

# THE ROYAL SCIENCE AND TECHNOLOGY ACT

(Act No. 5 of 2012)

---

• Act • Subsidiary Legislation •

---

## ACT

*Date of commencement: 17th October, 2012.*

### ARRANGEMENT OF SECTIONS

#### PART I PRELIMINARY

1. Short Title and Commencement.
2. Interpretation.

#### PART II ESTABLISHMENT AND ADMINISTRATION OF THE PARK

3. Establishment of the Park.
4. Establishment and composition of the Board.
5. Disqualification from the board.
6. Appointments to fill casual vacancies.
7. Meetings and procedure of the Board.
8. Powers of the Board.
9. Functions of the Board.

#### PART III OFFICE OF THE CHIEF EXECUTIVE OFFICER

10. Establishment of the office of the chief executive officer.
11. Functions of the office of the chief executive officer.
12. Appointment of the chief executive officer.
13. Functions of the chief executive officer.

#### PART IV FINANCIAL PROVISIONS

14. Funds of the Board.
15. Accounts and Audit.
16. Annual report.
17. Remuneration board members.

#### PART V MISCELLANEOUS MATTERS

18. Powers of the Minister.
19. Property of the Park not subject to execution.
20. Protection from personal liability.
21. Regulations.

*An Act to provide for the establishment of the Royal Science and Technology Park for the furtherance of research of science and related fields.*

#### PART I PRELIMINARY

### 1. Short Title and Commencement.

- (1) This Act may be cited as the Royal Science and Technology Park Act, 2012.
- (2) This Act shall come into force on the date of publication in the Gazette.

## **2. Interpretation.**

In this Act, unless the context otherwise requires —

- “Board” means the Royal Science and Technology Park Board established in terms of section 4 of this Act;
- “Office of the Chief Executive Officer” means the staff of the Royal Science and Technology Park appointed in terms of section 9 of this Act;
- “Chief Executive Officer” means the Chief Executive Officer of the Royal Science and Technology Park appointed in terms of section 12 of this Act;
- “Minister” means the Minister responsible for Technology;
- “Park” means the Royal and Science and Technology Park established in terms of section 3 of this Act;
- “SCOPE” means the Standing Committee on Public Enterprise as provided for in the Public Enterprise (Control and Monitoring) Act 1989.

## PART II ESTABLISHMENT AND ADMINISTRATION OF THE PARK

### **3. Establishment of the Park.**

(1) There is hereby established a Park to be known as the Royal Science and Technology Park.

(2) The Park shall be a body corporate with perpetual succession and a common seal, capable of suing and being sued, subject to the provisions of this Act, of performing such acts as bodies corporate may by law perform.

(3) The Park shall be a Category A public enterprise as contemplated in the Public Enterprises (Control and Monitoring) Act, 1989.

### **4. Establishment and composition of the Board.**

(1) There shall be a Board of Directors which shall consist of the following persons appointed by the Minister —

- (a) a Chairman;
- (b) six (6) members, chosen from a wide variety of disciplines and vocations such as industry, education, law, accounting, agriculture and other stakeholders determined as necessary by Government;
- (c) the chief executive officer, as an *ex officio* member; and
- (d) the principal secretary in the Ministry of Finance or his representative.

(2) The Minister shall by notice from time to time publish the names of the Board in the Gazette.

(3) Members to the Board shall hold office for a period not exceeding three years, and may be eligible for a single reappointment.

(4) The members shall appoint a Vice Chairman from among themselves.

### **5. Disqualification from the board.**

A member of the Board shall cease to hold office if that member —

- (a) resigns from office at any time by giving to the Minister one month's notice, in writing;
- (b) is absent without permission from three consecutive meetings of the Board otherwise than by reason of illness or some other cause approved by the Board;
- (c) is convicted of an offence and sentenced to imprisonment for a period exceeding six (6) months;
- (d) is incapacitated by prolonged physical or mental illness from performing duties as a member of the Board;
- (e) is declared bankrupt or an unrehabilitated insolvent; or
- (f) is guilty of conduct deemed by the Minister to be inconsistent with, or unbecoming of a member of the Board.

## **6. Appointments to fill casual vacancies.**

(1) Where for any reason whatsoever, there is a vacancy in the Board before the expiry of the term of the Board member, and the unexpired portion of the term of office is six months or more, the vacancy shall be filled by the appointment of a new Board member who shall hold office for so long as the former Board member would have held.

