THE ACADEMY OF DESIGN AND INNOVATION ACT 2022

Act No. 13 of 2022

Proclaimed by [Proclamation No. 28 of 2022] w.e.f 30 September 2022

Government Gazette of Mauritius No. 104 of 25 July 2022

I assent

PRITHVIRAJSING ROOPUN, G.C.S.K.

25th July 2022 *President of the Republic*

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An Act

To provide for the establishment of the Academy of Design and Innovation, and for matters related thereto

ENACTED by the Parliament of Mauritius, as follows –

PART I – PRELIMINARY

1. Short title

This Act may be cited as the **Academy of Design and Innovation Act 2022**.

2. Interpretation

In this Act –

"Academic Council" means the Academic Council referred to in section 19;

"Academy" means the Academy of Design and Innovation established under section 3;

"Board" means the Academy of Design and Innovation Board referred to in section 8;

"Chairperson" means the Chairperson of the Board appointed under section 8(1)(a);

"design field" means the field of fashion and textile, graphic and multimedia, built-in and architecture, jewellery, and arts and crafts;

"Director" means the Director of the Academy appointed under section 13;

"higher education institution" has the same meaning as in the Higher Education Commission Act;

"member" –

(a) means a member of the Board; and

(b) includes the Chairperson;

"Minister" means the Minister to whom responsibility for the subject of industrial development is assigned;

"Ministry" means the Ministry responsible for the subject of industrial development;

"officer" –

(a) means a person appointed as such under section 17; and

(b) includes the Director;

"SME" has the same meaning as in the Small and Medium Enterprises Act;

"supervising officer" means the supervising officer of the Ministry.

PART II – THE ACADEMY

3. Establishment of Academy

(1) There is established for the purposes of this Act the Academy of Design and Innovation.

(2) The Academy shall be a body corporate.

4. Objects of Academy

The objects of the Academy shall be to –

(a) Promote excellence in the design field of fashion and textile, graphic and multimedia, built-in and architecture, jewellery, and arts and crafts;

(b) Promote multi-sectorial design fields;

(c) Disseminate knowledge of the design fields;

(d) develop a multi-disciplinary approach in carrying out research and training in the design fields with a view to ensuring a better coordination of the interests of multi-sectors;

(e) provide educational, research, consultancy and training facilities and services in the design fields;

(f) promote, with regard to the design fields, the development of incubators and entrepreneurs; and

(g) promote innovation in the design fields.

5. Functions of Academy

The Academy shall have such functions as are necessary to further its objects most efficiently and effectively and shall, in particular –

(a) conduct academic, professional, vocational and training programmes and courses;

(b) hold examinations, whether on its own or jointly with any higher education institution or international institution;

(c) engage in research and consultancy activities;

(d) collect, maintain and disseminate literature and materials available;

(e) provide technical and design assistance to manufacturers, SMEs, designers and exporters of products and services;

(f) provide incubator services for the development of entrepreneurship;

(g) provide facilities for, and engage in, professional development programmes which are targeted at industrial needs;

(h) organise national, regional or international seminars, conferences and exhibitions;

(i) undertake local, regional and international activities cutting across several design fields;

(j) operate in partnership with, and establish and exchange programmes and courses with, any other institution or enterprise having objects wholly or partly similar to its objects;

(k) enrol students in its academic, professional, vocational and training programmes and courses;

(l) safeguard and market the intellectual property rights and products of the Academy;

(m) advise the Minister on all matters pertaining to the Academy; and

(n) do all such things as are incidental or conducive to the attainment of its objects and the discharge of its functions, including such other functions as may be assigned to it.

6. Powers of Academy

The Academy shall have such powers as are necessary to attain its objects and discharge its functions most efficiently and effectively and may, in particular –

(a) Award certificates, diplomas, degrees, honorary degrees and other academic or professional qualifications, whether on its own or jointly with any higher education institution or international institution, to persons who have successfully pursued a course of study, or conducted research;

(b) award fellowships, scholarships, bursaries, prizes and medals;

(c) manage, in such manner as it may determine, any property belonging to or vested in it;

(d) engage in the commercial development of any intellectual property in which it has a right or interest;

(e) receive grants and donations; and

(f) enter in such manner as it thinks fit, into agreements with any other institution or body, whether academic or otherwise, including the incorporation within the Academy of any other institution or body.

