

BILLS SUPPLEMENT

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Bill No. 12 Uganda National Health Laboratory Services Bill 2016

**THE UGANDA NATIONAL HEALTH LABORATORY
SERVICES BILL, 2016**

MEMORANDUM

1. OBJECT

The object of the Bill is to establish the Uganda National Health Laboratory Services as an autonomous body; to provide for the purpose and functions of the National health laboratory Services; to establish a Board, its composition and functions of the Board; to provide for the employees of the Uganda National Health laboratory Services and for related matters.

2. DEFECTS IN THE EXISTING LAW

At present there is no law providing for a central coordination and management mechanism with a mandate to manage and organise laboratory services in Uganda. This has increased the risks of operating illegal and unsafe laboratory services in the country.

Due to developments in technology and the emergence of new diseases and re-emergence of diseases that had been thought of as eradicated, laboratory services are experiencing increasing complexities which demand for specialisation in new areas of technology such as molecular biology, immunology, immuno-chemistry, DNA technology among others. These call for a robust continuous staff development program to ensure a continuous mass of specialists such as Pathologists, Microbiologists, Toxicologists and clinical chemists for the national laboratory network.

The Bill therefore seeks to establish a National Health Laboratory Services body to coordinate all health laboratories to increase efficiency and effectiveness while reducing the risks associated with uncoordinated provision of services.

3. THE BILL

The Bill has VI Parts and 2 Schedules.

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PART I—PRELIMINARY incorporates clauses 1 to 3 and provides for the commencement, purpose of the Act and interpretation of the various words and phrases used in the Bill.

PART II—ESTABLISHMENT OF THE NATIONAL HEALTH LABORATORY SERVICES clauses 4 to 8 deal with the establishment of Uganda National Health Laboratory Services, its objects, Seal of UNHLS, functions and independence of UNHLS.

PART III—THE UGANDA NATIONAL HEALTH LABORATORY SERVICES BOARD clauses 9 to 22 deal with the establishment of the UNHLS Board, qualifications and disqualification of members of the Board, tenure of office, termination of members from the Board, remuneration and filling vacancies on the Board, functions of the Board, power of the Minister to give guidelines, delegation of the functions of the Board, the Secretary to the Board, meetings and committees of the Board and the engagement of the services of experts and consultants.

PART IV—EXECUTIVE DIRECTOR AND OTHER STAFF OF UNHLS clauses 23 to 28 provide for the office of the Executive Director, the functions and tenure of office of the Executive Director, the office of the Deputy Executive Director, other officers and staff of UNHLS and protection from liability of members of the Board and the employees.

PART V—FINANCES OF UNHLS clauses 29 to 37 provide for the funds of UNHLS, the borrowing powers of UNHLS, investment of surplus funds, annual budget estimates, the financial year of UNHLS, the annual management plan, accounts, audit and compliance with the Public Finance and Accountability Act, 2003.

PART VI—MISCELLANEOUS PROVISIONS clauses 38 to 42 provide for the validity of acts of the Board, powers of the Minister to make regulations, amendment of Schedules, vesting of assets and liabilities and the employees of the Central Public Health Laboratories.

HON. DR. CHRIS BARYOMUNSI,
Minister of State for Health,
holding the portfolio for the Minister of Health.

THE UGANDA NATIONAL HEALTH LABORATORY
SERVICES BILL, 2016

ARRANGEMENT OF CLAUSES

PART I—PRELIMINARY

Clause

1. Commencement
2. Purpose of Act
3. Interpretation

PART II—ESTABLISHMENT OF THE NATIONAL HEALTH
LABORATORY SERVICES

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PART III—THE UGANDA NATIONAL HEALTH
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21. Committees of the Board
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Clause

PART IV—EXECUTIVE DIRECTOR AND
OTHER STAFF OF UNHLS

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PART V—FINANCES OF UNHLS

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40. Amendment of Schedules
41. Vesting of assets and liabilities
42. Continuation of employment of employees of Central Public Health Laboratories

SCHEDULE

SCHEDULE 1—CURRENCY POINT

SCHEDULE 2—MEETINGS AND PROCEDURE OF BOARD

A Bill for an Act

ENTITLED

THE UGANDA NATIONAL HEALTH LABORATORY SERVICES ACT, 2016.