(2) Where the Minister is satisfied that owing to illness, absence or other reasonable cause, any member is temporarily unable to exercise his functions as such, the Minister may appoint any other person in his place to act as member, during the period of such disability.

## **7. Meetings and procedure of the Board.**

(1) The Chairman, and in the absence of the Chairman, the Vice Chairman, shall preside over meetings of the Board.

(2) In the absence of both the Chairman and the Vice Chairman from any meeting of the Board, the members present shall elect one of their numbers to preside over that meeting, and the member so elected shall in respect of that meeting have the power and perform the duties of the Chairman.

(3) The person presiding over a meeting shall have a deliberative vote as well as a casting vote.

(4) A meeting of the Board may be held only with the authority of the chairman or vice-chairman, if the chairman is for any reason not available.

(5) Subject to the provisions of this section, the Board shall regulate its own procedure and determine the time and venue for its meetings.

(6) The quorum of any meeting of the Board shall be 5 members present and the decisions of the Board shall be by majority of the members present.

(7) The Board shall hold quarterly meetings or such meetings as are considered necessary by the Chairman after consultation with the Chief Executive Officer and the Minister.

(8) The Chief Executive Officer shall attend meetings of the Board and ensure proper minutes of the Board are kept.

(9) Subject to the provisions of this Act and to any rules as to procedure, the Board may regulate its own procedures.

## **8. Powers of the Board.**

The Board is the governing authority of the Park and as such shall have the power to do anything which is calculated to enable it to exercise and perform its functions, or

which is incidental or conducive thereto, including in particular, but not derogating from the generality of this provision, powers which shall include the power to —

- (a) open and operate a bank account;
- (b) acquire, purchase, sell, let exchange, hypothecate, pledge, or dispose of movable and immovable property or any property rights which it has acquired or is possessed of;
- (c) borrow and lend money, and or perform all such acts for the proper performance of its functions or the furtherance of the provisions of this Act which may be lawfully done by a body corporate;
- (d) appoint and employ such persons, as it thinks fit, dismiss them, pay them such remuneration and allowances as it thinks fit, grant them such leave and other benefits as it deems fit;
- (e) formulate policy, enter into contracts of whatsoever nature related to its core business, assume and undertake liabilities and obligations and oversee all affair of the Park;
- (f) exercise any power conferred upon the Board under the provisions of this Act or any other law;
- (g) ensure proper administration of the properties and funds of the Park in such a manner and for such purposes as will, in the opinion of the board, promote its best interests; and
- (h) receive on behalf of the Park, grants in aid, gifts, donations, fees, subscriptions or other moneys and make disbursements there from.

## **9. Functions of the Board.**

The functions of the Board shall be to —

- (a) appoint the Chief Executive Officer, subject to the approval of the Minister after consultation with SCOPE;
- (b) determine the remuneration of the Chief Executive Officer as they may think fit, and subject to the scales approved by SCOPE;
- (c) confer such powers to be exercised by the Chief Executive Officer for objects and purposes and upon such terms and conditions and with such restrictions as they may think expedient;
- (d) oversee the coordination of policies and activities on science and technology;
- (e) advise the Government on the overall financial requirements including planning and assessment for implementation of policy matters relating to science and technology and disbursement to all agencies in respect thereof;
- (f) promote public awareness and scientific culture and create an atmosphere conducive to scientific activities;
- (g) ensure the setting up of new research institutes, research establishments and technical services;
- (h) ensure that the programmes for the promotion of research and related scientific activities are in harmony with the national science policy;
- (i) review the quarterly progress and financial reports of the Chief Executive Officer;
- (j) review and adopt as appropriate science and technology related policies and strategy recommendations of the Chief Executive Officer;

- (k) promote and encourage national scientific organizations in the Kingdom of Swaziland and maintain relationships with corresponding scientific organizations in other countries;
- (l) provide guidance on the Chief Executive Officer on all matters relating to the Park action plans;
- (m) approve the annual budgets and action plans of the Park and the Chief Executive Officer;
- (n) submit to the Minister quarterly progress reports;
- (o) advise the Government on legislative and other measures for the management of science and technology and the implementation of relevant international conventions, treaties and agreements;
- (p) advise the Minister and Government on all issues referred to it and other pertinent matters relating to science and technology;
- (q) scout for international investors for suitable science and technology programmes and projects in the Kingdom; and
- (r) undertake any further or other functions likely to assist in carrying out its mandate.

