

THE MAURITIUS INSTITUTE OF EDUCATION ACT 1973

Act No. 42 of 1973

I assent,

4th December 1973

A.R.M. OSMAN
Governor-General

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Establishment, name and place of business of the Institute.
4. Objects of the Institute.
5. Powers of the Institute.
6. Functions of the Institute.
7. The Director.
8. Other administrative staff.
9. Heads of department.
10. The Council.
11. Academic Board.
12. Powers and functions of the Academic Board.
13. Appointment of staff.
14. Departments.
15. Service of notices and documents.
16. Legal proceedings.
17. Exemption from duty and charges.
18. Powers of Minister.
19. Regulations.
20. Saving.
21. Consequential amendment.
22. Commencement.

An Act to provide for the establishment and constitution of the Mauritius Institute of Education and for matters connected therewith and incidental thereto

[4th December 1973]

ENACTED by the Parliament of Mauritius, as follows -

Short title.

1. This Act may be cited as the Mauritius Institute of Education Act 1973.

Interpretation.

2. In this Act, unless the context otherwise requires -

"Academic Board" means the Academic Board of the Institute set up under section 11;

"academic staff" includes any person holding appointment as Professor, Associate Professor, Senior Lecturer, Lecturer or Assistant Lecturer of the Institute, or in any other post stipulated by the Council as an academic staff post;

"Council" means the Council of the Institute set up under section 10;

"department" means a department of the Institute set up under section 14;

"Director" means the Director of the Institute appointed under section 7;

"librarian" means the librarian of the Institute appointed under section 8;

"student" means any person registered for the time being as a student of the Institute.

Establishment, name and place of business of the Institute.

3. (1) There is hereby established a Mauritius Institute of **Education** hereinafter referred to as "the Institute".
- (2) The Institute shall be a body corporate having perpetual business of succession and a common seal bearing its name.
- (3) The principal place of business of the Institute shall be at such place as the Council may from time to time determine.
- (4) Any person who, without the authority of the Institute, uses the name and style of the Institute shall commit an offence and shall, on conviction, be liable to a fine not exceeding one thousand rupees.
- (5) The Institute shall have a patron who shall be chosen by the Council.

Objects of the Institute.

4. The objects of the Institute shall be to provide facilities for and to engage in **educational** research, curriculum development and teacher **education** and thereby to promote the advancement of learning and knowledge in the field of **education** and, in particular, to provide a teacher **education** responsive to the social, linguistic, administrative, scientific, agricultural and technological needs of Mauritius, and to do all such things as are incidental or conducive to the attainment of those objects.

Powers of the Institutes.

5. The Institute shall have all the powers of a body corporate and, notwithstanding the generality of the foregoing power, may -
 - (a) acquire by purchase, gift by way of donation *inter vivos*, bequest or otherwise, hold, possess, manage, sell or exchange movable or immovable property;
 - (b) lease, rent or take on lease any property on such terms as it thinks fit;
 - (c) compound or compromise any proceedings or debt;
 - (d) receive any sum due and give a full and valid discharge and sign any receipt therefor;

- (e) open any account at any bank, effect any payment into that account and withdraw any sum therefrom;
- (f) draw, sign and endorse any cheque, draft, bill or other negotiable instrument;
- (g) effect or accept any payment;
- (h) borrow money or mortgage any immovable property;
- (i) invest any money in such movable or immovable securities or give in pledge any movable property, and in such manner as it thinks fit;
- (j) consent to the erasure or removal of any inscription, seizure, attachment or other prohibition, with or without payment;
- (k) make such donations as it thinks fit;
- (l) organise flag days or other functions for the raising of funds.

Functions of the Institute.

