SEYCHELLES INSTITUTE OF MANAGEMENT BILL, 2006

(Bill No. 3 of 2006)

OBJECTS AND REASONS

It is proposed by this Bill to incorporate the Seychelles Institute of Management and to provide for its administration by a Governing Board appointed by the Minister responsible for Education and Youth.

The Institute would be charged with the responsibility of promoting and providing education and training in management.

The affairs of the Institute will be administered by a governing board of six to ten members appointed by the Minister and the Chief Executive Officer of the Institute who is an ex officio member. Provision is made for the employment of staff by, and the transfer of present employees to, the Institute on the coming into operation of this Act. All property used and managed by the Institute immediately prior to the coming into operation of the Act would be vested in the Institute.

The Institute is required to prepare a plan of activities to be approved by the Minister and to submit a report annually to the Minister of its administration and activities.

The Minister is empowered to make regulations in consultation with the Institute.

Dated this 11th day of January, 2006.

A.F.T. FERNANDO
ATTORNEY-GENERAL

SEYCHELLES INSTITUTE OF MANAGEMENT BILL, 2006

(Bill No. 3 of 2006)

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SEYCHELLES INSTITUTE OF MANAGEMENT
BILL, 2006

(Bill No. 3 of 2006)

A BILL
OF

AN ACT to provide for the establishment of the Seychelles Institute of Management and for matters connected therewith or incidental thereto

ENACTED by the President and the National Assembly.

Part I — Preliminary

Short title and commencement

1. This Act may be cited as the Seychelles Institute Management Act, 2006 and shall come into operation on such date as the Minister may, by Notice in the Gazette, appoint.

Interpretation

2. In this Act—

"Institute" means the Seychelles Institute of Management established by section 3;

"Minister" means the Minister responsible for Education;

"Board" means the Governing Board of the Institute referred to in section 5;

"member" means a member of the Governing Board appointed under section 5.

Part II — Establishment and administration of the Institute

Establishment of the Institute

3. There is hereby established a body corporate to be known as the Seychelles Institute of Management.

Function of the Institute

4. The functions of the Institute shall be —

(a) to promote, provide and advance education and training in management to meet the national needs;

(b) to promote diversification of managerial knowledge and skills;

(c) to provide opportunities for continuous professional development for managers and leaders;

(d) to set standards and promulgate best practices in the area of professional development of managers;

(e) to undertake analysis and research that would inform national policies on management and leadership development;

(f) to undertake consultancies and advise

organisations & government on best practices in the area of management of organisations;

(g) to undertake assessments of training needs in order to assist the fulfilment of national training needs of managers.

Governing Board

5. (1) The Institute shall be administered by a Governing Board consisting of not less than 6 and not more than 10 members as the Minister may determine and the Chief Executive Officer.

(2) The Minister shall appoint the Chairman of the Board and other members who shall hold office for such term and on such conditions as the Minister may specify in the instrument of appointment. The members shall be eligible for re-appointment.

(3) Any member of the Board may at any time resign office by a letter addressed to the Minister and such member shall cease to be a member of the Board from the date on which the Minister receives the letter.

(4) Where any member vacates office, the Minister shall appoint another person to replace that member for the remaining period of office of that member.

(5) Where any member is temporarily unable to perform functions due to ill health, other infirmity, absence from Seychelles or any other cause, the Minister shall appoint any other person to act for such member.

Proceedings of the Board

6. (1) The Board shall meet as often as may be necessary for the transaction of business and the meetings shall be held at such places and times and as the Chairman shall determine.

(2) The Chairman, or if the Chairman is not present, a member elected by the members present shall preside at any meeting of the Board.

(3) Five members of the Board shall constitute a quorum.

(4) Questions at a meeting shall be decided by the majority of votes of the members present but in the event of an equality of votes the Chairman or the member presiding at the meeting shall have a casting vote.

(5) Subject to the provisions of this Act and regulations made thereunder, the Board may regulate its own proceedings.

CEO of the Institute

7. (1) The Minister shall appoint a person with sufficient competence in the field of management and leadership in education and training as the Chief Executive Officer of the Institute on such terms and conditions as the Minister may determine.

(2) The Chief Executive Officer—

(a) shall be responsible for the implementation of the decisions of the Board and for the management of the affairs of the Institute;

(b) may, subject to the direction of the Board, sign documents on behalf of the Board;

(c) may, subject to the direction of the Board, delegate any function of the Chief Executive Officer to any employee of the Institute.

Staff of the Institute

8. The Institute may employ such persons as are necessary for the performance of its functions on such terms and condition as it deems fit.

Transfer of property

9. All movable property vested in the Government immediately before the commencement of this Act and used and managed by the Director General of the Seychelles Institute of Management and all assets, rights, interests, privileges, liabilities and obligations of the Government relating to the Seychelles Institute of Management shall be

transferred to and vest in the Institute upon the commencement of this Act.

Transfer of staff

10.(1) All persons employed in the Seychelles Institute of Management prior to the commencement of this Act shall be transferred to the service of the Institute on terms and conditions not less favourable than those enjoyed by them before the transfer.

(2) Until such time as new terms and conditions of service are adopted, the terms and conditions of service in the Government shall continue to apply to every person transferred to the service of the Institute under subsection (1) as if the person were still in the service of the Government.

Part III — Financial and miscellaneous

Funds of the Institute

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

(a) any moneys accruing to the Institute from its operations or other payments;

(b) such moneys as are voted by the National Assembly for the use of the Institute; and

(c) any moneys as from time to time are received by the Institute by way of loans, donations, gifts or grants.

(2) The funds of the Institute shall be applied in the discharge of expenses properly incurred in the carrying out of the functions of the Institute, the payment of remuneration to the members and employees of the Institute and in the repayment of any sums borrowed by the Institute.

Accounts and audit

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

(2) The Institute shall keep proper accounts and other relevant records in such form as may be approved by the Auditor General.

(3) Article 158 of the Constitution shall apply in respect of the auditing of the accounts of the Institute.

Plan of activities

13.(1) The Institute shall prepare a plan of activities and submit it at least 30 days before the beginning of each financial year to the Minister for his approval.

(2) The plan shall

(a) include a statement of the short and medium term objectives of the Institute;

(b) outline the strategies that the Institute intends to employ in order to achieve its objectives; and

(c) include, *inter alia,* an operational plan, a financial plan, a human resources plan and performance indicators.

Report

14. The Institute shall, as soon as possible after the expiration of each financial year and in any event not later than the 31st day of March in any year, submit to the Minister a report dealing generally with the administration and its activities during the preceding financial year and the Minister shall cause the report to be tabled in the National Assembly.

Minister's directions

15. The Minister may, in consultation with the Minister responsible for Public Administration and the Minister responsible for Human Resources Development, give general directions to the Institute in regard to the discharge of its functions and the Institute shall comply with such directions.

Protection of members etc.

16.(1) The members and the employees of the Institute shall be deemed to be employed in the public service and sections 91 to 96 of the Penal Code shall apply to them.

(2) Subject to subsection (1), the Institute, members and employees of the Institute shall not be liable civilly or criminally in respect of any loss arising from the discharge in good faith by any of them of the functions of the Institute.

17. The Minister may, in consultation with the Institute, make regulations to give effect to the principles and provisions of this Act. Regulations