

FOOD AND AGRICULTURAL RESEARCH COUNCIL ACT

Act 20 of 1997 – 16 March 1998

ARRANGEMENT OF SECTIONS

SECTION

- | | |
|---|------------------------------|
| 1. Short title | 10. Appointment of employees |
| 2. Interpretation | 11. Powers of Minister |
| 3. Establishment of Council | 12. General Fund |
| 4. Objects of Council | 13. Estimates |
| 5. Functions and powers of Council | 14. Annual report |
| 6. Membership of Board | 15. Donations |
| 7. Meetings of Board | 16. Regulations |
| 8. Director-General | 17. – 20. – |
| 9. Agricultural Research and Extension Unit | |

FOOD AND AGRICULTURAL RESEARCH COUNCIL ACT

1. Short title

This Act may be cited as the Food and Agricultural Research Council Act.

2. Interpretation

In this Act—

“Board” means the Board referred to in section 6;

“Council” means the Food and Agricultural Research Council established under section 3;

“Director-General” means the Director-General of the Council;

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

“Unit” means the Agricultural Research and Extension Unit established under section 9.

3. Establishment of Council

(1) There is established for the purposes of this Act a Food and Agricultural Research Council.

(2) The Council shall be a body corporate.

4. Objects of Council

The objects of the Council shall be to—

- (a) coordinate, promote and harmonise research activities in agriculture, fisheries and food production;

- (b) conduct, through such units as it may set up, research in agriculture and food production;
- (c) maximise the benefits of such research;
- (ca) promote hydroponics, tissue culture and such other food and agricultural technologies as may be approved by the Minister;
- (d) carry out such other activities relating to research in agriculture, forestry, fisheries and food production as may be approved by the Minister.

[S. 4 amended by s. 15 (a) of Act 14 of 2005 w.e.f. 21 April 2005.]

5. Functions and powers of Council

(1) The functions of the Council shall be to—

- (a) coordinate, monitor and promote research projects and programmes—
 - (i) entrusted to the different units set up by it; and
 - (ii) of the different institutions engaged in agriculture, fisheries and food production without any prejudice to existing legislation concerning those institutions;
- (b) set research priorities in line with the needs of the agricultural sector;
- (c) ensure, as far as possible, the proper dissemination and practical application of the results of any such research;
- (d) establish units for the purpose of conducting research extension and other related activities and ensure the proper functioning, staffing and allocation of resources to such units;
- (da) set up and manage greenhouses, hydroponics centres and other infrastructure for the purposes of promoting hydroponics and other agricultural technologies; and
- (e) advise the Minister generally on national policies and other matters related to food and agricultural research and applications thereof.

(2) For the purposes of subsection (1), the Council may—

- (a) with the approval of the Minister, raise such loan as may be required to finance the setting up of greenhouses, hydroponics centres and other infrastructure;
- (b) rent out greenhouses, hydroponics centres and other infrastructure on such terms and conditions as it may determine; and
- (c) levy fees in respect of services in connection with greenhouses, hydroponics centres and other infrastructure and of transfer of any other food and agricultural technologies.

[S. 5 amended by s. 15 (b) of Act 14 of 2005 w.e.f. 21 April 2005.]

6. Membership of Board

- (1) The Council shall be managed by a Board which shall consist of—
 - (a) a Chairperson appointed by the Minister;
 - (b) the Permanent Secretary of the Ministry responsible for the subject of agriculture or his representative;
 - (c) a representative of the Ministry responsible for Rodrigues;
 - (d) 5 other members appointed by the Minister by reason of their experience in research;
 - (e) 3 other persons appointed by the Minister from among persons involved in agricultural activities.

(2) Every member of the Board shall hold office for 2 years but shall be eligible for reappointment.

- (3) The Board may co-opt members as and when required.

[S. 6 (1) (b) reprinted in Reprint 1 of 1998.]

7. Meetings of Board

(1) Subject to this section, the Board shall regulate its meetings and proceedings in such manner as it thinks fit.

(2) The Board shall meet at the request of the Chairperson or of not less than half of its membership at such time and such place as the Chairperson may determine.

