

**THE NATIONAL INSTITUTE OF CURRICULUM RESEARCH
AND DEVELOPMENT BILL**

(No. XVIII of 2024)

Explanatory Memorandum

The main object of this Bill is to provide for the establishment of the National Institute of Curriculum Research and Development, which will be responsible for curriculum research, analysis, development and evaluation with respect to the pre-primary, primary and secondary sub-sectors of education, including any special education needs thereof.

2. The Bill also provides for matters connected, incidental and related thereto.

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*Vice-Prime Minister, Minister of Education, Tertiary
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ARRANGEMENT OF CLAUSES

Clause

PART I – PRELIMINARY	11. Director
1. Short title	12. Appointment of employees
2. Interpretation	13. Delegation
PART II – NATIONAL INSTITUTE OF CURRICULUM RESEARCH AND DEVELOPMENT	PART IV – CURRICULA AND INSTRUCTIONAL MATERIALS
3. Establishment of Institute	14. Approval of curricula and instructional materials
4. Objects of Institute	PART V – FINANCIAL PROVISIONS AND ACCOUNTS
5. Functions of Institute	15. General Fund
6. Powers of Institute	16. Estimates
PART III – ADMINISTRATION AND MANAGEMENT OF INSTITUTE	17. Annual report
7. The Board	PART VI – MISCELLANEOUS
8. Meetings of Board	18. Powers of Minister
9. Committees	19. Confidentiality
10. Disclosure of Interest	20. Transfer of property and borrowing

- | | |
|-------------------------------|------------------------------|
| 21. Execution of documents | 26. Regulations |
| 22. Protection from liability | 27. Consequential amendments |
| 23. Donations and exemptions | 28. Commencement |
| 24. Legal proceedings | |
| 25. Offences | |

A BILL

To provide for the establishment of the National Institute of Curriculum Research and Development and for matters connected, incidental and related thereto

ENACTED by the Parliament of Mauritius, as follows –

PART I – PRELIMINARY

1. Short title

This Act may be cited as the National Institute of Curriculum Research and Development Act 2024.

2. Interpretation

In this Act –

“Board” means the Board referred to in section 7;

“curriculum” means relevant programmes that guide teaching and learning in educational settings;

“Director” means the Director of the Institute appointed under section 11;

“employee” –

(a) means an employee of the Institute; and

(b) includes the Director;

“Institute” means the National Institute of Curriculum Research and Development established under section 3;

“instructional materials” –

(a) means materials and resources, whether printed or otherwise, to be used for teaching in the sub-sectors of education and approved or developed by the Institute; and

- (b) includes textbooks, digital learning materials, charts, maps, audio or audiovisual materials and resources, Open Educational Resources, films, drawings, pictures and books;

“member” means a member of the Board;

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

“Ministry” means the Ministry responsible for the subject of education;

“Open Educational Resources” means teaching, learning, and research resources and materials in any medium, digital or otherwise, used to support education, training and research, which are in the public domain or have been released under an open licence that permits no-cost access, use, sharing, adaptation, reuse, revision, remixing, retention and redistribution by others, with no or limited restrictions;

“sub-sectors of education” means the pre-primary, primary and secondary sub-sectors of education, including any special education needs thereof.

PART II – NATIONAL INSTITUTE OF CURRICULUM RESEARCH AND DEVELOPMENT

3. Establishment of Institute

(1) There is established, for the purposes of this Act, the National Institute of Curriculum Research and Development.

(2) The Institute shall be a body corporate.

(3) The principal place of business of the Institute shall be at such place as the Board may determine.

4. Objects of Institute

The objects of the Institute, with respect to the sub-sectors of education, shall be to –

- (a) engage in curriculum development and evaluation for the advancement of learning and knowledge in the field of education;
- (b) steer curriculum research;

- (c) commit to the attainment of international standards in the field of curriculum research and development;
- (d) ensure that curriculum and instructional materials developed in Mauritius, including Open Educational Resources, are in line with international standards.