An Act to establish the Uganda National Health Laboratory Services as an autonomous body; to provide for the purpose and functions of National Health laboratory Services; to establish a Board, its composition and functions; to provide for the employees of Uganda National Health laboratory Services and for related matters.

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY

1. Commencement.

This Act shall come into force on a date appointed by the Minister by statutory instrument.

2. Purpose of Act.

The purpose of the Act is to define the mandate of the Uganda National Health Laboratory Services, to enable it effectively support the implementation of health service delivery in Uganda.

3. Interpretation.

In this Act, unless the context otherwise requires—

“Board” means the Uganda National Health Laboratory Services Board established under section 9;

“currency point” has the meaning assigned to it in Schedule 1;

“Minister” means the Minister responsible for health; and

“UNHLS” means the Uganda National Health Laboratory Services established under section 4.

PART II—ESTABLISHMENT OF THE UGANDA NATIONAL HEALTH LABORATORY SERVICES

4. Establishment of the Uganda National Health Laboratory Services.

(1) There is established an autonomous body known as the Uganda National Health Laboratory Services.

(2) UNHLS shall be a body corporate with perpetual succession and a common seal and may for the discharge of its functions—

- (a) acquire, hold and dispose of movable and immovable property;
- (b) sue and be sued in its corporate name; and
- (c) do all other things as a body corporate may lawfully do.

5. Objects of UNHLS.

The objects of UNHLS are—

- (a) to act as a central coordination body for health laboratories in Uganda;

- (b) to establish modern and high technology reference laboratory services with international standards that will address the challenge of testing specimens for complex diagnostic and forensic purposes;
- (c) to reduce referrals abroad due to limited laboratory capacity in Uganda;
- (d) to improve efficiency in management of health laboratories in the country;
- (e) to put in place a sustainable network for diagnostic specimens with optimal transportation and testing capacity; and
- (f) to lead to the growth of the health laboratories sub sector in Uganda and increase Uganda's competitiveness in the region.

6. Seal of UNHLS.

(1) The seal of UNHLS shall be in a form determined by the Board.

(2) The Seal shall, when affixed to any document, be authenticated by the signatures of the Chairperson of the Board and the Executive Director.

(3) In the absence of the Chairperson, the person performing the functions of the Chairperson shall sign in his or her place.

(4) In the absence of the Executive Director, the Deputy Executive Director shall sign in his or her place.

(5) A document purporting to be an instrument executed or issued by or on behalf of the UNHLS in accordance with this section shall be taken to be so executed or issued except where the contrary is proved.

7. Functions of UNHLS.

The functions of UNHL are—

- (a) to coordinate the activities of other laboratories that are vested in UNHLS and act as the overall authority on health laboratory investigations in Uganda;
- (b) to coordinate and guide the development and review of national health laboratory policies, guidelines and strategic plans;
- (c) to set standards for health laboratory service practice, providers and facilities at the various levels of the national health delivery system;
- (d) to monitor the quality of health laboratory services using the national health laboratory standards and work with regulatory authorities for the improvement of quality of laboratory services;
- (e) to coordinate capacity building programs for training in consultation with training institutions, proficiency testing and national laboratory improvement programs;
- (f) to offer reference and specialised testing services within the health laboratory sector;
- (g) to record, analyse and report on laboratory data taking into consideration new trends that will inform planning at national level, public health analysis and decision making;
- (h) to characterise and identify the origin of potential food-borne pathogens and agents implicated in food-borne disease outbreaks, by testing samples from persons, food and beverages to prevent and recognise disease outbreaks and other events of public health significance;
- (i) to provide diagnostic testing and laboratory -based surveillance for diseases of public health importance;

- (j) to analyse and provide timely, accurate and precise data in the prevention and control of infectious, communicable, genetic and chronic diseases and environmental exposure in order to guide policy and programmatic decisions;
- (k) to coordinate the laboratory component in national disaster preparedness and outbreak response;
- (l) to coordinate the analysis of human and environmental samples to identify, quantify and monitor potential threats to health by low incidence or high risk diseases, such as antibiotic-resistant microbes, tuberculosis, influenza, botulism, anthrax and rabies;
- (m) to perform operational research aimed at generating data that guides laboratory service delivery and management of diseases of public health importance in the country; and
- (n) to undertake such other activities as are necessary or expedient for giving full effect to this Act.

