

# THE MAURITIUS INSTITUTE OF EDUCATION ACT 1973

Act 42/1973

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### **1. Short title**

This Act may be cited as the Mauritius Institute of Education Act.

### **2. Interpretation**

In this Act -

“Academic Board” means the Academic Board of the Institute set up under section 11;

“academic staff” includes any person holding appointment as Professor, Associate Professor, Senior Lecturer, Lecturer or Assistant Lecturer of the Institute, or in any other post stipulated by the Council as an academic staff post;

“Council” means the Council of the Institute set up under section 10;

“department” means a department of the Institute set up under section 14;

“Director” means the Director of the Institute appointed under section 7;

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

“librarian” means the librarian of the Institute appointed under section 8;

“student” means any person registered as a student of the Institute;

“tertiary education institution” has the same meaning as in the Tertiary Education Commission Act.

**Amended by [\[Act No. 2 of 2017\]](#)**

### **3. Establishment of the institute**

- (1) There is established for the purposes of this Act a Mauritius Institute of Education.
- (2) The institute shall be a body corporate.
- (3) The principal place of business of the Institute shall be at such place as the Council may determine.
- (4) Any person who, without the authority of the Institute, uses the name and style of the institute shall commit an offence and shall, on conviction, be liable to a fine not exceeding 1,000 rupees.
- (5) The institute shall have a patron who shall be chosen by the Council.

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

The objects of the institute shall be -

- (1)
  - (a) to provide facilities for and engage in educational research, curriculum development and teacher education in order to promote the advancement of learning and knowledge in the field of education;
  - (b) to provide a teacher education responsive to the social, linguistic, administrative, scientific, agricultural and technological needs of Mauritius; and
  - (c) to do all such things as are incidental or conducive to the attainment of those objects.
- (2) The Institute may, for the purposes set out in subsection (1), conduct its activities in such cells, units, sections, divisions, centres, departments, faculties or schools as it thinks fit.

**Amended by [\[Act No. 18 of 1984\]](#)**

## **5. Powers of the Institute**

The Institute shall have all the powers of a natural person.

## **6. Functions of the Institute**

- (1) The Institute shall have Such functions as, in its opinion, are necessary to furthestmost effectively, so far as its resources permit, the objects of the, Institute and to maintain its efficiency and well being as an academic community.
- (2) Without prejudice to the generality of the power under subsection (1), the functions of the Institute shall be-
  - (a) to prescribe the conditions under which students may be admitted to the Institute for any particular course of study;
  - (b) award degrees, diplomas and certificates, whether on its own or jointly, with any tertiary education institution
  - (c) to prescribe the disciplinary provisions to which students shall be subject;
  - (d) to provide instruction in such branches of learning and study and for such persons as it thinks fit and to make provision for research and curriculum development and for the advancement and dissemination of knowledge in such manner as it may determine;-,
  - (e) to accept the examinations passed and periods of study spent by students at universities or other places of learning as equivalent to appropriate examinations and periods of study in the Institute;
  - (f) to organise examinations on a nationwide basis;
  - (g) to institute and award fellowships, scholarships, studentships, exhibitions, bursaries and prizes;
  - (h) to make provision for research and advisory services;
  - (i) to prescribe and receive fees;
  - (j) to enter into agreements or other relations with other institutions, including the incorporation within the Institute of any other institution and the taking over of property, rights, privileges and liabilities of that institution.

Amended by [\[Act No. 2 of 2017\]](#)

## **7. The Director**

- (1) There shall be a Director of the Institute who shall be the principal academic and administrative officer of the Institute and who shall have general responsibility to the Council for maintaining and promoting the good order and efficiency of the institute.
- (2) The Director shall be appointed by the Prime Minister and shall hold office on such terms and conditions and at such remuneration as the Prime Minister thinks fit until -
  - (a) his retirement;
  - (b) his resignation on giving at least 6 months notice in writing of his intention so to do to the Prime Minister; or
  - (c) the expiry of any contract he may have entered into at the time of his appointment.

## **8. Other staff**

- (1) The Council may, with the approval of the Minister, appoint on such terms and conditions and at such remuneration as it may determine, such staff as it considers necessary for the proper discharge of its functions under this Act.
- (2) The staff appointed under subsection (1) shall be under the administrative control of the Director.

**Amended by [\[Act No. 18 of 1984\]](#)**

## **9. Repealed by [\[Act No. 18 of 1984\]](#)**

## **10. The Council**

- (1) There shall be a Council of the Institute which shall be the executive body of the Institute and shall have the custody, control and use of the common seal of the Institute.
- (2) The Council shall be responsible for the management and administration of the revenue and property of the Institute, and shall have general control over the conduct of the affairs of the Institute and take such measures as it thinks fit to achieve the objects of the Institute.
- (3) The Council shall consist of -
  - (a) a Chairman appointed by the Prime Minister;
  - (b) **Deleted by [\[Act No. 12 of 2023\]](#)**

- (c) the Director;
  - (d) a representative of the Prime Minister's Office;
  - (e) the Permanent Secretary and 2 other representatives of the Ministry of Education, Arts and Culture;
  - (f) a representative of the Ministry of Finance;
  - (g) a representative of the Private Secondary Education Authority;
  
