

Rwanda

Law governing Rwanda Biomedical Centre Law 13 of 2019

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Law governing Rwanda Biomedical Centre

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Law 13 of 2019

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Assented to on 30 June 2019

Commenced on 19 August 2019

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We, KAGAME Paul,

President of the Republic;

THE PARLIAMENT HAS ADOPTED AND WE SANCTION, PROMULGATE THE FOLLOWING LAW AND ORDER IT BE PUBLISHED IN THE OFFICIAL GAZETTE OF THE REPUBLIC OF RWANDA

THE PARLIAMENT:

The Chamber of Deputies, in its session of 9 May 2019;

Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 64, 69, 70, 88, 90, 91, 106, 112, 119, 120, 139, 165 and 176;

Pursuant to Organic Law n° 001/2016/OL of 20/04/2016 establishing general provisions governing public institutions as modified to date;

Having reviewed Law n° 54/2010 of 25/01/2011 establishing Rwanda Biomedical Center (RBC) and determining its mission, organization and functioning as modified and complemented to date;

ADOPTS:

Chapter One

General provisions

Article One – Purpose of this Law

This Law governs Rwanda Biomedical Centre abbreviated as “RBC”. It also determines its mission, responsibilities, organisation and functioning.

Article 2 – Category of RBC

RBC falls within the category of non-commercial public institutions.

Article 3 – Head office of RBC

The head office of RBC is located in the City of Kigali, the Capital of the Republic of Rwanda. It may be relocated elsewhere on the Rwandan territory if considered necessary upon approval by a Prime Minister’s Order.

RBC may, upon approval by a Prime Minister’s Order, have branches elsewhere in the country if considered necessary in order to fulfil its responsibilities.

Chapter II

Mission and responsibility of RBC

Article 4 – Mission of RBC

The mission of RBC is to promote quality, affordable and sustainable health care services to the population through innovative and evidence-based interventions and practices guided by ethics and professionalism.

Article 5 – Responsibilities of RBC

The responsibilities of RBC are:

- 1° to coordinate and monitor the implementation of health promotion, disease prevention, diagnostic and treatment programmes as well as those aimed at caring for people with communicable and non-communicable diseases;
- 2° to coordinate and monitor the implementation of health promotion programmes for people with disabilities;
- 3° to coordinate and monitor the implementation of high impact interventions and activities aimed at improving maternal, child and adolescent health and ensure that blood products and vaccines are safe, effective and available at all levels of the health system;
- 4° to coordinate activities related to healthcare technology and engineering of related health equipment at all levels of the health system;
- 5° to prevent and control epidemic diseases and other public health emergencies in Rwanda through the implementation of an effective and efficient epidemiological surveillance and response system;
- 6° to contribute to activities of financial sustainability of the health sector through income-generating biomedical and research activities;
- 7° to contribute to the vital regional and global health activities so that they are beneficial to all people living in Rwanda to advance Rwanda's vision of becoming the leading biomedical centre and provide advice to the Government;
- 8° to establish and strengthen collaboration with other regional and international institutions with similar mission;
- 9° to coordinate the planning of all activities related to pharmaceutical products and medical equipment and purchase them in collaboration with the company in charge of procuring pharmaceutical products and medical equipment for government health facilities determined by a Prime Minister's Order.

Chapter III

Supervising authority of RBC and performance contract

Article 6 – Supervising authority of RBC

A Prime Minister's Order determines the supervising authority of RBC.

Article 7 – Performance contract

RBC operates on the basis of performance contract.

Relevant laws determine modalities for the conclusion and evaluation of performance contract of RBC.

Chapter IV

Organisation and functioning of RBC

Article 8 – Management organs of RBC

Management organs of RBC are:

- 1° the Board of Directors;
- 2° the Executive Organ.

Section One – RBC Board of Directors

Article 9 – Composition of RBC Board of Directors

RBC Board of Directors is composed of seven (7) members appointed by a Presidential Order, including the chairperson and the deputy chairperson.

Members of RBC Board of Directors are selected on the basis of their competence and expertise.

At least thirty percent (30%) of the members of RBC Board of Directors must be females.

The term of office of members of RBC Board of Directors as well as procedures for their replacement are determined by a Presidential Order.

Article 10 – Powers of RBC Board of Directors

RBC Board of Directors is the supreme management and decision-making organ. It has powers to make decisions regarding administration, human resources and property in RBC in order for RBC to fulfil its responsibilities.

