

The Mauritius Research Council Act 1992

LEGAL SUPPLEMENT

To the Government Gazette of Mauritius No. 38 of 23 May, 1992

The Mauritius Research Council Act 1992(Act No. 10 of 1992)

ARRANGEMENT OF SECTIONS

1.Short title	11.Symbol of the Council
2.Interpretation	12. Intellectual Property
3.Establishment of Council	13. Funds of the Council
4.Objects of the Council	14. Estimates
5.The Board	15. Annual Report
6.Meetings	16. Exemptions
7.Special assignments	17. Donations
8.Executive Director of the Council	18. Regulations
9.Appointment of employees	19. Consequential amendments
10.Powers of the Minister	20. Commencement

An Act

To provide for the establishment and management of the Mauritius Research Council ENACTED by the Parliament of Mauritius, as follows

1. Short title.

This Act may be cited as the Mauritius Research Council Act 1992.

2. Interpretation.

In this Act

"Board" means the Board established under section 5;

"Chairman" means the Chairman of the Board;

"Council" means the Mauritius Research Council established under section 3;

"Member" means the Minister to whom responsibility for the subject of the Council is assigned.

3. Establishment of the Council

1. There is established for the purposes of this Act the Mauritius Research Council.
2. The Council shall be a body corporate.

4. Objects of the Council

The Council shall

Foster, promote and coordinate research and development in all spheres of scientific, technological, social and economic activities;

Advise the Government on all matters concerning scientific and technological policies;

Lay guidelines for, and initiate the formulation of research and development policies on a national basis;

Encourage commercial utilisation of research and development results in the national interest.

5. The Board

1. The Council shall be administered and managed by a Board.
2. The Board shall consist of
 - i. A Chairman to be appointed by the Prime Minister;
 - ii. The secretary for Home Affairs or his representative;
 - iii. The Financial Secretary or his representative;
 - iv. The Permanent Secretary, Ministry of Education and Science or his representative;
 - v. The Director, Ministry of Economic Planning and Development or his representative;
 - vi. The Permanent Secretary, Ministry of Agriculture, Fisheries and Natural Resources or his representative;
 - vii. The Permanent Secretary, Ministry of Industry and Industrial Technology or his representative;
 - viii. 3 members having wide experience of industry and management to represent the private sector;
 - ix. one representative, not below the rank of Head, from sectoral research organisations;
 - x. one representative, not below the rank of Professor, from the University of Mauritius;
 - xi. one representative, not below the rank of Professor, from a tertiary level education institution engaged in research in social sciences;
 - xii. the Director, Mauritius Sugar Industry Research Institute;
 - xiii. one member having wide experience in the field of science and technology;

- xiv. one member having wide experience in the field of social sciences; and
- xv. the Executive Director.

The members of the Board, other than the ex-officio members, shall be appointed by the Minister.

The names of the members of the Board shall be published in the Gazette.

Every member shall be paid such fees and allowances as may be determined by the Minister.

Every member, other than an ex-officio member, shall hold office for two years and shall be eligible for reappointment.

The office of a member shall become vacant where the member –

Has been absent, without leave, from 3 consecutive meetings of the Board; or becomes in any manner disqualified for membership of board.

Where a member resigns, dies or has his appointment revoked or otherwise vacates his office before the expiry of the term for which he has been appointed, the Minister may appoint another person for the unexpired period of the term of office of the member in whose place he is appointed.

6. Meetings of the Board

1. The Board shall meet

- i. At least once every two months;
- ii. On such other occasion as may be required by the Chairman.

2. 5 members shall constitute quorum.

3. The Chairman shall call a special meeting within seven days of the receipt of a written request for that purpose addressed to him by any 4 members of the Board.

- (i) The Board may, with the approval of the Minister, co-opt representatives of Ministries other than those specified in section 5 to be members of the Board
- (ii) No co-opted member shall have the right to vote.

4. The Board may appoint such committees as it may seem necessary.

5. Subject to the provisions of this Act, the Board may regulate its meetings in such manner as it deems fit.

7. Special assignments.

1. The Council may appoint any person or research institution to perform such functions as may be assigned by the Council.
2. A person or institution appointed under subsection (1) may exercise such of the powers of the Council as the Council thinks fit to delegate to him or it for the proper discharge of his or its functions.

8. Executive Director of the Council

1. There shall be an Executive Director who shall be appointed, with the approval of the Minister, by the Board on such terms and conditions as it may determine.
2. The Executive Director shall be the Chief Executive Officer of the Council and shall, subject to the provisions of this Act, be responsible for the implementation of all decisions of the Board and for carrying out all the day-to-day activities of the Council.

3. The Executive Director shall be the ex-officio Secretary of the Board and act in that capacity at all meetings of the Board.
4. The Executive Director shall be responsible to the Board for the execution of policy and the control and management of the day-to-day business of the Council.
5. The Board may delegate to the Executive Director such of its functions under this Act as may be necessary to enable him to carry out effectively the day-to-day business of the Council.

9. Appointment of employees

1. The Board may appoint on such terms and conditions as it may determine, such number of persons to serve as officers of the Council as it may consider appropriate or necessary for the performance of the functions of the Council.
2. The Board may engage, either temporarily or on such terms as it may think fit, persons who are knowledgeable in matters related to science and technology and socio-economic development.

10. Powers of the Minister

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

11. Symbol of the Council

The Council shall have a symbol and shall have the exclusive right to the use of such symbol in connection with its activities.

12. Intellectual Property

i. Without prejudice to any other enactment, all intellectual property arising out of the use of Council resources shall be vested in the Council.

ii. The intellectual property belonging to the Council may be made available for use on such terms as the Minister may agree from time to time.

iii. Without prejudice to the other provisions of this section, where intellectual property belonging to the Council was devised or developed wholly or partly through the use of resources provided by a sponsor, the Minister may assign that intellectual property to the sponsor who provided those resources upon such terms and conditions as may be agreed.

13. Funds of the Council

The Council shall establish a General Fund which shall consist of-

- i. Any grants received from the Government;
- ii. Any loans granted to the Council by the Government or any banking institution;
- iii. Any moneys accruing to the Council in the course of the performance of its functions under this Act; and
- iv. Any moneys received by the Council.

14. Estimates

i. The Council shall, not less than 3 months before the beginning of every financial year, submit to the Minister for his approval a consolidated estimate of the expenditure and income of the Council.

ii. In signifying his approval, the Minister may make comments of a general policy nature regarding the estimates.

15. Annual Report

i. The Council shall, not later than 6 months after the close of the financial year, issue an annual report on its activities and audited accounts for that financial year.

ii. The annual report shall be submitted to the Board for approval and be laid subsequently before the National Assembly by the Minister.

16. Exemptions

i. The Council shall be exempt from the payment of any duty, levy, rate, charge, fee or tax.

ii. No stamp duty or registration fee shall be payable in respect of any document signed or executed by the Council or under which the Council is a beneficiary.

17. Donations

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

18. Regulations

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

19. Consequential amendments

i. Subject to subsections (2) and (3), the Schedule to the Statutory Bodies (Accounts and Audit) Act is amended in Part II by adding the following item –

"Mauritius Research Council"

ii. 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 deemed to be the first financial year of the Council.

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

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

20. Commencement

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

Passed by the National Assembly on the twenty-eighth day of April one thousand nine hundred and ninety-two.