PART III  
OFFICE OF THE CHIEF EXECUTIVE OFFICER

**10. Establishment of the office of the chief executive officer.**

(1) There is hereby established an office of the chief executive office for the Park which shall consist of such staff, appointed by the Board, as may be necessary to carry out the functions of the Board.

(2) The office of the chief executive officer shall be headed by a the chief executive officer appointed in terms of the provisions of section 12.

**11. Functions of the office chief executive officer.**

The functions of the chief executive officer shall be to —

- (a) report to the Board;
- (b) manage the funds of the Park;
- (c) prepare a budget and submit quarterly financial reports and annual audited accounts to the Board;
- (d) periodically review and develop science and technology policies and Technical guidelines to the Board;
- (e) mobilize, receive, manage and allocate resources from government and other sources, in line with its budget;
- (f) facilitate information sharing on local and international best practices in the field of science and technology;
- (g) provide quarterly written reports to the Board and assist in the submission of the Board's quarterly reports to the Minister;
- (h) brief the Minister as and when it may be required; and
- (i) make regulations governing the appointment, conduct and discipline of employees of the research institutes as approved by the Board;

**12. Appointment of the chief executive officer.**

(1) The chief executive officer shall be appointed by the Board, subject to the approval of the Minister and SCOPE.

(2) The chief executive officer shall hold office for a period of three years and subject to such terms and conditions as may be decided by the Minister on recommendation of the Board and approved by SCOPE.

### **13. Functions of the chief executive officer.**

Subject to the directions of the Board, the chief executive officer shall be responsible for the management of the business of the Board, its administration and organization, the appointment and control of the staff of the Park.

## PART IV FINANCIAL PROVISIONS

### **14. Funds of the Board.**

(1) The funds of the Pak shall consist of —

- (a) contribution from public funds appropriated by Parliament;
- (b) such moneys or assets as may accrue to or may be vested in the Board in the course of the exercise of its powers or the performance of its functions under this Act or any other law; and
- (c) loans, contributions, grants, donations or endowments from any other source.

(2) The funds of the Park shall be administered through a bank account approved by the Board.

(3) The Board shall issue, with the approval of the Minister, policies and procedural rules necessary for the proper management of its funds.

(4) The Board may invest any money which is not immediately required in such investments and securities as the Board may deem fit.

(5) The financial year of the Park shall be the same as the Government financial year.

### **15. Accounts and Audit.**

(1) The accounts of the Park shall be subject to annual audit by an auditor approved by the Board.

(2) An Auditor shall be appointed for a period not exceeding three (3) years.

(3) The Minister shall table the audit report of the Board before Parliament as soon as reasonably practicable after the report is submitted to the Minister.

### **16. Annual report.**

(1) The Board shall, in accordance with the Public Enterprises (Monitoring and Control) Act, 1989, within four months of the end of every financial year, prepare and submit to the Minister a comprehensive report of the operations of the Park for the immediate preceding year, and the report shall, at the minimum, contain —

- (a) a description of the Parks' business plan for that year;
- (b) performance measurement criteria to be applied by the Park in the following annual report; and
- (c) the audited accounts of the Park.

(2) The Minister shall table the report before Parliament for consideration during budget debates.

**17. Remuneration board members.**

The Board shall receive remuneration as is payable to all Category A Enterprises under the Public Enterprises (Control and Monitoring) Act, 1989.

PART V  
MISCELLANEOUS PROVISIONS

**18. Powers of the Minister.**

The Minister may, after consultation with the Board, prescribe such general policy directions for the efficient exercise and performance by it of its functions as may appear to the Minister to be requisite in the national interest, and the Board shall give effect to any such directions.

**19. Property of the Park not subject to execution.**

Subject to section 8(b) the property of the Park shall not be liable for attachment in execution of any judgment of the court.

**20. Protection from personal liability.**

Board members and staff of the Park shall have such protection and privilege in the case of any action or suit brought against that member for an act done or omitted to be done in the honest execution of the duties of that member as is by law given.

**21. Regulations.**

The Minister may make regulations to give effect to any provisions of this Act or prescribing anything which is required for any purpose of carrying out of the provisions of this Act.

---

**SUBSIDIARY LEGISLATION**

*No Subsidiary Legislation*

---