5. Functions of Institute

The Institute shall, with respect to the sub-sectors of education, have such functions as are necessary to further its objects most effectively and shall, in particular –

- (a) advise the Minister on policies and matters pertaining to curriculum research, development and evaluation;
- (b) undertake a periodic review of curricula;
- (c) develop instructional materials meeting international standards;
- (d) be responsible, and receive and determine applications, for the approval of curricula and resources as instructional materials;
- (e) engage in curriculum research, analysis, development and evaluation;
- (f) act as a national repository for instructional materials produced and published in Mauritius, including Open Educational Resources;
- (g) conduct capacity building programmes for curriculum research, development, evaluation and implementation;
- (h) hold such local and international seminars and conferences as may be necessary on curriculum-related matters;
- (i) network and collaborate with relevant stakeholders, institutions and organisations at the national and international levels for capacity building and the sharing of knowledge, information, best practices and emerging trends in the field of education;
- (j) submit to the Minister, not later than 30 June in every financial year, a detailed report, including statistics, on instructional materials for the preceding financial year; and
- (k) do all such things that may be incidental or conducive to the attainment of any of its objects under this Act.

6. Powers of Institute

The Institute shall have such powers as are necessary or expedient to enable it to carry out its functions most effectively and may, in particular –

- (a) acquire, hold and dispose of assets;
- (b) manage, in such manner as it may determine, any property belonging to, or vested in, it;
- (c) where appropriate, charge such fees as it considers necessary in relation to the discharge of its functions;
- (d) receive such sums which may lawfully accrue to it, grants and donations; and
- (e) enter into agreements, in such manner as it may determine, with any other institution or body.

PART III – ADMINISTRATION AND MANAGEMENT OF INSTITUTE

7. The Board

(1) The Institute shall be administered and managed by a Board which shall, in particular –

- (a) establish the policy of the Institute;
- (b) determine the work plan of the Institute and ensure its timely implementation;
- (c) determine applications for the approval of curricula and resources as instructional materials;
- (d) manage the budget of the Institute;
- (e) ensure that adequate human and financial resources are provided to the Institute for the proper discharge of its functions; and
- (f) take such measures as it considers appropriate to achieve the objects of the Institute.

(2) The Board shall consist of –

- (a) a Chairperson, to be appointed by the Prime Minister;
- (b) a representative of the Prime Minister's Office;
- (c) the supervising officer of the Ministry or his representative;
- (d) a representative of the Mauritius Examinations Syndicate;
- (e) a representative of the Mauritius Institute of Education;
- (f) a representative of the Private Secondary Education Authority;
- (g) a representative of the University of Mauritius;
- (h) a representative of the Early Childhood Care and Education Authority;
- (i) a representative of the Special Education Needs Authority;
- (j) a representative of the Mahatma Gandhi Institute;
- (k) a representative of the National Examinations Board referred to in section 5(d) of the Education Act; and
- (l) 4 other members having wide knowledge and experience in the field of education, to be appointed by the Minister.

(3) The members referred to in subsection (2)(a) and (l) shall hold office for a period of 3 years and may be eligible for reappointment.

(4) A member, other than an ex officio member, shall cease to hold office –

- (a) on the completion of his term of office;
- (b) on his resignation;
- (c) where he becomes a member of the Assembly or a local authority, or otherwise actively engages in politics;
- (d) where, without sufficient cause, he fails to attend 3 consecutive meetings of the Board; or

(e) in case of any criminal or disciplinary proceedings instituted against him.

(5) (a) Where a vacancy occurs in the membership of the Board, other than in relation to an ex officio member, the vacancy shall be filled by a person appointed by the Minister.

(b) The member appointed under paragraph (a) shall hold office for the remainder of the term of office of the member he will replace.

(6) Every member shall be paid such fees or allowances as the Minister may determine.

(7) The Board may co-opt any other person who may be of assistance in relation to any matter before it and the co-opted member shall –

(a) not have the right to vote at any meeting of the Board; and

(b) be paid such fees or allowances as the Minister may determine.

(8) No member shall engage in any activity which may undermine the reputation or the integrity of the Institute or frustrate its objects.

