

**NATIONAL INSTITUTE FOR SCIENCE, TECHNOLOGY AND
INNOVATION ACT, 2014**

(Act 6 of 2014)

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**NATIONAL INSTITUTE OF SCIENCE,
TECHNOLOGY AND INNOVATION ACT, 2014**

(Act 6 of 2014)

I assent

J. A. Michel
President

15th April, 2014



AN ACT to provide for the establishment of the National Institute of Science, Technology and Innovation, to provide for its composition, functions and powers which shall serve as an umbrella body providing leadership and coordination for research in science, technology and innovation and for matters connected therewith or incidental thereto.

ENACTED by the President and the National Assembly.

1. This Act may be cited as the National Institute of Science, Technology and Innovation Act, 2014 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—

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

“Institute” means the Institute of Science, Technology and Innovation established by section 3;

“Member of the Board” means a member of the Board referred to in section 7;

“Minister” means the Minister responsible for Industry.

PART II - THE NATIONAL INSTITUTE OF SCIENCE, TECHNOLOGY AND INNOVATION

Establishment of Institute

3. There is hereby established an Institute to be known as the National Institute of Science, Technology and Innovation which shall be a body corporate.

Objectives of Institute

4.(1) Subject to this Act, the objectives of the Institute shall be to—

- (a) ensure the resources which shall support the development of science, technology and innovation;
- (b) create a conducive environment and conditions to foster and develop the scientific, technological and innovative culture for industrial growth and coordinate between scientists, researchers, innovators and investors to ensure that science, technology and innovation supports the competitiveness of trade and export in Seychelles;

- (c) collaborate with international research institutions, business enterprises, and national expertise in developing a competent regional knowledge clusters in science, technology and innovation;
- (d) make research and development attractive to business enterprises, and to support the emergence of high-tech opportunities in the backdrop of the alarming pace of disruptive technologies and innovations;
- (e) improve the awareness within the industrial and service sectors of the importance of intellectual property rights;
- (f) to devise strategies to promote education and human capital in science, technology and innovation; and
- (g) promote creativity and innovative activities in schools, bringing scientific and innovative projects and quality teaching and learning in mathematics, science, technology and enterprises.

5. The functions of the Institute shall be to—

- (a) promote science, technology and innovation;
- (b) approve and coordinate scientific research programs and activities at national level;
- (c) ensure collaboration and cooperation between organisations engaged in science, technology and innovation to minimise duplication of functions and minimise inter-organisational conflicts;

Functions of Institute

- (d) partake and involve in the decision making process of all technology transfers and acquisitions at national and international level;
- (e) take measures for protection of intellectual property rights of persons making research and innovation and advise the government for taking any policy and legislative measures;
- (f) improve research and development through capacity building and funding in science, technology and innovation while ensuring the human capital in science, technology and innovation are valued and retained;
- (g) develop specialised laboratories for research or affiliate to develop research programs;
- (h) maintain and publish scientific literature and research, carried out locally;
- (i) develop and promote indigenous knowledge and technologies;
- (j) create a conducive environment for innovation to survive while being aware of the overwhelming global pace of disruptions in technology and innovation in order to increase economic growth;
- (k) ensure that development in science, technology and innovation is people centered as well as environment centered for the sustainability of the country's overall development;
- (l) establish a research and development centre to support science, technology and innovation;

- (m) incubation centre and science park; and
- (n) such other functions as may be prescribed by regulations.

6. There shall be a Board of the Institute which shall be responsible for the management and administration of the operations of the Institute.

Board of
Institute

7.(1) The Board shall consist of the following members, to be appointed by the President, namely—

Composition of
Board

- (a) a representative from the Ministry responsible for Industry;
- (b) a representative from the Ministry responsible for Education;
- (c) a representative from the Ministry responsible for Information Communications and Technology;
- (d) the Chief Executive Officer of the Agency for Human Resources Development;
- (e) a representative from the Seychelles Chamber of Commerce;
- (f) the Vice-Chancellor of University of Seychelles;
- (g) an eminent Scientist; and
- (h) 2 innovators recognised in the field of science technology and research.

(2) The President shall appoint members under subsection (1) (a), (b), (c) or (e) from amongst officers holding a post at a senior level not below the rank of Director or its equivalent.

(3) The President may appoint a person having qualifications and experience in the field of science, technology or innovation to be the member of the Board under subsection (1) (g) or (h) on such terms and conditions as the President may determine in accordance with the government policy applicable to the public bodies.

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

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

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

8.(1) A person shall not be appointed as a member of the Board if he or she —

- (a) has been adjudged or declared insolvent or bankrupt and has not been discharged; or
- (b) has been convicted within the period of five years immediately preceding the date of his or her proposed appointment, in respect of an offence, whether in Seychelles or outside, to a term of imprisonment imposed without the option of a fine, whether or not any portion has been suspended, and has not received a free pardon.

9.(1) A member of the Board appointed under section 7(2) and (3) shall hold office for a period, not exceeding 3 years, as the President may fix and shall be eligible for re-appointment.

