

THE MAURITIUS RESEARCH COUNCIL (AMENDMENT) BILL

Bill No. 1 of 2014

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Explanatory Memorandum

The main object of this Bill is to amend the Mauritius Research Council Act to -

- (a) strengthen the mandate of the Council;
- (b) ensure more effective~ coordination and rationalisation of research, research and development, and innovation, at the national level in line with the economic, technological and social needs of Mauritius;
- (c) enhance private sector participation in research and development, and innovation.

DR. R. JEETAH

Minister of Tertiary

Education,

21 March 2014

Science, Research and Technology

THE MAURITIUS RESEARCH COUNCIL (AMENDMENT) BILL

(No. 1 of 2014)

ARRANGEMENT OF CLAUSES

Clause

1. Short title
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3. Section 2 of principal Act amended
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6. Section 5 of principal Act' amended
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A BILL

To amend the Mauritius Research Council Act to strengthen the mandate of the Council, coordinate and rationalise research, research and development, and innovation, at the national level, and enhance private sector participation in research and development and innovation

ENACTED by the Parliament of Mauritius, as follows -

1. Short title

This Act may be cited as the Mauritius Research Council (Amendment) Act 2014.

2. Interpretation

In this Act —

“principal Act” means the Mauritius Research Council Act.

3. Section 2 of principal Act amended

Section 2 of the principal Act is amended by inserting, in the appropriate alphabetical order, the following new definitions, the full stop at the end of the definition of “Minister” being deleted and replaced by a semicolon —

“Advisory Committee” means the National Research and Innovation Advisory Committee referred to in section 6A;

“commercialisation”, in relation to products, processes or services incorporating patents or other forms of intellectual property, means their marketing, manufacturing, sale, distribution, licensing, sub-licensing or leasing;

“Fund” means the National Research and Innovation Fund set up under section 1 3A;

“innovation” includes radical or incremental changes to products, processes or services, a new or significantly improved product, process or service, a new marketing method, or a new organisational method in business practices, workplace organisation or external relations;

“intellectual property” includes any knowledge, know-how, technique, technology, design or any other product or process invented, developed or acquired as a result of research and development, or innovation;

“research” —

- (a) means any creative systematic activity undertaken in order to increase the stock of knowledge, and the use of this knowledge to devise new applications;
- (b) includes fundamental or basic research, applied research and experimental development work leading to new devices, products or processes;

“research and development” —

- (a) means systematic, investigative and experimental activities which involve innovation and are carried out, wholly or partly in Mauritius, for the purpose of -
 - (i) increasing or acquiring new knowledge; or
 - (ii) creating new or improved materials, products, devices, processes or services;
- (b) includes any other activity undertaken or measure taken, wholly or partly in Mauritius, for a purpose related to any activity of the kind referred to in paragraph (a) or incidental or conducive to the attainment or furtherance of any purpose referred to in that paragraph, including —
 - (i) scientific and technical information services such as data collection to support any activity of the kind referred to in paragraph (a);
 - (ii) building expenditure incurred in the acquisition or construction of a building or of an extension of, alteration or improvement to, or maintenance of, a building used or to be used for the purpose of activities of the kind referred to in paragraph (a);
 - (iii) training and management of human resources for any activity of the kind referred to in paragraph (a);
 - (iv) any feasibility study undertaken with a view to establishing the strategic direction of any specific research and development;
 - (v) any other work, logistics or services, including patenting, licensing or any other activity necessary to support any activity of the kind referred to in paragraph (a), other than the legal and administrative aspects of patenting, licensing or any other activity; but
- (c) does not include —
 - (i) routine collection of information, except where such collection forms part of

- research and development;
- (ii) preparation for teaching;
- (iii) routine software development;
- (iv) activities undertaken to comply with statutory requirements or standards; or
- (v) any activity related to the reproduction of a commercial product or process by a physical examination of an existing system or plan, blueprints, detailed specifications or publicly available information;

“research programme” includes a programme of research on an identified major issue of national concern which comprises portfolio of related research projects, including academic, basic, applied and industrial research, which culminates in specific objectives and deliverables.

