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THE BAHAMAS AGRICULTURE AND MARINE SCIENCE INSTITUTE ACT, 2022

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No. 1 of 2022

THE BAHAMAS AGRICULTURE AND MARINE SCIENCE INSTITUTE ACT, 2022

AN ACT TO PROVIDE FOR THE ESTABLISHMENT,
INCORPORATION, GOVERNANCE, CONTROL AND
ADMINISTRATION BY A BOARD, OF THE BAHAMAS
AGRICULTURE AND MARINE SCIENCE INSTITUTE AND FOR
MATTERS INCIDENTAL THERETO

[Date of Assent - 25th February, 2022]

Enacted by the Parliament of The Bahamas

PART I - PRELIMINARY

1. Short title and commencement.

- (1) This Act may be cited as The Bahamas Agriculture and Marine Science Institute Act, 2022.
- (2) This Act shall come into operation on such date as the Minister may appoint, by notice published in the *Gazette*.

2. Interpretation.

In this Act, unless the context otherwise requires —

“**Board**” means the governing board of The Bahamas Agriculture and Marine Science Institute established by section 6;

“**Chairman**” means the Chairman of the Board;

“**financial year**” means any period of twelve months beginning on the 1st day of July in any year;

“**Institute**” means The Bahamas Agriculture and Marine Science Institute established under section 3;

“**Minister**” means the Minister responsible for agriculture and marine resources;

“**President**” means the President of the Institute appointed under section 7;

“**public officer**” has the meaning assigned thereto in the Pensions Act (*Ch. 43*);

“**Secretary**” means the Secretary of the Institute appointed by the Board under this Act.

PART II – ESTABLISHMENT AND FUNCTIONS OF THE INSTITUTE

3. Establishment of the Institute.

- (1) The educational facility known and existing as The Bahamas Agriculture and Marine Science Institute immediately before the coming into operation of this Act, is hereby continued as a body corporate by that name with perpetual succession and a common seal, and shall, in that name, be capable of —
 - (a) suing and being sued;
 - (b) taking, purchasing or otherwise acquiring, charging, holding and disposing of property, movable or immovable; and
 - (c) doing or performing all such other things or acts for the performance of its functions under, and for the furtherance, of this Act which may lawfully be done or performed by a body corporate.
- (2) Upon the coming into operation of this Act, all existing employees of the educational facility known and existing as The Bahamas Agriculture and Marine Science Institute, save all persons contractually hired, shall be deemed to be employees of the Institute.

4. Common seal of the Institute.

- (1) The common seal of the Institute shall be kept in such custody as the Board directs and shall not be used except upon the order of the Board.
- (2) The common seal of the Institute shall be authenticated by the signature of the Chairman or any other member of the Board duly authorized by the Board in that behalf, and of the Secretary.
- (3) The common seal of the Institute when affixed to any document and duly authenticated under this section, shall be judicially and officially noticed, and, unless and until the contrary is proved, any necessary order or authorisation of the Board under this section shall be presumed to have been duly given.

5. Functions of Institute.

- (1) The functions of the Institute are to —
 - (a) provide instruction, conduct research and disseminate knowledge of a standard required and expected of an Institute of higher learning in an environment which fosters academic freedom;
 - (b) play a leadership and coordinating role in the provision of efficient and effective academic, technical, and continuing education in the sectors of agriculture, marine, forestry, agro-enterprise, extension services and related disciplines training that are responsive to the needs of the students, the primary industry, and the country at large;
 - (c) review, facilitate, encourage, coordinate, promote, undertake and publish research and to participate in the discovery, transmission, dissemination and preservation of knowledge in agriculture and marine related fields;
 - (d) provide for the dissemination of knowledge and skills to equip students with a strong academic foundation, supported by the relevant practical, technical and vocational skills and training, to prepare them for further academic studies or employment, and to foster entrepreneurship;
 - (e) enter into public and private sector partnerships with employers, trade or commercial confederations and other societal stakeholders to develop courses of instruction and instructional methodologies necessary to attain synergy and cohesion between instruction and training at the Institute and the needs of the national economy;
 - (f) confer degrees, grant diplomas, certificates or other awards and honours as are usually conferred by similar institutions;
 - (g) enter into any association or affiliation with universities, colleges, or other institutions and agencies, whether within The Bahamas or otherwise, as the Institute may deem necessary and appropriate;
 - (h) enter into arrangements with employers in the private sector for the training of employees in the areas specified under subsection (2) and the employer shall be responsible for the payment of fees relating to such training; and
 - (i) subject to this Act, cooperate with the Government in the planned development of agricultural and fisheries related education.
- (2) Without prejudice to the generality of subsection (1)(a) and (b), the Institute shall provide a place of training offering instruction, including but not limited to, all of the following fields of education —
 - (a) agriculture;
 - (b) marine science and fisheries;

- (c) environmental science and conservation;
 - (d) ornamental landscaping and horticulture;
 - (e) agribusiness and management;
 - (f) technology;
 - (g) aquaculture;
 - (h) forestry;
 - (i) food sciences and technology;
 - (j) machines and mechanization;
 - (k) food and nutrition;
 - (l) enterprise and entrepreneurship;
 - (m) veterinary technology and livestock production and health;
 - (n) Extension;
 - (o) conservation and use of biodiversity and related traditional knowledge;
 - (p) game bird and game animal management and improvement and related economics.
- (3) The Minister may, by Order, extend the categories specified under subsection (2).