8. Meetings of Board

(1) The Board shall meet as often as is necessary, but at least once every 3 months at such time and place as the Chairperson may determine.

(2) (a) At any meeting of the Board, 8 members shall constitute a quorum.

(b) Where the Chairperson is absent from a meeting of the Board, the members present shall elect a member to chair the meeting.

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

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

(c) The decisions of the Board shall be taken by a simple majority of the members present at the voting in the meeting.

(4) A special meeting of the Board may be convened by the Secretary within 7 days of the receipt by him of a request, in writing, signed by at least 8 members and specifying the purpose for which the meeting is to be convened.

(5) (a) The Director shall, subject to the approval of the Board, designate an employee to act as Secretary to the Board.

(b) The Secretary shall –

(i) give notice of every meeting of the Board to the members;

(ii) prepare and attend every meeting of the Board;

(iii) take, record and keep minutes of proceedings of any meeting of the Board;

(iv) have no right to vote on any matter before the Board; and

(v) perform such other duties as may be conferred upon him by the Board.

9. Committees

(1) (a) The Board may set up such committees as it may determine to assist it in the discharge of its functions.

(b) A committee referred to in paragraph (a) shall consist of not more than 5 members and other persons as the Board may determine

(c) A committee shall be chaired by such person as the Board may determine.

(2) A committee set up under this section shall regulate its meetings and proceedings in such manner as it may determine.

(3) The members of a committee referred to in subsection (1)(b) shall be paid such fee or allowance as the Minister may determine.

(4) (a) A committee shall, within such time as the Board may determine, submit its report on any matter referred to it by the Board.

(b) The report referred to in paragraph (a) shall contain the observations, comments and recommendations of the committee.

10. Disclosure of interest

(1) Where any member of the Board or committee referred to in section 9, or any person related to him by blood or marriage, has a pecuniary or other interest, direct or indirect, in relation to any matter being considered or about to be considered by the Board, he shall –

- (a) disclose the nature of the interest at or before the meeting convened to discuss the matter; and
- (b) not take part in any deliberations of the Board or committee, as the case may be, relating to the matter.

(2) A disclosure of interest under subsection (1) shall be recorded in writing.

11. Director

(1) There shall be a Director who shall be the Chief Executive Officer of the Institute.

(2) The Board shall, subject to the approval of the Minister, appoint a Director on such terms and conditions as it may determine.

(3) The Director shall –

- (a) be responsible for the execution of the policy of the Board and its decisions and for the control and management of the day to day business and activities of the Institute;
- (b) act in accordance with such directions as he may receive from the Board; and
- (c) prepare such reports, work plans and budgets of the Institute as the Board may determine.

(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 have no right to vote.

12. Appointment of employees

(1) The Institute may, with the approval of the Minister, appoint employees on such terms and conditions as it considers appropriate for the proper discharge of its functions under this Act.

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

13. Delegation

(1) The Board may, subject to such instructions as it may give, 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 Institute, other than the power to –

- (a) sell or exchange any property or make any donation;
- (b) borrow money; or
- (c) enter into any transaction in respect of capital expenditure.

(2) The Director may, with the approval of the Board, delegate any of his functions and powers to such employees of the Institute as he may determine, for the effective management of the day-to-day business and activities of the Institute.

PART IV – CURRICULA AND INSTRUCTIONAL MATERIALS

14. Approval of curricula and instructional materials

(1) Any person who wishes that any curriculum or instructional materials developed and produced by him, be approved by the Institute, shall make an application in writing to the Director.

(2) The Director may, on receipt of an application, request the applicant to furnish such information and documents as he considers appropriate.

(3) The Director shall submit to the Board any application received under subsection (1), together with all information and documents received, including his report on the application.

(4) The Board may, for the purpose of determining an application submitted to it under subsection (3), take such action as it considers appropriate.

(5) (a) The Board may, within a specific timeframe, approve or reject an application.

(b) Where the Board rejects an application, it shall give, in writing, the reasons for its decision.

(6) The Director shall notify an applicant, in writing, of the decision of

the Institute, together with the reasons for any rejection.

