

**NATIONAL INSTITUTE OF HIGHER EDUCATION
(RESEARCH, SCIENCE AND TECHNOLOGY) ACT**

CHAPTER 39:58

Act
20 of 1984
Amended by
188/1989
77 of 2000
*28 of 2020

(*See Note on page 2)

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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

Note on Act No. 28 of 2020

The amendment made to this Act by Act No. 28 of 2020 took effect on 24th December 2020 by LN 412/2020.

UNOFFICIAL

CHAPTER 39:58

**NATIONAL INSTITUTE OF HIGHER EDUCATION
(RESEARCH, SCIENCE AND TECHNOLOGY) ACT**

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CHAPTER 39:58

**NATIONAL INSTITUTE OF HIGHER EDUCATION
(RESEARCH, SCIENCE AND TECHNOLOGY) ACT**

An Act to provide for the establishment and administration of the National Institute of Higher Education (Research, Science and Technology), and for matters connected therewith. 20 of 1984.

[1ST JANUARY 1985]

Commencement.
175/1984.

1. This Act may be cited as the National Institute of Higher Education (Research, Science and Technology) Act. Short title.

2. In this Act— Interpretation.

“appointed member” means a member appointed to the Board under section 4;

“Board” means the Board of Governors appointed under section 4;

“Chairman” means the Chairman of the Board appointed under section 4;

“member” means an appointed member and includes a person appointed as a temporary member to fill a casual vacancy and also includes the President of the Institute;

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

“officer in the public service” means the holder of any office the power of appointment to and disciplinary and general control over which is vested in the Public Service Commission;

“President” means the President of the Republic of Trinidad and Tobago;

“President of the Institute” means the President of the Institute appointed pursuant to section 5;

“Registrar” means the Registrar of the Institute appointed under section 9;

Schedule. “Scheduled Institutions” means the organisations and institutions set out in the Schedule.

PART I

**ESTABLISHMENT, MANAGEMENT, FUNCTIONS AND
POWERS OF THE INSTITUTE**

Establishment
and
Incorporation of
the Institute.

3. There is hereby established the National Institute of Higher Education (Research, Science and Technology), hereinafter referred to as “the Institute” which is a body corporate.

Board of
Governors.
[28 of 2020].

4. (1) The Institute shall be managed by a Board of Governors comprising—

(a) seven members appointed by the President, one of whom shall be appointed Chairman and another Deputy Chairman; and

(b) the President of the Institute who is *ex officio* a member of the Board.

(2) Appointed members shall, subject to subsection (5) hold office for a term of three years and are eligible for reappointment.

(3) Where a casual vacancy occurs on the Board by reason of death, resignation or termination of appointment the President shall appoint another person to fill the vacancy for the period of the unexpired term of office of the vacating member in the same manner in which the appointments to the Board are required by this Act to be made.

(4) The President may appoint a temporary member to the Board where an appointed member has been granted leave of absence or is otherwise temporarily unable to serve on the Board.

(5) An appointed member may resign his appointment by giving one month’s notice in writing to the President.

(6) The appointment of any person to the Board and the termination of appointment of any person whether by death, resignation or otherwise shall be notified in the *Gazette*.

(7) The Board may pay to its members other than the President of the Institute such remuneration and allowances as the Minister may determine.

5. (1) There shall be a President of the Institute appointed by the President on the advice of the Minister.

Appointment of the President of the Institute.

(2) The President of the Institute shall be the Chief Executive Officer of the Board and shall be responsible to the Board for the day-to-day management, administration, direction and control of the Institute.

(3) The President of the Institute shall be appointed for a term of five years and shall be eligible for reappointment.

(4) The President of the Institute shall be paid such remuneration and be given such other terms and conditions of employment as the President acting on the advice of the Minister may determine.

(5) The President of the Institute may resign his appointment by giving six months' notice in writing to the President.

(6) The President may on the advice of the Minister terminate the appointment of the President of the Institute—

- (a) by giving six months' notice in writing; or
- (b) in the case of serious misconduct, without notice.

