

**AGENCY FOR NATIONAL HUMAN RESOURCE
DEVELOPMENT ACT, 2013**

(Act 14 of 2013)

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**AGENCY FOR NATIONAL HUMAN RESOURCE
DEVELOPMENT ACT, 2013**

(Act 14 of 2013)

I assent



J. A. Michel
President

2nd December, 2013

AN ACT to establish an Agency for National Human Resource Development, to promote human resource development to improve national skills and create a framework for the development of human capital and for matters related therewith and incidental thereto.

ENACTED by the President and the National Assembly.

PART 1 - PRELIMINARY

1. This Act may be cited as the Agency for National Human Resource Development Act, 2013, and shall come into operation on such date as the Minister may, by Notice published in the *Gazette*, appoint.

Short title and
commencement

Interpretation

2. In this Act—

“Agency” means the Agency for National Human Resource Development established under section 3(1);

“Board” means the Board of Agency constituted under section 7;

“bonded” means a documentary promise to honour the terms and conditions of the scholarship;

“Chief Executive Officer” means the Chief Executive Officer of the Agency appointed under section 13(1);

“Minister” means the Minister responsible for Human Resource Development;

“scholarship” means the funding, supporting and promoting of tertiary education and training of students;

PART II - AGENCY FOR NATIONAL HUMAN RESOURCE DEVELOPMENT

Establishment of Agency

3.(1) There is hereby established, for the purpose of this Act, an agency to be known as the Agency for National Human Resource Development.

(2) The Agency shall, by the name assigned to it in subsection (1), be a body corporate.

Objects of Agency

4. The objects of the Agency is to advise and assist in the field of human resource development in order to improve national skills and create a framework for the development of human capital through the development of organisation and the individual.

5. The functions of the Agency shall be to—

Functions of the Agency

- (a) advise and assist government in the field of human resources development;
- (b) coordinate national human resources planning and utilisation, and development of human resources in the public and private sectors;
- (c) provide a forum for consultation of stake holders on matters related to human resources development;
- (d) promote a culture of training and development and lifelong learning in individuals and organisations;
- (e) initiate research in the field of human resources development;
- (f) design and implement strategies for the effective development of human resources;
- (g) manage and administer the Government of Seychelles Scholarship Scheme and tertiary training fund;
- (h) promote initiatives for the provision of training to meet the human resources needs of the country; and
- (i) facilitate internship, secondment and placement in public or private organisations for graduates having completed tertiary education locally or overseas.

6. The Minister may give directions in writing to the Agency on matters of policy and general administration.

Ministerial directions

**PART III - BOARD OF AGENCY FOR NATIONAL
HUMAN RESOURCE DEVELOPMENT**

- Board of the Agency** **7.** There shall be a governing board of the Agency to be known as the Board of Agency for National Human Resources Development which shall manage the affairs of the Agency.
- Functions of Board** **8.** The functions of the Board shall be to —
- (a) assist in setting goals, strategy and plans for the Agency in relation to national human resources development based on policy and strategies directives;
- (b) validate training needs and plans;
- (c) monitor budget spending of the Agency;
- (d) support and evaluate the work of the Chief Executive Officer;
- (e) monitor the Agency's activities as outlined in its action plan; and
- (f) discuss human resources data collected and make recommendations.
- Composition and procedure of Board** **9.(1)** The Board shall consist of seven members appointed by the President on such terms and conditions as the President may determine.
- (2) The Board shall consist of one human resources trained personnel and a representative each from the —
- (a) Ministry of Finance, Trade and Investment;
- (b) Tertiary Education Commission;

- (c) Department of Public Administration;
- (d) Seychelles Chamber of Commerce;
- (e) Attorney General's office; and
- (f) Seychelles Qualifications Authority.

(3) The President shall cause a notice of the names of the Chairperson, Vice-Chairperson and Members of the Board to be published in the *Gazette* and every appointment shall take effect from the date of publication.

(4) The Chairperson and Vice-Chairperson shall be appointed by the President from amongst the members of the Board.

(5) The Chairperson, the Vice-Chairperson and Members shall hold office for a period of 3 years and be eligible for re-appointment at the end of a term of office but shall not be eligible to hold office for more than two consecutive terms.

(6) The Vice-Chairperson shall, in the absence of the Chairperson perform all functions and duties of the Chairperson.