- 6. (1) The Institute shall have such functions as, in its opinion, are necessary to further most effectively, so far as its resources permit, the objects of the Institute and to maintain its efficiency and well-being as an academic community.
- (2) Without prejudice to the generality of the foregoing, the functions of the Institute shall be -
 - (a) to prescribe the conditions under which students may be admitted to the Institute for any particular course of study therein ;
 - (b) (i) to make recommendations to the University of Mauritius for the award and conferring of degrees;
 - (ii) to award diplomas and certificates;
 - (iii) to use moderators from universities or other institutions to further the objectives specified in subparagraphs (i) and (ii);
 - (c) to prescribe the disciplinary provisions to which students shall be subject;
 - (d) to provide instruction in such branches of learning and study and for such persons as it thinks fit and to make provision for research and curriculum development and for the advancement and dissemination of knowledge in such manner as it may determine;
 - (e) to accept the examinations passed and periods of study spent by students at universities or other places of learning as equivalent to appropriate examinations and periods of study in the Institute;
 - (f) to organise examinations on a nation wide basis;
 - (g) to institute and award fellowships, scholarships, studentships, exhibitions, bursaries and prizes;

- (h) to make provision for research and advisory services;
- (i) to prescribe and receive fees;
- (j) to enter into agreements or other relations with other institutions including the incorporation within the Institute of any other institution and the taking over of property, rights, privileges and liabilities of any such institution.

The Director.

7. (1) There shall be a Director of the Institute who shall be the principal academic and administrative officer of the Institute and who shall have general responsibility to the Council for maintaining and promoting the good order and efficiency of the Institute.
- (2) The Director shall be appointed by the Prime Minister, and shall hold office upon such terms and conditions and at such remuneration as the Prime Minister may think fit until -
- (a) his retirement;
 - (b) his resignation on giving at least six months' notice in writing of his intention so to do to the Prime Minister; or
 - (c) the expiry of any **contract** he may have entered into with the Government of Mauritius at the time of his appointment.

Other administrative staff.

8. (1) There shall be a Deputy Director of the Institute who shall be appointed by the Council from among the Heads of Administrative departments and who shall have such powers and functions as the Council shall determine.
- (2) The Council shall, on such terms and conditions, and at such remuneration as it may determine, appoint a Secretary who shall be responsible for providing secretarial services and have such other duties and functions as the rector may determine.
- (3) The Council shall, on su terms and conditions and at such remuneration as it may determine, appoint a Chief Finance Officer who shall be responsible to the Director for all matters concerning the finances of the Institute.
- (4) The Council shall, on such terms and conditions and at such remuneration as it may determine, appoint a librarian who shall be responsible to the Director for all matters concerning the library of the Institute.

Heads of Department.

9. (1) The appointment of the head of a department shall be made by the Council on the recommendation of a committee consisting of the Director as Chairman, and five other persons nominated by the Council.

- (2) Every head of a department shall be a member of the academic staff of at least at Senior Lecturer grade.
- (3) A head of a department shall be responsible to the Director for maintaining and promoting the efficiency and good order of the department in accordance with the policies and procedures set out in this **Act** or direct from time to time, by resolution of the Council or the Board.

The Council.

10. (1) There shall be a Council of the Institute which shall be the executive body of the Institute and shall have the custody, control and use of the common seal of the Institute.
- (2) The Council shall be responsible for the management and administration of the revenue and property of the Institute, and shall have general control over the conduct of the affairs of the Institute and take such measures as it deems fit to achieve the objects of the Institute.
- (3) The Council shall consist of -
 - (a) a Chairman appointed by the Prime Minister;
 - (b) the Director;
 - (c) a representative of the Prime Minister's Office;
 - (d) the Permanent Secretary and two other representatives of the Ministry of **Education** and Cultural Affairs;
 - (e) a representative of the Ministry of Finance;
 - (f) a representative of the Ministry of Agriculture and Natural Resources;
 - (g) a representative of the Ministry of Economic Planning and Development;
 - (h) the Chairman of the Public Service Commission;
 - (i) two representatives of the University of Mauritius appointed by the Chancellor;
 - (j) four representatives of the full-time academic staff of the Institute, two of whom shall be heads of department;
 - (k) two representatives of the students' organisation of the Institute;
 - (l) a representative of every union of teachers and of managers schools approved by the Minister;
 - (m) other members, not exceeding seven, as may be nominated by the Prime Minister;
- (4) Every *ex-officio* member of the Council shall remain a member for as long as he holds the office by virtue of which he became a member, and every other member of the Council shall hold office for three years.
- (5) (a) Subject to paragraph (b), the Council shall appoint from among its members, for such period and on such conditions as it may determine, a Vice-Chairman who shall perform all the functions of the Chairman during a vacancy in that office or during the inability of the Chairman to perform his functions.

