

MAURITIUS RESEARCH COUNCIL ACT

Act 10 of 1992 – 27 August 1992

ARRANGEMENT OF SECTIONS

SECTION

- | | |
|--|---------------------------|
| 1. Short title | 10. Powers of Minister |
| 2. Interpretation | 11. Symbol of Council |
| 3. Establishment of Council | 12. Intellectual property |
| 4. Objects of Council | 13. Funds of Council |
| 5. The Board | 14. Estimates |
| 6. Meetings of Board | 15. Annual report |
| 6A. National Research and Innovation
Advisory Committee | 16. Exemptions |
| 7. Special assignments | 17. Donations |
| 8. Executive Director | 18. Regulations |
| 9. Appointment of employees | 19. – 20. – |

MAURITIUS RESEARCH COUNCIL ACT

1. Short title

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

2. Interpretation

In this Act—

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

“Chairperson” means the Chairperson of the Board;

“Council” means the Mauritius Research Council established under section 3;

“Executive Director” means the Executive Director of the Council appointed under section 8;

“member” —

(a) means a member of the Board; and

(b) includes the Chairperson;

“Minister” means the Minister to whom responsibility for the Council is assigned.

3. Establishment of 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 Council

The Council shall—

- (a) foster, promote and coordinate research and development in all spheres of scientific, technological, social and economic activities;
- (b) advise Government on all matters concerning scientific and technological policies;
- (c) lay guidelines for, and initiate the formulation of, research and development policies on a national basis; and
- (d) encourage commercial utilisation of research and development results in the national interest.

5. The Board

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

(2) The Board shall consist of—

- (a) a Chairperson, to be appointed by the Prime Minister;
- (b) the Senior Chief Executive of the Prime Minister's Office or his representative;
- (c) the Financial Secretary or his representative;
- (d) the Permanent Secretary of the Ministry responsible for the subject of agriculture or his representative;
- (e) —
- (f) the Permanent Secretary of the Ministry responsible for the subject of education or his representative;
- (g) the Permanent Secretary of the Ministry responsible for the subject of industry or his representative;
- (h) 3 members having wide experience in the field of industry and management to represent the private sector;
- (i) one representative, not below the rank of Head, from sectoral research organisations;
- (j) one representative, not below the rank of Professor, of the University of Mauritius;
- (k) one representative, not below the rank of Professor, from a tertiary level education institution engaged in research in social sciences;
- (l) the Director of the Mauritius Cane Industry Authority;
- (m) one member having wide experience in the field of science and technology;
- (n) one member having wide experience in the field of social sciences; and
- (o) the Executive Director.

(3) The members of the Board other than the *ex officio* members shall be appointed by the Minister.

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

(5) Every member shall be paid such fees and allowances as the Minister may determine.

(6) Every member, other than an *ex officio* member, shall hold office for 2 years and shall be eligible for reappointment.

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

- (a) has been absent, without leave, from 3 consecutive meetings of the Board; or
- (b) becomes, in any manner, disqualified for membership of the Board.

(8) 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 Board

(1) The Board shall meet—

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

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

(3) The Chairperson shall call a special meeting within 7 days of the receipt of a request in writing, for that purpose addressed to him by 4 members of the Board.

(4) (a) 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.

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

(5) The Board may appoint such committees as it may determine.

(6) Subject to this Act, the Board may regulate its meetings in such manner as it may determine.

6A. National Research and Innovation Advisory Committee

(1) There shall be a National Research and Innovation Advisory Committee, the functions of which shall be to ensure consultation between Government, industry and academic institutions and to advise the Board on—

- (a) the development of research programmes which will enhance the competitiveness of Mauritius and encourage the development of new economic sectors in Mauritius;
- (b) the relevance of research programmes to national needs;
- (c) collaboration in the private sector for joint research programmes and the funding of research.

(2) The Advisory Committee shall consist of—

- (a) a chairperson having wide experience in the field of research and innovation, to be designated by the Board;
- (b) 5 members, to be designated by the Board from the public or private sector;
- (c) 5 members, to be designated by the Board from international research institutions of repute and from among Nobel Prize laureates;
- (d) the Executive Director.

(3) (a) The Advisory Committee may co-opt any other person with relevant knowledge and experience who may be of assistance in relation to any matter before it to attend and take part in its deliberations.

(b) A co-opted person shall not have the right to vote at any meeting of the Advisory Committee.

(4) A member of the Advisory Committee shall hold office for a term of 2 years and may be eligible for reappointment.

(5) The Advisory Committee shall meet at least once every year.

(6) A meeting of the Advisory Committee shall be held at such time and place as the chairperson of the Advisory Committee considers appropriate.

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

(8) In the absence of the chairperson of the Advisory Committee at a meeting, the members present shall elect a member of that Committee to act as chairperson for that meeting.

(9) (a) The Advisory Committee may set up such subcommittees as it may determine.

(b) A subcommittee set up under paragraph (a) shall consist of members of the Advisory Committee and such other persons as the Advisory Committee may co-opt.

(10) (a) There shall be a secretary to the Advisory Committee who shall be designated by the Executive Director.

(b) The secretary to the Advisory Committee shall—

- (i) convene a meeting of the Advisory Committee not later than 7 days after receiving a request to that effect from a member;
- (ii) give notice of every meeting of the Advisory Committee to the members of the Advisory Committee;
- (iii) prepare and attend every meeting of the Advisory Committee;
- (iv) keep minutes of proceedings of any meeting of the Advisory Committee; and
- (v) have such other duties as may be assigned to him by the Advisory Committee.

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

(11) Every member of the Advisory Committee shall be paid such allowance as the Minister may, with the approval of the Minister to whom responsibility for the subject of finance is assigned, determine.

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

(13) The Advisory Committee shall submit a report to the Board within one month of every meeting.

[S. 6A inserted by s. 8 of Act 1 of 2014 w.e.f. 1 September 2014.]

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

(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 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, 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 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 those directions.

11. Symbol of 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

(1) Without prejudice to any other enactment, all intellectual property arising from the use of Council resources shall vest in the Council.

(2) The intellectual property belonging to the Council may be made available for use on such terms as the Minister may approve.

(3) Without prejudice to 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 on such terms and conditions as may be agreed.

13. Funds of Council

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

- (a) any grants received from Government;
- (b) any loans granted to the Council by Government or any banking institution;
- (c) any moneys accruing to the Council in the course of the performance of its functions under this Act; and
- (d) any monies received by the Council.

[S. 13 amended by s. 11 of Act 1 of 2014 w.e.f. 19 April 2014.]

14. Estimates

(1) 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.

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

15. Annual report

(1) 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.

(2) The annual report shall be submitted to the Board for approval and subsequently be laid before the Assembly by the Minister.

16. Exemptions

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

(2) 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 Civil Mauricien 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. – 20. —
