

**MAURITIUS OCEANOGRAPHY INSTITUTE ACT**

Act 24 of 1999 – 1 January 2000

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**MAURITIUS OCEANOGRAPHY INSTITUTE ACT**

**1. Short title**

This Act may be cited as the Mauritius Oceanography Institute Act.

**2. Interpretation**

In this Act—

“Board” means the Board referred to in section 8;

“Chairperson” means the Chairperson of the Board;

“Council” means the Research Advisory Council referred to in section 12;

“Director” means the Director of the Institute appointed under section 15;

“Institute” means the Mauritius Oceanography Institute established under section 3;

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

“Minister” means the Minister to whom responsibility for the Institute is assigned;

“oceanography” includes marine science and the marine environment;

“officer” means an officer of the Institute appointed under section 16;

“science” includes technology.

### **3. Establishment of Institute**

(1) There is established for the purposes of this Act a Mauritius Oceanography Institute.

(2) The Institute shall be a body corporate.

### **4. Objects of Institute**

The objects of the Institute shall be to—

- (a) foster interest in research and development in relation to oceanography;
- (b) advise Government on the formulation and implementation of policies and programmes in respect of oceanography and related aspects;
- (c) coordinate, collaborate and co-operate with other institutions, agencies and persons on national, regional and global issues within its fields of interest, and assist any organisation, body or person in creating sustainable research and development programmes in those areas of interest and activity relating to oceanography;
- (d) demonstrate and communicate to the scientific community and the public at large the results of research and the importance of oceanography in the conservation, maintenance, management, utilisation and development of resources based on marine and coastal ecosystems; and
- (e) manage and optimise the use of funds and other resources for the purposes of this Act.

### **5. Functions of Institute**

The Institute shall have such functions as, in its opinion, are necessary to further most effectively the objects of the Institute, and in particular to—

- (a) initiate, encourage, launch, facilitate, support, undertake, participate in, rationalise and coordinate research and development in relation to oceanography, having regard to the national, regional and international interests of Mauritius, its needs and priorities;
- (b) arrange for carrying out such research and development;
- (c) provide any other institution, body or person with facilities for carrying out such research and development;
- (d) maximise opportunities and arrangements for such research and development on a collaborative basis;

- (e) encourage and facilitate the application and use of the results of such research and development;
- (f) prepare, fund, implement and periodically update and monitor programmes relating to the sustainable development of marine resources;
- (g) collect, coordinate, store and disseminate information relating to oceanography and to publish reports and other material relating to oceanography;
- (h) identify training needs in the field of oceanography;
- (i) make available to other institutions, bodies or persons, on such terms and conditions as it thinks fit, knowledge, expertise, equipment or facilities of the Institute; and
- (j) do anything incidental or conducive to the performance of any of its functions under this section.

#### **6. Powers of Institute**

(1) The Institute shall have the power to do such acts and things as are incidental or conducive to the attainment of its objects.

(2) Without prejudice to the generality of the power conferred under subsection (1), the Institute may, with the approval of the Minister—

- (a) obtain or raise money from any source by means of any grant, levy, subsidy, subscription, gift, bequest, public appeal or other means; and
- (b) impose a fee or other charge for any service, information or data provided by the Institute.

#### **7. Co-operation**

The Institute shall co-operate with other persons, institutions, organisations and authorities with a view to rationalising and coordinating programmes and activities for the—

- (a) prevention of unnecessary overlapping of such programmes and activities; and
- (b) most effective use of available facilities, resources and staff.

#### **8. The Board**

(1) The Institute shall be administered by a Board.

(2) The Board shall consist of—

- (a) a Chairperson, to be appointed by the Minister;
- (b) the Senior Chief Executive of the Prime Minister's Office or his representative;
- (c) a representative of the Ministry responsible for the subject of foreign affairs;

- (d) a representative of the Ministry responsible for the subject of economic development;
- (e) the Financial Secretary or his representative;
- (f) a representative of the Ministry responsible for the subject of environment;
- (g) a representative of the Ministry responsible for the subject of fisheries;
- (h) a representative of the Ministry responsible for the subject of lands;
- (i) a representative of the Ministry responsible for Rodrigues;
- (j) the Executive Director of the Mauritius Research Council or his representative;
- (k) the Vice-Chancellor of the University of Mauritius or his representative;
- (l) the Director, Meteorological Services, or his representative;
- (m) the Director-General of the Mauritius Ports Authority or his representative;
- (n) the General Manager of the Outer Islands Development Corporation or his representative; and
- (o) 4 members having wide experience in oceanography or international law, to be appointed by the Minister.

(3) The names of the members of the Board shall be published in the *Gazette*.

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

(5) Every member, other than an *ex officio* member, shall hold office for 3 years and shall be eligible for reappointment.

(6) The office of a member shall become vacant where the member—

- (a) has been absent, without leave of the Board, from 3 consecutive meetings of the Board;
- (b) becomes disqualified from membership of the Board for any other reason specified in section 37 (3) (b) of the Interpretation and General Clauses Act.

## 9. Disclosure of interest

A member who has a direct or indirect pecuniary or other interest in a matter being considered or about to be considered by the Board shall forthwith, or as soon as is practicable after the relevant facts have come to his knowledge, disclose in writing the nature of his interest to the Board and shall not—

- (a) be present during any deliberation of the Board with respect to that matter; and

- (b) take part in any decision of the Board with respect to that matter.

#### **10. Meetings of Board**

- (1) The Board shall meet—

- (a) at least once every 2 months; and
- (b) on such other occasion as may be required by the Chairperson.

- (2) Nine members shall constitute a quorum.

