I ASSENT,
C. J. TURNER,
Governor.
11th February, 1988

MONTSERRAT
NO. 2 OF 1988

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT OF THE MONTSERRAT (COMPUTER STUDIES FOUNDATION AND THE CARIBBEAN INSTITUTE OF APPLIED COMPUTER TECHNOLOGY AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council of Montserrat, and by the authority of the same as follows:

Short Title

1. This Ordinance may be cited as the 1987 Montserrat Computer Studies Foundation Ordinance No. 2 of 1988 and shall come into force on such date as the Governor in Council may appoint by Order published in the Gazette.

PART I

MONTSERRAT COMPUTER STUDIES FOUNDATION

2(1) There shall be established a Foundation which shall be called the Montserrat Computer Studies Foundation (hereinafter referred to as the 'Foundation').

(2) The Foundation shall by the name assigned to it by subsectiion (1) be a non-profit making body corporate with perpetual succession and a common seal and may sue and be sued in such name.

Board of Governors

3 The affairs of the Foundation shall be managed by a Board of Governors (hereinafter referred to as the 'Board' consisting of the following members:-

(a) The Minister responsible for Education;

(b) Resident Tutor of the U W I in Montserrat

(c) The Permanent Secretary Ministry of Development who shall function as the Secretary and Treasurer of the Board;

(d) Two persons to be named from the private sector one of whom shall be nominated by the Minister of Education and the other from the Chamber of Commerce.

Provided that the Chairman of the Board shall be appointed by the Governor-in-Council from among the members of the Board.

The Board of Governors to be trustee of the Foundation

4 For the purpose of this Ordinance, the board of Governors of the Foundation shall be trustees of the foundation and accordingly manage the affairs of the Foundation in such capacity.

Objects of the Foundation

5 The objects of the Foundation shall be to:-

(a) initiate, promote, foster and encourage computer services, computer technology, and computer education;

(b) render assistance financial and otherwise to established institutes concerned with computer technology to facilitate the advancement of computer technology and education;

(c) provide funds with or without conditions for the establishment, management and maintenance of the Institute concerned with Computer Technology.

(d) such other objects as the Board may consider to be desirable and necessary.

Funds of the Foundation

6(1) The Foundation shall have its own funds into which shall be paid:-

(a) grants from the Government of Montserrat;

(b) grants and donations from any source whether in Montserrat or abroad;

(c) All such sums of money as may be received by the Foundation.

(2) There shall be paid out of the Funds all such sums of money required to defray any expenditure incurred by the Foundation in the exercise, discharge and performance of its powers, functions and duties and all such sums of money required to be paid out of such fund by or under the provisions of this Ordinance.

Foundation entitled to receive grants from any source

7 The Foundation shall be entitled to receive grants from any source, whether in Montserrat or abroad and to negotiate direct for such grants with any individual, institution or body of persons whether corporate or not for the purpose of carrying out the objects of the Foundation.

Board to make its rules

8(1) The Board shall make rules for the procedure in the conduct of its affairs.

(2) No act or proceedings of the Board shall be deemed to be invalid by reason only of the existence of any vacancy among its members or any defect in the appointment of any member thereof.

(3) The members of the Board may be paid such allowances as the Board shall determine with the approval of the Executive Council.

Exemption from Taxes

9 The Foundation shall be exempt from the payment of all taxes in Montserrat.

Accounts and audit

10 The accounts of the Board shall be audited by the Director of Audit annually.

PART II

ESTABLISHMENT OF THE CARIBBEAN INSTITUTE OF APPLIED COMPUTER TECHNOLOGY

Establishment of the Caribbean Institute of Applied Computer Technology

11(1) There shall be established a Caribbean Institute of Applied Computer Technology (CARIAT) (hereinafter referred to as the 'Institute').

(2) The Institute shall by the name assigned to it by subsection (1), be a body corporate with perpetual succession

and a common seal and may sue and be sued in such name.

Objects of the Institute

12 The objects of the Institute shall be-

(a) to provide facilities for training in Computer Technology;

(b) to provide computer services;

(c) to provide data processing services;

(d) to operate a data centre;

(e) to formulate and conduct training and research courses in various aspects of computer technology;

(f) to organise and hold meetings, conferences, lectures, workshops and seminars with a view to improving expertise of computer technologists and others using computers to advance their knowledge and skills;

(g) to conduct classes and examinations in data processing, system analysis, word processing and other subjects related to computer technology, computer science, and computer related information technology as may be decided by the Institute and confer diplomas or degrees to students successful in examinations.

