

THE NATIONAL COMMISSION ON SCIENCE AND  
TECHNOLOGY ACT

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THE NATIONAL COMMISSION ON SCIENCE AND TECHNOLOGY ACT

Act 3 of 2007.

[2nd April, 2007.]

Preliminary

1. This Act may be cited as the National Commission on Science and Technology Act. Short title.

Interpretation

2. In this Act— Interpretation.
“Chairman” means the Chairman of the Commission;
“Commission” means the National Commission on Science and Technology established under section 3;
“functions” includes powers and duties.

National Commission on Science and Technology

3.—(1) There is hereby established for the purpose of this Act, a body to be called the National Commission on Science and Technology which shall be a body corporate to which the provisions of section 28 of the Interpretation Act shall apply. Establishment of Commission.

(2) The provisions of the Schedule shall have effect as to the constitution of the Commission and otherwise in relation thereto. Schedule.

4.—(1) The principal object of the Commission shall be to operate as the umbrella organization responsible for fostering and advancing the national policy and strategy for science and technology in Jamaica. Principal object of Commission.

(2) The Commission shall—

- (a) facilitate and provide guidance on government programmes and projects; and
(b) facilitate private sector projects,

relating to science and technology in Jamaica.

Functions of  
Commission.

5.—(1) The Commission shall promote the sustainable development and utilization of local science and technology capabilities, for competitive and profitable production through education of the populace, partnership of government, private sector, academic institutions and such other bodies or institutions as the Commission considers appropriate.

(2) Without limiting the generality of subsection (1) the Commission shall—

- (a) provide advice to the Government on matters concerning science and technology, and undertake strategic planning to achieve scientific and technological objectives;
- (b) develop, review and recommend to the Government, policies designed to facilitate the use of science and technology to enhance the efficiency, competitiveness and profitability of the productive sector and the sustainability of the environment and natural resources;
- (c) as a basis for formulating and implementing policy, review and evaluate available information on science and technology in relation to human and physical resources, the status and potential impact of research projects and other scientific and technological activities;
- (d) facilitate the implementation of plans and strategies of the National Science and Technology Policy through linkages with the Human Resources Development Policy, the National Industrial Policy and other related or relevant policies;
- (e) recommend the strategic selection and use of key technologies which are relevant to national development objectives and conduct or facilitate such research as it considers necessary for the performance

of its functions;

- (f) create the essential linkages between the users and suppliers of science and technology to enhance levels of production and productivity;
- (g) identify current and potential sources of funds available for science and technology and recommend their allocation based on their optimal use for the achievement of national science and technology priorities and objectives;
- (h) monitor and evaluate the input and results of science and technology activities, including the allocation and utilization of public funds and recommend the appropriate corrective measures;
- (i) provide advice and foster the development of the human resource requirements and capabilities in science and technology, including those relating to education and training;
- (j) facilitate the promotion of public awareness of science and technology and its application to national development;
- (k) foster, promote and ensure the optimal use of national, regional and international linkages in relation to science and technology;
- (l) call for and examine documents and access from public sector institutions, data that relates to science and technology matters;
- (m) subject to subsection (3), summon and interview individuals in relation to scientific and technological matters of significance to the national interest;
- (n) provide out of its funds and resources, scholarships and other awards for the training of persons in scientific research and the application of technology;

- (o) give such financial or other assistance as it thinks fit to persons or organizations undertaking research or applying the type of technology that the Commission is authorized to foster or undertake pursuant to this Act.

(3) The power under subsection (2)(m) shall only be exercised—

- (a) where there are reasonable grounds to believe that the activities being carried out in relation to the scientific and technological matters concerned are detrimental to the public interest; and
- (b) with due regard to the intellectual property rights and other interests subsisting in any works or other property related to the matters concerned.

(4) For the purpose of the discharge of its functions under this Act, the Commission may, subject to the provisions of this Act, do anything and enter into any transaction which, in the opinion of the Commission, is necessary to ensure the performance of its functions, including the acquisition and disposal of property.

**6.—(1)** All persons summoned to attend and give evidence or to produce any book, plan or document before the Commission—

- (a) shall be bound to obey the summons served upon them;
- (b) shall be entitled in respect of such evidence or the disclosure of any communication or the production of any such book, plan or document to the same right or privilege as before a court of law;
- (c) shall be entitled to be paid their expenses including travelling expenses at the rates prescribed by the Witnesses' Expenses Act for witnesses who are entitled to have their expenses paid from public funds:

Provided that the Commission may disallow the whole or any

Duty of persons summoned and penalty for disobedience.

part of such expenses in any case, if it thinks fit.

