

LEGISLATION PERTAINING TO TEC

(I) TEC ACT 1988

TEC Act

Act No. 9 of 1988

I assent,

V. RINGADOO

Governor General

6 May, 1988

ARRANGEMENT OF SECTIONS

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An Act

**To provide for the incorporation and management of a
Tertiary Education Commission
ENACTED by the Parliament of Mauritius, as follows:**

1. Short title

This Act may be cited as the Tertiary Education Commission Act 1988.

2. Interpretation

In this Act -

“Commission” means the Tertiary Education Commission established under section 3;

“Board” means the Board established under section 5;

‘Chairman’ means the Chairman of the Board;
‘Member’ means a member of the Board and includes the Chairman;
‘Minister’ means the Minister to whom responsibility for the subject of education is assigned;
‘Tertiary Educational Institution’ means an institution specified in the Schedule

3. Establishment of the Commission

(1) There is established for the purpose of this ACT a Tertiary Education Commission.

(2) The Commission shall be a body corporate.

4. Objects of the Commission

(1) The duties of the Commission shall be -

- (a) to foster the development of post-secondary education and training facilities;
- (b) to provide guidelines to the tertiary educational institutions for preparing annual and long-term plans for the operation and development of post-secondary education and training;
- (c) to make recommendations to the Minister on the development of higher education in Mauritius;
- (d) to advise the Minister on policy matters relating to the award of scholarships;
- (e) to promote coordination among tertiary educational institutions in respect of:
 - (i) the use of physical infrastructure and other material resources;
 - (ii) the optimum use of manpower;
 - (iii) the organisation of teaching programmes;
 - (iv) the planning and implementation of research.

(2) In the performance of its functions, the Commission shall have regard to -

- (a) the educational, cultural, social and economic needs of Mauritius;
- (b) the advisability of promoting the most effective use of available resources;
- (c) the need to encourage students to take advantage of the tertiary educational institutions of Mauritius.

5. The Board

(1) The Commission shall be administered and managed by a Board which shall consist of a Chairman and 6 other members to be appointed by the Prime Minister.

(2) Every member shall hold office for 3 years but shall be eligible for re-appointment.

(3) Four members shall constitute a quorum.

- (4) Subjects to subsection (3), the Board shall regulate its meetings and proceeding in such manner as it thinks fit.
- (5) The Chairman shall be appointed by the Prime Minister on such terms and conditions as he thinks fit.

6. Powers of the Board

The Board may do such things as appear requisite and advantageous in furtherance of the objects of the Commission and may in particular -

- (a) receive funds from the Government and raise funds from other sources for the provision and development of tertiary education;
- (b) allocate funds to tertiary educational institutions in the light of their annual and long term programmes;
- (c) require tertiary educational institutions to -
 - (i) provide information and data on any matter falling within the Commission's functions;
 - (ii) submit annual and long-term plans;
 - (iii) submit financial estimates and accounts, and prepare periodic reports in such form as the Board shall determine.
- (d) appoint sub-committees and co-opt such persons to such sub-committees as it may deem necessary.

7. Executive Director

- (1) There shall be a Director of the Board who shall be the Chief Executive Officer of the Board.
- (2) The Director shall be appointed, with the approval of the Minister, by the Board on such terms and conditions as it thinks fit.
- (3) The Director shall be responsible to the Board for the execution of the policy and the control and management of the day to day business of the Board.
- (4) The Director shall be entitled to attend every meeting of the Board and take part in its deliberations but shall not be entitled to vote on any matter before the Board.
- (5) In the discharge of his functions, the Director shall act in accordance with such directions as he may receive from the Board.

8. Delegation of functions

- (1) The Commission 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 Commission.
- (2) Any delegation of functions made under subsection (1) shall be subject to section 7(3).

9. Appointment of staff

- (1) Subject to subsection (2), the Board may employ, on such terms and conditions as it thinks fit, such staff as may be necessary for the proper discharge by the Commission of its functions.
- (2) The appointment of all staff shall be subject to the approval of the Minister.
- (3) All staff employed by the Board shall be under the administrative control of the Executive Director.

10. General Fund

- (1) The Commission shall establish a General Fund -
 - (a) into which all money received by the Commission shall be paid;
 - (b) out of which all payments required to be made by the Commission shall be effected.
- (2) The Commission may, in the discharge of its functions, charge to the General Fund all remuneration, salaries, fees, working expenses and other charges properly arising.

11. Exemptions

- (1) The Commission shall be exempt from the payment of income tax.
- (2) No stamp duty or registration fee shall be payable in respect of any document signed or executed by the Commission or under which the Commission is a beneficiary.

12. Donations

Article 910 of Code Napoleon shall not apply to the Commission.

13. Powers of the Minister

- (1) The Minister may give such directions of a general nature to the Board not inconsistent with this Act as he considers necessary in the public interest and the Board shall comply with those directions.
- (2) The Commission shall provide the Minister with such information in relation to its activities and shall furnish him with such documents as he may require.

14. Regulations

The Commission may make such regulations as it thinks fit for the purposes of this Act.

15. Consequential amendment

- (1) The Statutory Bodies (Accounts and Audit) Act is amended in Part II of the Schedule by adding the following item ----

“Tertiary Education Commission”
- (2) For the purposes of the Statutory Bodies (Accounts and Audit) Act, the period extending from the commencement of this Act to the 30 June 1988 shall be deemed to be the first financial year of the Commission.

- (3) Section 7(1) of the Statutory Bodies (Accounts and Audit) Act shall not apply to the first financial year of the Commission.
- (4) The auditor to be appointed under section 5(1) of the Statutory Bodies (Accounts and Audit) Act shall be the Director of Audit.

16. Commencement

This Act shall come into operation on a date to be fixed by Proclamation.

Passed by the Legislative Assembly on the third day of May, one thousand nine hundred and eighty eight.

L. RIVALTZ QUENETTE
Clerk of the Legislative Assembly

SCHEDULE

(Section 2)

University of Mauritius
Mauritius Institute of Education
Mahatma Gandhi Institute
Mauritius College of the Air