

NATIONAL COMPUTER BOARD ACT 1988

Act 43 of 1988 – 11 January 1988

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To provide for the establishment and management of a National Computer Board

1. Short title

This Act may be cited as the National Computer Board Act 1988.

2. Interpretation

In this Act –

“Board” means the National Computer Board established under section 3;

“Code of Practice” means the Code of Practice set out in the First Schedule;

“Executive Director” means the person appointed as such under section 10;

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

“Minister” means the Minister to whom responsibility for the subject of information technology is assigned;

“Officer” means –

- (a) an employee of the Board and includes the Executive Director;
- (b) does not include a manual worker.

3. Establishment of the Board

(1) There is established for the purposes of this Act a board which shall be known as the National Computer Board.

(2) The Board shall be a body corporate.

4. Objects of the Board

The objects of the Board shall be –

- (a) to foster the development and growth of information technology, information systems and computer related services in Mauritius
- (b) to advise the Government on the formulation of national policies in respect of the promotion, development and control of information technology and its applications;
- (c) to assist in the framing of appropriate national education, training and research plans in the field of information technology in order to build the necessary expertise base for consolidating the information technology industry in Mauritius; and

5. Membership of the Board

(1) The Board shall consist of –

- (a) a Chairman to be appointed by the Minister;
- (b) a representative of the Prime Minister's Office;
- (c) a representative of the Ministry of Finance;
- (d) a representative of the Ministry of Economic Planning and Development;
- (e) a representative of the Ministry of Education, Arts and Culture;
- (f) a representative of the Ministry for Civil Service Affairs and Employment; and
- (g) not more than five other members appointed by the Minister from among persons with adequate knowledge and experience in the field of information technology, commerce, industry, services and education.

(2) Every appointed member shall hold office on such terms and conditions as the Minister may determine.

(3) Every member shall be paid by the Board such remuneration or allowance as the Board may, with the approval of the Minister, determine.

6. Meetings of the Board

(1) Subject to subsections (2) and (3), the Board shall regulate its meetings and proceedings in such manner as it thinks fit.

(2) The Board shall meet at the request of the Chairman or of not less than 3 members and at such time and place as may be determined by the Chairman.

(3) Four members shall constitute a quorum.

7. Disclosure of interest by members

Every member shall, in relation to any matter before the Board in which he has a pecuniary interest, disclose at or before the meeting convened to discuss that matter the nature of his interest and refrain from taking part in any deliberation of the Board relating to that matter.

8. Committees

(1) The Board may appoint such committees to assist it in carrying out its functions as it thinks fit.

(2) Any committee set up pursuant to subsection (1) may consist of members or such other persons as the Board may, without prejudice to the rule of confidentiality, think fit to designate.

9. Delegation of powers

Subject to such instructions and rules of a general nature as it may give or make, the Board may delegate to the Chairman or to the Executive Director such of its powers under this Act as may be necessary for the effective management of the Board, other than the power to borrow money.

10. Executive Director

(1) There shall be a chief executive officer of the Board who shall –

- (a) be known as the Executive Director; and
- (b) be appointed by the Board with the approval of the Minister.

(2) The Executive Director shall 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 Board.

(3) In the exercise of his functions, the Executive Director shall act in accordance with such directions as he may receive from the Board.

(4) The Executive Director may, with the approval of the Board, delegate his functions or any power delegated to him under section 9 to an officer.

11. Appointment of Officers

(1) Subject to subsection (3), the Board may employ, on such terms and conditions as it thinks fit, such officers as may be necessary for the proper discharge of its functions.

(2) Every officer shall be under the administrative control of the Executive Director.

(3) No person shall be eligible for employment or, if already employed, continued in employment, where he has an interest in any contract with the Board.

12. Conditions of service of officers

The Board may make provision, in such form as it may determine, 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 by, officers;
- (b) appeals by officers against dismissal or other disciplinary measures; and
- (c) the establishment and maintenance of provident and pension fund schemes and the contributions payable to, and the benefits recoverable from those schemes.

13. Secrecy

(1) Every member and officer shall –

- (a) before he begins to perform his duties under this Act take an oath of secrecy in the form specified in the second Schedule;
- (b) maintain and aid in maintaining the secrecy of any matter which comes to his knowledge in the performance of his duties under this Act;
- (c) refrain from revealing to any unauthorised person any such matter as is specified in paragraph (b).

(2) Any member or officer who, without lawful cause or reasonable excuse, contravenes subsection (1), 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 2 years.

14. Protection of members and officers

No liability, civil or criminal, shall attach to any member or officer or to the Board in respect of any loss arising from the exercise in good faith by a member or officer or the Board of his or its functions under this Act.

15. Powers of the Minister

(1) The Minister may, in relation to the exercise by the Board of its powers under this Act, give such directions of a general character to the Board, after consultation with the Board, as he considers necessary in the public interest, and the Board shall comply with those directions.

(2) The Board shall furnish to the Minister such information with respect to its activities as the Minister may require.

16. Funds of the Board

The Board shall derive its funds from –

- (a) the Consolidated Fund;
- (b) any dues or fees levied by the Board, and
- (c) any other source approved by the Minister.

17. Estimates

(1) The Board shall, not less than three months before the commencement of every financial year, submit to the Minister an estimate of the income and expenditure of the Board.

(2) Subsection (1) shall not apply to the first financial year of the Board.

18. Donations

Article 910 the Code Napoléon shall not apply to the Board.

19. Exemption

Notwithstanding any other enactment, the Board shall be exempt from the repayment of any rate or charge leviable on immovable property or any tax leviable on income.

20. Regulations

(1) The Board may, with the approval of the Minister, make such regulations as it thinks fit for the purposes of this Act.

(2) Any regulations made under subsection (1) may –

- (a) amend the Schedules;
- (b) provide for the taking of fees and the levying of charges.

21. -

22. **Commencement**

This Act shall come into operation on a day to be fixed by Proclamation.

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SCHEDULE
(section 13)

Oath of Secrecy

Ihereby make oath/solemn affirmation as aand declare that in the discharge of my duties under the National Computer Board Act 1988, I will deal with and regard all documents and information relating to the operations of the Board and to which I have access as SECRET AND CONFIDENTIAL and refrain from disclosing any such documents and information to any unauthorised person.

Sworn/solemnly affirmed by the deponent in Chambers.

This19.....

Before me,
District Magistrate for