Article 11 – Responsibilities of RBC Board of Directors

The responsibilities of RBC Board of Directors are the following:

- 1° to oversee the functioning of the Executive Organ of RBC and provide strategic guidance to be followed by the Executive Organ in fulfilling its responsibilities;
- 2° to approve the strategic plan and action plan of RBC and related reports;
- 3° to conclude the performance contract with the supervising authority of RBC;
- 4° to approve the procedures manual and rules of procedure of RBC;
- 5° to approve the draft budget proposal of RBC and monitor the use of budget and its execution;
- 6° to approve the draft organizational structure of RBC;
- 7° to evaluate the functioning of RBC on the basis of the action plan and the budget;
- 8° to submit a quarterly report to the supervising authority of RBC;
- 9° to decide on all critical matters falling within the responsibilities of RBC.

Article 12 – Duties of the chairperson of RBC Board of Directors

The chairperson of RBC Board of Directors has the following duties:

- 1° to preside over the Board of Directors and coordinate its activities;

- 2° to convene and preside over meetings of RBC Board of Directors;
- 3° to submit minutes of the meetings of RBC Board of Directors to its supervising authority;
- 4° to sign the performance contract between RBC Board of Directors and the supervising authority of RBC;
- 5° to submit reports of RBC approved by RBC Board of Directors to relevant organs;
- 6° to follow up the implementation of resolutions of RBC Board of Directors;
- 7° to perform such other duties falling within the responsibilities of RBC Board of Directors as may be assigned to him or her by RBC Board of Directors.

Article 13 – Duties of the deputy chairperson of RBC Board of Directors

The deputy chairperson of RBC Board of Directors has the following duties:

- 1° to assist the chairperson and deputize for him or her in case of absence;
- 2° to perform such duties falling within the responsibilities of RBC Board of Directors as may be assigned to him or her by the latter.

Article 14 – Incompatibilities with membership of RBC Board of Directors

A member of RBC Board of Directors is not allowed to perform any remunerated activity within RBC.

A member of the Board of Directors is also not allowed, either individually or through companies in which he or she holds shares, to bid for tenders of RBC.

Article 15 – Reasons for loss of membership in RBC Board of Directors and modalities for replacement

A member of RBC Board of Directors loses membership if:

- 1° his or her term of office expires;
- 2° he or she resigns in writing;
- 3° he or she is no longer able to perform his or her duties due to sickness or disability certified by a committee of three (3) State-recognised physicians;
- 4° he or she is definitively sentenced to a term of imprisonment equal to or exceeding six (6) months;
- 5° he or she fails to attend three (3) consecutive meetings without valid reasons;
- 6° he or she demonstrates any behaviour likely to compromise his or her dignity or dishonour his or her office or institution;
- 7° he or she jeopardizes the interests of RBC;
- 8° he or she is convicted of the crime of genocide or genocide ideology;
- 9° he or she no longer fulfils the requirements considered at the time of his or her appointment;
- 10° he or she dies.

In case a member of RBC Board of Directors leaves office before the expiry of his or her term of office, the competent authority appoints his or her replacement who holds office for the remainder of his or her predecessor's term of office.

Article 16 – Convening and holding of meetings of RBC Board of Directors and decision-making

The meeting of RBC Board of Directors is held once every quarter and whenever necessary upon invitation by its chairperson, or in his or her absence, by its deputy chairperson, at their own initiative or at the request in writing by at least a third (1/3) of its members.

The notice of the meeting is in writing and sent to the members of RBC Board of Directors at least fifteen (15) days before the date of the meeting.

However, an extraordinary meeting is convened in writing at least three (3) days before the meeting.

The quorum for the meeting of RBC Board of Directors is two-thirds (2/3) of its members. However, if the meeting is convened for the second time, it takes place regardless of the number of members present.

Items to be considered by the meeting of the Board of Directors in the first quarter of the year include the approval of the financial and activity reports of the previous year.

Every quarter, the Board of Directors also considers the previous quarter's financial and activity reports to be transmitted to the supervising authority of RBC.

The Director General of RBC attends the meetings of the Board of Directors.

The rules of procedure of RBC determine the procedures for decision-making of RBC Board of Directors.

Article 17 – Invitation of a resource person to the meeting of RBC Board of Directors

RBC Board of Directors may invite to its meeting any person from whom it may seek advice on any item on the agenda.

The invitee is not allowed to vote or follow debates on any other items on the agenda.

Article 18 – Approval of resolutions and minutes of the meeting of RBC Board of Directors

Resolutions of the meeting of RBC Board of Directors are signed by its members present immediately after the meeting, and a copy thereof is sent to the supervising authority of RBC within five (5) working days.

The head of the supervising authority of RBC gives his or her views on the resolutions of the meeting of the Board of Directors within fifteen (15) working days of receipt of the resolutions. If this period expires without him or her giving his or her views, such resolutions are deemed to have been definitively approved.

The minutes of the meeting of RBC Board of Directors are signed jointly by its chairperson and rapporteur and approved at the next meeting. A copy of the minutes of the meeting is sent to the supervising authority of RBC within fifteen (15) working days of approval of the minutes.

