



GUYANA

ACT No. 19 of 1984

NATIONAL AGRICULTURAL RESEARCH INSTITUTE OF GUYANA
ACT 1984

I assent

A handwritten signature in blue ink, appearing to read 'L. F. S. Burnham'.

L. F. S. BURNHAM,

President.

1984—11-26

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AN ACT to provide for the establishment of the Agricultural Research Committee, the National Agricultural Research Institute of Guyana and the Agricultural Research Advisory Council, and for matters connected therewith.

Enacted by the Parliament of Guyana:—

A. D. 1984

PART I

PRELIMINARY

1. This Act may be cited as the National Agricultural Research Institute of Guyana Act 1984 and shall come into operation on such date as may be specified by the Minister by order.

Short title
and com-
mencement.

2. In this Act —

Inter-
pretation.

- (a) "agriculture" includes horticulture, fruit growing, dairy farming, fisheries, livestock breeding and keeping, and bee keeping;
- (b) "Appointments Committee" means the Appointments Committee of the Agricultural Research Committee established by section 10;
- (c) "Committee" means the Agricultural Research Committee established by section 3;

- (d) "Council" means the Agricultural Research Advisory Council established by section 21;
- (e) "Director" means the Director of the Institute;
- (f) "Institute" means the National Agricultural Research Institute of Guyana established by section 12;
- (g) "invention" includes any new process or new technique, whether or not a patent could be granted in relation thereto;
- (h) "livestock" includes any animal kept for the production of food, wool, skins or fur or for the purpose of its use in the farming of land;
- (i) "Programmes Committee" means the Agricultural Research Programmes Committee established under section 7.

PART II

AGRICULTURAL RESEARCH COMMITTEE

Establish-
ment of
Agricultural
Research
Committee.

3. (1) There is hereby established a committee to be called the Agricultural Research Committee consisting of —

- (a) a chairman;
- (b) a vice-chairman;
- (c) representatives of such bodies, including the University of Guyana and the Institute of Applied Science and Technology, engaged in teaching, or research in, agriculture or subjects related to agriculture, as the Minister thinks fit;
- (d) representatives of such organisations of agriculturists or scientists as the Minister thinks fit;
- (e) two persons to be nominated by the Secretary-General of the National Science Research Council, from among persons appearing to him as having the qualifications referred to in subsection (4);
- (f) such number of persons as the Minister thinks fit from among persons having experience of, and shown capacity in, agriculture, science or technology.

(2) The number of members of the Committee shall not exceed seventeen.

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(3) The members of the Committee shall be appointed by the Minister and the membership of the Committee as first constituted and every change in the membership thereof shall be notified in the *Gazette*.

(4) The chairman and vice-chairman of the Committee and the members of the Committee appointed under subsection (1) (c) shall be persons appearing to the Minister to be qualified for such appointment as having had experience of, and shown capacity in, such matters which the Minister considers will be beneficial in the functioning of the Committee and, without prejudice to the generality of the foregoing, in particular, in matters relating to agricultural research, planning, education or administration.

(5) The Committee shall be a body corporate.

(6) The remuneration and other terms and conditions of appointment of the members of the Committee shall be such as may be determined by the Minister.

(7) The seal of the Committee shall be kept in the custody of the chairman, vice-chairman or the secretary of the Committee and shall be authenticated by the signature of the chairman or vice-chairman and the secretary of the Committee.

(8) Every document purporting to be an instrument duly executed under the seal of the Committee shall be received in evidence and deemed, without further proof, to be so executed unless the contrary is proved.

(9) All documents, other than those required by law to be under seal, made by, and all decisions of, the Committee may be signified under the hand of the chairman, vice-chairman or secretary of the Committee.

4. The functions of the Committee shall be —

Functions of
Committee.

- (a) to advise the Minister on matters of policy relating to agricultural research;
- (b) to supervise and control the functioning and activities of the Institute;
- (c) to ensure that the activities of the Institute are consistent with the policy and objectives of the Government, and the national priorities, relating to agriculture and agricultural research;
- (d) to approve, oversee and evaluate on a continuing basis the programmes being implemented by the Institute:

- (e) to give general and technical advice and guidance to the Director.