Disqualification
for
appointment
of Members

Terms of
office of
Members

(2) On the expiry of the period for which a member has been appointed, he or she shall continue to hold office until he or she has been re-appointed or his or her successor has been appointed.

(3) A member of the Board shall continue to hold office so long as he or she holds the office by virtue of which he or she was nominated or appointed as a member of the Board.

(4) Without prejudice to subsection (3), a member of the Board may be paid from the funds of the Institute such remuneration in accordance with the government policy, subject to the approval of the Minister responsible for finance.

10. A member of the board shall vacate his or her office and his or her office shall become vacant —

- (a) on expiry of 30 days after he or she gives notice in writing to the President, through the Minister, of his or her intention to resign, or after such other period of notice as he or she and the Minister may agree;
- (b) on the date he or she is convicted to a term of imprisonment imposed in or outside Seychelles;
- (c) if he or she becomes disqualified in terms of section 8 to hold office as a member of the Board; or
- (d) if he or she is required under section 11 (1) to vacate his office.

11.(1) The President may require a member of the Board to vacate his or her office if the member —

- (a) has been guilty of improper conduct as a member of the Board or guilty of conduct that

Vacation of
office by
Member

President
may require
a member to
vacate office
or may
suspend any
member

is prejudicial to the interest or reputation of the Institute;

- (b) has failed to comply with any condition of his or her appointment; or
- (c) is mentally or physically incapable of efficiently discharging his functions as a member of the Board.

(2) The president, on the recommendation of the Board, may require a member of the Board to vacate his office if the President is satisfied that the member has been absent without the permission of the Board from three consecutive meetings of the Board, of which the member was given not less than seven days notice, and that there was no just cause for the members absence.

(3) The President may suspend from office a member of the Board against whom criminal proceedings have been instituted in respect of an offence for which a sentence of imprisonment without the option of a fine may be imposed.

Filling of vacancies

12.(1) On the death of, or the vacation of office by, a member, the President may, subject to this part, appoint a person to fill the vacancy for the remainder of the term of his or her predecessor.

(2) The President shall appoint a person to fill the vacancy within 3 months after being notified about it by the chairperson of the Board.

Meetings and procedure of Board

13.(1) The Board shall hold its first meeting on a date and place fixed by the Minister, and thereafter, subject to this section, shall meet, at least 3 times in each year, for the conduct of business and adjourn, close or otherwise regulate its meetings and procedure as it thinks fit.

(2) The Chairperson of the Board —

- (a) may convene a special meeting of the Board at any time; and
- (b) shall, on the written request of the Minister or not fewer than 2 members of the Board, convene a special meeting on a date not sooner than 7 days and not later 30 days after the receipt of the request.

(3) A notice of a special meeting under subsection (2) shall be sent in writing, to each member of the Board not later than 48 hours before the meeting and shall specify the business to be transacted in the meeting.

(4) The Chairperson of the Board or, in his or her absence, the Vice-Chairperson shall preside at all meetings of the Board.

(5) In case the Chairperson and Vice-Chairperson are both absent from a meeting of the Board, the members present may elect a member to preside at that meeting.

(6) Half the number of members of the Board shall form a quorum at any meeting of the Board.

(7) Any question arising at a meeting of the Board shall be decided by a majority of votes of the members present and voting, and in the event of an equality of votes, the person presiding at the meeting shall have a casting vote.

(8) The Chairperson of the Board may, with the approval of the Board, invite any person to attend a meeting of the Board, where the chairperson considers that the person has special knowledge or experience in any matter to be considered by the Board at that meeting.

(9) A person invited to attend a meeting of the Board under subsection (8) may take part in the proceedings of the

Board, in so far as it relate to the matter for which he or she was invited, but shall not have a vote on any question before the Board.

(10) A proposal circulated among all members and agreed to in writing by a majority of members shall have the same effect as a resolution passed in a meeting of the Board and shall be included into the minutes of the next succeeding meeting of the Board.

(11) Subsection (10) shall not apply to the proposal, if any member of the Board requires that such proposal be placed before a meeting of the Board.

Committees

14.(1) The Board may, for the efficient performance of its functions, establish such committees as it considers and may vest in the committee such of its functions as it considers appropriate.

(2) The vesting of any function in a committee under subsection (1) shall not divest the Board of that function and the Board may amend or rescind any decision of the committee in the exercise of that function.

(3) On the establishment of a committee under subsection (1), the Board—

- (a) shall appoint to the committee at least one member of the Board, who shall be the chairperson of the committee; and
- (b) may appoint as members of the committee, on such terms and conditions as the Board may determine, persons who are not members of the Board.

(4) Section 11 shall apply, *mutatis mutandis*, to a member of the committee established under subsection (1).

15.(1) The meetings of any committee of the Board may be convened at any time and at any place by the Chairperson of the Board or by the chairperson of the committee concerned.

Meetings of committees

(2) Subject to section 16, the procedure of the committees of the Board shall be determined by the Board.

(3) The Board shall cause minutes of proceedings of, and decisions taken at, the meetings of the Board and its committees to be entered in books kept for the purpose.

