



**NATIONAL INFORMATION SERVICES AGENCY
ACT, 2010**

(Act 4 of 2010)

I assent



**J. A. Michel
President**

30th March, 2010

AN ACT to establish the National Information Services Agency and to provide for related matters.

ENACTED by the President and the National Assembly.

PART I - PRELIMINARY

1. This Act may be cited as the National Information Services Agency Act, 2010.

Short title

Interpretation

2. In this Act—

“Agency” means the National Information Services Agency established under section 3;

“Board” means the Board of Directors of the Agency referred to in section 6;

“Chief Executive Officer” means the Chief Executive Officer of the Agency appointed under section 10;

“Minister” means the Minister responsible for Information;

“Information” means knowledge communicated or received concerning facts of general interest and includes news and comment;

“Member” means a member of the Board.

PART II - NATIONAL INFORMATION SERVICES AGENCY

Establishment of NISA

3.(1) There is established an Agency to be known as the National Information Services Agency.

(2) The Agency shall be a body corporate.

Objects

4.(1) The objects of the Agency are—

- (a) to operate as an agency for gathering and disseminating information in an efficient objective, impartial and cost-effective manner;
- (b) to contribute to the development of the mass media in Seychelles;
- (c) to promote the economic, political, social and

diplomatic interests of Seychelles, nationally and internationally;

- (d) to contribute to national development and nation-building;
- (e) to provide information support and to be an information outlet for the Government, national institutions and the public.

) The Agency shall have the following functions —

The functions of the Agency

- (a) establish and operate facilities for the collection and distribution of information;
- (b) enter into agreements for the supply of information to the Agency and for the distribution of information;
- (c) compile, print, produce, publish and distribute the Seychelles Nation newspaper and other publications;
- (d) provide pre-press services and products to Government, other persons and organisations;
- (e) buy, hire or otherwise acquire and sell, let or otherwise dispose of or hypothecate or pledge or otherwise deal with any movable property or, with the prior approval of the Minister responsible for Land, any immovable property or any right in or over immovable property;
- (f) operate bank accounts;
- (g) accept donations and receive moneys due to it;

- (b) with the approval of the Minister responsible for Finance raise or borrow money, with or without security, and issue debentures, bills of exchange or other negotiable instruments;
- (i) apply its funds to the establishment of a reserve fund, or invest moneys not immediately required for its affairs with any financial institution approved by the Minister in consultation with the Minister responsible for Finance;
- (j) act as agent or representative of any person for any purpose connected with its objects or itself appoint agents or representatives for such a purpose; and
- (k) ensure the protection of all intellectual property belonging to the Agency.

(2) The Agency may engage in any lawful income generating activity even though it is not mentioned in subsection (1).

(3) Any act which the Agency is empowered to perform in connection with the attainment of its objects may be performed within or outside Seychelles.

PART III - THE BOARD

Board of the
Agency

6.(1) There shall be a board of directors consisting of five members appointed by the President which shall be responsible for the policy and control of the Agency.

(2) The President shall designate one member as chairperson of the board and the members shall elect from amongst their number a vice-chairperson of the board.

(3) Whenever the chairperson of the board is absent or unable to fulfill his or her duties, the vice-chairperson may exercise the powers and perform the duties of the chairperson.

7.(1) A member shall, subject to subsection (2), hold office for a period of two years and shall be eligible for reappointment.

Tenure of office
of members and
filling of
vacancies

(2) A member may resign from the board by letter addressed to the President.

(3) A member may be removed from office if the member—

- (a) fails to attend 3 consecutive meetings of the board without leave of absence granted by the chairperson or the board;
- (b) becomes mentally or physically incapable of discharging the member's functions;
- (c) is convicted of an offence punishable by imprisonment, or
- (d) ceases to be a fit and proper person to hold office by reason of personal misconduct or conflict of interests.

8. A member shall be paid such remuneration and allowances as may be determined by the Minister.

Remuneration
of members

9.(1) A meeting of the board shall be held at such time and place as may be determined by the chairperson of the board.

Meetings of
the board

(2) The chairperson shall, at the request of the ast 2

Minister or on the written request of at least 2 members of the board, convene a special meeting of the board.

(3) Three members of the board shall form a quorum for a meeting of the board.

(4) If both the chairperson and the vice-chairperson of the board are absent from a meeting of the board, the members present at such meeting shall from among their number elect a person to preside at the meeting.

(5) The decision of a majority of the members present at a meeting of the board shall constitute a decision of the board, and, in the event of an equality of votes on any matter, the person presiding at such meeting shall have a casting vote in addition to his or her vote.

Chief
Executive
Officer and
other
employees

10.(1) The President shall appoint a person as chief executive officer of the Agency for the management of the functions of the Agency.

(2) The chief executive officer shall attend the meetings of the board, unless the board determines otherwise, but shall not vote at any such meeting.

(3) The chief executive officer may, with the consent of the board, designate a person or persons to perform the functions of the chief executive officer during the absence, ill-health or incapacity of the chief executive officer.

(4) The board shall determine the remuneration and other conditions of service of the chief executive officer and its other employees including the provision of gratuity and pensions.

PART IV - FINANCIAL

Finances of
the Agency

11.(1) The funds of the Agency shall consist of—

- (a) moneys appropriated by government;
- (b) moneys received by virtue of contracts and services rendered by the Agency;
- (c) moneys borrowed by the Agency;
- (d) income received on moneys invested by the Agency; and
- (e) donations or contributions received by the Agency.

(2) The Agency shall utilise its funds in defraying expenses incurred in connection with the performance of its functions.

12.(1) The financial year of the Agency shall end on 31st December in each year.

Financial year and estimates of revenue and expenditure

(2) The Agency shall submit annually, at the end of the financial year an account of revenue collected and expenditure made, and the estimates of revenue and expenditure for the ensuing financial year, for approval by the Minister in consultation with the Minister responsible for Finance.

(3) The Agency shall restrict its expenditure for any financial year to the amounts shown on its estimates of expenditure as approved by the Minister for that financial year.

13.(1) The chief executive officer shall be the accounting officer of the Agency, and as such be charged with the responsibility of accounting for all moneys received, the utilisation thereof and the use and care of the assets of the Agency.

Accounting responsibility

(2) The accounting officer shall cause such records of accounts to be kept as are necessary to represent fairly the state of affairs and business of the Agency and to explain the transactions and financial position of the Agency.

Auditing,
furnishing of
information
and annual
reports

14.(1) The Auditor General shall audit the books of account, accounting statements and annual financial statements of the Agency and shall submit a copy of his or her report on the audit of those statements to the Agency.

(2) The Agency shall furnish the Minister with such information as the Minister may call for from time to time in connection with the activities and financial position of the Agency and shall as soon as practicable after the end of each financial year submit to the Minister in respect of that financial year copies of—

- (a) the audited balance sheet and profit and loss accounts and the report of the Auditor-General; and
- (b) a report by the Agency on its activities during that financial year.

(3) The financial statements and reports referred to in subsection (1) shall be submitted to the Minister responsible for Finance who shall cause them to be laid on the table of the National Assembly.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 23rd March, 2010.


Veronique Bresson
Clerk to the National Assembly