(3) The Chairperson shall call a special meeting of the Board within 7 days of the receipt of a written request for that purpose addressed to him by any 3 members of the Board.

(4) (a) The Board may co-opt representatives of bodies other than those specified in section 8 (2), to attend meetings.

- (b) No co-opted member shall have the right to vote.

- (5) The Board may appoint such committees as it deems fit.

(6) Subject to this Act, the Board may regulate its meetings as it deems fit.

#### **11. Powers of Minister**

The Minister may give such directions of a general character to the Board, not inconsistent with the objects of the Institute, which he considers to be necessary in the public interest, and the Board shall comply with those directions.

#### **12. Research Advisory Council**

(1) There shall be a Research Advisory Council which shall assist the Board in the discharge of the research functions of the Institute under this Act.

(2) The Council shall, either on its own or upon request made by the Board, advise on matters relating to the research functions of the Institute.

- (3) The Council shall consist of—

- (a) a Chairperson, to be appointed by the Board;
- (b) not more than 5 members, to be appointed by the Board; and
- (c) the Director or his representative.

(4) Every member of the Council shall be paid such fees and allowances as the Board may determine.

#### **13. Meetings of Research Advisory Council**

The Council shall meet at least once every 3 months and on such other occasion as may be required by the Chairperson of the Board.

#### **14. Advisory committees**

(1) The Board may appoint an advisory committee to advise the Board on any matter relating to the functions or objects of the Institute, as may be referred to it by the Board.

(2) The Board shall appoint one of the members of the advisory committee to be the Chairperson of that committee.

(3) The committee may regulate its proceedings in such manner as it thinks fit.

#### **15. Director**

(1) There shall be a Director of the Institute who shall be appointed, with the approval of the Minister, by the Board on such terms and conditions as it may determine.

(2) The Director shall be the chief executive officer of the Institute and shall, subject to the provisions of this Act, be responsible—

- (a) for the execution of the policy of the Institute;
- (b) for the implementation of all the decisions of the Board; and
- (c) for carrying out, controlling and managing the day-to-day business and activities of the Institute.

(3) The Director shall attend every meeting of the Board.

(4) The Board may delegate to the 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 Institute.

#### **16. Appointment of staff**

(1) The Board may appoint, on such terms and conditions as it may determine, such number of persons to serve as officers of the Institute as it may consider appropriate or necessary for the proper discharge of the functions of the Institute.

(2) Every officer of the Institute shall be under the administrative control of the Director.

(3) The Board may engage, on such terms as it may think fit, any person who is knowledgeable in any matter related to the objects and functions of the Institute.

#### **17. Intellectual property and inventions**

(1) Without prejudice to any other enactment, all intellectual property arising out of the use of the Institute's resources shall vest in the Institute.

(2) Any intellectual property vested in the Institute may be made available for use on such terms as the Minister may agree.

(3) Without prejudice to this section, where intellectual property vested in the Institute was devised or developed wholly or partly through the use of resources provided by a sponsor, collaborator or other person or agency in co-operation with the Institute, the Institute may, with the approval of Minister, assign the rights attached to that intellectual property, in whole or in part, to that sponsor, collaborator or person or agency upon such terms and conditions as it thinks fit.

#### **18. Funds of Institute**

The Institute shall establish a General Fund which shall consist of—

- (a) any grant received from Government;
- (b) any loan granted to the Institute by Government or any institution;
- (c) any money accruing to the Institute in the course of the discharge of its functions under this Act; and
- (d) any money received by the Institute.

#### **19. Institute accounts**

(1) The Board shall open and maintain any such account as it thinks fit, with any bank, in the name of the Institute.

(2) All monies received by the Institute shall be paid into the account referred to in subsection (1).

#### **20. Application of monies**

(1) Subject to subsection (2), the monies of the Institute shall be applied only—

- (a) in payment or discharge of any cost, expense and other obligation of the Institute; and
- (b) in payment of any remuneration or allowance payable to any person under this Act.

(2) Monies of the Institute not immediately required for the purposes of the Institute may be invested—

- (a) on deposit with a bank approved by the Board;
- (b) in securities of Government; or
- (c) in any other manner approved by the Board.

#### **21. Estimates**

(1) The Board 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 Institute.

(2) In signifying his approval, the Minister may make comments of a general policy nature regarding the estimate.

## **22. Audit and annual reports**

(1) The Board shall, not later than 6 months after the close of the financial year, issue an annual report on the activities, and furnish audited accounts, of the Institute for that financial year.

(2) The Minister shall at the earliest available opportunity, lay a copy of the report and audited accounts of the Institute before the Assembly.

## **23. Strategic and operational plans**

(1) The Board shall declare a period of a specific duration to be a planning period.

(2) Before the commencement of each planning period, the Board shall formulate a strategic plan in respect of the period referred to in subsection (1).

(3) The strategic plan shall set out—

- (a) the broad objectives of the Institute in performing its functions under this Act; and
- (b) a broad outline of the policies and strategies to be pursued by the Institute to achieve those objectives.

(4) The Board shall submit the strategic plan to the Minister as soon as practicable within a reasonable time before its coming into effect.

(5) The Board shall, before the commencement of each financial year that is included in the planning period, formulate an annual operational plan for the execution of the current strategic plan.

## **24. Exemptions**

(1) The Institute shall be exempt from the payment of any duty, levy, rate, charge, fee or tax.

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

## **25. Protection from liability**

No liability, civil or criminal, shall attach to any member or officer or to the Board in respect of any loss arising from the exercise in good faith by a member or an officer or the Board of his or its functions under this Act.

## **26. 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 the taking of fees and charges.

**27. – 29. —**

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