Council of Management

13(1) The Institute shall have a Council of Management (hereinafter referred to as the 'Council') comprising the following members appointed by the Governor-in-Council.

(a) a representative of the Minister responsible for Education appointed on his recommendation.

(b) a representative of the Minister responsible for Finance appointed on his recommendations.

(c) a representative of the Chamber of Commerce.

(d) a representative of Consultants in Computer Technology.

(e) a representative of the U W I.

(2) The Permanent Secretary Ministry of Education

shall be the Chairman of the Council

(3) The administration and management of the Institute shall be vested in the Council.

(4) The Council may delegate any of its powers to the Chairman or the Director under such terms and conditions as may be specified.

(5) The Governor-in-Council shall determine the remuneration of the members of the Council.

Acts and proceedings of the council deemed not to be invalid by reason of any vacancy or defect in the appointment of a member

14 The Council shall have the power to act notwithstanding any vacancy in its membership and any act or proceeding of the Council shall not be, or deemed to be, invalid by reason only of such vacancy or any defect in the appointment of a member.

Meetings of the council

15(1) The Council shall meet at least once in six months every calendar year.

(2) The meetings of the Council shall be held at the Headquarters of the Institute, unless the Council shall otherwise expressly determine.

(3) Subject to the provisions of this Ordinance all decisions of the Council, whether at a meeting or under the procedure determined by rules made by the Council shall be by a simple majority.

(4) If the Chairman is absent for any meeting of the Council the members present shall elect one from among them to precide at such meeting.

Seal of the Institute

(16) The seal of the Institute shall be in the custody of the Chairman, of the Council and shall be affixed in the presence of and be attested by the Chairman, one other member of the Council and the Director of the Institute.

Powers of the Institute

(17) The Institute shall have the power -

(a) to acquire, hold, take or lease or hire, mortgage, sell or otherwise dispose of, any property movable or immovable with the approval of the Board;

(b) to appoint a Director and such other officers and employees as may in its opinion, be necessary for carrying out the objects of the Institute and to exercise disciplinary control (including the power of dismissal) over the Director, officers and employees;

(c) to determine the remuneration and terms of service of the Director, officers and employees of the Inst- itute;

(d) to construct, purchase, install and obtain all such building, structure, plant, machinery, equipment and facilities as may be necessary or useful for or conducive to the attainment of the objectives of the institute;

(e) to enter into, perform and carry out either directly or through an officer or agent authorised in that behalf by the Institute, all such contracts and agreements as may be necessary or useful for or conducive to the attainment of the objectives of the Institute;

(f) to establish and develop relationships and arrangements for co-operation and collaboration with organisations and agencies in Montserrat or abroad for purposes necessary or useful for or conducive to the attainment of the objective of the Institute;

(g) to charge fees from students attending courses of study in the Institute, workshops, seminars and other programmes conducted by the Institute;

(h) to offer scholarships to students by way of exemption from fees or in terms of such scheme as it may prescribe;

(i) to charge fees for services rendered by the Institute;

(j) to do and perform all such other acts and things as are necessary and useful for or incidental or conducive to the attainment of the objective of the Institute;

Powers, duties functions of the Institute to be vested in the Council

18 All the powers, duties and fuctions of the Institute shall be vested in the Council.

Powers, duties and functions of the Council

19 In addition to the powers, duties and functions vested in the Council under section 18 of this Ordinance, the Council shall exercise, perform and discharge the following powers duties and functions -

(i) the formulation of the policies of the Institute;

(ii) the approval of the major programmes of the Institute;

(iii) the review and evaluation of the progress of the Institute;

(iv) the approval of the budget and the review of the financial condition of the Institute;

(v) the appointment, remuneration, dismissal and disciplinary control of the Director and the senior staff and consultants of the Institute;

(vi) the approval and review of personnel and staffing policies, including the terms and conditions of service of employees of the Institute;

(vii) the approval of any social security scheme for the employees of the Institute;

(viii) the raising of funds for the administration and operations of the Institute;

(ix) the formulation of administrative and procedural rules relating to the Institute, the meetings of the Council including the quorum therefor.

