

FASHION AND DESIGN INSTITUTE ACT

Act 11 of 2008 – 9 July 2008
(unless otherwise indicated)

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FASHION AND DESIGN INSTITUTE ACT

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Fashion and Design Institute Act.

2. Interpretation

In this Act—

“Academic Committee” means the committee referred to in section 11;

“Board” means the Fashion and Design Board referred to in section 8;

“Chairperson” means the Chairperson of the Board appointed under section 8;

“Consultative Committee” means the committee referred to in section 13;

“Director” means the chief executive officer of the Institute appointed under section 14;

“employee” –

- (a) means a person employed as such under section 16; and
- (b) includes the Director;

“Endowment Fund” means the fund set up under section 20;

“General Fund” means the fund set up under section 19;

“Institute” means the Fashion and Design Institute established under section 3;

“institution” means any local, regional or international institution;

“member” –

- (a) means a member of the Board; and
- (b) includes the Chairperson;

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

“Permanent Secretary” means the Permanent Secretary of the Ministry responsible for the subject of industry.

[S. 2 amended by s. 10 (a) of Act 27 of 2012 w.e.f. 22 December 2012.]

PART II – THE INSTITUTE

3. Establishment of Institute

- (1) There is established for the purposes of this Act the Fashion and Design Institute.
- (2) The Institute shall be a body corporate.
- (3) The principal place of business of the Institute shall be at such place as the Board may determine.

4. Objects of Institute

The objects of the Institute shall be to—

- (a) promote excellence in the field of fashion and design technology;
- (b) promote fashion and design;
- (c) disseminate knowledge of fashion and design;
- (d) develop a multi-disciplinary approach in carrying out research and training in the field of fashion and design technology to ensure a better coordination of the interests of the fashion industry;
- (e) provide educational, research, consultancy and training facilities and services in the field of fashion and design;
- (f) promote the development of entrepreneurship.

5. Functions of Institute

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

- (a) conduct academic, professional, vocational and training programmes and courses;
- (b) engage in research and consultancy activities;
- (c) collect, maintain and disseminate literature and materials available in the field of fashion and design;
- (d) provide technical assistance to manufacturers, designers and exporters of fashion products;
- (e) provide incubator services for the development of entrepreneurship;
- (f) provide facilities for and engage in professional development programmes which are targeted at industrial needs;
- (g) undertake local, regional and international activities in the field of fashion and design;
- (h) establish exchange programmes and courses with any other institution or enterprise in the field of fashion and design;
- (i) enrol students in its academic, professional, vocational and training programmes and courses;
- (j) safeguard and market the intellectual property rights and products of the Institute;
- (k) co-operate with any other institution having objects wholly or partly similar to those of the Institute;
- (l) organise national, regional or international seminars, conferences and exhibitions in the field of fashion and design technology;
- (m) make recommendations to the University of Mauritius or any other institution for the award and conferring of certificates, diplomas, degrees, honorary degrees and other academic, professional or vocational qualifications.

6. Powers of Institute

Subject to section 22, the Institute shall have such powers as are necessary to attain its objects and discharge its functions effectively and may, in particular—

- (a) fix and levy fees or other charges;
- (b) manage, in such manner as it thinks fit, any property belonging to or vested in it;
- (c) engage in the commercial development of any intellectual property in which it has a right or interest;
- (d) receive grants and donations;

- (e) operate in partnership with any other institution;
- (f) award fellowships, scholarships, bursaries, prizes and medals;
- (g) enter, in such manner as it thinks fit, into agreements with any other institution or body, whether academic or otherwise, including the incorporation within the Institute of any other institution or body.

7. Admission of students

The Institute may admit a person to any of its programmes or courses on such criteria and on such terms and conditions as it thinks fit.

PART III – ADMINISTRATION

8. The Board

(1) The Institute shall be administered and managed by a Board, to be known as the Fashion and Design Board, which shall consist of—

- (a) a Chairperson, to be appointed by the Prime Minister;
- (b) the Permanent Secretary or his representative;
- (c) the Permanent Secretary of the Ministry responsible for the subject of education or his representative;
- (d) the Director of the Mauritius Export Association; and
- (e) 5 other members, to be appointed by the Minister on such terms and conditions as he thinks fit, 3 of whom shall be from the private sector.

(2) The members appointed under subsection (1) (e) shall include—

- (a) one person with experience in the manufacturing sector;
- (b) one person with experience in the field of fashion and design technology; and
- (c) one person with knowledge and experience in education and training.

(3) Subject to subsection (4), a member, other than an *ex officio* member, shall hold office for not more than 3 years but may be eligible for reappointment for not more than 2 consecutive terms of office.