8. Independence of UNHLS.

Except as otherwise provided under this Act, UNHLS shall exercise its functions independent of any person or body.

PART III—THE UGANDA NATIONAL HEALTH LABORATORY SERVICES BOARD

9. The Board.

(1) There is established the Uganda National Health Laboratory Services Board.

(2) The Board of Directors shall be appointed by the Minister as the governing body of UNHLS and shall consist of the following members—

- (a) the Executive Director of UNHLS appointed under section 23;
- (b) the Director General of Health Services; Ministry of Health;
- (c) a representative from the disciplined forces with expertise in bio-safety and bio-security appointed on merit;
- (d) a representative of the ministry responsible for education particularly with expertise in health laboratory training;
- (e) a representative of the private sector with expertise in health laboratory services;
- (f) a representative of the ministry responsible for finance;
- (g) a representative from Uganda Medical Laboratory Professional Association;
- (h) a competent laboratory expert or researcher; and
- (i) a representative from Health Users Organisation.

(3) The Minister shall appoint a Chairperson from among the members appointed under subsection (2).

(4) The Executive Director shall be an ex officio member of the Board and shall not have a right to vote at any meeting of the Board.

(5) The Minister shall, in appointing members of the Board, stagger the tenure of office of the members in order that their term of office does not expire at the same time so as to ensure continuity of the Board.

(6) A person shall not be eligible for appointment if that person is an employee or director of a company, firm or institution where the employment or directorship may lead to a conflict of interest.

(7) The Minister shall, in appointing the members of the Board, ensure that there is a balance of gender, skills and experience among the members.

10. Qualification of members of the Board.

The members of the Board shall be persons of high moral character and proven integrity who are qualified in, and have experience either in management, law, business administration, financial management or health laboratory services.

11. Disqualification from appointment to the Board.

A person shall not be appointed to the Board if that person—

- (a) has been convicted of an offence under this Act or an offence involving dishonesty, fraud or moral turpitude;
- (b) has been convicted of an offence and sentenced to a term of imprisonment for six months or more without the option of a fine;
- (c) is adjudged bankrupt by a court of law or has made any assignment or arrangement with his or her creditors; or
- (d) is a member of Parliament, a Minister or a member of a local government council.

12. Tenure of office.

A member of the Board other than the Executive Director or a person appointed by virtue of his or her office shall hold office for three years and is eligible for reappointment for one more term.

13. Termination of members of the Board.

(1) A member may at any time resign his or her office by giving a thirty days' notice in writing to the Minister.

(2) A member may be removed from office by the Minister if that member—

- (a) becomes a member of Parliament, a Minister or a member of a local government council;
- (b) becomes inefficient or incompetent;
- (c) misbehaves or is guilty of misconduct;
- (d) fails to disclose at a Board meeting a matter in which he or she has an interest;
- (e) is unable to perform the functions of his or her office arising from infirmity of body or mind;
- (f) is declared bankrupt or insolvent;
- (g) has been absent, without prior permission from the Chairperson, or without reasonable cause to the satisfaction of the Minister, for more than four consecutive meetings of the Board or has been absent from Uganda for more than twelve months; or
- (h) ceases to be a member of the body which nominated him or her by virtue of which he or she was holding the membership.

(3) Where it appears to the Minister that there is a cause to remove a member under subsection (2), the Minister shall notify the member concerned in writing and shall give the member an opportunity to submit his or her reply.

(4) A person removed under this section is not entitled to any benefits that may be payable to him or her under section 14.