(2) Any person who—

- (a) without sufficient cause, fails or refuses to attend before the Commission in obedience to a summons under this Act, or fails or refuses to produce any book, plan or document which he was required by such summons to produce; or
- (b) being a witness, leaves the Commission without the permission of the Commission; or
- (c) being a witness, refuses, without sufficient cause, to answer any question put to him by or with the permission of the Commission; or
- (d) willfully obstructs or interrupts the proceedings of the Commission,

shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding seventy-five thousand dollars or in default of payment thereof to imprisonment with or without hard labour for a term not exceeding three months.

7. The funds and resources of the Commission shall consist of—

Funds and resources of the Commission.

- (a) such sums as may from time to time be placed at its disposition by Parliament for the purposes of this Act;
- (b) such other moneys or property as may become payable to or vested in the Commission in respect of any matter incidental to its functions.

8. The expenses of the Commission, including the remuneration of members of staff thereof, shall be paid out of the funds of the Commission.

Expenses of Commission.

9.—(1) The Commission shall keep proper accounts and other records in relation to its activities and shall prepare annually a statement of accounts in a form which conforms with established accounting principles.

Accounts and audit.

(2) The accounts of the Commission shall be audited by an auditor or auditors appointed annually by the Commission and approved by the Auditor-General.

(3) The Commission, its officers, employees and agents shall—

(a) grant to the auditor appointed under section (2) access to all books, documents, cash and securities of the Commission; and

(b) provide to the auditor on request, all such information as may be within their knowledge in relation to the operations of the Commission.

(4) The auditor's fees and any expenses of the audit shall be paid by the Commission.

(5) The Auditor-General shall be entitled at all reasonable times to examine the accounts and other records in relation to the business of the Commission.

Annual  
report and  
estimates.

**10.**—(1) The Commission shall in each year prepare and submit to the Minister, on or before the thirtieth day of June, a report of its proceedings during the twelve-month period ending thirty-first day of March in such year, including a statement of its accounts audited in accordance with section 9.

(2) The Minister shall cause a copy of the report referred to in subsection (1) together with the statement of accounts and the auditor's report thereon to be laid on the Table of the House of Representatives and of the Senate.

(3) The Commission shall, on or before the thirty-first day of October in each year, submit to the Minister for approval, its estimates of revenue and expenditure in respect of the twelve-month period commencing on the first day of April of the subsequent year and shall, during that year, submit to the Minister for approval any estimates of further expenditure as may become necessary.

Appointment  
of Executive  
Director and  
other officers.

**11.**—(1) The Commission shall appoint an Executive Director, at such remuneration and on such other terms and conditions as it thinks fit.

(2) The Executive Director shall be in charge of the day to day management of the Commission.

(3) The Commission may appoint and employ at such remuneration and on such terms and conditions as it thinks fit, such other officers, employees and agents as it thinks necessary for the proper performance of the functions of the Commission.

(4) The Governor-General may, subject to such conditions as he may impose, approve the appointment of any officer in the service of Government to the staff of the Commission and all officers so appointed shall, during such appointment, in relation to pension, gratuity or other allowances and other rights as a public officer, be treated as continuing in the service of the Government:

Provided that no salary in excess of the prescribed rate shall be assigned to any post without the prior approval of the Minister.

(5) For the purposes of this section, the prescribed rate means one million dollars per annum or such higher rate as the Minister may, from time to time, by order, prescribe.

12. The income of the Commission shall be exempt from income tax.

Exemption from income tax.

13.—(1) An entity to which this section applies shall not make its discoveries or inventions available to the public except after prior consultation with the Commission.

Consultation with Commission about discoveries, etc.

(2) This section applies to public sector institutions involved in scientific research or technological application.

*Miscellaneous*

14.—(1) Every person having an official duty or being employed in the administration of this Act shall—

Obligation of secrecy.

(a) regard and deal with as secret and confidential, all documents, information and records obtained in the course of his duties under this Act; and

(b) make a declaration to that effect before a Justice of the Peace.

(2) Every person referred to in subsection (1) having possession of or control over any documents, information or records, commits an offence if at any time he communicates or attempts to communicate such information or anything contained in such documents or records to any person—

(a) other than a member, officer or employee of the Commission or other person to whom he is authorized in writing by the Commission to communicate it pursuant to any other law; or

(b) otherwise than for the purposes of this Act.