7. Enrolment of students

(1) Subject to subsection (2), any person may be enrolled as a student to the Academy.

(2) Nothing in subsection (1) shall require the Academy to –

(a) enrol in its academic, professional, vocational and training programmes and courses a person who does not possess the academic qualifications or standard;

(b) retain on its roll a student whose academic record is below the minimum standard required for the award of a certificate, diploma, degree or any other academic or professional qualification; or

(c) enrol or retain a student whose conduct is prejudicial to its interests, or the rights and privileges of other students or of the staff of, the Academy.

PART III – ADMINISTRATION AND MANAGEMENT OF ACADEMY

Sub-Part A – Academy of Design and Innovation Board

8. The Board

(1) The Academy shall be administered and managed by a Board, to be known as the Academy of Design and Innovation Board, which shall consist of –

(a) a Chairperson;

(b) the supervising officer or his representative;

(c) the supervising officer of the Ministry responsible for the subject of education or his representative;

(d) the supervising officer of the Ministry responsible for the subject of finance or his representative;

(e) the Executive Director of the Mauritius Research and Innovation Council or his representative;

(f) 6 other members, to be appointed by the Minister, 3 of whom shall be from the manufacturing sector and one from the industry associations.

(2) The Chairperson shall be appointed by the Prime Minister on such terms and conditions as he may determine.

(3) The other members under subsection (1) shall be paid such fees or allowances as the Board may, with the approval of the Minister, determine.

(4) A member, other than a member referred to in subsection (1)(b) to (e), shall hold office for a period not exceeding 3 years and shall be eligible for appointment for not more than 2 consecutive terms of office.

(5) 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 any political activity.

(6) No member shall engage in any activity which may undermine the integrity of the Academy.

(7) The Board shall manage and utilise all the assets and funds vested in the Academy, in such manner and for such purposes as, in its opinion, will best promote the objects of the Academy.

9. Functions and powers of Board

(1) The Board shall, in the discharge of its functions and exercise of its powers, be the governing body and its responsibilities shall include –

(a) the making of Statutes;

(b) approving strategic plans and major policies for the Academy;

(c) overseeing its management and development and providing guidance when and where required;

(d) monitoring and reviewing its operations in accordance with the Statutes; and

(e) providing rigorous accountability standards in its various operations.

(2) The Board may –

(a) on behalf of the Academy –

(i) approve or discontinue a course;

(ii) confer certificates, diplomas, degrees, honorary degrees and other academic or professional qualifications;

(iii) appoint the academic and non-academic staff;

(iv) manage and control its affairs, property and finances; and

(v) enter into any contract or other arrangement with relevant stakeholders;

(b) do all such things as may be necessary for, or incidental or conducive to, the discharge of its functions under subsection (1).

(3) The Board may amend the Statutes to provide, inter alia, for –

(a) the payment of fees and levying of charges;

(b) the institution of fellowships, scholarships, bursaries, prizes and medals;

(c) affiliation with other institutions.

(4) Every Statute shall –

(a) be made with the approval of the Minister;

(b) be published in the Gazette; and

(c) come into operation on the date of its publication or such later date as the Board may determine.

10. Meetings of Board

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

(2) The Board shall meet at least once every month at such time and place as the Chairperson may determine.

(3) At any meeting of the Board, 7 members shall constitute a quorum.

(4) Everything authorised or required to be done by the Board shall be decided by a simple majority of the members present and voting.

(5) At any meeting of the Board, every member shall have one vote and in the event of equality of votes, the Chairperson shall have a casting vote.

11. Committees

(1) The Board may, in the discharge of its functions, set up such committees as it deems necessary.

