehabilitation of substance abusers;
- (d) to set up and manage institutions for the treatment and rehabilitation of substance abusers;
- (e) to provide after-care services for the rehabilitation of substance abusers;
- (f) to advise, guide and help voluntary social organizations engaged in the prevention of substance abuse and in the treatment and rehabilitation of substance abusers.

## **5. Management of the Agency**

- (1) The Agency shall be administered and managed by a Board.
- (2) The Board shall consist of —
  - (a) a Chairperson;
  - (b) a representative of the Prime Minister's Office;
  - (c) a representative of the Ministry of Social Security and National Solidarity;
  - (d) a representative of the Ministry of Health;
  - (e) the Commissioner of Police or his representative;
  - (f) the Commissioner of Prisons or his representative;
  - (g) 4 members from non-Governmental organisations, and  
who have wide experience in the prevention of  
substance abuse, treatment or rehabilitation of  
substance abusers;
  - (h) a representative of employers who shall be  
appointed by the Minister

(i) a representative of trade unions who shall be appointed by the Minister;

(j) 2 members who shall be appointed by the Minister.

(3) The Chairperson shall be appointed by the Minister after consultation with the Prime Minister.

(4) The Minister shall appoint the members referred to in subsection (2)(g) and one of the members appointed shall be from the Island of Rodrigues.

## **6. Terms of office**

(1) The Chairperson shall hold office for 2 years and shall be eligible for re-appointment.

(2) The members specified in section 5(2) (g), (h), (i) and (j) shall hold office for one year and shall be eligible for re-appointment.

## **7. Meetings of the Board**

(1) The Board shall meet at least once a month and at such other times as may be determined by the chairperson

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

## **8. Membership of the Board**

(1) A person who is an office-bearer of a political party or a member of the National Assembly or a Local Authority shall not be qualified to be a member of the Board.

(2) A member shall cease to be a member if he becomes an office-bearer of a political party or a member of the National Assembly or of a local authority.

## **9. Powers of the Board**

The Board shall do such things as are requisite and advantageous in furtherance of the objects of the Agency and may in particular —

(a) receive funds from the Government and raise funds from other sources for

the prevention of substance abuse, treatment and rehabilitation of substance abusers;

(b) allocate funds to non-governmental organisations involved in the prevention of substance abuse and the treatment and rehabilitation of substance abusers;

(c) set up such committees as it deems fit for the purpose of carrying out its objects;

(d) co-opt such persons as may assist it in carrying out its objects;

(e) compile information or data on any matter falling within the objects of the Agency; and

(f) charge fees for the treatment and rehabilitation of substance abusers.

## **10. Executive Director**

(1) There shall be a Director who shall be the chief executive of the Agency.

(2) The Director shall be responsible for the execution of the policy of the Board and the control and management of the Agency.

(3) The Director shall, unless otherwise decided by the Board, attend every meeting of the Board.

(4) The Director may take part in the deliberations of the Board. but he shall have no right of vote.

## **11. Appointment of staff**

(1) Subject to subsection (2), the Board may employ, on such terms and conditions as it thinks fit, such officers as may be necessary for the proper carrying out by the Agency of its objects.

(2) Any appointment under subsection (1) shall be subject to the approval of the Minister.

(3) All officers employed by the Board shall be under the administrative control of

the Director.

## **12. Protection of officers**

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

## **13. General Fund**

(1) The Agency shall establish a General Fund —

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

(b) out of which all payments required be made by the Agency shall be effected.

(2) The Agency may, in carrying out its objects, charge to the General Fund all remuneration, salaries, fees, working expenses and other charges properly arising.

## **14. Execution of documents**

No document shall be executed by or on behalf of the Agency unless it is signed by —

(a) the Chairperson or, in his absence, by a member designated by the Board; and

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

## **15. Powers of the Minister**

The Minister may give such directions of a general character to the Board, not inconsistent with this Act, as the Minister considers necessary in the public interest and the Board shall comply with these directions.

## **16. Exemptions**

(1) The Agency shall be exempt from the payment of income tax.

- (2) No stamp duty or registration fee shall be payable in respect of any document signed or executed by the Agency or under which the Agency is a beneficiary.

## **17. Donations**

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

## **18. Accounts of the Agency**

- (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 Agency in respect of the preceding 12 months ending on 30 June of the same year.
- (2) The report of the Board shall be laid before the National Assembly.

## **19. Auditor**

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

## **20. Regulations**

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

## **21. Consequential amendments**

Subject to section 22(4), the Statutory Bodies (Accounts and Audit) Act is amended in Part II of the Schedule by adding the following item —

National Agency for the Treatment and Rehabilitation of Substance Abusers.

## **22. Transitional provisions**

- (1) The rights and liabilities of the Trust Fund for the Treatment and Rehabilitation of Drug Addicts shall vest in the Agency.
- (2) Any proceedings, judicial or otherwise, started by or against the Trust Fund for the Treatment and Rehabilitation of Drug Addicts shall be deemed to have been started by or against the Agency.



(3) For the purposes of this section, the Trust Fund for the Treatment and Rehabilitation of Drug Addicts means the Trust Fund for the Treatment and Rehabilitation of Drug Addicts established under the Treatment and Rehabilitation of Drug Addicts (Trust Fund) Act 1986.

(4) For the purposes of the Statutory Bodies (Accounts and Audit) Act, the period extending from the commencement of this Act to 30 June next following shall be the first financial year of the Agency.

(5) Section 7(1) of the Statutory Bodies (Accounts and Audit) Act shall not apply in relation to the first financial year of the Agency.

### **23. Repeal**

The Treatment and Rehabilitation of Drug Addicts (Trust Fund) Act 1986 is hereby repealed.

### **24. Commencement**

Proclaimed by [[Proclamation No. 11 of 1996](#)] w. e. f. 1<sup>st</sup> December 1996

**Related documents:**