14. Remuneration of members of the Board.

The Chairperson and members of the Board shall be paid such remuneration or allowances as the Minister may determine in consultation with the minister responsible for finance.

15. Filling of vacancies on the Board.

(1) Where a vacancy occurs in the membership of the Board, the Chairperson shall immediately notify the Minister of the vacancy.

(2) The Minister shall, after being notified of the vacancy in subsection (1), appoint another person to hold office in accordance with section 9, for the remainder of the term of the previous member.

(3) Where the member of the Board referred to in subsection (1) is the Chairperson of the Board, the Secretary to the Board shall notify the Minister of the vacancy and the Minister shall appoint another person as the Chairperson for the unexpired portion of the Chairperson's term of office.

16. Functions of the Board.

The functions of the Board are—

- (a) to formulate policy guidelines for UNHLS;
- (b) to appoint the staff of UNHLS and determine their terms of service;
- (c) to manage all the assets and properties of the UNHLS, movable and immovable, in a manner and for such purposes as in the opinion of the Board, would promote the best interests of UNHLS;
- (d) to advise the Minister on laboratory services and related matters of policy and strategic issues;
- (e) to approve the annual budget and action plan for UNHLS;
- (f) to establish rules and procedure for—
 - (i) appointment, career development and disciplining of staff;

(ii) the procurement of goods and services for UNHLS and for the disposal of the assets of UNHLS in accordance with the Public Procurement and disposal of Assets Act; and

(g) to perform any other function conferred upon it by this Act or otherwise as may in the opinion of the Board be necessary or expedient for the proper performance of the functions of UNHLS.

17. Power of Minister to give guidelines.

(1) The Minister may, in writing, give policy guidelines to UNHLS regarding the performance of its functions.

(2) UNHLS shall comply with the policy guidelines given by the Minister under this section.

18. Delegation of functions of Board.

(1) The Board may delegate in writing, any member of the Board, an officer of UNHLS or a committee established under section 21, any of the powers, duties or functions of the Board.

(2) The terms and conditions regulating the exercise of the powers delegated under this section shall be contained in the instrument of delegation.

19. Secretary to the Board.

(1) The Board shall appoint a Secretary to the Board on terms and conditions as the Board may determine.

(2) The Secretary shall report to the Board through the Executive Director.

20. Meetings of the Board.

Schedule 2 shall govern the meetings and procedure of the Board and other matters provided for in that schedule.

21. Committees of the Board.

(1) The Board may appoint committees to advise it on any matter concerning the functions of the Board as the Board may determine.

(2) A committee appointed under subsection (1) shall consist of a Chairperson who shall be a member of the Board and such other persons, whether members of the Board or not, as the Board may determine.

(3) The Board shall in writing, specify the terms and conditions of service of the members of the committee appointed under subsection (2).

(4) A member of a committee appointed under this section shall be paid such allowances as the Board may determine.

(5) The Board may require a committee appointed under this section to act jointly or in co-operation with any other committee.

(6) A committee is subject to the control of the Board and may be discharged or reconstituted at any time by the Board.

(7) Subject to any direction given by the Board, a committee appointed under this section may regulate its own procedure.

22. Experts and Consultants.

(1) UNHLS may, in the performance of its functions under this Act, engage the services of or work in consultation with a professional or technical expert or consultant to enhance the performance of its functions.

(2) Experts and consultants engaged under subsection (1) may be paid such fees and allowances, and may be afforded such facilities as the Board may determine.

PART IV—EXECUTIVE DIRECTOR AND OTHER STAFF OF UNHLS

23. Executive Director.

(1) The Executive Director shall be appointed by the Minister on the recommendation of the Board and shall be the chief executive officer of UNHLS.

(2) The Executive Director shall be a person of high moral character and proven integrity, with substantial qualification and experience in health laboratory services.

(3) A person shall not be appointed as an Executive Director—

- (a) if he or she is an undercharged bankrupt;
- (b) if he or she has been convicted of an offence under this act or an offence involving fraud or dishonesty;
- (c) if he or she has been convicted of an offence and sentenced to a term of imprisonment of six months or more; or
- (d) if he or she is a public officer, a member of Parliament or a member of a local government council.