(2) Subject to any direction given by the Board, any committee set up shall regulate its meetings and proceedings in such manner as it may determine.

12. Disclosure of interest

(1) Where any member or any person related to him by blood or marriage has a pecuniary or other material interest in relation to any matter before the Board, that member shall –

(a) disclose the nature of the interest at or before the meeting convened to discuss that matter; and

(b) not take part in any deliberations of the Board relating to that matter.

(2) Where any member has or acquires any direct or indirect financial interest in any design field enterprise in Mauritius or elsewhere, he shall inform the Board in writing of such interest.

Sub-Part B – Staff of Academy

13. Director

(1) There shall be a Director who shall be the chief executive officer of the Academy.

(2) The Director shall be appointed, with the approval of the Prime Minister, by the Board on such terms and conditions as the Board thinks fit.

(3) The Director shall, in the discharge of his functions –

(a) be responsible for the execution of the policy of the Board and for the control and management of the day to day business of the Academy;

(b) act in accordance with such directives as he may receive from the Board;

(c) achieve annual performance targets set by the Board; and

(d) submit to the Board a report in relation to the activities and finances of the Academy every 3 months.

(4) The 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.

14. Head of Academia and Research

There shall be a Head of Academia and Research who shall be appointed and hold office on such terms and conditions as provided for in the Statutes.

15. Head of Projects, Business/Industry Development and Consultancy

There shall be a Head of Projects, Business/Industry Development and Consultancy who shall be appointed and hold office on such terms and conditions as provided for in the Statutes.

16. Registrar

(1) There shall be a Registrar of the Academy who shall be appointed by the Board and hold office on such terms and conditions as provided for in the Statutes.

(2) The Registrar shall, inter alia, be responsible for keeping, in safe custody, the records, papers and documents of the Academy.

17. Appointment of other officers

(1) The Board may, on such terms and conditions as it thinks fit, appoint such other officers as may be necessary for the proper discharge of its functions under this Act.

(2) Every officer referred to in subsection (1) shall be under the administrative control of the Director.

18. Conditions of service of officers

The Board shall make provision to govern the conditions of service of officers and, in particular, to deal with –

(a) the appointment, dismissal, discipline, pay and leave of, and the security to be given to, officers;

(b) appeals by officers against dismissal and any other disciplinary measures; and

(c) the establishment and maintenance of provident and pension fund schemes, and the contributions payable to, and benefits recoverable from those schemes.

PART IV – ACADEMIC COUNCIL, FACULTIES AND CONVOCATION

Sub-Part A – Academic Council

19. Academic Council

(1) There shall be, for the purposes of this Act, an Academic Council which shall consist of –

(a) the Director, as chairperson;

(b) the supervising officer or his representative;

(c) the supervising officer of the Ministry responsible for the subject of education or his representative;

(d) a representative of the Mauritius Examinations Syndicate;

(e) the Director of the Human Resource Development Council or his representative;

(f) a representative of the Higher Education Commission;

(g) the Head of Academia and Research, the Head of Projects and Consultancy, the Head of Quality Assurance, every Head of Faculties and every professor of the Faculties;

(h) 3 persons who have experience in 3 different field of designs, to be appointed by the Board;

(i) one member of the Board, other than the Chairperson, to be appointed by the Board;

(j) a representative of the academic staff; and

(k) (k) a student representative.

(2) No member of the Academic Council, other a member referred to in subsection (1)(i), shall be a member of the Board.

(3) The Academic Council may co-opt not more than 3 other persons who shall have no right to vote.

(4) The term of office of the members of the Academic Council referred to in subsection (1)(h) shall be for a period of 2 years and every such member shall be eligible for reappointment.

(5) A person shall cease to be a member of the Academic Council on –

(a) the completion of his term of office;

(b) his resignation; or

(c) his ceasing to be a member of the academic staff, a student or a member of the Board, as the case may be.

(6) Where a vacancy occurs in the membership of the Academic Council, the vacancy shall be filled by a person appointed by the Board, who shall hold office for the remainder of the term of office of that member.