(7) The Chairperson or in the absence of the Chairperson and the Vice-Chairperson, a Member elected by the Members present shall preside at a meeting of the Board.

(8) All matters arising at a meeting of the Board shall be decided by a majority of the votes of the Members present and, in the event of an equality of votes, the Chairperson, the Vice-Chairperson or the Member, presiding shall have the casting vote.

(9) Where before the expiry of the term of office of a person holding office of the Chairperson, or Vice-Chairperson

or any other Member, a vacancy arises for any reason whatsoever, the person appointed to fill such vacancy shall hold office for the unexpired period of the term for which his or her predecessor would have held office, had such vacancy not arisen.

(10) The quorum of the meeting of the Board shall be 4 members.

Termination of appointment of members of Board

10.(1) The President may at any time terminate the appointment of the Chairperson, Vice-Chairperson or a Member who—

- (a) has been found guilty of any misconduct, default or breach of trust in the discharge of any duties;
- (b) is convicted of an offence and sentenced to a term of imprisonment of three months or more; or
- (c) is mentally or physically incapable of carrying out the functions under this Act.

(2) The Chairperson, Vice-Chairperson or a Member whose appointment has been terminated under this section shall not be eligible for re-appointment.

(3) The Chairperson, Vice-Chairperson or any other Member of the Board may resign by giving three months notice in writing to the President and on such resignation being accepted, the Chairperson, Vice-Chairperson or any Member, as the case may be, shall be deemed to have vacated office.

Disclosure of interest

11. The Chairperson, Vice-Chairperson or a Member of the Board who has direct or indirect financial, personal or other interests in any matter which is to be discussed at a meeting of the Board and which entails or may entail a conflict of interest, shall—

- (a) disclose the nature of such interest before or at a meeting of the Board; and
- (b) not take part in any deliberation or decision in respect of that matter or vote thereon.

12.(1) There shall be not less than six meetings every year and not more than two months shall intervene between one meeting and the next meeting.

Meetings of Board

(2) The Chairperson may by written notice convene a special meeting of the Board for any purpose specified in the notice.

(3) Subject to this Act, the Board shall regulate its own proceedings.

PART IV - CHIEF EXECUTIVE OFFICER

13.(1) There shall be a Chief Executive Officer of the Agency appointed by the President on such terms and conditions as the President may determine.

Chief Executive Officer

(2) The Chief Executive Officer, in addition to such other functions which the Board may from time to time assign, shall be responsible for the management, supervision and the direction of the affairs of the Agency.

(3) Subject to any direction of the Board, the Chief Executive Officer shall participate in the meetings of the Board but shall not have the right to vote.

(4) The Chief Executive Officer —

- (a) shall be responsible for the administration of the day to day functions of the Agency and discharge such other duties as may be assigned to him or her by the Board;

- (b) shall be responsible for the implementation of the decisions of the Board;
- (c) may, subject to the direction of the Board, sign documents on behalf of the Board; and
- (d) may, subject to the direction of the Board, delegate to any employee of the Agency any duty and responsibility.

Staff of
Agency

14. The Agency may employ such officers and other staff as are necessary, for the Agency to perform its functions, on such terms and conditions as may be determined by the Board and according to the procedures applicable to such employees of public bodies.

PART V - FINANCIAL AND OTHER PROVISIONS

Funds of
Agency

- 15.(1) The funds of the Agency shall consist of—
- (a) moneys appropriated by the National Assembly for the use of the Agency;
 - (b) moneys received by the Agency by way of loans, donations, gifts or grants; and
 - (c) the National Training Fund.
- (2) The funds of the Agency shall be applied for—
- (a) the payment or discharge of expenses, debts and other obligations incurred in the performance of the functions of the Agency;
 - (b) the payment of remuneration to members of the Board and officers and other staff of the Agency; and
 - (c) any other expense as may be approved by the Board.

16.(1) The Agency shall maintain proper accounts and other relevant records and prepare an income and expenditure statement in such form and in such manner as may be prescribed by regulations.

Accounts,
audit and
annual report

(2) The accounts of the Agency shall be audited by the Auditor General in accordance with Article 158 of the Constitution.

(3) Where the accounts and statement of accounts of the Agency in respect of any financial year have been audited, the Agency shall furnish the Minister a copy of the statement together with a copy of any report by the Auditor- General on the statement of accounts or on the accounts of the Agency.