24. Functions of Executive Director.

(1) The Executive Director is responsible for the management and operations of UNHLS.

(2) Subject to this Act and to the general supervision and control of the Board, the Executive Director shall be the accounting officer of UNHLS and shall be responsible for—

- (a) implementing the objectives, policies and programmes of UNHLS and reporting on them to the Board and ensuring that the agreed objectives, targets and service standards are met;

- (b) reviewing and making recommendations in respect of the management and administration of UNHLS;
- (c) preparing or cause to be prepared draft annual co-operate plan and budget for consideration and adoption by the Board;
- (d) ensuring the effective and efficient implementation of the annual corporate plan;
- (e) preparing and submitting to the Board quarterly progress reports on the implementation of the annual corporate plan;
- (f) the proper management of the funds and property of UNHLS;
- (g) the organisation, control and discipline of the staff of UNHLS;
- (h) the development of an economic, efficient and cost effective internal management structure; and
- (i) any other function which may be assigned to him or her by the Board.

(3) The Executive Director shall be a full time employee of UNHLS and shall be answerable to the Board.

(4) In the performance of his or her functions under this Act, the Executive Director shall take into account the need to promote, establish and maintain a system of collaboration, consultation and co-operation with national health facilities, health laboratory centers, higher institutions of learning and medical schools and any other person or body of persons established by any written law and having functions related to those of UNHLS.

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25. Tenure of office of Executive Director.

(1) The Executive Director shall hold office for four years and is eligible for reappointment.

(2) The Minister may, after consultation with the Board, terminate the appointment of the Executive Director for—

- (a) abuse of office;
- (b) incompetence;
- (c) physical or mental incapacity that renders him or her incapable of performing the duties of the office;
- (d) failure to attend three consecutive meetings of the Board without reasonable grounds; or
- (e) any other reasonable ground.

26. Deputy Executive Director.

(1) UNHLS shall have a Deputy Executive Director appointed by the Board, on terms and conditions specified in his or her instrument of appointment.

(2) The Deputy Executive Director shall hold office for four years and is eligible for re-appointment.

(3) The Deputy Executive Director shall be a person of high moral character and proven integrity, with substantial qualifications and experience in health laboratory services.

(4) Section 25 (2) regarding the removal of the Executive Director shall apply to the removal of the Deputy Executive Director.

27. Other officers and staff of UNHLS.

(1) The Board may on the advice of the Executive Director, appoint staff of UNHLS as may be necessary for the effective performance of the functions of the UNHLS.

(2) The staff appointed in subsection (1) shall hold office on such terms and conditions as may be specified in their instruments of appointment.

28. Protection from liability of members of Board and employees.

A member of the Board or of a committee of the Board, an officer of UNHLS or a person acting on the directions of the Board is not personally liable for any act or omission done or omitted to be done in good faith in the exercise of the functions under this Act.

PART V—FINANCES OF UNHLS

29. Funds of UNHLS.

(1) The funds of UNHLS shall consist of—

- (a) money appropriated by Parliament for the purposes of the health laboratory services;
- (b) donations, loans, gifts, grants or bequests received by UNHLS for its activities;
- (c) money payable to or vested in UNHLS as a result of or in the course of discharging its functions under this Act; or
- (d) revenue collected from services rendered by UNHLS.

(2) UNHLS shall open and maintain a bank account in a bank approved by the Board.

30. Borrowing powers.

UNHLS may, with the prior approval of the Minister and the Minister responsible for finance, obtain loans and other credit facilities required for meeting its objects, obligations and functions under this Act.

31. Investment of surplus funds.

Funds of UNHLS not immediately required for any purpose under this Act may in consultation with the Minister be invested in secure investments in a manner determined by the Board, in accordance with the Public Finance and Accountability Act.

32. Annual budget estimates.

(1) The Executive Director shall within three months before the end of each financial year, prepare or cause to be prepared and submitted to the Board for its approval, annual estimates of income and expenditure of UNHLS for the next financial year.