4. Section 4 of the principal Act repealed, and replaced

Section 4 of the principal Act is repealed, and replaced by the following section-

4. Objects of Council

The objects of the Council shall be to —

- (a) foster, promote and coordinate research and development, and innovation, in line with the economic, technological and social needs of Mauritius;
- (b) encourage commercial utilisation of research and development, and innovation, results in the national interest;
- (c) foster the development of a research culture;
- (d) promote science and technology; and

- (e) enhance private sector participation in research and development and innovation.

5. New section 4A inserted in principal Act

The principal Act is amended by inserting, after section 4, the following new section-

4A. Functions of Council

The Council shall have such functions as are necessary or expedient to attain its objects most effectively and shall, in particular -

- (a) develop and disseminate, every 5 years, a national strategy for research and development, and innovation, based on the economic, technological and social development needs of the country;
- (b) formulate a national strategy for the promotion of science, technology and innovation;
- (c) commission research from institutions that have the mandate and capability to carry out such research;
- (d) act as a focal point for research, and coordinate and rationalise research at the national level;
- (e) coordinate research and development undertaken or promoted by the Government, a public authority or an academic institution, and facilitate cooperation, communication, collaboration and exchange of ideas and knowledge for that purpose;
- (f) facilitate the sharing of knowledge, innovation and development in the fields of science, technology, economics, finance and social matters so as to contribute to the improvement of the quality of life of people;

- (g) create the right environment for multidisciplinary research;
- (h) establish linkages with institutions having objectives similar to those of the Council;
- (i) establish the regulatory framework for private sector participation in research and development;
- (j) establish and maintain national research chairs;
- (k) establish national awards to give recognition to research and innovation of outstanding level;
- (l) conduct sensitisation and awareness programmes to attract interest in research, science and technology;
- (m) administer and manage the Fund and allocate funds to research programmes of national interest;
- (n) advise the Government on all matters concerning scientific and technological policies; and
- (o) lay guidelines for and initiate the formulation of research, development and innovation policies on a national basis.

6. Section 5 of principal Act amended

Section 5 of the principal Act is amended —

(a) in subsection (2) —

- (i) in paragraph (a), by inserting, after the word “Chairperson”, the words “having knowledge and wide experience in research and development, industry or science and technology”;

(ii) by repealing paragraphs (b), (c) and (d) and replacing them by the following paragraphs —

(b) a representative of the Prime Minister's Office;

(c) a representative of the Ministry responsible for the subjects of science and research;

(d) a representative of the Ministry responsible for the subject of education;

(iii) by inserting, after paragraph (d), the following new paragraphs —

(e) a representative of the Ministry responsible for the subject of finance;

(ea) a representative of the Ministry responsible for the subject of information and communication technology;

(iv) by repealing paragraphs (f), (g) and (h) and replacing them by the following paragraphs —

(f) a representative of the Ministry responsible for the subject of agro-industry;

(g) a representative of the Ministry responsible for the subject of industry;

(h) a representative of the Ministry responsible for the subject of health;

(v) by inserting, after paragraph (h), the following new paragraphs —

(ha) a representative of the Ministry responsible for the subject of

environment;

(hb) a representative of the Ministry responsible for the subject of fisheries;

(hc) one representative of institutions dealing with ocean matters;

(hd) 2 representatives, not below the rank of Professor, of public tertiary education institutions;

(vi) by repealing paragraph (j) and replacing it by the following paragraph —

(j) 3 persons from the private sector having wide experience and substantial knowledge in industrial matters, medical and related fields or marine science and technology;

(vii) by repealing paragraphs (k) and (o), the words “; and” at the end of paragraph (n) being deleted and replaced by a full stop.

(b) by inserting, after subsection (2), the following new subsection —

(2A) No person shall be qualified to be a member where he is —

(a) a member of the Assembly;

(b) a member of a local authority; or

(c) otherwise actively engaged in politics.

(c) by inserting, after subsection (6), the following new subsections —

(6A) A member, other than an ex officio member, shall cease to hold office —

(a) on the completion of his term of office;

- (b) on his resignation;
- (c) where he becomes a member of the Assembly or a local authority or otherwise actively engaged in politics;
- (d) where the Board determines that he has engaged in any activity which may undermine the reputation or integrity of the Council; or
- (e) where, without sufficient cause, he fails to attend 3 consecutive meetings of the Board.