(4) The Agency shall prepare once every calendar year in such form and within such time as may be prescribed, an annual report giving full account of its activities during the previous year and copies together with the statement of account audited under subsection (2), shall be forwarded to the Minister and the Minister shall cause the same to be tabled before the National Assembly.

(5) The Agency shall, at least 90 days prior to the beginning of each financial year, prepare and submit to the Minister and the Minister responsible for finance an annual financial statement for the next financial year showing separately—

- (a) the expenditure which is proposed to be met from internal sources of the Agency; and
- (b) the sum required from the government to meet other expenses distinguishing revenue expenditure from other expenditure.

(6) The financial year of the Agency shall be the period of 12 months ending on 31st December.

PART VI - MISCELLANEOUS

Protection against legal proceedings

17. Any suit or other legal proceedings shall not lie against the Agency, any Member, the Chief Executive Officer, employees or any other person acting under the direction of the Agency in respect of anything which is done or purported to be done in good faith in pursuance of this Act.

Application of provision of the Penal Code

18. The Members, the Chief Executive Officer, employees or any other person acting under the direction of the Agency shall be deemed to be employed in the public Service for the purpose of sections 91 to 96 of the Penal Code.

Plan of activities

19.(1) The Agency shall prepare a plan of activities and submit to the Minister at least 30 days before the beginning of each financial year, for approval.

(2) The plan of activities shall —

- (a) include a statement of the short and medium term objectives of the Agency;
- (b) outline the strategy of the Agency in order to achieve its objectives; and
- (c) contain, *inter alia*, an operational plan, financial plan, human resource plan and performance indicators.

Obligation to provide information

20.(1) The Agency shall have the power to obtain such information within a specified time from any organisation as it deems necessary to carry out its functions under this Act.

(2) An organisation which is required to provide any information under subsection (1) shall provide to the Agency, the following information —

- (a) particulars of plans for training of its employees;
- (b) reports on human resource planning and development activities;

- (c) information on the supply and demand of human resource;
- (d) information in respect of studies, surveys and audit relating to human resource; and
- (e) any other relevant information as may be prescribed by regulations.

(3) It shall be the duty of every person who is required to furnish information under this section to comply with the request as promptly as is practicable.

(4) A person unreasonably refuses or unwilling to furnish information under subsection (2) commits an offence and is liable upon conviction to a fine not exceeding SCR50,000.

21.(1) The Agency shall establish, promote, offer and grant scholarship to citizens of Seychelles for tertiary education and training.

Scholarship

(2) Any person who enters into an agreement for a scholarship, referred to in subsection (1) with the Agency shall be bonded by the Agency on such terms and conditions as may be prescribed by regulations.

22.(1) The Minister may make regulations, consistent with this Act, for carrying into effect the principles and provisions of this Act.

Regulations

(2) Without prejudice to the generality of subsection (1), regulations may be made for —

- (a) the form and manner of the administration of grant of scholarships;
- (b) the proper and efficient administration of this Act;

- (c) all matters which by this Act are required to be prescribed, or which are necessary or convenient to be prescribed for giving effect to this Act.

Repeal

23. The National Human Resources Development Council Act, 2006 is hereby repealed.

Savings and transitional

24.(1) Upon the commencement of this Act all movable property, assets, (rights, interest and privileges) vested in the government immediately before the commencement of this Act used and managed by the National Human Resources Development Council under the repealed Act, shall be transferred to and vested in the Agency.

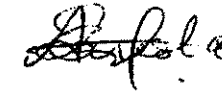
(2) All liabilities and obligations of the Government relating to the National Human Resources Development Council prior to the commencement of this Act, shall be incurred by the Agency upon the commencement of this Act and the Agency shall use all powers necessary to discharge such liabilities.

(3) All Regulations made, directions issued and notifications made under the repealed Act shall continue in effect until they are repealed or amended under the provisions of this Act.

(4) All officers and other employees of the National Human Resources Development Council employed prior to the commencement of this Act shall be deemed to be officers and employees of the Agency on condition no less favourable than these subsisting immediately prior to the commencement of this Act.

(5) Any suits or other legal proceedings pending or instituted by or against the Government relating to the National Human Resources Development Council, immediately prior to the commencement of this Act shall be continued or instituted as if the Agency was a party thereto.

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 19th November, 2013.



Azarel Ernesta
Clerk to the National Assembly