(7) The period of notice referred to in subsections (5) and (6) may, be reduced by mutual agreement between the President of the Institute and the Institute.

(8) The appointment and termination of appointment of the President of the Institute whether by death, resignation or otherwise shall be published in the *Gazette*.

6. (1) The Board shall meet at least once every quarter and at such other times as may be necessary to transact the business of the Institute.

Procedure and meetings of the Institute.

(2) The Chairman or in his absence the Deputy Chairman shall preside at all meetings of the Board, save that in the case where both the Chairman and Deputy Chairman are absent, the Members present may choose one of their number not being the President of the Institute to preside at that meeting.

(3) The Board may make Rules for the regulation of its proceedings and the conduct of its business.

(4) Seven Members shall constitute a quorum.

(5) The decisions of the Board shall be by a majority of votes of members present and voting and in the case of an equality of votes the Chairman of the meeting at which the vote is taken shall have a second or casting vote.

(6) The Board shall be deemed to be properly constituted for all purposes, notwithstanding any vacancy in its membership or any defect in the appointment of any of its members.

Declaration of interest of members.

7. A member who is a member of a company or other body or is a partner or is in the employment of a person or a company or other body or is married to or who is or whose spouse is a relative of a person who is interested in a contract or a proposed contract with the Institute that is the subject of consideration by the Board shall disclose the fact at the first meeting of the Board at which it is practicable for him to do so and shall take no part in the consideration of, or vote on, any question relating to such contract or proposed contract.

Appointment of committees and power of the Board to delegate.

8. (1) The Board may appoint such number of committees as to the Board may seem fit and may delegate any of its functions to such committees.

(2) Membership of a committee under this section is not limited to members of the Board.

(3) Subject to the directions of the Board a committee may determine its own procedure and times and places of meetings.

(4) Where persons not being members are appointed to committees under this section, the Board with the approval of the Minister may determine the remuneration and allowances payable to such persons.

(5) The Board may reject the reports of any committee appointed under this section or adopt it with or without modifications.

(6) The Board may delegate any of its duties, functions and powers to the President of the Institute under such terms and conditions as it may prescribe.

(7) Any delegation of the Board's duties, functions or powers to a committee or to the President of the Institute is revocable by the Board at will and such delegations do not preclude the Board from itself discharging the functions delegated.

9. The Board shall appoint a person to be Registrar of the Institute and such person shall be the Secretary to the Board and to the Institute and shall have such other duties as the Board considers fit. Appointment of Registrar.

10. (1) The Seal of the Institute shall be kept in the custody of the Registrar. Custody and use of Seal.

(2) The Seal of the Institute shall only be used by authority of the Board or a committee and every instrument to which the Seal is affixed shall be signed by a member and countersigned by the Registrar.

(3) All documents, other than those required by law to be under Seal, and all decisions of the Board may be signified under the hand of the Chairman, the President of the Institute, a member duly authorised, or the Registrar.

11. The Board shall consult with the Minister on matters of policy and in the discharge of its functions or the exercise of its powers the Board shall conform with any special or general directions of the Minister. Policy directions.

Functions of the
Institute.
[77 of 2000].

12. (1) Subject to section 11, the functions of the Institute are to—

- (a) provide and promote scientific and technological services in the country;
- (b) promote and develop an indigenous capability in science and technology relevant to the developmental needs of the country;
- (c) assist national bodies and/or organisations in securing technology appropriate to their needs;
- (d) **(Repealed by Act No. 77 of 2000);**
- (e) promote and operate facilities for higher and continuing education and in particular to—
 - (i) undertake, promote and facilitate scientific and technological research and development and the provision of scientific and technological services;
 - (ii) provide, promote and facilitate the provision of continuing education and specialised training at the post-secondary level;
 - (iii) develop and collect information on scientific and technological development, to evaluate technologies used in or to be imported into the country and to facilitate the dissemination and application of new technologies;
 - (iv) assist persons and organisations in securing access to technology appropriate to their needs;
 - (v) designate where it considers it appropriate certain training institutions as approved bodies for the purpose of providing specialised and continuing education;
- (f) discharge such other related functions as the Minister may assign to it from time to time; and
- (g) do all things necessary, incidental or ancillary to the efficient discharge of its functions.