(7) Any person whose earlier application had been rejected may, on being in possession of new facts, submit a fresh application to the Institute, setting out the new facts.

(8) The Director shall cause a record to be kept of all curricula and instructional materials, as approved by the Board.

(9) The Director shall, with the approval of the Board publish a list of instructional materials every year.

PART V – FINANCIAL PROVISIONS AND ACCOUNTS

15. General Fund

The Institute shall set up a General Fund –

- (a) into which all monies received from any source by the Institute shall be paid; and
- (b) out of which all payments required to be made by the Institute for the purposes of this Act shall be effected.

16. Estimates

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

- (2) The Minister may –
 - (a) approve only part of the estimates under any item; and
 - (b) direct the Institute to amend the estimates in respect of any item.

17. Annual report

(1) The Institute 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 Institute, in respect of every financial year.

(2) The Institute shall furnish to the Minister such information with respect to its activities, in such manner and at such time, as he may specify.

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

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

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

(6) The auditor to be appointed under section 5 of the Statutory Bodies (Accounts and Audit) Act shall be the Director of Audit.

PART VI – MISCELLANEOUS

18. Powers of Minister

(1) The Minister may give such written directions of a general character to the Board, not inconsistent with this Act, as he considers necessary in respect of its activities and the Board shall comply with those directions.

(2) The Minister may, in writing, require the Board to furnish such information in such manner and at such time as he thinks fit in respect of any activities and the Board shall supply such information.

19. Confidentiality

(1) Every employee or member of a Board and Committee shall, during or after, his period of service with the Institute and even after leaving the Institute, keep confidential any matter which came to his knowledge in the discharge of his functions, except –

- (a) for the purposes of this Act;
- (b) where he is so required by a Court or under any enactment; or
- (c) where he is authorised to do so by the Board.

(2) Any person who, without lawful excuse, contravenes subsection (1) shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 2 years.

20. Transfer of property and borrowing

The Institute shall not, except with the approval of the Minister –

- (a) sell or exchange any property or make any donation; or
- (b) borrow any money for the sole purpose of this Act.

21. Execution of documents

Every deed, cheque or other document shall be executed or signed by, or on behalf of, the Institute by –

- (a) the Chairperson of the Board or, in his absence, by any other member designated by the Board; and
- (b) the Director or, in his absence, an employee of the Institute designated by him.

22. Protection from liability

(1) No liability, civil or criminal, shall be incurred by the Institute, the Director or any member or employee in respect of any act done or omitted in good faith in the execution of its or his functions or duties or exercise of its or his powers 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, the Director, 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.

23. Donations and exemptions

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

(2) Notwithstanding any other enactment, the Institute shall be exempt from payment of any duty, rate, charge, fee or tax.

24. Legal proceedings

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

(2) Service of process by or on the Institute shall be made on behalf of, or on, the Director.

25. Offences

Any person who –

- (a) without authorisation, uses the name or seal of the Institute 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; or
- (b) otherwise contravenes this Act shall commit an offence and shall, on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 2 years.

26. Regulations

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

(2) Without prejudice to the generality of subsection (1), any regulations made under subsection (1) may provide –

- (a) for detailed procedures in relation to applications for approval of curricula and instructional materials;
- (b) for the payment of fees and levying of charges; and
- (c) for any matter necessary for, or consequential to, the implementation of this Act.

27. Consequential amendments

(1) The Mauritius Institute of Education Act is amended –

- (a) in section 4, in subsection (1)(a), by deleting the words “, curriculum development”;
- (b) in section 6, in subsection (2)(d), by deleting the words “and curriculum development”.

(2) The Statutory Bodies (Accounts and Audit) Act is amended, in the Schedule, by inserting, in the appropriate alphabetical order, the following item and its corresponding entries –

National Institute of Curriculum Research and Development	of	National Institute of Curriculum Research and Development Act 2024
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(3) The Public Procurement Regulations 2008 is amended, in the Eighth Schedule, in Part III, by inserting, in the appropriate alphabetical order, the following new item –

National Institute of Curriculum Research and Development

28. 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.