(4) No person shall be qualified to be a member where he is—

- (a) a member of the Assembly;
- (b) a member of a local authority; or
- (c) otherwise actively engaged in any political activity.

(5) Every member shall be paid by the Board such fees or allowances as the Board may, with the approval of the Minister, determine.

(6) No member shall engage in any activity which may undermine the integrity of the Institute.

(7) The Board shall manage and utilise all the assets and funds vested in the Institute, in such manner and for such purposes as, in its opinion, will best promote the objects of the Institute.

9. Meetings of Board

(1) The Board shall meet as often as is necessary but at least once every month at such time and place as the Chairperson may determine.

(2) In the absence of the Chairperson at a meeting of the Board, the members present shall elect a member to act as Chairperson for that meeting.

(3) (a) Subject to paragraph (b), 5 members shall constitute a quorum at any meeting of the Board.

(b) At least one of the members referred to in paragraph (a) shall not be an ex officio member.

(4) Subject to this section, the Board shall regulate its meetings in such manner as it may determine.

10. Disclosure of interest

(1) Where any member or any person related to him by blood or marriage has a pecuniary or other material interest in relation to any matter before the Board, that member shall—

- (a) disclose the nature of the interest at or before the meeting convened to discuss that matter; and
- (b) not take part in any deliberations of the Board relating to that matter.

(2) Where any member has or acquires any direct or indirect financial interest in any fashion and design enterprise in Mauritius or elsewhere, he shall inform the Board in writing of such interest.

11. Academic Committee

(1) There shall be for the purposes of this Act an Academic Committee, which shall consist of—

- (a) the Director;
- (b) the Permanent Secretary or his representative;
- (c) the Vice-Chancellor of the University of Mauritius or his representative;
- (d) the Director of the Mauritius Institute of Training and Development or his representative;
- (e) the Chief Executive of Enterprise Mauritius or his representative;
- (f) the Director of the Human Resource Development Council or his representative;
- (g) every Professor and Head of Department of the Institute;

- (h) 3 persons who have experience in the field of fashion and design technology, to be appointed by the Board;
- (i) one member of the Board, other than the Chairperson, to be appointed by the Board;
- (j) one person elected by and from the academic staff; and
- (k) one student representative elected by and from the students.

(2) The Academic Committee may co-opt up to 3 persons who shall have no right to vote.

(3) The Director shall be the Chairperson of the Academic Committee.

(4) The term of office of the members of the Academic Committee referred to in subsection (1) (h) to (k) shall be for a period of 2 years and every such member shall be eligible for reappointment.

(5) A person shall cease to be a member of the Academic Committee on—

- (a) the completion of his term of office;
- (b) his resignation; or
- (c) his ceasing to be a member of the academic staff, a student or a member of the Board, as the case may be.

(6) Where a vacancy occurs in the membership of the Academic Committee, the vacancy shall be filled by a person appointed by the Board, who shall hold office for the remainder of the term of office of that member.

(7) At any meeting of the Academic Committee, 7 members shall constitute a quorum.

(8) No student representative shall participate in the deliberations of the Academic Committee in any matter relating to—

- (a) examinations; or
- (b) conditions of service and discipline of staff.

12. Functions of Academic Committee

(1) The Academic Committee shall—

- (a) act as the academic body of the Institute in preparing academic, professional, vocational and training programmes and courses, and where necessary, jointly with any other institution;
- (b) be responsible for the general regulation of teaching, examinations, research and training;
- (c) advise and make recommendations to the Board on—
 - (i) all academic matters, including the control, general direction and management of any teaching, research or training facility;

- (ii) the institution, alteration, suspension or suppression of teaching posts and the qualifications and scheme of service of the teaching and training staff;
- (iii) the conferment of honorary degrees or other distinctions;
- (iv) the institution and award of fellowships, scholarships, bursaries, prizes and medals;
- (d) formulate, modify or revise schemes for the constitution or reconstitution of departments;
- (e) formulate rules and introduce new programmes and courses and modify existing ones;
- (f) assess and make recommendations relating to standards of facilities, equipment, apparatus and maintenance required for each department;
- (g) report to the Board on any matter referred to it by the Board.

(2) The Academic Committee shall, in consultation with the University of Mauritius and such other institution as it thinks fit, make recommendations to the University of Mauritius or any other institution for the award of certificates, diplomas, degrees, honorary degrees and other academic, professional or vocational qualifications.

13. Consultative Committee

(1) There shall be for the purposes of this Act a Consultative Committee which shall ensure ongoing collaboration between the Institute and the private sector.