(4) Any minutes referred to in subsection (3) which purport to be signed by the chairperson of the meeting to which the minutes relate or by the chairperson of the next following meeting of the Board or the committee, as the case may be, shall be accepted for all purposes as prima facie evidence of the proceedings of and decisions taken at that meeting.

16.(1) A member of the Board who has interest in any contract, application or other transaction for consideration by the Board shall disclose in writing the nature of that interest and shall not participate in any deliberation of the Board on that matter.

Disclosure of interest

(2) A member who fails to comply with subsection (1) shall be liable to have his or her appointment terminated.

PART III - PATRON, CHIEF EXECUTIVE OFFICER AND STAFF OF INSTITUTE

17.(1) The President shall be the Patron of the Institute.

Patron of Institute

(2) The Patron may at any time attend and address any meeting of the Board and may take part in the proceedings of any such meeting.

18.(1) The President, shall appoint a Chief Executive Officer of the Institute from among persons having

Chief Executive Officer of Institute

qualifications and experience in the field of science, technology or innovation relevant to the functions of the Institute.

(2) A person shall not be appointed as the Chief Executive Officer or hold office as such, if he or she would be disqualified to be appointed as a member of the Board under section 8 or required to vacate office as a member of the Board under section 11, had those sections applied to him or her.

(3) The Chief Executive Officer shall hold office for such period, and upon such terms and conditions, as may be determined by the President.

(4) The Chief Executive Officer shall be an *ex-officio* member of the Board without voting rights.

(5) Subject to the control of the Board, the Chief Executive Officer shall —

- (a) be responsible for the implementation of the decisions of the Board and for the management of the affairs of the Institute and funds and property of the Institute;
- (b) exercise general authority over the conduct and discipline of the staff of the Institute; and
- (c) perform such of the functions of the Institute as the Board, with the approval of the Minister, may assign.

(6) The Chief Executive Officer shall submit to the Board reports in regards to the operations, undertakings and activities of the Institute.

Other staff

19.(1) The Board may employ such person as it considers necessary to carry out the functions of the Institute.

(2) A person shall be employed under sub section (1) on such terms and conditions as may be determined by the Board and approved by the Minister.

PART IV - FINANCIAL PROVISIONS

20.(1) The Funds of the Institute shall consist of—

Funds of
Institute

- (a) the moneys appropriated by the National Assembly for the purposes of this Act;
- (b) the moneys accruing to the Institute from its operations including the fees and charges received by the Institute;
- (c) the moneys, from time to time, received by the Institute with the approval of the Minister by way of donations and grants from any source whatsoever;
- (d) such money that may be raised with the approval of the Minister and the Minister responsible for finance; and
- (e) any other moneys that may vest in or accrue to the Institute, whether in the course of its operations or otherwise.

(2) The funds of the Institute shall be applied for—

- (a) the payment or discharge of expenses, debts;
- (b) the payment of remuneration to members of the Board and officers and other staff of the Institute; and
- (c) any other expenses as may be approved by the Board.

21.(1) The Board shall ensure that proper accounts and other records are kept in respect of all the Institute's activities.

Accounts of
Institute

fund and property, including such particular accounts and records as the Minister may direct.

(2) The Board shall, within 4 months from the end of each financial year, prepare and submit to the Minister a statement of accounts and its activities in respect of that financial year or in respect of such other period as the Minister may direct.

Financial year
and audit of
accounts
and annual
report

22.(1) The financial year of the Institute shall be the calendar year.

(2) The Institute shall maintain proper accounts and other relevant records and prepare a statement of accounts in line with modern accounting methods, and in such forms as may be approved by the Auditor General.

(3) The accounts of the Institute shall be audited by the Auditor General in accordance with article 158 of the Constitution.

(4) The Institute shall prepare once every calendar year in such form and within such time as the Minister may order, an annual report giving full account of its activities during the previous year and together with a copy of the audited accounts of the Institute to be forwarded to the Minister, who in turn shall cause the audited accounts to be laid before the National Assembly.

PART V - MISCELLANEOUS

Minister may
give directions

23. The Minister may give such directions of policy to the Institute in regards to the discharge of its functions and the Institute shall comply with such directions.

Members and
employees
to be public
servant

24.(1) The members of the Board and the officers and employees of the Institute shall be deemed to be employed in the public service and sections 91 to 95 of the Penal Code shall apply to them.

(2) Any suit or other legal proceedings shall not lie against the Institute, any member of the Board, officers or employees of the Institute in respect of an act done or intended to be done in good faith in discharge of any function pursuant of this Act.

25. Any person who discloses any information acquired by him or her in the performance of any functions under this Act, in relation to confidential matter he or she receives, commits an offence and shall upon conviction be liable to a fine not exceeding SCR5,000.

Privacy

26. The Minister may make regulations to provide for all matters which by or under this Act are required or permitted to be prescribed or necessary to be provided for to carry out or give effect to the provisions of this Act.

Regulations

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 1st April, 2014.



Luisa Waye-Hive
Deputy Clerk