Donations to the Institute to be approved by the Board of Governors of the foundation

20 The Institute may with the approval of the Board of Governors of the Foundation accept donations, gifts and grants from any government, international organisation or any agency.

21(1) The Director appointed by the [redacted]

(2) The Director shall exercise , perform and discharge such powers, duties and functions as may be delegated to him in accordance with the terms and conditions specified by the Council.

(3) The Director shall advise and make recommentions to the Council in respect of the exercise, performance and discharge of its powers, duties and functions except in matters relating to himself.

(4) If the Director vacates his office, by reason of death, resignation, dismissal or otherwise or if the Director is unable by reason of illness, absence from Montserrat, suspension from office or any other cause, to exercise and discharge the powers duties and functions of his office, the Council shall appoint an acting Director to exercise, perform and discharge the powers, duties and functions of his office, pending the appointment of a new Director, or the resumption of office by the Director as the case may be. Pending the appointment of an acting Director, the person if any, holding the post of Deputy Director, shall act in the office of the Director.

Government to make available Lands and premises for the use of the Institute

22 The Government of Montserrat may provide to the Foundation such lands, buildings and other facilities as may be deemed necessary for the use of the Institute under such terms and conditions as it may specify and levy such rent and charges as the Minister responsible for Finance may determine in consultation with the Minister responsible for Lands.

Exemption from Income Tax, Customs Duty and Consumption Tax

23 Notwithstanding anything in any other law.

(a) The Institute shall be exempt from the payment of Income Tax on its profits and Customs Duties and Consumption Tax on the import of any equipment and material for the Institute for a period of five years.

(b) Where experts in Computer Technology from abroad are employed by the Institute to managerial or teaching staff of the Institute or engaged in an advisory capacity under any contract entered into by the Institute, such experts shall be exempt from the payment of income tax on their remuneration during the period of employment and custom duty or any other tax for the import of their household goods within six months of their assuming duties.

The Funds of the Institute

24(1) The Institute shall have its own Fund which shall be administered by the Council.

(2) There shall be paid into the Fund

(i) all donations, gifts, grants made to the Institute;

(ii) all fees paid by students; and

(iii) all sums received by the Institute for services rendered;

(3) There shall be paid out of the Fund all expenses incurred in the Administration and management of the Institute (including the payment of remuneration to all the members of its staff).

Staff of the Institute

25(1) The Institute shall have its own staff who shall be remunerated as may be determined by the Council.

(2) In determining the salary and other allowances for the Staff of the Institute the Council shall have regard to the salary structure of comparable grades in the public service in the Colony and the need to employ fit and proper persons.

(3) Officers in the public service of Montserrat may be engaged for any fixed period under such terms and conditions as may be agreed upon with the Secretary of Public Administration and the Secretary of the Ministry where such public officer is attached.

Accounts and Audit

26(1) The financial year of the Institute shall be the calendar year;

(2) The Director shall keep proper books of Accounts of the income and expenditure of the Institute;

(3) The accounts of the Institute shall be audited by the Director of Audit;

(4) The accounts of the Institute for each financial year shall be submitted to the Director of Audit within one month of the close of that financial year.

(5) The Director of Audit shall examine the accounts of the Institute and furnish a report-

(a) stating whether he has or has not obtained all the information and explanations required by him;

(b) stating whether the accounts referred to in the report are properly drawn up so as to exhibit a true and fair view of the affairs of the Institute; and

(c) drawing attention to any items of the accounts which in his opinion may be of interest to the Government in any examination of the activities and accounts of the Institute.

(6) The Director of Audit may transmit his report to the Council within three months of the receipt by him, of an annual accounts of the Institute;

(7) The Council shall prepare an annual report on the activities of the Institute, for that year;

(8) The report of the Director of Audit and the annual report of the Council shall be presented to the Governor-in-Council not later than six months after the end of the financial year to which such report of the Accountant General or such annual report of the Council relates.

Regulations

27 The Governor-in-Council may make regulations to give effect to the principles and provisions of this Ordinance.

Limitations on Contracts and Agreements

28 Notwithstanding anything in this Ordinance the Institute shall not enter into an agreement or contract which is inconsistent with the constitution of Montserrat. Any agreement or contract inconsistent with the provisions of this section shall be null and void and of no effect in law.

D. R. V. EDWARDS
for Speaker

Passed the Legislative Council this 28th day of December, 1987

C. P. RYAN
Clerk of the Council