(2) The Consultative Committee shall also be responsible for advising the Institute on—

- (a) the development of programmes of study and research, in line with the needs of the labour market;
- (b) the relevance of the curricula of programmes of study to the labour market needs;
- (c) effective quality assurance of the programmes of study; and
- (d) placements, internships and research.

(3) (a) The Consultative Committee shall consist of—

- (i) a Chairperson, to be appointed by the Minister;
- (ii) the Director;
- (iii) a representative of the Ministry responsible for the subject of industry;
- (iv) a representative of the Ministry responsible for the subject of tertiary education;
- (v) the Director, Joint Economic Council or his representative;
- (vi) the Director, Mauritius Export Association or his representative;

(vii) the Director, Mauritius Employers' Federation or his representative; and

(viii) a representative of the small and medium enterprises, to be appointed by the Minister.

(b) The Consultative Committee may co-opt such other person who may be of assistance in relation to any matter before the Committee, but the co-opted person shall not have the right to vote at any meeting of the Committee.

(4) A member referred to in subsection (3) (a) (viii) shall hold office for a period of 2 years and shall be eligible for reappointment.

(5) (a) The Consultative Committee shall meet as often as the Chairperson thinks necessary but at least once every 3 months.

(b) A meeting of the Consultative Committee shall be convened by the Secretary within 7 days of the receipt of a request in writing signed by any member.

(6) A meeting of the Consultative Committee shall be held at such time and place as the Chairperson thinks fit.

(7) At a meeting of the Consultative Committee, 5 members shall constitute a quorum.

(8) In the absence of the Chairperson, the Consultative Committee shall designate a member to chair the committee.

(9) (a) The Consultative Committee may set up such subcommittees as it may deem necessary.

(b) A subcommittee set up under paragraph (a) shall consist of such persons, other than a member of the Consultative Committee, as the Consultative Committee may co-opt.

(10) (a) There shall be a Secretary to the Consultative Committee who shall be designated by the Institute.

(b) The Secretary shall, for every meeting of the Consultative Committee—

(i) give notice of the meeting to the members;

(ii) prepare and attend the meeting; and

(iii) keep minutes of proceedings of the meeting.

(c) The Secretary may take part in the deliberations of a meeting of the Consultative Committee, but shall not have the right to vote.

(11) Subject to the approval of the Minister to whom responsibility for the subject of finance is assigned, every member of the Consultative Committee shall be paid such fee or allowance as the Minister may determine.

(12) Subject to this section, the Consultative Committee shall regulate its meetings in such manner as it may determine.

[S. 13 repealed and replaced by s. 10 (b) of Act 27 of 2012 w.e.f. 22 December 2012.]

14. Director

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

(2) The Director shall be appointed, with the approval of the Prime Minister, by the Board on such terms and conditions as the Board may determine.

(3) The Director shall, in the exercise of his functions—

- (a) be responsible for the execution of the policy of the Board and for the control and management of the day-to-day business of the Institute;
- (b) act in accordance with such directives as he may receive from the Board;
- (c) achieve annual performance targets set by the Board; and
- (d) submit to the Board a report in relation to the activities and finances of the Institute every 3 months.

(4) The Director shall, unless otherwise directed by the Board, attend every meeting of the Board and may take part in its deliberations, but shall not have the right to vote.

(5) The Director shall convene a meeting of the Board on request made by not less than 3 members.

15. Delegation

Subject to such instructions as it may give, the Board may delegate to the Director such of its powers and functions as may be necessary for the effective management of the day-to-day business and activities of the Institute, other than the power to—

- (a) borrow money; or
- (b) enter into any transaction in respect of capital expenditure which exceeds 300,000 rupees.

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16. Appointment of employees

(1) The Board may employ, on such terms and conditions as it thinks fit, such other employees as may be necessary for the proper discharge of its functions under this Act.

(2) Every employee referred to in subsection (1) shall be under the administrative control of the Director.

17. Conditions of service of employees

The Board shall make provision to govern the conditions of service of employees and in particular to deal with—

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

18. Protection from liability

(1) No liability, civil or criminal, shall be incurred by the Institute or any member or any employee in respect of any act done or omitted in the execution in good faith of its or his functions or duties under this Act.

(2) This section shall be in addition to, and not in derogation of the Public Officers' Protection Act, and for the purposes of that Act, every member or employee shall be deemed to be a public officer or a person engaged or employed in the performance of a public duty.

PART IV – FINANCIAL PROVISIONS AND ACCOUNTS

19. General Fund

The Institute shall set up a General Fund—

- (a) into which all monies received from any source by the Institute shall be paid;
- (b) out of which all payments required to be made for the purposes of this Act by the Institute shall be effected.