PART III – GOVERNANCE OF THE INSTITUTE

6. Establishment of a Board of the Institute.

- (1) There shall be established a Board of the Institute.
- (2) The general direction and control of the Institute shall be vested in the Board.
- (3) Without prejudice to the generality of subsection (2), the Board shall have the power to —
 - (a) provide for the welfare of the students of the Institute;
 - (b) control and superintend the property and policies of the Institute;
 - (c) appoint such faculty, administrative and other staff as appears to the Board to be necessary, on such terms and conditions as the Board may determine on the commencement of this Act;
 - (d) accept, deposit or act as trustees or managers of any property of the Institute or any legacy, endowment, bequest, or gift to the Institute for the purpose of training or otherwise in furtherance of the work of the Institute and to invest any funds representing such property, legacy, endowment, bequest or gift, if not immediately required, in such security as the Board may deem fit;

- (e) determine the programmes and courses of study to be pursued in the Institute pursuant to section 5(2);
 - (f) issue degrees, diplomas, certificates, or other awards and honours;
 - (g) fix fees and charges for courses of study, use of facilities and to reduce, waive or refund fees and charges so fixed, generally or in any particular case or class of cases;
 - (h) direct and regulate the administration of the Institute; and
 - (i) without prejudice to the generality of paragraph (h), direct and regulate the conduct, discipline and other matters affecting the employment of faculty and other staff of the Institute.
- (4) The Board may approve the use of income from any business enterprise to finance —
- (a) applied research, scholarship, programme enrichment and development;
 - (b) expansion of that business enterprise.
- (5) The *Schedule* shall have effect with respect to the constitution of the Board and otherwise in relation thereto.

7. President of the Institute.

- (1) There shall be a President of the Institute who shall be appointed by the Board with the prior approval of the Minister.
- (2) The President shall be the head of the Institute and shall generally supervise and direct the training work of the Institute, the instructional and administrative staff and other staff of the Institute, and shall also perform other functions as may from time to time be assigned by the Board.
- (3) The Board may, in consultation with the Minister, remove the President from office on the grounds of misconduct, inefficiency or other good cause.

8. Pensions of persons transferred from the public service to the Institute.

- (1) Where any public officer holding a pensionable office under the Government, ceases to be the holder of such office by reason of his transfer with his consent to the service of the Institute and such person subsequently retires from the service of the Institute in such circumstances that, had he remained a public officer, he would have been eligible for pension under the Pensions Act (*Ch. 43*), then in any such case subsections (2) and (3) shall have effect.

- (2) Any pension payable to any such person as is mentioned in subsection (1) by the Institute to whose service he has been transferred shall be calculated and granted to him in respect of his total service under the Government and with the Institute taken together and such service shall be reckoned as continuous for pension purposes.
- (3) There shall be payable out of the Consolidated Fund upon the warrant of the Minister of Finance to the Institute as a contribution to every pension paid in accordance with subsection (2), such amounts as would have been payable to the person concerned by way of pension under the Pensions Act (*Ch. 43*), if such person had retired from the public service and if he had been granted a pension under the Pensions Act (*Ch. 43*) upon the date of his ceasing to be a public officer.

9. Contributory superannuation pension scheme.

Subject to section 8, the Institute shall provide for the establishment and maintenance of a contributory superannuation pension scheme for the benefit of such of its employees as are appointed by the Board under section 6(3)(c).

10. Policy directions.

- (1) The Minister may give directions as to the policy to be followed by the Board concerning the administration of the Institute as may appear to the Minister to be requisite in the public interest, and the Board shall give effect to any such directions.
- (2) Notwithstanding subsection (1), the directions given by the Minister shall not apply to —
 - (a) the appointment, termination of appointment, promotion or discipline of any instructor, administration or other staff of the Institute; and
 - (b) the admission of any particular student to the Institute or the evaluation, discipline, academic promotion, certification, or issue of awards to students of the Institute.

11. Discipline of students.

The President may exercise disciplinary control over students of the Institute and may, for the purposes of his power under this section, if he thinks fit, consult any committee appointed by him in that behalf from among the instructors and the students of the Institute.