(3) A person who is convicted of an offence under subsection (2) shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one million dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(4) A person to whom information is communicated pursuant to the authority of the Commission, who at any time communicates or attempts to communicate to any person otherwise than for the purposes of this Act, any such information—

(a) the disclosure of which could prejudice—

(i) the security of Jamaica;

(ii) public health or public safety;

(iii) conservation, protection or proper use of the environment; or

(iv) the intellectual property rights of any persons;

(b) which is of commercial value, which value would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed; or

- (c) the disclosure of which would constitute an actionable breach of confidence,

shall be guilty of an offence and liable on summary conviction before a Resident Magistrate to a fine not exceeding one million dollars.

**15.** Subject to any provision to the contrary in any enactment, nothing in this Act shall be construed as altering the provisions of any other Act. Provisions of other Acts.

**16.—(1)** The Minister may in consultation with the Commission, make regulations generally for giving effect to the provisions of this Act. Regulations.

(2) Regulations made under this Act shall be subject to negative resolution.

## SCHEDULE

(Section 3)

*The National Commission on Science  
and Technology Act*

1.—(1) The Commission shall consist of not less than eight nor more than thirty-five members. Establishment and constitution.

(2) The Prime Minister shall be Chairman of the Commission and the Minister with principal responsibility for science and technology shall be the Deputy Chairman.

(3) The other members of the Commission shall be—

- (a) such other Ministers whose portfolios include science and technology for development as the Governor-General may in his discretion appoint;
- (b) such other persons (hereinafter referred to as independent members) as the Governor-General may in his discretion appoint, being persons who possess significant competence and expertise in the field of science, technology, engineering or enterprise.

2.—(1) The appointment of every independent member shall be evidenced by instrument in writing stating the period of office of the member not exceeding three years, and each member shall be eligible for reappointment. Appointment and tenure.

(2) An appointment under paragraph (1) shall be staggered to ensure that at any time no more than fifty per cent of the members of the Commission are retired.

3. The Governor-General may appoint any person to act temporarily in the place of any independent member in the case of the absence or inability to act of that member. Temporary appointment.

4. Any independent member of the Commission may at any time resign his office by instrument in writing addressed to the Governor-General and transmitted through the Chairman, and from the date of the receipt by the Governor-General of such instrument, the member shall cease to hold office. Resignation.

5.—(1) The Commission shall appoint such committees as are necessary in relation to the exercise of any of its powers or the performance of any of its functions or to carry out on its behalf any particular duty. Appointment of committees.

(2) Every committee appointed under this paragraph shall consist of at least one member of the Commission and such other persons as the Commission may determine.

6.—(1) The Commission shall meet at least once every three months at such places and times as the Commission may determine. Procedure and meetings.

(2) The Chairman may at any time call a special meeting of the Commission and shall call a special meeting within seven days of the receipt of a written request for that purpose, addressed to him by any ten members or one-third of the members of the Commission, whichever is greater.

(3) In the absence of the Chairman, the Deputy Chairman shall preside at all meetings.

(4) The quorum of the Commission shall be forty per cent of the members.

(5) The decisions of the Commission shall be by a majority of votes and in addition to an original vote the Chairman or other member presiding at the meeting shall have a casting vote in any case in which the voting is equal.

(6) Subject to the provisions of this Schedule, the Commission may regulate its own proceedings.

(7) The validity of any proceedings of the Commission shall not be affected by any vacancy among the members thereof or by any defect in the appointment of a member thereof.

(8) Minutes in proper form of each meeting of the Commission shall be kept and shall be confirmed as soon as practicable at a subsequent meeting.

7.—(1) The seal of the Commission shall be authenticated by the signature of the Chairman, Deputy Chairman or the Executive Director authorized to act in that behalf. Authentication of seal and documents.

(2) All documents, other than those required by law to be under seal, made by and all decisions of the Commission, may be signified under the hand of the Chairman or any member authorized to act in that behalf or the secretary.

8. Notwithstanding anything to the contrary, no act done or proceeding taken under this Act by the Commission shall be questioned on the grounds of any omission, defect or irregularity relating to the appointment of a Commission. Protection of Commission.

9. The independent members of the Commission shall receive such remuneration, if any, whether by way of salary, honorarium, travelling or other allowances as the House of Representatives may by resolution determine. Remuneration of members.

10. The office of independent member of the Commission shall not be a public office for the purposes of Chapter V of the Constitution. Office of independent member not public office.