(7) At any meeting of the Academic Council, 7 members shall constitute a quorum.

(8) No student representative shall participate in the deliberations of the Academic Council in any matter relating to –

(a) examinations; or

(b) conditions of service and discipline of staff.

(9) Every member of the Academic Council shall be paid such fees or allowances as the Board may, with the approval of the Minister, determine.

20. Functions and powers of Academic Council

(1) The Academic Council shall –

(a) act as the academic body of the Academy in preparing academic, professional and training programmes and courses, and where necessary, jointly with any other institution;

(b) be responsible for the general regulation of teaching, examinations, research and training;

(c) advise and make recommendations to the Board on –

(i) all academic matters, including the control, general direction and management of any lecturing, research or training facility;

(ii) the institution, alteration, suspension or suppression of teaching posts and the qualifications and scheme of service of the academic staff;

(iii) the conferment of honorary degrees or other distinctions;

(iv) the institution and award of fellowships, scholarships, bursaries, prizes and medals;

(d) formulate, modify or revise schemes for the constitution or reconstitution of faculties and departments;

(e) formulate rules and introduce new programmes and courses and modify existing ones;

(f) assess and make recommendations relating to standards of facilities, equipment, apparatus and maintenance required for each faculty;

(g) report to the Board on any matter referred to it by the Board.

(2) The Academic Council shall make recommendations to the Board for the award of certificates, diplomas, degrees, honorary degrees and such other academic or professional qualifications as it thinks fit.

Sub-Part B – Faculties of Academy

21. Faculties

(1) The Academy shall comprise such Faculties as may be specified in the Statutes.

(2) The Statutes may provide for the setting up of other Faculties for teaching and research and consultancy, with appropriate assignment of subjects.

(3) There shall be a Faculty Board for each Faculty, the constitution and functions of which shall be such as are provided for in the Statutes.

22. Head of Faculties

There shall be, for each Faculty, a Head who shall be appointed and hold office on such terms and conditions as provided for in the Statutes.

Sub-Part C – Convocation of Academy

23. Convocation

There shall be Convocation of the Academy, the procedure for which shall be such as provided for in the Statutes.

PART V – FINANCIAL PROVISIONS AND ACCOUNTS

24. General Fund

The Academy shall set up a General Fund –

(a) into which all monies received from any source by the Academy shall be paid;

(b) out of which all payments required to be made for the purposes of this Act by the Academy shall be effected.

25. Endowment Fund

The Academy shall set up an Endowment Fund –

(a) into which shall be paid such amount from the General Fund as the Board thinks fit;

(b) out of which fellowships, scholarships and bursaries shall be granted.

26. Estimates

The Academy shall submit to the Minister, not later than 31 March in every year, an estimate of the income and expenditure of the Academy for the next financial year for his approval.

27. Annual report

(1) The Board shall, in accordance with the Statutory Bodies (Accounts and Audit) Act, prepare an annual report and submit it to the Minister, together with an audited statement of accounts on the operations of the Academy, in respect of every financial year.

(2) The Minister shall, at the earliest available opportunity, lay a copy of the annual report and audited accounts of the Academy before the Assembly.

(3) The auditor of the Academy shall be the Director of Audit.

PART VI – MISCELLANEOUS

28. Delegation

(1) Subject to such instructions as it may give, the Board may delegate to the Director such of its functions and powers as may be necessary for the effective management of the day to day business and activities of the Academy, other than the power to –

(a) borrow money; or

(b) enter in any transaction in respect of capital expenditure not exceeding such amount as may be prescribed.

(2) The Director may, with the approval of the Board, delegate any of his functions and powers to such officer as he may appoint.

29. Transfer of property and borrowing

The Academy shall not, except with the approval of the Board and the Minister –

(a) sell or exchange any property or make any donation; or

(b) borrow any money, and any borrowing shall be for the purposes of this Act.