Article 19 – Rapporteur of the meeting of RBC Board of Directors

The Director General of RBC serves as the rapporteur of RBC Board of Directors but has no voting right during decision-making.

The Director General of RBC does not participate in the meetings that make decisions on issues that concern him or her. In that case, members of RBC Board of Directors elect a rapporteur from among themselves.

Article 20 – Personal interest in issue under consideration

If a member of RBC Board of Directors has a direct or indirect interest in issues under consideration, he or she must immediately inform the Board of Directors about where his or her interests lie. A person who declares an interest in the issue under consideration does not attend the meeting deliberating on that issue.

If it is evident that many or all members of the Board of Directors have a direct or indirect interest in the issues under consideration in such a way that it is impossible to decide on those issues, the issues are submitted to the supervising authority of RBC which decides on the issues within thirty (30) days.

Article 21 – Sitting allowances for members of RBC Board of Directors

A Presidential Order determines sitting allowances for members of RBC Board of Directors.

Section 2 – Executive Organ of RBC

Article 22 – Members of the Executive Organ of RBC and procedures for their appointment

The Executive Organ of RBC is comprised of the Director General appointed by a Presidential Order and other staff members recruited in accordance with relevant laws.

A Presidential Order may also appoint a Deputy Director General and determine his or her powers and duties.

Article 23 – Responsibilities of the Executive Organ of RBC

The Executive Organ of RBC has the following responsibilities:

- 1° to monitor and coordinate daily duties and activities;
- 2° to perform such other duties falling within the responsibilities of RBC as may be assigned by the Board of Directors.

Article 24 – Powers and duties of the Director General of RBC

The Director General of RBC has the power to take administrative and financial management decisions of RBC in accordance with relevant laws. He or she coordinates and heads the activities of RBC.

The Director General of RBC has the following duties:

- 1° to follow up daily activities of RBC;
- 2° to act as the Legal Representative of RBC;
- 3° to serve as the spokesperson of RBC;
- 4° to implement the resolutions of RBC Board of Directors;
- 5° to manage staff, equipment and property of RBC and submit a report on the same to the Board of Directors;
- 6° to draft the action plan and activity report to be approved by RBC Board of Directors;
- 7° to submit quarterly activity report to RBC Board of Directors;
- 8° to prepare draft rules of procedure of RBC to be approved by RBC Board of Directors;
- 9° to prepare the draft budget proposal of RBC;

- 10° to execute the budget of RBC;
- 11° to attend the meetings of the Board of Directors and act as rapporteur;
- 12° to perform such other duties falling within the responsibilities of RBC as may be assigned by the Board of Directors.

Article 25 – Statutes governing staff members of RBC

RBC staff members are governed by the general statutes for public service.

Article 26 – Organizational structure, salaries and fringe benefits for staff members of RBC

The organizational structure, job profiles, salaries and fringe benefits for staff members of RBC are determined by a Prime Minister's Order.

Chapter V Property and finance of RBC

Article 27 – Property of RBC and its sources

The property of RBC is comprised of movable and immovable assets.

The property of RBC comes from the following sources:

- 1° State budget allocations;
- 2° State or development partners' subsidies;
- 3° income from services rendered;
- 4° interests from its property;
- 5° loans granted to RBC as approved by the Minister in charge of finance;
- 6° donations and bequests.

Article 28 – Budget of RBC

RBC prepares its annual budget to be approved by the relevant authority and executed in accordance with relevant laws.

Article 29 – Use, management and audit of property of RBC

The use, management and audit of the property of RBC are carried out in accordance with relevant laws.

The internal audit unit of RBC submits a report to RBC Board of Directors and reserves a copy to the Director General of RBC.

Article 30 – Annual financial report of RBC

Within three (3) months following the end of the financial year, the Director General of RBC submits to the supervising authority of RBC the annual financial report after its approval by RBC Board of Directors in accordance with laws governing the management of State finance and property.

Chapter VI

Transitional, miscellaneous and final provisions

Article 31 – Transitional period

Institutions involved in the implementation of this Law are given a period not exceeding twelve (12) months from the date of publication of this Law in the Official *Gazette* of the Republic of Rwanda to comply with the provisions of this Law.

Article 32 – Drafting, consideration and adoption of this Law

This Law was drafted in English, considered and adopted in Ikinyarwanda.

Article 33 – Saving and repealing provision

Except Article One of Law n° 54/2010 of 25/01/2011 establishing Rwanda Biomedical Center (RBC) and determining its mission, organization and functioning as modified and complemented to date, all other provisions of the same law as well as all other prior legal provisions contrary to this Law are repealed.

Article 34 – Commencement

This Law comes into force on the date of its publication in the Official *Gazette* of the Republic of Rwanda.