(6B) For the purposes of subsections (2A) and (6A), a person who —

- (a) is a candidate, or an agent or official representative of a candidate, at an election; or
- (b) is an officer or a member of a political party,

shall be deemed to be actively engaged in politics.

(d) by repealing subsection (7) and replacing it by the following subsection —

(7) Where a vacancy occurs in the membership of the Board, the vacancy shall be filled by a fresh appointment and the person appointed shall hold office for the remainder of the term of office of the member in whose place he has been appointed.

(e) by repealing subsection (8) and replacing it by the following subsection —

(8) No member shall engage in any activity which may undermine the reputation or integrity of the Council.

(f) by adding the following new subsections —

(9) The Board may co-opt any other person who may be of assistance in

relation to any matter before it and the co-opted member shall —

- (a) not have the right to vote at a meeting of the Board; and
- (b) be paid such allowance as the Minister may determine.

(10) The Board may set up such committees as it may determine to assist it in the performance of its functions.

(11) The composition and functions, and the procedure for the convening and holding of meetings, of every such committee shall be determined by the Board.

7. Section 6 of principal Act repealed and replaced

Section 6 of the principal Act is repealed and replaced by the following section —

6. Meetings of Board

- (1) The Board shall meet as often as is necessary but at least once every month.
- (2) A meeting of the Board shall be held at such time and place as the Chairperson may determine.
- (3) At a meeting of the Board, 12 members shall constitute a quorum.
- (4) (a) The Chairperson shall preside every meeting of the Board.

(b) In the absence of the Chairperson at a meeting of the Board, the members present shall elect a member to preside that meeting.
- (5) The Chairperson shall convene a special meeting of the Board within 7 days of receipt of a written request for that purpose addressed to him by not less than 4 members.

(6) The Executive Director shall, unless otherwise directed by the Board, attend every meeting of the Board and may take part in its deliberations, but shall not have the right to vote.

(7) (a) The Executive Director shall designate an officer of the Council to act as Secretary to the Board.

(b) The Secretary shall —

(i) give notice of every meeting of the Board to the members;

(ii) prepare and attend every meeting of the Board;

(iii) keep minutes of proceedings of any meeting of the Board; and

(iv) have such other duties as may be assigned to him by the Board.

(8) Subject to this section, the Board shall regulate its meetings and proceedings in such manner as it may determine.

8. New section 6A inserted in principal Act

The principal Act is amended by inserting, after section 6, the following new section —

6A. National Research and Innovation Advisory Committee

(1) There shall be a National Research and Innovation Advisory Committee, the functions of which shall be to ensure consultation between Government, industry and academic institutions and to advise the Board on —

(a) the development of research programmes which will enhance the competitiveness of Mauritius and encourage the development of new economic sectors in Mauritius;

- (b) the relevance of research programmes to national needs;
- (c) collaboration in the private sector for joint research programmes and the funding of research.

(2) The Advisory Committee shall consist of—

- (a) a chairperson having wide experience in research and innovation, to be designated by the Board;
- (b) 5 members, to be designated by the Board from the public or private sector;
- (c) 5 members, to be designated by the Board from international research institutions of repute and from among Nobel Prize laureates;
- (d) the Executive Director.

(3) (a) The Advisory Committee may co-opt any other person with relevant knowledge and experience who may be of assistance in relation to any matter before it to attend and take part in its deliberations.

(b) A co-opted person shall not have the right to vote at any meeting of the Advisory Committee.

(4) A member of the Advisory Committee shall hold office for a term of 2 years and may be eligible for reappointment.

(5) The Advisory Committee shall meet at least once every year. ,

(6) A meeting of the Advisory Committee shall be held at such time and place as the chairperson of the Advisory Committee considers appropriate.

(7) At a meeting of the Advisory Committee, 7 members shall constitute a quorum.

(8) In the absence of the chairperson of the Advisory Committee at a meeting, the members present shall elect a member of that Committee to act as chairperson for that meeting.