- (3) Half of the total membership of the Board shall constitute a quorum.

8. Director-General

(1) There shall be a Director-General of the Council who shall be the chief executive officer of the Council.

(2) The Director-General shall be appointed, on a contract basis, on such terms and conditions as may be determined by the Board and subject to the approval of the Minister.

(3) The Director-General shall be responsible for the execution of the policy of the Board and for the control and the management of the day-to-day business of the Council.

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

9. Agricultural Research and Extension Unit

(1) Without prejudice to the generality of section 5 (1) (d), the Council shall establish a unit to be known as the Agricultural Research and Extension Unit.

- (2) The Unit shall be managed by a Director.

- (3) The Director shall—
- (a) be appointed—
 - (i) on such terms and conditions as may be determined by the Board; and
 - (ii) with the approval of the Minister;
 - (b) be responsible for the day-to-day management of the Unit; and
 - (c) be accountable to the Board through the Director-General.
- (4) The functions of the Unit shall be to—
- (a) conduct research and extension activities in non-sugar crops, livestock and food production;
 - (b) promote and encourage agricultural and agribusiness development through the setting up of agricultural youth clubs and agricultural entrepreneur clubs.

[S. 9 amended by s. 3 of Act 3 of 2010 w.e.f. 27 August 2010.]

10. Appointment of employees

(1) The Council may, on such terms and conditions as it may determine and with the approval of the Minister, employ such employees as may be necessary for the proper discharge of its functions under the Act.

(2) The Council may make provision, in such form as it may determine, to govern the conditions of service of employees and, in particular, to deal with—

- (a) the appointment, discipline, pay and leave of, and the security to be given by, employees;
- (b) appeals by employees against dismissal or other disciplinary measures; and
- (c) the establishment and maintenance of provident and pension fund schemes and the contributions payable to, and the benefits recoverable from, such schemes.

11. Powers of Minister

The Minister may, in relation to the exercise by the Council of its powers under the Act, give such directions of a general character to the Council, not inconsistent with this Act as he considers necessary in the public interest, and the Council shall comply with those directions.

12. General Fund

- (1) The Council shall establish a General Fund—
- (a) into which shall be paid all the revenue of the Council; and
 - (b) out of which shall be paid all the expenses incurred by the Council.

(2) The revenue of the Council shall consist of—

- (a) such levy on agricultural production as may be prescribed from time to time by the Minister;
- (aa) rental for greenhouses, hydroponics centres and other infrastructure and fees in respect of services in connection therewith and for the transfer of any other food and agricultural technologies;
- (b) Government grants;
- (c) special Government funding for specific projects;
- (d) external aid funding for specific projects; and
- (e) income from any other source approved by the Minister.

(3) The Council may, for the purposes of pursuing its objects under this Act, incur any expenditure including expenditure on salaries, wages, allowances or administrative matters.

[S. 12 amended by s. 15 (c) of Act 14 of 2005 w.e.f. 21 April 2005.]

13. Estimates

(1) The Council shall, not less than 3 months before the beginning of every financial year, submit to the Minister an estimate of the expenditure and income of the Council.

(2) Subject to subsection (3), the Minister shall, before the beginning of every financial year, signify in writing his approval of the estimates.

(3) In signifying his approval under subsection (2), the Minister may—

- (a) approve part only of the expenditure under any item; and
- (b) direct the Council to amend the estimates in respect of any item.

(4) —

14. Annual report

The Council shall, not later than 3 months after the close of a financial year, submit to the Minister for his approval an annual report on its activities and audited accounts for that financial year.

15. Donations

Article 910 of the Code Civil Mauricien shall not apply to the Council.

16. Regulations

(1) The Minister may make such regulations as he considers necessary for the purposes of this Act.

(2) Regulations made under subsection (1) may provide for—

- (a) the setting up of research advisory committees;
- (b) the taking of fees and levying of charges;

- (c) the setting up of such units as may be required for the purpose of conducting research, extension and other related activities;
- (d) the setting up of agricultural youth clubs and agricultural entrepreneur clubs.

[S. 16 amended by s. 4 of Act 3 of 2010 w.e.f. 27 August 2010.]

17. – 20. —
