

## MAURITIUS INSTITUTE OF HEALTH ACT

Act 36 of 1989\* – 25 November 1989

### ARRANGEMENT OF SECTIONS

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## MAURITIUS INSTITUTE OF HEALTH ACT

### 1. Short title

This Act may be cited as the Mauritius Institute of Health Act.

### 2. Interpretation

In this Act—

“Board” means the Board of the Institute referred to in section 5;

“Chairperson” means the Chairperson of the Board;

“Executive Director” means the Executive Director of the Institute appointed as such under section 6;

“employee” means any employee of the Institute;

“General Fund” means the General Fund set up under section 9;

“Institute” means the Mauritius Institute of Health established under section 3;

“member” —

(a) means a member; and

(b) includes the Chairperson;

“Minister” means the Minister to whom responsibility for the subject of health is assigned.

### 3. Establishment of Institute

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

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\* Reprinted by Reprint 7 of 1990.

(2) The Institute shall be a body corporate.

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

(1) The objects of the Institute shall be to—

- (a) organise the training of local health personnel and overseas participants in accordance with such programme as the Board may approve;
- (b) carry out such health systems research as the Board may approve;
- (c) act as a focal point and resource centre for the production, exchange and promotion of health learning and health information material;
- (d) provide advisory services in matters of health care;
- (e) perform such other functions not inconsistent with the objects specified in paragraphs (a) to (d), as the Minister may refer to the Institute;
- (f) cooperate with other similar institutions and regional and international organisations in order to promote the objects specified in paragraphs (a), (b) and (c).

(2) For the purpose of subsection (1) (a), the Institute may conduct courses, hold examinations and grant certificates, diplomas and awards, acting on its own or jointly with any other educational institution.

[S. 4 amended by s. 3 of Act 1 of 2003.]

#### **5. The Board**

(1) The Institute shall be managed by a Board which shall consist of—

- (a) a Chairperson, to be designated by the Prime Minister;
- (b) the Executive Director;
- (c) a representative of the Prime Minister's Office;
- (d) a representative of the Ministry responsible for the subject of health;
- (e) such other members, not exceeding 7 in number, as the Prime Minister may appoint to represent—
  - (i) educational, training and vocational interests;
  - (ii) bilateral or multilateral donor organisations.

(2) The Chairperson shall be a public officer.

(3) The members appointed under subsection (1) (e) shall hold office for a period of 2 years but shall be eligible for reappointment.

(4) The Board shall regulate its meetings and proceedings in such manner as it may determine.

(5) At any meeting of the Board, 5 members shall constitute a quorum.

## **6. The Executive Director**

(1) There shall be an Executive Director who shall be the chief executive officer of the Institute and shall be responsible to the Board for maintaining and promoting the proper administration of the Institute.

(2) The Executive Director shall be appointed by the Prime Minister and shall hold office on such terms and conditions as the Prime Minister may determine.

## **7. Appointment of employees**

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

(2) Every employee shall be under the administrative control of the Executive Director.

## **8. Conditions of service of employees**

The Board may, with the approval of the Minister, 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 by, employees;
- (b) appeals by employees against dismissal or any other disciplinary measures; and
- (c) the establishment and maintenance of provident or pension fund schemes, the contributions payable to, and the benefits recoverable from, those schemes.

## **9. Establishment of General Fund**

(1) The Institute shall set up a General Fund—

- (a) into which all monies received from any source by the Institute shall be paid; and
- (b) out of which all payments made by the Institute shall be met.

(2) Subject to section 10 (2), the money deposited in the General Fund under subsection (1) shall be used and applied for the working of the Institute in such manner and for such purposes as, in the opinion of the Board, will best promote the interest of the Institute.

## **10. Powers of Minister**

(1) The Minister may, in relation to the exercise by the Board of the powers of the Institute under this Act, give such directions of a general character to the Board not inconsistent with this Act, as he may consider necessary in the public interest, and the Board shall comply with these directions.

(2) Notwithstanding subsection (1), the Minister may direct the Board to refrain from incurring any particular expenditure which, in the opinion of the Minister, is unnecessary and the Board shall comply with the direction.

(3) The Institute shall provide facilities to the Minister for obtaining information with respect to its activities and shall furnish him with such documents as he may require.

#### **11. Donations**

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

#### **12. Regulations**

The Board may, with the approval of the Minister, make such regulations as it thinks fit for the purposes of this Act and, notwithstanding the generality of this power, the regulations may provide for—

- (a) any matter which is required by this Act to be prescribed;
- (b) any procedural or other matter as the Board may determine; and
- (c) the levying of charges and taking of fees.

#### **13. Exemptions**

Notwithstanding any other enactment—

- (a) the Institute shall be exempt from payment of duty, rate, charge, fee, tax or licence;
- (b) no stamp duty or registration fee shall be payable in respect of any document under which the Institute is the sole beneficiary; and
- (c) the Institute may frank letters or postal packets, make remittances by money order or despatch telegrams free of charge.

#### **14. Legal proceedings**

(1) The Institute shall act, sue and be sued, implead or be impleaded in its corporate name.

(2) Every deed, cheque or other document relating to the Institute shall be signed by 2 persons designated by the Board.

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