

THE SCIENTIFIC RESEARCH COUNCIL ACT

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THE SCIENTIFIC RESEARCH COUNCIL ACT

Law
30 of 1960.
Act
39 of 1963,
2 of 1987,
3 of 2007
S. 17.

[16th June, 1960.]

Preliminary

1. This Act may be cited as the Scientific Research Council Act. Short title.

2. In this Act unless the context otherwise requires— Interpreta-
tion.

“chairman” means the chairman of the Council and includes any person appointed to act as chairman of the Council;

“Council” means the Scientific Research Council established in accordance with the provisions of this Act;

“invention” includes any new process or new technique, whether or not a patent could be granted in relation thereto;

“member” means a member of the Council and includes the chairman.

Establishment and Functions of the Council

3.—(1) There shall be established for the purposes of this Act a body to be called the Scientific Research Council. Establish-
ment and
constitution
of the
Council.
39/1962
S. 2.
2/1987
S. 2(a).

(2) The Council shall consist of such number of persons, not being less than seven or more than ten, as the Minister may from time to time determine.

(3) The members of the Council shall be appointed by the Minister by instrument in writing from amongst persons appearing to him to be qualified as having had experience, and

shown capacity, in matters relating to science, technology, industry, finance or administration.

2/1987
S. 2(b).

(4) At least one member of the Council shall be a person engaged in the work of a scientific research organization not maintained by the Government of this Island, and at least two members shall be persons not engaged in the work, management or direction of any organization concerned with scientific research or development.

2/1987
S. 2(c).

(5) A member of the Council shall, subject to the provisions of subsections (9), (10) and (11), hold office for two years and shall be eligible for re-appointment.

(6) The Minister shall appoint one of the members of the Council to be the chairman thereof and, where the chairman is granted leave of absence under subsection (8) or is unable to act, an acting chairman of the Council.

(7) Where any member of the Council other than the chairman is granted leave of absence under subsection (8) or is unable to act, the Minister may appoint any person appearing to him to have the qualifications necessary for appointment as a member of the council to act temporarily in the place of such member.

(8) The Minister may, on the application of the chairman or any other member of the Council, grant to the chairman or such other member leave of absence for any period.

(9) Any member of the Council other than the chairman may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of the receipt by the chairman of such instrument such member shall cease to be a member of the Council.

(10) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt of such instrument.

(11) The Minister may at any time revoke the appointment of any member of the Council if he thinks it expedient so to do.

(12) The names of all members of the Council as first constituted and every change in the membership thereof shall be published in the *Gazette*.

4.—(1) The Council shall be a body corporate having perpetual succession and a common seal, with power to acquire, hold and dispose of land and other property of whatever kind.

Incorporation.

(2) The seal of the Council shall be kept in the custody of the chairman or of the Technical Director and may be affixed to instruments pursuant to a resolution of the Council and in the presence of the chairman, or one other member and the Technical Director.

G.N.
56/1965.

(3) The seal of the Council shall be authenticated by the signature of the chairman or any other member of the Council authorized to act in that behalf and the Technical Director and shall be officially and judicially noticed.

(4) All documents, other than those required by law to be under seal, made by, and all decisions of, the Council may be signified under the hand of the chairman or any other member authorized to act in that behalf or the Technical Director of the Council.

(5) The Council may sue and be sued in its corporate name and may for all purposes be described by such name, and service upon the Council of any notice, order or other

document shall be executed by delivering it to, or by sending it by registered post addressed to, the Technical Director of the council at the office of the Council.

Functions of
the Council.
3/2007
S. 17(1)(a)(i).

5.—(1) It shall be the duty of the Council to undertake and foster scientific research in this Island and to encourage the application of the results of such research to the exploitation and development of the resources of this Island.

(2) In particular, and without prejudice to the generality of the provisions of subsection (1), it shall be the duty of the Council—

(a) to collect, collate and review information concerning scientific research schemes or programmes relevant to the development of the resources of this Island whether such scientific research schemes or programmes are being or have been undertaken in this Island or not;

3/2007
S.17(1)(a)(ii).

(b) to undertake research to facilitate the identification, selection, adaptation and transfer of technology relevant to the development needs of the Island;

(c) to foster and, where the Council thinks fit, to undertake and carry out, scientific research and investigation relating to—

(i) the development and utilization of the resources of this Island;

(ii) the improvement of existing technical processes and methods;

(iii) the development of new technical processes and methods for application to the expansion or creation of industries and to the utilization of waste products;

- (d) to encourage persons engaged in any industry to undertake scientific research in connection with such industry on a co-operative basis;
- (e) to establish and maintain a scientific information centre for the collection and dissemination of scientific and technical information;
- (f) to give any Minister such advice as such Minister may require in connection with any matter on which, by virtue of the provisions of this Act, the Council is competent to give advice.

(3) Subject to the provisions of this Act the Council shall have power, for the purpose of discharging any of its functions under this Act, to do anything and to enter into any transaction which in the opinion of the Council is necessary to ensure the proper discharge of its functions.

(4) The Council may, with the approval of the Minister, provide out of its funds and resources scholarships and other awards for the training of officer, servant or agent in scientific research.

3/2007
S. 17(1)(a)(iii).

(5) The Council may give such financial or other assistance as it thinks fit to officer, servant or agent undertaking research of a kind which the Council is authorized to foster or undertake.

3/2007
S. 17(1)(a)(iii).

6.—(1) The Council shall meet at least once in every period of two months and such meetings shall be held at such places and times and on such days as the Council may determine.