30. Execution of documents

(1) No deed, cheque or other document shall be executed or signed by or on behalf of the Academy unless it is signed by the Chairperson and the Director or, in the absence of either, any other member of the Board or officer designated by the Board for that purpose.

(2) Notwithstanding subsection (1), a cheque for such amount as the Board may determine may be signed by the Director and any other officer designated by the Board.

31. Protection from liability

(1) No liability, civil or criminal, shall be incurred by the Academy or any member or any officer in respect of any act done or omitted in the execution in good faith of its or his functions or duties under this Act.

(2) This section shall be in addition to, and not in derogation from, the Public Officers' Protection Act, and for the purposes of that Act, every member or officer shall be deemed to be a public officer or a person engaged or employed in the performance of a public duty.

32. Donations and exemptions

(1) Article 910 of the Code Civil Mauricien shall not apply to the Academy.

(2) Notwithstanding any other enactment, the Academy shall be exempt from payment of, any registration duty or charges in respect of any document under which the Academy is the sole beneficiary.

33. Official seal

(1) There shall be an official seal of the Academy which shall, subject to subsection (2), be kept by the Registrar.

(2) The Registrar may entrust the official seal to such officer as the Board may approve.

34. Legal proceedings

(1) The Academy shall act and sue and be sued under its corporate name.

(2) Service of process by or on the Academy shall be sufficient if made on behalf of or on the Director.

35. Offences

Any person who –

(a) Obstructs any officer in the discharge of his functions under this Act; or

(b) contravenes any provision of this Act,

shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 12 months.

36. Regulations

(1) The Minister may make such regulations as he thinks fit for the purposes of this Act.

(2) Regulations made under subsection (1) may provide –

(a) for the payment of fees and levying of charges; and

(b) that any person who contravenes them shall commit an offence and shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 6 months.

37. Repeal

The Fashion and Design Institute Act is repealed.

38. Consequential amendments

(1) The Statutory Bodies (Accounts and Audit) Act is amended, in the Schedule –

(a) by deleting the following item and its corresponding entry –

Fashion and Design Institute	Fashion and Design Institute Act

(b) by inserting, in the appropriate alphabetical order, the following new item and its corresponding entry –

Academy of Design and Innovation	Academy of Design and Innovation Act 2022

(2) The Higher Education Commission Act is amended, in the Schedule –

(a) by deleting the following item –

Fashion and Design Institute

(b) by inserting, in the appropriate alphabetical order, the following new item –

Academy of Design and Innovation

39. Saving and transitional provisions

(1) (a) Every person employed by the Institute shall, on the commencement of this Act, be deemed to be employed by the Academy and his period of service shall be considered to be an unbroken period of service with the Academy.

(b) Any proceedings, whether judicial or extra-judicial, started by or against the Institute and pending on the commencement of this Act shall be deemed to have been started by or against the Academy.

(c) The assets and funds of the Institute shall, on the commencement of this Act, vest in the Academy.

(d) All rights, obligations and liabilities subsisting in favour of or against the Institute shall, on the commencement of this Act, continue to exist under the same terms and conditions in favour of or against the Academy.

(e) Any person who, on the commencement of this Act, is enrolled with the Institute shall be deemed to be enrolled with the Academy.

(f) Any act or thing done by the Institute shall be deemed to have been done by the Academy.

(g) In this subsection –

"Institute" means the Fashion and Design Institute established under the repealed Act;

"repealed Act" means the Fashion and Design Institute Act repealed under section 37.

(2) (a) For the purposes of the Statutory Bodies (Accounts and Audit) Act, the period extending from the commencement of this Act to 30 June next following shall be deemed to be the first financial year of the Academy.

(b) Section 7(1) of the Statutory Bodies (Accounts and Audit) Act shall not apply to the first financial year of the Academy.

(3) Where this Act does not make provision for any transition, the Minister may make such regulations as may be necessary for such transition.

40. 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.

Passed by the National Assembly on the nineteenth day of July two thousand and twenty two.

Bibi Safeena Lotun (Mrs)

Clerk of the National Assembly