  - (h) a representative of the University of Mauritius chosen by the Vice-Chancellor;
  - (i) 2 representatives of the staff of the Institute, one representing the academic staff and one the non-academic staff;
  - (j) a representative of the students' Organisation of the Institute;
  - (k) such other members, not exceeding 6, as may be appointed by the Prime Minister.
- (4) Every ex officio member of the Council shall remain a member for as long as he holds the office by virtue of which he became a member, and every other member of the Council shall hold office for 3 years.
- (5) (a) Subject to paragraph (b), the Council shall appoint from among its members, for such period and on such conditions as it may determine, a Vice Chairman who shall perform all the functions of the Chairman during a vacancy in that office or during the inability of the Chairman to perform his functions.
- (b) No person may serve as Vice Chairman for more than 5 consecutive years.
- (6) Eight members of the Council shall form a quorum.
- (7) Notwithstanding subsection (3), no student representative shall participate in the deliberations of the Council in any matter relating to -
- (a) examinations;
  - (b) conditions of service of staff; or
  - (c) discipline of staff.

Amended by [\[Act No. 18 of 1984\]](#); [\[Act No. 2 of 2017\]](#); [\[Act No. 12 of 2023\]](#)

## 11. Academic Board

- (1) There shall be an Academic Board of the Institute which shall be the academic authority of the Institute and shall, subject to this Act, be responsible for the academic work of the Institute in teaching and research.
- (2) **Repealed by [\[Act No. 2 of 2017\]](#)**
- (3) The Academic Board shall be responsible for the award of degrees, diplomas, certificates and the regulation and superintendence of the education and discipline of students.
- (4) The Academic Board shall consist of-
  - (a) the Director who shall be the Chairman;
  - (b) such representatives of the staff of the institute as may be appointed by the Council;
  - (c) the librarian;
  - (d) 2 representatives of tertiary education institutions;
  - (da) the Director of the Special Education Needs Authority;
  - (e) 2 representatives of the Ministry of Education, Arts, and Culture;
  - (f) 2 representatives of the students' Organisation of the Institute appointed by the Council;
  - (g) 2 representatives of teachers' unions, one from the primary schools and one from the secondary schools, to be appointed by the Minister;
  - (h) such other members, not exceeding 4, as may be appointed by the Council.
- (5) Every ex officio member of the Academic Board shall remain a member for as long as he holds the office by virtue of which he became a member, and every other member of the Academic Board shall hold office until the end of the second year following his appointment or until such earlier date as the Academic Board may, in each case, determine.

- (6) A member, other than an ex officio member, shall not be eligible to be reappointed to the Academic Board until at least 12 months have elapsed from the date of expiry of his term of office.
- (7) Eight members of the Academic Board shall form a quorum.
- (8) Notwithstanding subsection (4), no student representative shall participate in the deliberations of the Academic Board in any matter relating to -
  - (a) examinations;
  - (b) conditions of service of staff; or
  - (c) discipline of staff.

**Amended by [\[Act No. 18 of 1984\]](#); [\[Act No. 2 of 2017\]](#)**

**12. Repealed by [\[Act No. 18 of 1984\]](#)**

**13. Appointment of staff**

- (1) The appointment of academic, administrative, technical and library staff shall be made by the Council on the recommendation of a committee consisting of a Chairman appointed by the Minister, the Director, the Permanent Secretary, Ministry of Education and Cultural Affairs and 2 other members of the Council appointed by the Minister.
- (2) The appointment of all other staff shall be made by the Council on the recommendation of a committee of 3 persons set up by the Council with the approval of the Minister.

**14. Repealed by [\[Act No. 18 of 1984\]](#)**

**15. Service of notices and documents**

Any notice or document required to be given or sent to a member of the Council or of a committee of the Institute may be given or sent either personally or by sending it by post to him at his last postal address of which the Institute has cognizance.

**16. Legal proceedings**

- (1) Service of process by or on behalf of the Secretary shall be equivalent to service by or on behalf of the Institute.
- (2) Every deed, cheque or other document relating to the Institute shall be signed by 2 persons designated by the Council.

**17. Donations**

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

Amended by [\[Act No. 18 of 1984\]](#)

#### **18. Powers of Minister**

- (1) The Minister shall give such directions of a general character as to the performance by the Institute of its functions and duties as appear to the Minister to be requisite in the public interest and the institute shall give effect to those directions.
- (2) The Institute shall afford to the Minister facilities for obtaining information with respect to its activities and shall furnish him with such returns as he may require.

#### **19. Regulations**

- (1) The Council may 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) the powers and functions, constitution and terms of membership of such bodies as the Council or the Academic Board thinks proper to set up;
  - (c) the appointment, discipline, conditions of service, retirement and resignation of staff;
  - (ca) the award of degrees, diplomas and certificates;
  - (d) any procedural or other matter as the Council may determine.
- (2) Notwithstanding the interpretation and General Clauses Act, any regulations made under this section -
  - (a) shall not be laid before the Assembly; and
  - (b) shall be published in such manner, and shall come into operation on such day, as the Council may determine.

Amended by [\[Act No. 18 of 1984\]](#); [\[Act No. 2 of 2017\]](#); [\[Act No. 12 of 2023\]](#)