(2) The Board shall consider and approve, subject to such modifications and amendments as it may consider appropriate, the estimates prepared in subsection (1).

33. Financial year of UNHLS.

The financial year of UNHLS shall be the same as the financial year of the Government.

34. Annual management plan.

The Executive Director shall, not later than three months before the end of each financial year, prepare and submit to the Board, for approval, an annual management plan for the next financial year.

35. Accounts.

(1) The Executive Director shall cause to be kept, proper books of accounts and records of the transactions and affairs of UNHLS.

(2) Subject to any direction given by the Board, the Executive Director shall cause to be prepared and submitted to the Minister responsible for finance in respect of each financial year, and not later than three months after the end of the financial year, a statement of accounts.

(3) The statement of accounts in subsection (2) shall comprise—

- (a) a balance sheet, a statement of income and expenditure and a statement of surplus or deficit of UNHLS; and
- (b) any other information in respect of the financial affairs of UNHLS as the Minister responsible for finance may in writing, require.

36. Audit.

(1) The accounts of UNHLS shall, in respect of each financial year, be audited by the Auditor General or by an auditor appointed by the Auditor General.

(2) The Board shall ensure that within three months after the end of each financial year, a statement of accounts described in section 35 is submitted to the Auditor General or an auditor appointed by the Auditor General.

(3) The Auditor General or any auditor appointed by the Auditor General shall have access to all books of accounts, vouchers and other financial records of UNHLS, and is entitled to any information and explanation required in relation to those records.

(4) The Auditor General or any other auditor appointed by the Auditor General shall, within three months after receipt of the statement of accounts under subsection (2), deliver to the Board a copy of the audited accounts together with a report on the accounts.

(5) The Board shall, within one month of receipt of the audited accounts referred to in subsection (4), submit to the Minister, an annual report on the operations of UNHLS for the preceding year, which shall include, an audited financial statement.

37. Compliance with the Public Finance Management Act, 2015. The UNHLS shall at all times comply with the Public Finance Management Act, 2015.

PART VI—MISCELLANEOUS PROVISIONS

38. Validity of acts of the Board.

An act or proceeding of the Board shall not be invalid by reason only of any vacancy in the membership of the Board, any defect in the appointment of any member or the fact that any member was at the time in question disqualified or disentitled to act as a member of the Board.

39. Regulations.

(1) The Minister may, on the advice of the Board, by statutory instrument, make regulations generally for the better carrying into effect the provisions of this Act.

(2) Without prejudice to the general effect of subsection (1), the Minister may make regulations—

- (a) to prescribe the conditions and terms under which any specified facilities or services within the scope of the functions of UNHLS may be provided to members of the public and other persons;
- (b) to fix the fees, rates and other charges for or in connection with the provision by UNHLS of any facilities or services;
- (c) to provide for the proper management, control and administration of UNHLS;
- (d) to provide for disciplinary proceedings of the employees of UNHLS; or
- (e) to prescribe anything that is required or authorised to be prescribed under this Act.

(3) Regulations made under subsection (2) in respect of any contravention of the regulations shall—

- (a) prescribe a penalty of a fine not exceeding five hundred currency points or imprisonment not exceeding ten years or both;
- (b) in the case of a continuing contravention, prescribe an additional penalty not exceeding one hundred currency points in respect of each day on which the offence continues; and
- (c) prescribe a higher penalty not exceeding one hundred and fifty currency points in respect of a second or subsequent contravention.

40. Amendment of Schedules.

(1) The Minister may, by statutory instrument, with the approval of Cabinet amend Schedule 1.

(2) The Minister may, by statutory instrument, amend Schedule 2.

41. Vesting of assets and liabilities.

Upon the coming into force of this Act—

- (a) all the property and assets vested in the Central Public Health Laboratories before the commencement of this Act shall be vested in UNHLS subject to all interest, liabilities, obligations and trusts affecting the property;
- (b) UNHLS shall have a right of occupancy over the site previously occupied by the Central Public Health Laboratories;
- (c) any money held by or on account of the Central Public Health Laboratories shall vest in UNHLS;

- (d) all contracts, agreements and undertakings made by the Central Public Health Laboratories and all securities lawfully given to or by it before the coming into force of this Act shall have effect as a contract, agreement and undertaking by and with UNHLS and may be enforced by and against UNHLS accordingly; and
- (e) any proceedings commenced by or against Central Public Health Laboratories shall be continued by UNHLS.