Committee to
co-operate
with National
Science Re-
search
Council.

5. (1) The Committee shall, in matters relating to its functions, co-operate with the National Science Research Council and shall be guided by the National Science Policy formulated by the National Science Research Council so far as the Policy relates to agricultural research.

(2) For the purposes of subsection (1) the Committee, if so required by any written law or requested by the National Science Research Council, shall nominate one or more representatives on any committee of that Council constituted for any purpose relating to agricultural research.

Meetings and
procedure of
Committee.

6. (1) The Minister may make regulations to regulate the procedure and business of the Committee, including the intervals at which the meetings of the Committee shall be held and the quorum for its meetings.

(2) Subject to the provisions of this Act and any regulations made by the Minister, the Committee may regulate its own procedure and business and may make rules for that purpose.

(3) Any minutes made of a meeting of the Committee shall, if duly signed by the chairman or other person presiding at the meeting, without further proof of any other matter or thing, be receivable in all legal proceedings as *prima facie* evidence of the proceedings of the Committee of which the minutes have been made and of the meetings of the Committee, in respect of the proceedings of which the minutes have been so made, having been duly convened and held.

Appoint-
ment of
Agricultural
Research
Programmes
Committee
and other
sub-com-
mittees
of Com-
mittee.

7. (1) The Committee shall appoint a committee to be known as the Agricultural Research Programmes Committee consisting of —

- (a) the Director, who shall be the chairman;
- (b) such persons employed for the purpose of research in the Institute as may be specified by the Committee; and
- (c) such persons engaged in research in other institutions carrying on research in any matter related to agriculture, such as the University of Guyana and the Institute of Applied Science and Technology.

(2) The terms and conditions of appointment of the members of the Programmes Committee shall be such as may be determined by the Committee with the approval of the Minister.

(3) The functions and procedure of the Programmes Committee shall be as provided by or under section 16.

(4) The Committee may appoint such other sub-committees as it thinks fit.

(5) A sub-committee appointed under subsection (4) shall include such members of the Committee as the Committee thinks fit and may include persons who are not members of the Committee.

(6) Subject to the other provisions of this Act, the constitution, functions and procedure of a sub-committee appointed under subsection (4) and the terms and conditions of appointment of the members thereof shall be such as may be determined by the Committee.

8. Subject to the provisions of this Act, the Committee may delegate to any of its members or to the Programmes Committee or any other sub-committee constituted under section 7 (4) the power and authority to carry out on its behalf, such functions, of the Committee as it may determine. Power to delegate.

9. (1) There shall be a secretary of the Committee, and such other officers and other employees of the Committee as the Committee deems necessary for the purpose of carrying out its functions. Officers and other employees of Committee.

(2) The power vested in the Appointments Committee by section 10 to make the appointment of, to remove, and to exercise disciplinary control over, the secretary of the Committee shall be exercised by the Appointments Committee with the approval of the Minister.

(3) Notwithstanding anything contained in this Act, where the office of secretary of the Committee is vacant or where he is for any reason unable to perform the functions of his office, the Minister may assign a public officer in the Ministry to carry out the functions of the office of secretary of the Committee.

(4) The remuneration and other terms and conditions of appointment of the secretary and other officers and employees of the Committee shall be such as may be determined by the Committee with the approval of the Minister.

10. (1) There shall be a committee to be known as the Appointments Committee of the Agricultural Research Committee consisting of the chairman of the Committee and two other members of the Committee to be appointed by the Minister. Appointments Committee.

(2) Save as otherwise provided in this Act, the power to make appointments of, to remove, and to exercise disciplinary control over, officers and other employees of the Committee and the Institute shall vest in the Appointments Committee.

(3) The Appointments Committee may delegate to the Director the power to take disciplinary action against all or any class of the employees of the Institute for such misconduct, and to impose such penalties as may be specified by the Appointments Committee.