(2) The Minister may by Order amend the Schedule. Schedule.

13. (1) In the exercise of its functions and without prejudice to the generality of section 12 the Institute may with the approval of the Minister— Powers of the Institute.

- (a) establish divisions or departments within the Institute;
- (b) establish on its own behalf or jointly with other persons approved by the Minister research centres and such other facilities as it considers necessary for the discharge of its functions;
- (c) undertake activities in the fields of research, science, technology, specialised education, continuing education and matters related thereto in association with or at the request of or as the agent for the Government or for such other national or international body approved by the Minister and the provision of scientific and technological services as it may consider appropriate on such terms and conditions as may be agreed between the Institute and the Government or the appropriate body as the case may be;
- (d) designate certain training institutions as approved bodies for the purpose of providing specialised training and continuing education;
- (e) establish and administer examination councils and award in its own right or jointly with any national, international or overseas body approved by the Minister, certificates, diplomas and other evidence of competence;
- (f) charge fees for any service it provides to any person, receive grants, bequests, donations and gifts and be a beneficiary under covenants and establish and administer trusts for the purpose of discharging the functions assigned to it;

- (g) subject to subsection (2) employ such officers and employees as it considers necessary for the discharge of its functions at such remuneration and on such other terms and conditions of employment as it thinks fit;
- (h) give certificates of distinction to institutions or persons making outstanding contribution in the fields in which the Institute is concerned;
- (i) liaise with external programmes in research, science and technology and the provision of scientific and technological services and provide representation on behalf of the Government in connection with such programmes and the bodies by which they are administered and advise the Minister on co-operation with other countries on scientific and technological activities;
- (j) invite and accept the co-operation of other persons approved by the Minister for the purpose of devising, funding and operating programmes related to the activities of the Institute and co-operate and liaise with any other persons approved by the Minister involved in similar or related activities;
- (k) do all things necessary, incidental or ancillary to, or convenient for, the efficient discharge of its functions.

(2) No officer or employee of the Institute may be paid an annual salary in excess of fifty thousand dollars, or such greater sum as the Minister may by Order determine, without the approval of the Minister.

PART II

FINANCIAL PROVISIONS

- 14.** The funds and resources of the Institute shall consist of—
- (a) such amounts as may be appropriated therefor by Parliament;

- (b) special grants or funds as may from time to time be provided by Government for the financing of special research projects or special training projects;
- (c) sums arising from grants, covenants, donations and other receipts from other persons including national and international bodies;
- (d) all sums from time to time received by or falling due to the Institute as fees or payments for services rendered;
- (e) such sums as may from time to time become due to the Institute by reason of its provision of facilities, processes or services;
- (f) sums borrowed by the Institute in accordance with section 16; and
- (g) all other sums or property that may in any manner become lawfully payable to or vested in the Institute in respect of any matters incidental to its functions.

15. The Institute may, with the approval of the Minister, build up reserves so, however, that the limit of such reserves shall be determined from time to time by the Minister, and such reserves and all other funds of the Institute not immediately required to be expended in the meeting of any obligation or the discharge of any functions of the Institute may be invested from time to time in such securities as the Board with the approval of the Minister considers fit.

Institute may build up reserves and invest surplus funds.

16. (1) The Institute may for the purpose of discharging its functions borrow such sums of money not exceeding in the aggregate one hundred thousand dollars.

Power to borrow.

(2) Loans in excess of the amount specified in subsection (1) may be effected with the approval of the Minister.

(3) The Minister may by Order vary the amount specified in subsection (1).

(4) The Institute may not pledge its assets as security for any loan without the written approval of the Minister.

Exemption from tax.

17. The Institute is exempted from stamp duty, corporation tax, Customs duties, purchase taxes, motor vehicle taxes and all other taxes, charges, levies and imposts on its income or profit or on assets which it acquires for its own use.

Application of funds.