42. Continuation of employment of employees of Central Public Health Laboratories.

(1) Upon the coming into force of this Act—

- (a) every person who, immediately before the commencement of this Act was employed by the Central Public Health Laboratories and the national tuberculosis reference laboratories shall become an employee of UNHLS and shall continue to be employed by UNHLS;
- (b) the terms and conditions, including the salary, on which a person referred to in subsection (1) was employed immediately before the commencement of this Act, shall be no less favorable than those that applied to that person's office before the commencement of this Act; and
- (c) there shall be no break or interruption in the employment of such persons because of the enactment of this Act.

(2) Subject to subsection (1) (b), the terms and conditions of any employment referred to in subsection (1) may be varied after the coming into force of this Act.

(3) Nothing in this Act shall affect the pension rights under the Pension Act of any person referred to in subsection (1).

SCHEDULES

SCHEDULE 1

section 3 and 39

CURRENCY POINT

One currency point is equivalent to twenty thousand Uganda shillings.

SCHEDULE 2

section 20

MEETINGS AND PROCEDURE OF BOARD

1. Meetings of the Board

(1) Subject to any general or specific direction by the Minister, the Board shall meet not less than four times during every financial year and at such additional times as may be fixed by the Chairperson or, if he or she is absent from the Country or unable for any sufficient cause to act, after consulting the members, the Executive Director.

(2) An ordinary meeting of the Board shall be convened by the Executive Director after consultation with the Chairperson and the notice specifying the place, date and time of the meeting shall be sent to each member at his or her usual place of business or residence not less than ten days before the date of the meeting and in case the Chairperson is unable to act by reason of illness, absence from the Country or any other sufficient cause, the Executive Director may convene the meeting after consulting the members.

(3) The Chairperson or, in his or her absence the Executive Director, shall be bound to convene a special meeting of the Board upon receipt of a request in writing in that behalf signed by not less than five members and a notice of not less than ten days shall be given to all members in the manner prescribed in sub paragraph (2).

(4) The Chairperson or, in his or her absence the temporary Chairperson presiding at any meeting of the Board, may invite any person who is not a member to participate in the deliberations of the Board, but the person invited shall not be entitled to vote.

2. Quorum

(1) The quorum at any meeting of the Board shall be one half of the members.

(2) The Chairperson shall preside at every meeting of the Board and in the absence of the Chairperson, members present shall elect one member from amongst themselves to be a temporary Chairperson of that meeting.

(3) At any meeting of the Board a decision of the majority of the members present and voting shall be deemed to be a decision of the Board and in the event of an equality of votes the person presiding over the meeting shall have a casting vote in addition to his deliberative vote.

(4) The Board may act notwithstanding any vacancy in its membership.

3. Decision by circulation of papers

Notwithstanding paragraph 1, where the Chairperson or, in his or her absence, the person acting as Chairperson so directs, a decision may be made by the Board without a meeting by circulation of the relevant papers among all the members and the expression in writing of the views of the majority of the members, but any member may request that the decision be deferred and the subject-matter be considered at a meeting of the Board.

4. Minutes of the Meeting

The Board shall cause the minutes of the proceedings of its meetings to be recorded and kept and the minutes shall be confirmed by the Board at the next meeting and signed by the Chairperson of the meeting.

5. Power to co-opt

(1) The Board may co-opt any person who, in the opinion of the Board, has expert knowledge concerning the functions of the Board, to attend and take part in the proceedings of the Board.

(2) A person co-opted under this section may take part in any discussion at the meetings of the Board on which his or her advice is required but shall not have the right to vote at that meeting.

6. Board to regulate its procedure

Subject to this schedule, the Board may regulate its own procedure or any other matter relating to its meetings.