

# THE MAURITIUS INSTITUTE OF HEALTH ACT 1989

Act 36/1989

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### 1. Short title

This Act may be cited as the **Mauritius Institute of Health Act 1989**.

### 2. Interpretation

In this Act -

“Board” means the Board of the Institute established under section 5;

“Chairman” means the Chairman of the Board;

“Executive Director” means the Executive Director of the Institute appointed as such under section 6;

“employee” means any employee of the Institute;

“General Fund” means the General Fund set up under section 9;

“Institute” means the Mauritius Institute of Health established under section 3;

“member” means a member of the Board and includes the Chairman;

“Minister” means the Minister to whom responsibility for the subject of health is assigned.

### 3. Establishment of the Institute

- (1) There is established for the purposes of this Act a Mauritius Institute of Health.
- (2) The Institute shall be a body corporate.

#### **4. Objects of the Institute**

- (1) The Institute shall –
  - (a) be the focal point for training in the healthcare sector and be the awarding body in respect of training provided by it;
  - (b) organise the training of local health personnel, as well as overseas participants, in accordance with such programme as the Board may approve;
  - (c) run refresher courses for continuous professional development for, inter alia, medical and dental personnel;
  - (d) coordinate, oversee and evaluate training of pre-registration medical officers and other health professionals and nursing officers;
  - (e) coordinate all continuous professional development activities in the healthcare sector;
  - (f) build capacity for medical and healthcare research, including clinical trials and clinical audit;
  - (g) undertake research on health policies and framework;
  - (h) act as focal point and resource centre for the production, exchange and promotion of health learning and health information in general;
  - (i) administer a virtual health library in order to improve access to documentation for public and private health professionals;
  - (j) prepare, write, compile, archive, publish and disseminate works or reference in medical and healthcare, including the history of medical and healthcare in Mauritius;
  - (k) provide advisory services in matters of healthcare;
  - (l) cooperate with other similar institutions and regional and international organisations in order to promote the objects specified in paragraphs (b), (c), (d), (e), (f), (i) and (j);
  - (m) discharge such other functions as the Minister may determine.

(2) For the purpose of subsection (1)(a), (b) and (c), the Institute may conduct courses, hold examinations and grant certificates, diplomas, degrees and awards, acting on its own or jointly with any other educational institution.

**Amended by** [\[Act No. 1 of 2003\]](#); [\[Act No. 17 of 2017\]](#)

## **5. The Board**

- (1) The Institute shall be managed by a Board which shall consist of –
  - (a) a chairman to be designated by the Prime Minister;
  - (b) the Executive Director of the Institute;
  - (c) a representative of the Ministry of Health;
  - (d) a representative of the Prime Minister's Office;
  - (e) such other members, not exceeding 7, as may be appointed by the Prime Minister to represent –
    - (i) educational, training and vocational interests;
    - (ii) bilateral or multilateral donor organisations.
- (2) The chairman shall be a public officer.
- (3) The members appointed under subsection (1) (e) shall hold office for 2 years but shall be eligible for reappointment.
- (4) The Board shall regulate its meetings and proceedings in such manner as it thinks fit.
- (5) Five members shall constitute a quorum.

## **6. The Executive Director**

- (1) There shall be an Executive Director who shall be the chief executive of the Institute and be responsible to the Board for maintaining and promoting the proper administration of the Institute.
- (2) The Executive Director shall be appointed by the Prime Minister and hold office on such terms and conditions as the Prime Minister may think fit.

## **7. Appointment of employees**

- (1) The Board may, with the approval of the Minister, appoint on such terms and conditions as it thinks fit, such employees as it considers necessary for the proper discharge of its functions under this Act.
- (2) Every employee should be under the administrative control of the Executive Director.

## **8. Conditions of service of employees**

The Board may, with the approval of the Minister, make provision to govern the conditions of service of employees and, in particular, to deal with -

- (a) the appointment, dismissal, discipline, pay and leave of and the security to be given by, employees;
- (b) appeals by employees against dismissal or any other disciplinary measures; and
- (c) the establishment and maintenance of provident or pension fund schemes, the contributions payable to, and the benefits recoverable from, those schemes.

## **8A. Protection from liability**

(1) No liability, civil or criminal, shall be incurred by the Institute or any member or employee in respect of any act done or omitted in good faith in the execution of the functions, or exercise of the powers, conferred 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 employee shall be deemed to be a public officer or a person lawfully engaged, authorised or employed in the performance of a public duty.

**Added by [ Act No. 17 of 2017 ]**

## **9. Establishment of a General Fund**

- (1) The Institute shall set up a General Fund -
  - (a) into which all money received from any source by the Institute shall be paid; and
  - (b) out of which all payment made by the institute shall be met.

- (2) Subject to section 10 (2), the money deposited in the General Fund under subsection (1) shall be used and applied for the working of the institute in such manner and for such purposes as, in the opinion of the Board, will best promote the interest of the Institute.

## **10. Powers of Minister**

(1) The Minister may give such directions of a general character to the Board, not inconsistent with this Act, as may be necessary in the public interest, and the Board shall comply with those directions.

(2) The Minister may require the Board to furnish such information, in such manner and at such time as the Minister may determine, in respect of its activities and the Board shall supply such information.

**Amended by** [\[Act No. 17 of 2017\]](#)

## **11. Donations**

Article 910 of the Code Napoléon shall not apply to the institute.

## **12. Regulations**

(1) The Board may with the approval of the Minister make such regulations as it thinks fit for the purposes of this Act and, notwithstanding the generality of this power, the regulations may provide for -

- (a) any matter which is required by this Act to be prescribed;
- (b) any procedural or other matter as the Board may determine; and
- (c) the levying of charges and the taking of fees.

## **13. Exemptions**

Notwithstanding any other enactment -

- (a) the Institute shall be exempt from payment of duty, rate, charge, fee, tax or licence;
- (b) no stamp duty or registration fee shall be payable in respect of any document under which the Institute is the sole beneficiary; and
- (c) the Institute may frank letters or postal packets, make remittances by money order or despatch telegrams free of charge.

**14. Legal proceedings**

- (1) The Institute shall act, sue and be sued, implead or be impleaded under its corporate name.
- (2) Every deed, cheque or other document relating to the Institute shall be signed by 2 persons designated by the Board.

**15 Spent**