20. Endowment Fund

The Institute shall set up an Endowment Fund—

- (a) into which shall be paid such amount from the General Fund as the Board thinks fit;
- (b) out of which fellowships, scholarships, bursaries and loans may be granted for the benefit of needy students.

21. Donations and exemptions

(1) Article 910 of the Code Civil Mauricien shall not apply to the Institute.

(2) Notwithstanding any other enactment, the Institute shall be exempt from payment of—

- (a) any registration duty, fee or charges in respect of any document under which the Institute is the sole beneficiary; and
- (b) any other duty, rate, charge, fee or tax.

22. Transfer of property and borrowing

The Institute shall not, except with the approval of the Permanent Secretary—

- (a) sell or exchange any property or make any donation; or
- (b) borrow any money, and any borrowing shall be for the purposes of this Act.

23. Estimates

The Institute shall, not less than 3 months before the end of every financial year, submit to the Minister an estimate of the income and expenditure of the Institute for the next financial year for his approval.

24. Execution of documents

No deed, cheque or other document shall be executed or signed by or on behalf of the Institute unless it is signed by the Chairperson and the Director or, in the absence of the Chairperson, any other member appointed by the Board for that purpose.

25. Annual report

(1) The Board shall, not more than 4 months after the end of a financial year, submit to the Minister an annual report together with an audited statement of accounts on the operations of the Institute in respect of that financial year.

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

(3) The Minister shall, at the earliest available opportunity, lay a copy of the annual report and audited accounts of the Institute on the table of the Assembly.

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

PART V – MISCELLANEOUS

26. Offences

Any person who, without the authority of the Institute, uses the name or logo of the Institute shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 2 years.

27. Legal proceedings

(1) The Institute shall act and sue and be sued under its corporate name.

(2) Service of process by or on the Institute shall be sufficient if made on behalf of or on the Director.

28. 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—

- (a) for the levying and payment of fees and charges;
- (b) that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 6 months.

(3) Notwithstanding section 21 of the Interpretation and General Clauses Act, regulations made under subsection (1) shall not require the approval of the Minister.

29. —

30. Transitional provisions

(1) In this section, “organisation” means the Department of Textile Technology of the University of Mauritius, the School of Design of the Industrial and Vocational Training Board or the Textile and Apparel Development Centre of Enterprise Mauritius.

(2) Notwithstanding any other enactment, every employee of an organisation shall be dealt with in accordance with this section.

(3) Subject to subsection (7), every person who, at the commencement of this Act, is employed on the permanent and pensionable establishment of an organisation shall be entitled to be transferred to the permanent and pensionable establishment of the Institute on terms and conditions which shall be not less favourable than those of his previous employment in the organisation.

(4) The period of service of every employee on the permanent and pensionable establishment of an organisation, who is transferred to the Institute under subsection (3), shall be deemed to be an unbroken period of service with the Institute.

(5) No employee on the permanent and pensionable establishment of an organisation shall, on account of his transfer to the Institute or any resulting change in his job title, be entitled to claim that his employment has been terminated or adversely affected in breach of any enactment.

(6) Any employee on the permanent and pensionable establishment of an organisation who does not accept to be transferred to the Institute may—

- (a) at his request, be redeployed, so far as is practicable, to a statutory body, where vacancies in similar positions are available; or
- (b) opt for retirement on the ground of abolition of office and be paid his pension benefits in accordance with the Statutory Bodies Pension Funds Act and regulations made thereunder.

(7) Any employee on the permanent and pensionable establishment of an organisation, against whom disciplinary proceedings are pending at the commencement of this Act, shall not be transferred to the Institute.

(8) Any disciplinary inquiry, investigation or proceedings, pending or in process at the commencement of this Act, against any employee on the permanent and pensionable establishment of an organisation shall be taken up, continued or completed by the organisation.

(9) Notwithstanding any other enactment but subject to subsection (10), the contract of every employee of an organisation employed on a fixed term performance contract shall be terminated in accordance with the terms and conditions of such contract.

(10) Every employee referred to in subsection (9) shall be entitled to be employed by the Institute on a fixed term performance contract and on terms and conditions which shall be not less favourable than those of his previous employment in the organisation.

(11) Subject to subsection (12), the assets of every organisation shall, at the commencement of this Act, vest in the Institute.

(12) Subsection (11) shall be given effect to by an instrument drawn up and signed by the representatives of the University of Mauritius, Mauritius Institute of Training and Development or Enterprise Mauritius and the Institute, as the case may be.

(S. 30 came into operation on 15 September 2009.)

31. —

31. —