PART IV – FINANCIAL PROVISIONS

12. Funds and resources of the Institute.

The funds and resources of the Institute shall comprise of —

- (a) any moneys as are provided from time to time by Parliament, which shall be paid directly to the Institute;
- (b) any moneys lawfully received by, or made available to, the Institute;
- (c) all other sums or property which may in any manner become payable to or vested in the Institute in respect of any matter incidental to its functions.

13. Financial operations.

The financial operations of the Institute shall be governed by the provisions of any public finance management legislation in force at the time.

14. Exemption from customs duties and real property tax.

Notwithstanding anything to the contrary in the Tariff Act (*Ch. 295*) and the Real Property Tax Act (*Ch. 375*), the Institute may apply to the Minister of Finance, for the approval of an exemption from the payment of any —

- (a) customs duty under the Tariff Act (*Ch. 295*) in respect of the importation of any agricultural input for its use;
- (b) tax under the Real Property Tax Act (*Ch. 375*).

15. Regulations.

The Minister may make regulations for carrying out and giving effect to the provisions of this Act or for its better administration.

SCHEDULE

(section 6)

CONSTITUTION AND PROCEDURES OF THE BOARD

1. Constitution of the Board.

The Board shall consist of not more than eleven members who shall be appointed by the Minister and of whom —

- (a) one shall be the President *ex-officio*;
- (b) one shall be an officer from the ministry responsible for education;
- (c) two shall be officers from the ministry responsible for agriculture;
- (d) one shall be an officer from the ministry responsible for labour; and
- (e) six shall be persons respectively from the financial, industrial, commercial, or other institutions, and professional organizations or other societal stakeholders.

2. Tenure of office.

A member of the Board, other than the President, shall hold office for a period not exceeding three years, and thereafter, shall be eligible for re-appointment.

3. Appointment of Chairman of the Board.

The Governor-General shall appoint one member of the Board to the Chairman thereof.

4. Resignation.

- (1) Any member of the Board may at any time resign his office by instrument in writing, addressed to the Minister and from the date of the receipt of such instrument by the Minister, such member shall cease to be a member of the Board.
- (2) The Chairman may at any time resign his office by instrument in writing addressed to the Governor-General and from the date of the receipt of such instrument by the Governor-General, the Chairman shall cease to be a member of the Board.

5. Appointment of a Secretary.

There shall be a Secretary of the Board who shall be appointed by the Board, perform such functions at such remuneration and upon such terms and conditions as the Board may determine and who shall not be entitled to have any right to vote.

6. Dismissal.

- (1) Where the Minister is satisfied that a member of the Board —
- (a) has been absent from meetings longer than three consecutive months without the permission of the Board;
 - (b) has become bankrupt;
 - (c) is unable or unfit to discharge the functions of a member of the Board,

the Minister may declare the office of such member of the Board to be vacant and shall notify such member of the vacancy of his office on the Board in such manner as the Minister thinks fit, and thereupon that office shall become vacant.

- (2) Where the Governor-General is satisfied that the Chairman of the Board —
- (a) has been absent from meetings longer than three consecutive months without the permission of the Board;
 - (b) has become bankrupt;
 - (c) is unable or unfit to discharge the functions of Chairman of the Board,

the Governor-General may declare the office of the Chairman of the Board to be vacant and shall notify the Chairman of the vacancy of his office on the Board by instrument in writing, and thereupon such office shall become vacant.

7. Vacancies.

If any vacancy occurs in the membership of the Board, such vacancy, shall be filled by the appointment of another member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed, and such appointment shall be made in the same manner and from the same category of persons, if any, as the appointment of the previous member.

8. Gazetting of appointments of Board members and change in membership.

The names of all members of the Board as first constituted and every change in the membership thereof, shall be published in the *Gazette*.

9. Board documents.

All documents that are prepared by the Board, other than those that are required to be under seal, and all decisions of the Board, may be signified under the hands of the Chairman, the Secretary or any other member authorized to act in that behalf.

10. Procedure of meetings of the Board.

- (1) The Board shall meet at least quarterly and at such other time as may be necessary or expedient for the transaction of its business and such meetings shall be held at such places and times and on such days as the Board may determine.
- (2) Every meeting shall be presided over by the Chairman and in his absence, the Deputy Chairman.
- (3) A quorum of the Board shall be six members of the Board including the Chairman or Deputy-Chairman.
- (4) The decisions of the Board shall be determined by a majority of votes and, in addition to an original vote, the Chairman, or other person presiding at a meeting, shall have a casting vote in any case in which the voting is equal.
- (5) All minutes of each meeting of the Board shall be kept in proper form by the Secretary and such minutes shall be submitted to the Minister within seven days after each meeting is held.
- (6) The agenda of every meeting shall be submitted to the Minister at least three days prior to the meeting.

11. Board members not liable.

Any member of the Board shall not be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operation of the Institute.