(4) Where any power delegated to the Director by this section is exercised by the Director any person in respect of whom the power was exercised may appeal to the Appointments Committee from the decision of the Director.

(5) Subject to regulations made by the Minister, the Appointments Committee may regulate its own procedure and business.

Protection of members of Committee or any sub-committee thereof or Appointments Committee.

11. (1) Subject to subsection (2), no action, suit, prosecution or other proceedings shall be brought or instituted personally against a member of the Committee or any of its sub-committees in respect of any act done *bona fide* in pursuance of the execution or intended execution of his duties under this Act.

(2) Where a member of the Committee or any of its sub-committees is exempt from liability by reason only of subsection (1), the Committee or the sub-committee, as the case may be, shall be liable to the extent that it would be if such member was a servant or agent of the Committee or the sub-committee, as the case may be, so however, that if in any case the Committee or the sub-committee is not liable for any of the abovementioned acts, then subsection (1) does not operate to exempt such member as therein stated.

(3) No action, suit, prosecution or other proceedings shall be brought or instituted personally against a member of the Appointments Committee in respect of any act done *bona fide* in pursuance of the execution or intended execution of his duties under this Act.

PART III

NATIONAL AGRICULTURAL RESEARCH INSTITUTE OF GUYANA

Establishment of National Agricultural Research Institute of Guyana.

12. (1) There is hereby established a body to be called the National Agricultural Research Institute of Guyana.

(2) The headquarters of the Institute shall be situated at such place in Guyana as may be specified by the Minister.

(3) In addition to research facilities provided at its headquarters, the Institute may establish research centres at such other places in Guyana as may be determined by the Committee with the approval of the Minister.

Officers and employees of Institute.

13. (1) There shall be —

(i) a Director of the Institute; and

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- (ii) such other officers and employees of the Institute as the Committee deems necessary for the purpose of carrying out the functions of the Institute.

(2) The power to make appointments of, to remove, and to exercise disciplinary control over, —

- (i) the Director shall vest in the Minister; and
(ii) any other officer or employee of the Institute shall vest in the Appointments Committee.

(3) The remuneration and other terms and conditions of appointment of the Director shall be such as may be determined by the Minister and of other officers and employees of the Institute shall be such as may be determined by the Committee with the approval of the Minister.

14. (1) The functions of the Institute shall be —

Functions of
Institute.

- (a) to advise on, and develop, appropriate systems to promote balanced, diversified and sustained agricultural development and optimise agricultural production through adaptive and investigative research;
- (b) to facilitate the use of improved production technology by, and establish adequate feedback systems from, agricultural producers in order to achieve and maintain national self-sufficiency and export capacities in food and fibre.

(2) For the purpose of carrying out its functions under subsection (1), the Institute shall have power —

- (a) to carry out applied agricultural research, including research into appropriate systems of mechanisation, to provide answers to current and foreseeable problems facing crop, live stock, forestry and fisheries production;
- (b) to evaluate under local conditions scientific findings in other countries;
- (c) to determine, develop and popularise mechanisms, programmes and activities by which the agricultural potential of Guyana may be realised;
- (d) to collaborate closely with all other agencies and institutions engaged in agricultural and related research.

(3) Subject to the provisions of this Act, in carrying out its functions the Institute shall be guided by the National Science Policy formulated by the National Science Research Council so far as the Policy relates to agricultural research.

Management
of Institute

15. (1) The supervision and control of the functioning and activities of the Institute shall vest in the Committee.

(2) Subject to the provisions of this Act, the Director shall be responsible for the day to day administration of the Institute.

(3) All the property of the Institute, whether movable or immovable, shall vest in the Committee and shall be held by or on behalf of the Committee.

(4) All actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Institute may be brought or taken by or against the Committee.

(5) All contracts entered into by the Institute shall be entered into in the name of the Committee and by such persons as may be authorised by the Committee.

Functions
and Pro-
cedure of
Programmes
Committee.

16. (1) Subject to the provisions of section 15(1), it shall be the function of the Programmes Committee to —

- (a) establish and manage the facilities of the Institute;
- (b) translate agricultural research policy into programmes;
- (c) monitor, review and evaluate the programmes and activities of the Institute;
- (d) make recommendations relating to policy and other matters to the Committee with a view to improve the efficiency and effectiveness of the work of the Institute; and
- (e) develop and organise training programmes relating to agricultural research.

(2) The Committee may give to the Programmes Committee directions of a general character relating to the exercise and performance of its functions and the Programmes Committee shall give effect to any such directions.

(3) The Committee shall provide, or request the Institute to provide, the Programmes Committee with such staff as it may require for the purpose of carrying out its functions and if the Committee makes any such request to the Institute, the Institute shall comply with the request.

(4) Subject to any rules made by the Committee, the Programmes Committee may regulate its own procedure and business.

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17. The Institute may, with the approval of the Minister, charge fees for any service rendered by it. Institute may charge fees.

18. The Institute may accept grants, gifts, bequests or donations from any person, whether or not resident or having a place of business in Guyana, for any specific purpose related to its functions or generally for facilitating the carrying out of its functions: Institute may accept grants etc.

Provided that no grant, gift, bequest or donation shall be received by the Institute from any individual resident outside Guyana, or any body of persons having its headquarters outside Guyana, without the approval of the Minister.

19. (1) All discoveries and inventions made by the Institute or by any of its officers or other employees or agents in the course of the performance of its functions under this Act, shall be the property of the Institute and shall vest in the Committee and the Committee may make any such discovery or invention available to the public on such conditions and subject to the payment of such fees or royalties as the Committee may think fit. Discoveries and inventions.

(2) The Committee may, with the approval of the Minister, —

- (a) pay such bonuses or royalties as it may think fit to any person who makes any discovery or invention in the course of any research undertaken by, or carried out under the directions of, the Institute, whether such person is an officer or other employee of the Institute or not;
- (b) where any discovery or invention is made available to the public subject to the payment of fees or royalties, exempt any person from the requirement to pay such fees or royalties or any portion thereof.

20. (1) No expenditure shall be incurred by the Institute without the approval of the Committee. Meeting of expenses of Institute and payment of income of Institute to funds of Committee.

(2) All expenditure incurred by the Institute in accordance with the provisions of this Act shall be paid from the funds of the Committee.

(3) All moneys received by the Institute shall be paid into the funds of the Committee and shall form part of it:

Provided that where any such moneys are moneys given to the Institute by way of grant, gift, bequest or donation

by any person for any specific purpose related to the functions of the Institute, the Committee shall ensure that the moneys are utilised for that specific purpose.

PART IV

AGRICULTURAL RESEARCH ADVISORY COUNCIL

Establishment of Agricultural Research Advisory Council.

21.(1) There shall be an Agricultural Research Advisory Council consisting of such number of persons, not exceeding twenty-five, as the Minister thinks appropriate, appointed by the Minister from among persons appearing to him to be qualified as having had practical experience of, and shown capacity in, matters relating to agriculture or having academic qualifications in such matters.

(2) The membership of the Council as first constituted and every change in the membership thereof shall be notified in the *Gazette*.

(3) The terms and conditions of appointment of the members of the Council shall be such as may be determined by the Minister.

(4) The Minister may by regulations prescribe the procedure of the Council, including the intervals at which the meetings of the Council shall be held and the quorum for its meetings.

(5) Subject to the provisions of any regulations made by the Minister, the Council may regulate its own procedure.

Functions of Council.

22. The functions of the Council shall be —

- (a) to advise the Minister on such matters relating to agricultural research as may be referred to it by the Minister;
- (b) to advise the Committee on any matter, relating to its functions, in respect to which the Committee seeks the advice of the Council;
- (c) to perform such other functions relating to agricultural research as may be assigned to it by the Minister.

Staff of Council.

23. The Minister shall provide the Council with such staff as it may require for the purpose of carrying out its functions.

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24. (1) No expenditure shall be incurred by the Council Expenses of Council. without the approval of the Minister.

(2) All expenditure incurred by the Council in accordance with the provisions of this Act shall be paid from the Consolidated Fund after being authorised by an appropriation law.

PART V

FINANCIAL PROVISIONS

25. (1) The funds and resources of the Committee shall Funds and resources of Committee. consist of —

- (a) such sums as may be provided to the Committee by or under an appropriation law;
- (b) such sums as may be allocated from time to time to the Committee from loan funds;
- (c) moneys earned or arising from any property or investments of the Committee;
- (d) moneys paid into the funds of the Committee by the Institute;
- (e) fees and royalties received by the Committee under section 19(1);
- (f) all other sums or property which may in any manner be received by, or become payable to, or vested in, the Committee in the performance of its functions or in respect of any matter incidental thereto.

(2) For the purposes of this section, the expression "loan funds" means such sums as may be made available, from time to time, by the Government by way of loan.

26. The Committee may, with the approval of the Minister, borrow sums required by it for meeting any of its Borrowing powers of Committee. obligations or discharging any of its functions.

27. Moneys standing to the credit of the Committee may from time to time be invested in such securities as may be determined by the Committee and the Committee may, from time to time, sell any or all of such securities. Investments by Committee.

Exemption
from tax,
duty, etc.
Cap. 81:01
Cap. 82:01

28. (1) The Committee and the Institute shall be exempt from payment of income tax under the Income Tax Act, import or export duties of customs under the Customs Act and consumption tax, in respect of goods imported into Guyana, under the Consumption Tax Act.

Cap. 80:02

(2) The Minister responsible for finance may, by order, which shall be subject to affirmative resolution of the National Assembly, exempt the Committee and the Institute from payment wholly or partly of any tax or duty, not being a tax or duty referred to in subsection (1), or rate, levy or other charge payable under any written law for the time being in force.

PART VI

MISCELLANEOUS

Services of
professional
men.

29. The Committee or the Institute may at any time retain the services of professional persons and may pay such remuneration or fees in respect thereof as the Committee may, with the approval of the Minister, determine.

Power of
the Minister
to give
directions.

30. (1) The Minister may give to the Committee or the Institute directions of a general character as to the policy to be followed by it in the exercise of its functions and the Committee or the Institute, as the case may be, shall give effect to any such directions.

(2) The Committee or the Institute shall provide such facilities to the Minister as will enable him to verify any information furnished by it in pursuance of any direction given under subsection (1).

Limitation
provisions
excluded.

31. No statute or limitation shall apply to any action or suit brought by the Committee or in respect of any property owned by the Committee.

Preservation
of secrecy.

32. (1) Except for the purpose of the exercise of his functions or when lawfully required to do so by any court or under the provisions of any written law, a member or officer or other employee of the Committee, the Institute, the Programmes Committee or the Council shall not disclose any information which he has acquired in the course of the exercise of his functions.

(2) Any person who contravenes subsection (1) shall be liable on summary conviction to a fine of five thousand dollars and to imprisonment for one year.

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33. (1) The Committee, the Institute and the Council shall keep accounts of its transactions to the satisfaction of the Minister and the accounts shall be audited annually by an auditor appointed by the Minister and the report of audit submitted to the Committee, the Institute or the Council, as the case may be. ^{Accounts and audit.}

(2) The members and officers and other employees of the Committee, the Institute or the Council shall grant to the auditor appointed under subsection (1) access to all books, documents, cash and securities of the Committee, the Institute or the Council, as the case may be, and shall give to him on request all such information as may be within their knowledge in relation to the functioning of the Committee, the Institute or the Council, as the case may be.

(3) The Committee may write off bad debts.

34. (1) The Committee shall, not later than six months after the end of each calendar year, submit to the Minister a report containing — ^{Annual report.}

- (a) an account of the functioning of the Committee and the Institute throughout the preceding calendar year in such detail as the Minister may direct;
- (b) a statement of the accounts of the Committee and the Institute relating to that calendar year in accordance with section 33.

(2) The Institute shall provide the Committee with all the information it may require to prepare the report referred to in subsection (1) and the auditor referred to in section 33(1) shall furnish the Committee with a copy of the statement of the accounts of the Institute audited in accordance with section 33 along with the report of audit of the accounts.

(3) A copy of the report referred to in subsection (1) together with the report of the auditor after auditing the accounts of the Committee and the Institute shall be laid before the National Assembly not later than nine months after the expiry of the calendar year to which they relate.

35. (1) Where with the approval of the appropriate authority, an officer — ^{Superannuation benefits.}

- (a) is seconded or temporarily transferred from his pensionable office within the meaning of the

Pensions Act to an office with the Committee, the Institute, the Programmes Committee or the Council, section 5 of that Act shall apply to him as if his service in the office with the Committee, the Institute, the Programmes Committee or the Council, as the case may be, were service in a public office;

- (b) is transferred from a pensionable office within the meaning of the Pensions Act to a substantive appointment in an office with the Committee, the Institute, the Programmes Committee or the Council, his service with the Committee, the Institute, the Programmes Committee or the Council, as the case may be, shall be other public service within the meaning of, and for the purposes of, such provisions in relation thereto as are contained in the Pensions Act.

(2) Where a teacher who has done qualifying service within the meaning of the Teachers' Pension Act, is with the approval of the appropriate authority, —

- (a) seconded or temporarily transferred from his pensionable office as a teacher to an office with the Committee, the Institute, the Programmes Committee or the Council, section 5 of the Pensions Act (as it applies *mutatis mutandis* to a teacher under section 7C of the Teachers' Pensions (Amendment) Act 1971) shall apply to him as it applies in the case of a public officer;
- (b) transferred from his pensionable office as a teacher to a substantive appointment in an office with the Committee, the Institute, the Programmes Committee or the Council, his service with the Committee, the Institute, the Programmes Committee or the Council, as the case may be, shall be treated as if it were other public service within the meaning of, and for the purposes of, such provisions in relation thereto as are contained in the Pensions Act and as if he were a public officer to whom the Pensions Act applies.

(3) In subsections (1) and (2) "appropriate authority" means a person or authority vested by law with power to appoint an officer to the pensionable office held by him (and to which the Pensions Act applies) or to appoint a teacher to the office held by him as a teacher, as the case may be.

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(4) The Committee may, with the approval of the Minister, make such provision as it thinks fit for the payment of pension, gratuity or other allowance, in respect of the service of the officers and other employees of the Committee or the Institute on their retirement therefrom.

36. During any period when there is no member of the Committee or the Appointments Committee in office or when the number of members of the Committee or the Appointments Committee in office is less than the number of members required for a quorum for a meeting of the Committee or the Appointments Committee, the functions conferred on the Committee or the Appointments Committee, as the case may be, by the provisions of this Act, other than provisions which shall be inapplicable in any such case, shall be exercised and performed by the Minister.

Performance of functions of Committee by the Minister in certain cases.

37. (1) The Minister may make regulations for carrying into effect the purposes of this Act.

Power to make regulations.

(2) Without prejudice to the generality of the foregoing, the regulations made under subsection (1) may in particular provide for the procedure and business of the Committee, the Appointments Committee and the Council, including the quorum for their meetings and the intervals at which the meetings of the Committee and the Council shall be held.

38. The Committee may, subject to this Act and any regulations made thereunder, make rules to provide for all of any of the following matters —

Power of Committee to make rules.

- (a) the regulation of the procedure and business of the Committee, the Institute and the Programmes Committee;
- (b) the charging of fees by the Institute for services rendered by the Institute;
- (c) the charging of fees and royalties under section 19(1);
- (d) generally for the exercise of its functions.

39. The Board of Agriculture, established under the Board of Agriculture Act, is hereby dissolved and the Board of Agriculture Act is hereby repealed.

Repeal of Board of Agriculture Act, Cap. 68:02.

Passed by the National Assembly on 1984—11—02.

F. A. Narain
F. A. Narain
Clerk of the National Assembly.

(Bill No. 16/1984)

(A. 30/50/0)