- (b) No person may serve as Vice-Chairman for more than five consecutive years.
- (6) Eight members of the Council shall form a quorum.
- (7) Notwithstanding anything contained in subsection (3), no student representative shall participate in the deliberations of the Council in any matter relating to -
 - (a) examinations;
 - (b) conditions of service of staff; or
 - (c) discipline of staff.

Academic Board.

- 11. (1) There shall be an Academic Board of the Institute which shall be the academic authority of the Institute and shall, subject to the other provisions of this **Act**, be responsible for the academic work of the institute in teaching and research.
- (2) The Academic Board shall, in consultation with the University of Mauritius through a sub-committee chaired by the Director and with equal representation by the University and the Institute, be responsible for making recommendations to the University of Mauritius for the award of degrees.
- (3) The Academic Board shall be responsible for the award of diplomas, certificates and the regulation and superintendence of the **education** and discipline of students.
- (4) The Academic Board shall consist of -
 - (a) the Director who shall be the Chairman;
 - (b) the heads of department;
 - (c) the librarian;
 - (d) three representatives of the University of Mauritius;
 - (e) the Permanent Secretary and two other representatives of the Ministry of **Education** and Cultural Affairs;
 - (f) two members of the full-time academic staff in each department, one of whom shall be at lecturer grade;
 - (g) two representatives of the students' organisations of the Institute.
- (5) Every ex-officio member of the Academic Board shall remain a member for as long as he holds the office by virtue of which he became a member, and every other member of the Academic Board shall hold office until the end of the second year following his appointment or until such earlier date as the Academic Board may, in each case, determine.
- (6) A member other than an ex-officio member shall not be eligible to be re-appointed to the Academic Board until at least twelve months have elapsed from the date of expiry of his term of office.
- (7) Eight members of the Academic Board shall form a quorum.

(8) Notwithstanding anything contained in subsection (4), no student representative shall participate in the deliberations of the Academic Board in any matter relating to -

- (a) examinations;
- (b) conditions of service of staff; or
- (c) discipline of staff.

Powers and functions of the Academic Board.

12. Without prejudice to the generality of the powers of the Academic Board, the Academic Board may -

- (a) determine the subjects and research areas of each department and other academic sections of the Institute;
- (b) review annually the academic organisation and development of the Institute, with special reference to the effectiveness of the Institute's work in relation to its object to provide an **education** responsive to the **educational**, scientific, agricultural and technological needs of Mauritius, and arising from such review, report or make recommendations to the Council for the institution of new departments or other academic sections, for the establishment of additional academic posts or for any other development;
- (c) appoint external examiners and moderators for the final examination for diplomas and certificates, and control their duties and appointment;
- (d) review, amend, refer back, or disallow any **act** of any academic body the Institute and give guidance and direction to such body;
- (e) determine dates of terms;
- (f) institute, regulate, award and discontinue, under terms and condition determined by it but subject to any conditions acceptable to it that may be made by donors, fellowships, strides, exhibitions, bursaries, prizes and other such awards to students for the encouragement of study and research;
- (g) determine general policy matters relating to library facilities, teaching aids services, workshop and such other academic services which are in its view necessary to the furtherance of the objects of the Institute;
- (h) determine and control the terms and conditions of research or other **activities** conducted in the Institute or carried out by members of the staff of the Institute for which payments are made by other bodies;
- (i) determine the conditions under which and the extent ,if any, to which periods spent and courses of study pursued and examinations passed at other institutions may be regarded as equivalent to periods and courses of study and examinations in the Institute Board.;