18. The funds of the Institute shall be applied in defraying the following expenditures:

- (a) the remuneration, fees and allowances of the members and of members of committees established by the Board;
- (b) the salaries, fees, allowances, gratuities, pensions and other payments of the officers and employees of the Institute;
- (c) the capital and operating expenses, including maintenance and insurance, of the property of the Institute;
- (d) the making and maintenance of investments under section 15; and
- (e) any other expenditure authorised by the Board in the discharge of its duties and functions.

Accounting of the Institute.

19. (1) The Board shall by resolution make Rules and Regulations for the proper control of the system of accounting and for the finances of the Institute.

(2) The accounts of the Institute shall be audited annually by the Auditor General.

(3) The President of the Institute shall, within six months of the end of each financial year, submit to the Board for consideration and transmission to the Minister a report dealing generally with the activities of the Institute during the preceding financial year containing such information relating to the operations and policies of the Institute as the Minister may from time to time require.

(4) The Minister shall cause a copy of every report submitted under subsection (3) to be laid before Parliament.

(5) The financial year of the Institute shall be 1st January to 31st December in each year except that the first financial year shall be from the date of incorporation to the end of December 1984.

20. The Institute is a statutory authority for the purposes of the Guarantee of Loans (Statutory Authorities) Act.

Institute a statutory authority. Ch. 71:81.

21. (1) All decisions, orders, Rules and Regulations made by the Board relating to the operations of the Institute shall be recorded in the Minutes of the Board.

Minutes.

(2) Minutes in proper form of each meeting of the Board shall be kept by the secretary and shall be confirmed by the person presiding at the next meeting and a copy of the Minutes when so confirmed shall be forwarded to the Minister within seven days of such confirmation.

PART III

STAFF AND RELATED MATTERS

22. In this Part—

“the Pension Scheme” means the pension scheme referred to in section 23.

Interpretation of Part III.

23. The Institute shall within five years of its establishment, with the approval of the Minister, provide for the establishment and maintenance of a Pension Scheme for the benefit of the officers and employees of the Institute.

Establishment of Pension Scheme.

24. (1) An officer in the public service may with the approval of the Public Service Commission and with his consent be appointed on transfer to the service of the Institute upon such terms and conditions as may be acceptable to the officer and the Institute, and upon such transfer such officer shall have preserved to him his superannuation or pension rights accruing at the time of

Transfer of officers of Government to the Institute and vice versa.

such transfer but shall become a member of the Pension Scheme upon such transfer if the pension scheme has by then been established or otherwise within one year of the establishment of the Pension Scheme.

(2) An hourly, daily or weekly rated employee of any Scheduled Institution may be transferred to the service of the Institute upon such terms and conditions as may be acceptable to the employee and the Institute.

Past service benefits.

25. The Board may in the Pension Scheme provide that an employee's service with the Institute prior to the establishment of the Pension Scheme shall be taken into account in calculating such employee's benefits under the Pension Scheme.

Death or retirement prior to establishment of pension scheme.

26. Where an employee of the Institute dies or retires before the establishment by the Institute of the pension scheme, the Institute shall be responsible for the payment of superannuation, pension or death benefits accruing to that employee.

Transfer on secondment.

27. (1) Any officer in the public service and any employee of any public body or any private body whether such body be national or international may, with the approval of the Public Service Commission or the body and with his consent, be transferred on secondment to the service of the Institute or from the service of the Institute to the Public Service or the service of such body.

(2) Where a transfer on secondment contemplated by subsection (1) is effected the Institute shall make with the appropriate authority or body such arrangements as may be necessary to preserve the rights of the officer or employee transferred to any pension, gratuity or other allowance for which he would have been eligible had he remained in the service of the Government or of such other body or of the Institute as the case may be.

(3) Except where the Board may decide otherwise, a period of transfer on secondment shall not in any case exceed five years.

SCHEDULE

(Sections 2
and 12).
[188/1989].

Central Experimental Station.
College of Health Sciences.
Eastern Caribbean Institute for Agriculture and Forestry.
School of Dental Nursing.
Caribbean Industrial Research Institute.
Institute of Marine Affairs.
The College of Nursing.

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