(9) (a) The Advisory Committee may set up such subcommittees as it may determine.

(b) A subcommittee set up under paragraph (a) shall consist of members of the Advisory Committee and such other persons as the Advisory Committee may co-opt.

(10) (a) There shall be, a secretary to the Advisory Committee who shall be designated by the Executive Director.

(b) The secretary to the Advisory Committee shall —

(i) convene a meeting of the Advisory Committee not later than 7 days after receiving a request to that effect from a member;

(ii) give notice of every meeting of the Advisory Committee to the members of the Advisory Committee;

(iii) prepare and attend every meeting of the Advisory Committee;

(iv) keep minutes of proceedings of any meeting of the Advisory Committee;
and

(v) have such other duties as may be assigned to him by the Advisory Committee.

(c) The secretary to the Advisory Committee may take part in the deliberations of a meeting of the Advisory Committee, but shall not have the right to vote.

(11) Every member of the Advisory Committee shall be paid such allowance as the Minister may, with the approval of the Minister to whom responsibility for the subject of finance is assigned, determine.

(12) Subject to this section, the Advisory Committee shall regulate its meetings and proceedings in such manner as it may determine.

(13) The Advisory Committee shall submit a report to the Board within one month of every meeting.

9. Section 8 of principal Act amended

Section 8 of the principal Act is amended by repealing subsection (3) and replacing it by the following subsection —

(3) The Executive Director shall attend every meeting of the Board but shall not have the right to vote.

10. Section 12 of principal Act repealed and replaced

Section 12 of the principal Act is repealed and replaced by the following section —

12. Intellectual property

(1) Where a person uses the resources of the Council to create a product, process or service, the intellectual property rights in that product, process or service shall vest in the Council.

(2) The Council may, on such terms and conditions as it may determine, assign the rights referred to in subsection (1) to the person who created the product, process or service.

(3) Where a person uses the resources of the Council and the resources of a sponsor to create a product, process or service, the intellectual property rights in that product, process or service shall vest in the Council.

(4) The Council may, on such terms and conditions as it may determine, assign

the rights referred to in subsection (3) to the sponsor.

11. Section 13 of principal Act amended

Section 13 of the principal Act is amended —

- (a) by deleting the word “The” and replacing it by the words “Subject to section 13A, the”;
- (b) by inserting, after paragraph (a), the following new paragraph —
 - (aa) gifts and donations from any person to the Government for the purposes of the Fund;

12. New section 13A inserted in principal Act

The principal Act is amended by inserting, after section 13, the following new section —

13A. National Research and Innovation Fund

(1) The Council shall set up a National Research and Innovation Fund for the purpose of funding, *inter alia*, research and development, and innovation, with a view to -

- (a) encouraging innovation in Mauritius;
- (b) increasing investment by the public and private sectors in research and development and making Mauritius more competitive internationally in that field;
- (c) promoting in Mauritius the technological advancement of the public and private sectors through a focus on innovation; and
- (d) creating an environment that is conducive to increasing the commercialisation of new processes and product technologies.

(2) The Fund shall consist of—

- (a) any grants received from Government;
- (b) any monies which may accrue to the Council, in the course of the performance of its functions under this Act —
 - (i) from the sale of any tangible or intangible property produced, or any dealing with patents or other intellectual property rights in respect of inventions made, in the course of any research and development paid for with money from the Fund; or
 - (ii) in respect of any work paid for with money from the Fund;
- (c) any funds received by the Council for the purpose of research and development, and innovation, from international and regional organisations;
- (d) all investments made out of monies of the Fund which are authorised to be made under this Act or any other enactment and the proceeds of any such investments, including the net income from such investments; and
- (e) all sums received by way of repayment of any loan or advance given from monies from the Fund and any interest on such loan or advance.

(3) The Council may, for the purposes of the Fund, acquire any securities or other property by gift, bequest or otherwise, and spend, administer or dispose of any of the securities or other property subject to the terms, if any, on which the securities or other property were or was given, bequeathed or otherwise made available to the Council.

13. Commencement

(1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by Proclamation.

(2) Different dates may be fixed for the coming into operation of different sections of this Act.