Procedure
and meet-
ings.

(2) The chairman may at any time call a special meeting of the council and shall call a special meeting within seven days of the receipt of a written request for that purpose addressed to him by any three members of the Council.

2/1987
S. 3(a).

(3) The chairman shall preside at all meetings of the Council at which he is present, and in the case of his absence from any meeting the members present and constituting a quorum shall elect one of their number to act as chairman at that meeting.

39/1963
S. 3.
2/1987
S. 3(b).

(4) The powers of the Council may be exercised at a meeting at which the chairman or the person elected to act as chairman and at least three other members of the Council are present.

(5) Minutes in proper form of each meeting shall be recorded and shall be confirmed as soon as practicable thereafter at a subsequent meeting.

(6) Subject to the provisions of this section the Council shall have power to regulate its own proceedings.

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

Committees.

7.—(1) The Council may appoint such committees as it may think fit to advise the Council in the exercise of any of its powers or the performance of any of its functions or to carry out on its behalf such duties as the Council may determine.

(2) Every committee appointed under this section shall consist of at least two members of the Council, of whom one shall be appointed to be chairman of the committee, and such other persons, whether members of the Council or not, as the council may think fit.

Power to
appoint
officers,
agents
and
servants.

8.—(1) The Council may appoint and employ at such remuneration and on such terms and conditions as it thinks fit a Technical Director and such other officers, agents and servants as it thinks necessary for the proper carrying out of the provisions of this Act:

Provided that—

- (a) no salary in excess of twenty-five thousand dollars per annum shall be assigned to any post without the prior approval of the Minister; 2/1987
S. 4(a).
- (b) no appointment shall be made to any post to which a salary in excess of twenty-five thousand dollars per annum is assigned without the prior approval of the Minister. 2/1987
S. 4(a).
39/1963
S. 4.

(2) Nothing in subsection (1), or in section 10, shall preclude the assignment of executive functions to the chairman or any member of the Council at such remuneration and on such terms and conditions as may be determined by the Council with the approval of the Minister. 2/1987
S. 4(b).

9.—(1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Council in respect of any act done *bona fide* in pursuance or execution or intended execution of this Act. Protection
of members
of the
Council.

(2) Where any member of the Council is exempt from liability by reason only of the provisions of this section the Council shall be liable to the extent that it would be if the said member was a servant or agent of the Council.

10. There shall be paid to the chairman and other members of the Council such remuneration if any (whether by way of salaries or travelling or other allowances) as the Minister may determine. Remunera-
tion of
members.

Financial

11. The funds and resources of the Council shall consist of— Funds and
resources
of the
Council.

- (a) such sums as may be provided annually for the purpose in the Estimates of Revenue and Expenditure of the Island; and

- (b) all other sums or property which may in any manner become payable to or vested in the Council for the general purposes of the Council in respect of any matter incidental to its powers and duties.

Accounts
and audit.
39/1963
S. 5.

12.—(1) The Council shall keep accounts of its transactions to the satisfaction of the Minister and such accounts shall be audited annually by an auditor appointed in each year by the Council with the approval of the Minister.

(2) The members, officers and servants of the Council shall grant to the auditor appointed to audit the accounts of the Council under the provisions of subsection (1) access to all books, documents, cash and securities of the Council and shall give to him on request all such information as may be within their knowledge in relation to the operation of the Council.

Annual re-
ports and
estimates.

13.—(1) The Council 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 months ending on the thirty-first day of March in such year, including a statement of its accounts audited in accordance with the provisions of section 12.

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

(3) The Council 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 period commencing on the first day of April next following and ending on the thirty-first day of March of the subsequent year, and shall during that year submit to the Minister for approval any estimates of further expenditure as may become necessary.

Miscellaneous

14. The Council may with the approval of the Minister make Regulations. regulations—

- (a) determining generally the conditions of service of officers and servants of the Council;
- (b) relating in particular, but without prejudice to the generality of the provisions of paragraphs (a) and (c), to—
 - (i) the grant of pensions, gratuities and other benefits to such officers and servants and their dependants, and the grant of gratuities and other benefits to the dependants or estates of deceased officers and servants of the Council;
 - (ii) the establishment and maintenance of sick funds, superannuation funds and provident funds, the contributions payable thereto and the benefits receivable therefrom;
- (c) generally for the better carrying out of the purposes of this Act.

15. All discoveries and inventions made by the Council or any of its officers, agents and servants in the performance of their functions under this Act shall be vested in the Council, which shall, in consultation with the National Commission on Science and Technology, make any such discovery or invention available to the public on such conditions and subject to the payment of such fees or royalties as the Council may think fit.

Discoveries
and
inventions.
3/2007
S.17(1)(b).

Exemption
from
income tax.

16. The Council shall be exempt from income tax.

Policy
directions.

17. The Minister may, after consultation with the chairman, give to the Council directions of a general character as to the policy to be followed in the exercise and performance of its functions, and the Council shall give effect to any such directions.

Offences.

18. Any person who—

- (a) being a member, officer, agent or servant of the Council, without the authority of the Council publishes or communicates to any person otherwise than in the course of his duties as a member, officer, agent or servant of the Council, any information acquired by him in the course of such duties; or
- (b) being in possession of any information which to his knowledge has been disclosed in contravention of this Act, publishes or communicates such information to any person,

shall be guilty of an offence against this Act and shall be liable on conviction to a fine not exceeding six hundred dollars or to imprisonment with or without hard labour for a term not exceeding two years, or to both such fine and imprisonment.