- (h) enter into relations with other bodies for the furtherance of the objects of the Institute, with special regard to the advancement of **education** in Mauritius;
- (k) give advice, guidance and directions regarding the constitution, functions and **activities** of any organisation of the Institute eligible to receive and expend funds of the Institute;
- (l) take disciplinary **action** against any student who, in the opinion of the Academic Board, has **acted** in a manner prejudicial to the furtherance of the objects of the Institute or to the maintenance of its efficiency or well-being as an academic community;
- (m) investigate and, if necessary, arbitrate upon any academic matter brought to its notice by any member of the Academic Board.

Appointment of staff.

- 13. (1) The appointment of academic, administrative, technical and library staff shall be made by the Council on the recommendation of a committee consisting of a Chairman appointed by the Minister, the Director, the Permanent Secretary, Ministry of **Education** and Cultural Affairs and two other members of the Council appointed by the Minister.
- (2) The appointment of all other staff shall be made by the Council on the recommendation of a committee of three persons set up by the Council with the approval of the Minister.

Departments.

14. There shall be in the Institute -

- (a) a department of Humanities and Social Studies;
- (b) a department of Agriculture and Science;
- (c) a department of Commerce and Technology;
- (d) a department of **Education** Studies;
- (e) a department of Medium and Curriculum Research and Development;

and such other departments as the Council may, from time to time, establish.

Service of notices and documents.

- 15. Any notice or document required to be given or sent to a service of member of the Council or of a committee of the Institute may be given or sent either personally or by sending it by post to him at his last postal address of which the Institute has cognizance.

Legal proceedings.

- 16. (1) The institute shall **act** and sue or be sued under its corporate name.
- (2) Service of process on or on behalf of the Secretary shall be equivalent to service on or on behalf of the Institute.

- (3) Every deed, cheque or other document relating to the Institute shall be signed by two persons designated in that behalf by the Council.

Exemption from duty and charges.

17. Notwithstanding anything contained in any other law in force -
- (a) the Institute shall be exempted from payment of any licence duty, any rate or charge leviable on immovable property or any tax leviable on income;
 - (b) no stamp duty or registration fee shall be payable in respect of any document signed or executed by the Institute or under which the Institute is a beneficiary.

Powers of Minister.

18. (1) The Minister shall give such directions of a general character as to the performance by the Institute of its functions and duties as appear to the Minister to be requisite in the public interest and the Institute shall give effect to any such directions.
- (2) The Institute shall afford to the Minister facilities for obtaining information with respect to its activities and shall furnish him with such returns as he may require.

Regulations.

19. (1) The Council may, after consultation with the Academic Board, make regulations for carrying into effect the provisions of this Act and, notwithstanding the generality of the foregoing, such regulations may provide for -
- (a) any matter which is required by this Act to be prescribed;
 - (b) the powers and functions, constitution and terms of membership of such bodies as the Council or the Academic Board may think proper to set up;
 - (c) the appointment, discipline, conditions of service, retirement and resignation of staff;
 - (d) any procedural or other matter as the Council may determine.
- (2) Notwithstanding the provisions of the Interpretation and General Clauses Ordinance, 1957, any regulations made under this section -
- (a) shall not require to be laid on the table of the Legislative Assembly; and
 - (b) shall be published in such manner, and shall come into force on such day, as the Council may determine.

Saving.

20. Nothing in this Act shall prejudice or affect the rights of Her Majesty The Queen, Her Heirs and Successors, any body politic or corporate, or

any other person or persons except such as are mentioned in this **Act** and those claiming by, from, through or under them.

Consequential amendment.

21. The Statutory Bodies (Accounts and Audit) **Act**, 1972, shall have effect as if, in the First Schedule, there were added the following item -

20. The Mauritius Institute of **Education** [[Act No. 42 of 1973](#)].

Commencement.

22. This **Act** shall be deemed to have had effect from the 1st January, 1973.

Related documents: