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LEGAL SUPPLEMENT – C**

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The following Bill which will be introduced in the National Assembly is published for general information.

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



GUYANA

BILL No. 8 OF 1983

GUYANA MANAGEMENT INSTITUTE BILL

ARRANGEMENT OF SECTIONS

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SCHEDULE

A BILL

Intituled

AN ACT to provide for the establishment and administration of the Guyana Management Institute and for matters connected therewith.

A.D. 1982 Enacted by the Parliament of Guyana:—

Short title. 1. This Act may be cited as the Guyana Management Institute Act 1983.

Interpreta-
tion. 2. In this Act —

“Board” means the Board of Directors referred to in section 4;

“Chairman” means the Chairman of the Board;

“Director” means the Director of the Institute referred to in section 8;

“Institute” means the Guyana Management Institute established under section 3;

“member” means any member of the Board;

“Secretary” means the Secretary to the Institute.

Establi-
ment and
incorpora-
tion of the
Institute.

3. There is hereby established a body corporate to be known as the Guyana Management Institute.

Board of
Directors.
Schedule

4. The affairs of the Institute shall be managed by a Board of Directors, and the provisions of the Schedule shall have effect as to the constitution and proceedings of, and otherwise in relation to, the Board.

5. (1) The Institute shall be responsible for promoting the training of managers and the development of management systems which will continuously upgrade technological practices and which will provide conditions for the continuous improvement of social relations at work.

Functions
of the
Institute

(2) Without prejudice to the generality of subsection (1) the functions of the Institute shall be —

- (a) to rationalise public sector management systems, to upgrade the capabilities of public sector managers and to improve management systems in such a way that duplication and waste are avoided;
- (b) to provide courses in the training of managers and to develop courses and seminars in functional management sciences for all levels of management in the public sector, whether on an on-going or on a special basis and whether through the Institute itself or through arrangements made with the assistance of external organisations;
- (c) to assist, where necessary, in the improvement of existing management training and development programmes;
- (d) to initiate and to assist in the development of internal training and development programmes within public sector organisations;
- (e) to provide an objective basis for, and to assist in, management succession planning within public sector organisations;
- (f) to give advice and guidance to all agencies, enterprises and institutions in the public sector in the development of systems of management that will promote the progressive improvement of social relations and that will be systematically applied to processes for continuous upgrading of appropriate technological practices;
- (g) to establish and maintain links with external management training and development institutions and organisations;
- (h) to undertake consultancy work and to provide training courses and other services in the field of management training and development for private enterprises at their request, and to enter into arrangements with regional and extra regional agencies and other management development agencies to provide such services; and

(i) generally to carry out the provisions of this Act.

Powers of
the
Institute,

6. The Institute shall have power for the purpose of the discharge of its functions under sections 5 —

- (a) to devise and, if approved by the Minister, to implement and co-ordinate national policy in management training and development in the public sector;
- (b) to initiate within any part of the public sector management training programmes and to restructure existing ones where necessary;
- (c) to require, where necessary, for the purpose of ensuring consistency and relevance, the submission of public sector management training programmes for its approval;
- (d) to require, where necessary, the submission of proposals for the recruitment of management consultants in the public sector for its approval;
- (e) to require public sector organisations to consult it for the purpose of obtaining its recommendations —
 - (i) to improve their organisation structures;
 - (ii) to ensure unambiguous demarcation of functions and activities; and
 - (iii) to effect, where the span of control will permit, mergers and groupings that will lead to reduced overlap, higher output or lower costs;
- (f) to establish an appropriate scale of fees in respect of training courses and consultancy work undertaken for public and private enterprises, and to reduce or waive the fees in any particular case, as may be considered appropriate;
- (g) to carry on all activities the carrying on of which appears to be necessary, advantageous or convenient for the proper discharge of its functions;
- (h) to carry on any such activities in association with other bodies or persons including Government authorities or as managing agents for such persons, bodies and authorities; and
- (i) to do anything and to enter into any transaction whether or not involving expenditure, borrowing investment of money in accordance with the

provisions of this Act in that behalf, the acquisition of any property or rights, or the disposal of any property or rights) which in opinion of the Institute is calculated to dictate the proper discharge of its functions or is incidental or conducive thereto.

7. The Board may designate buildings to be used as Management Training Centres. Training Centres.

8. (i) The Board may employ at such remuneration and on such other terms and conditions as it thinks fit (including the payment of pensions, gratuities or other like benefits by reference to the service of its officers and other employees) a Director of the Institute, a Secretary, such officers and employees as it considers necessary for the purpose of carrying out the functions of the Institute: Appointment of officers and employees of the Institute

Provided that —

- (a) no salary in excess of such amount as may be specified in directions issued by the Minister shall be assigned to any office without the prior approval of the Minister;
- (b) no appointment shall be made to any office to which a salary in excess of such amount as may be specified in such directions is assigned without the prior approval of the Minister;
- (c) no provisions shall be made for the payment of any pensions, gratuities or other like benefits to the officers and other employees of the Institute by reference to their service, without the approval of the Minister.

(2) The Director shall be the Chief Executive officer of the Institute and, subject to any general or special directions of the Board, shall be responsible for the execution of the policy of the Institute and answerable therefor to the Board.

(3) The Board may, at any time, retain the services of experts and other professional persons and may pay such remuneration in respect thereof as the Board, with the approval of the Minister, may determine.

9. (1) Where a public officer is seconded or temporarily transferred from a pensionable office within the meaning of the Pensions Act to an office with the Institute section 5 of that Act shall apply to him as if his service with the Institute were service in a public office. Secondment or transfer of employees of the Institute. Cap. 37:02

(2) Where a public officer is appointed to an office with the Institute, his service with the Institute shall be other public service within the meaning of, and for the purpose of such provisions applicable in relation thereto as are contained in, the Pensions Act (including the Pensions Regulations 1957).

Cap. 39:05

(3) Subsections (1) and (2) shall, as they apply in relation to a public officer, apply *mutatis mutandis* in relation to a teacher to whom the Teacher's Pension Act applies and who is employed by the Institute.

Funds and resources of the Institute.

10. The funds of the Institute shall consist of —

- (a) such monies as may from time to time be voted by Parliament for the purposes of this Act;
- (b) monies paid to the Institute by way of fees for training or consultancy activities, and from sale of publications;
- (c) sums earned or arising from any property, investments, mortgages or debentures acquired by or vested in the Institute;
- (d) sums borrowed by the Institute for the purpose of meeting any of its obligations or discharging any of its functions; and
- (e) all other sums or property that may in any manner become payable to or vested in the Institute in respect of any matter incidental to its powers and duties.

Application of revenue.

11. (1) The revenue of the Institute for any financial year shall be applied in defraying the following charges —

- (a) the remuneration, fees and allowances of the members or of any committee of the Institute;
- (b) the salaries, fees, remuneration and gratuities (including payments for the maintenance of any pension scheme) of the officers and employees and technical and other advisers of the Institute;
- (c) working operations and establishment expenses and expenditure, on or provision for, the maintenance of the property of the Institute, and the insurance of the same and the discharge of the functions of the Institute properly chargeable to revenue account;

- (d) interest on any debenture and debenture stock or other security issued, and on any loan raised by the Institute;
- (e) sums required to be transferred to a sinking fund or otherwise set aside for the purpose of making provision for the redemption of debentures or debenture stock or other security or the payment of other borrowed money;
- (f) such sums as it may be deemed appropriate to set aside in respect of depreciation on any property of the Institute having regard to the amount set aside out of the revenue under paragraph (e); and
- (g) any other expenditure authorised by the Board and properly chargeable to revenue account.

(2) The balance of the revenue of the Institute shall be applied to the creation of reserve funds to finance future development and to such other purposes as the Minister may approve.

12. Funds of the Institute not immediately required to be expended in the meeting of any obligations or the discharge of any functions of the Institute may be invested from time to time in securities approved by the Minister for investment by the Institute.

Authorised investments.

13. The Institute may, with the approval of the Minister responsible for finance, borrow any monies required by it for meeting any of its obligations or discharging any of its functions.

Borrowing powers of the Institute.

14. (1) With the approval of the National Assembly, the Minister responsible for finance may guarantee, in such manner and on such conditions as he may think fit, the payment of the principal and interest on any authorised borrowings of the Institute.

Guarantee by the Minister of Finance of borrowing by the Institute and repayment of sums paid to meet guarantees.

(2) Where the Minister responsible for finance is satisfied that there has been default in the repayment of any principal monies or interest guaranteed under this section, he shall direct the repayment out of the revenues of Guyana of the amount in respect of which there has been such default.

(3) The Institute shall make to the Accountant General, at such time and in such manner as the Minister responsible for finance may direct, payments of such amounts as may be so directed in or towards repayment of any such sum issued in fulfilment of any guarantee given under this section, and payments of interest on what is outstanding for the time being in respect of any sums so issued at such rate as the Minister

responsible for finance may direct, and different rates of interest may be directed as respects different sums and as respects interest for different periods.

Accounts and audit.

15. (1) The Institute shall keep accounts of its transactions to the satisfaction of the Minister and such accounts shall be audited annually by an auditor appointed by the Minister.

(2) The Minister may, at any time, appoint an auditor to examine the accounts of the Institute and to report thereon to the Minister.

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

(4) An auditor appointed under this section shall have power to summon and examine all persons whom he shall think fit to examine for the purpose of obtaining information in connection with the examination and audit of the accounts of the Institute and respecting all other matters and things whatever necessary for the due performance of the functions vested in him; and if any person summoned as aforesaid is not a public officer or an officer or other employee of the Institute he shall be entitled to payment for his attendance as if he were a witness attending a legal proceeding in obedience to a summons issued at the instance of the State.

(5) Any person summoned under subsection (4) who, without reasonable excuse, makes default in obeying the summons is liable on summary conviction to a fine of fifty dollars, or, in default of payment, to imprisonment for one month.

(6) The Institute may write off bad debts.

Exemption from taxes and duties

16. The Institute shall be exempt from the payment of customs duty, capital gains tax, corporation tax, income tax, property tax and purchase tax.

Power of the Minister to give directions to the Institute.

17. (1) The Minister may give to the Institute directions of a general character as to the policy to be followed by the Institute in the performance of its functions and the Institute shall give effect to those directions.

(2) The Institute shall afford to the Minister information requested by him with respect to the functioning to the Institute and shall furnish him with annual estimates, and such returns and reports as he may require.

(3) The Institute shall provide the Minister with such facilities as will enable him to verify the information furnished in pursuance of this section.

18. (1) The Board shall as soon as practicable after the end of each financial year of the Institute make and transmit to the Minister a report dealing generally with the activities of the Institute during the preceding financial year and containing such information relating to the operations and policy of the Institute as the Minister may from time to time direct.

Annual Report

(2) The Minister shall cause a copy of every such report to be laid on the table of the National Assembly.

19. The Board may, with the approval of the Minister, make regulations which, in the opinion of the Institute, are necessary or expedient for the carrying into effect of the purposes of this Act.

Regulations.

Section 4 SCHEDULE

1. (1) The Board shall consist of —

Constitution of the Board.

- (a) The Director;
- (b) one person appointed by the Minister after he has consulted such organisation or other body of persons as in his opinion is most representative of workers;
- (c) one person appointed by the Minister after he has consulted such organisation or other body of persons as in his opinion is most representative of employers; and
- (d) not less than six nor more than twelve persons appointed by the Minister from among such persons as, in his opinion, are qualified for appointment by reason of their experience of, and capacity in, matters relating to the functions of the Institute or matters which will be advantageous to the Institute in the performance of its functions.

(2) The Chairman of the Board shall be appointed by the Minister from among the members.

(3) A member, not being the Director or a person in the service of the State, may at any time resign his membership by instrument in writing addressed to the Minister.

2. The names of the members of the Board as first constituted and every change in the membership thereof shall be notified in the Gazette.

Gazetting of appointments.

3. (1) The Board shall meet at such times as may be necessary or expedient for the transaction of business and such meetings shall be held at such place and time and on such days as the Board may determine.

Meeting of the Board.

(2) The Chairman may at any time call a special meeting of the Board.

(3) Seven members shall constitute a quorum.

(4) Minutes in proper form of every meeting of the Board shall be kept by the Secretary and shall be confirmed at a subsequent meeting by the Chairman or other member duly presiding over the meeting, as the case may be.

(5) The Board may co-opt one or more persons to attend any meeting of the Board at which the Board is dealing with a particular matter for the purpose of assisting or advising the Board, but any such co-opted person shall not be entitled to vote at the meeting.

(6) Subject to this Schedule, the Board may regulate its procedure.

Disclosure
of interest.

4. It shall be the duty of a member who is in any way, whether directly or indirectly, interested in an application for a contract or any other arrangement with the Board to declare the nature or his interest at a meeting of the Board and he shall not take part in any discussion of, or vote on any question relating to, the contract or other arrangement.

Appointment
of committees

5. (1) The Board may appoint committees to examine and report to it on any matter arising out of or connected with any of its functions.

(2) Any such committee shall consist of at least one member of the Board together with such other persons, whether or not members of the Board or an officer or employee of the Institute, whose assistance or advice the Board may desire.

(3) Where persons, not being members of the Board or officers or employees of the Institute, are members of a committee appointed under this paragraph, the Institute shall pay to each such person in respect of his membership of the committee such remuneration and allowances, if any, as the Minister may determine and any such sums shall properly be payable out of the funds and resources of the Institute.

(4) The Board may reject the report of any such committee or adopt it whether wholly or with modifications, additions or adaptations as the Board may think fit.

(5) Subject to the provisions of this Act, the Board may delegate to any committee or member or officer of the Board the authority to carry out on its behalf such functions as the Board may determine, so, however, that any such delegation shall be revocable at will and shall not preclude the Board from acting from time to time as the law requires.

6. The Board shall pay to each of its members (other than the Director) in respect of his office such remuneration and allowances, if any, as the Minister may determine.

Remuneration of members of the Board.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Guyana Management Institute as a body corporate which will act as the implementing agency of a co-ordinated policy on management training and development in Guyana.

Clause 4 seeks to provide for the affairs of the Institute to be managed by a Board of Directors which will include representatives of organisations of workers and employers and other persons with knowledge or experience relevant to the functions of the Institute.

Clause 5 (2) seeks to give the Institute responsibility for up-grading public sector management training and development capabilities so as to avoid duplication and waste. The Institute will also have power to give its services to private enterprises at their request.

Clause 8 seeks to enable the Institute to employ officers including a Director who will be its chief executive officer.

Clauses 10-16 seek to make provision for financial matters relating to the Institute.

Clause 17 seeks to empower the Minister to give the Institute directions of a general character as to the policy to be followed by the Institute.

Clause 18 seeks to provide for the submission by the Board of annual reports through the Minister to the National Assembly.

Clause 19 seeks to empower the Board of Directors with the approval of the Minister to make regulations for carrying into effect the purposes of the legislation set out in the Bill.

P. A. Reid
Prime Minister.

(BILL No. 8/1983)

(PS : 6/24/29)