



**MONTSERRAT**

## **CHAPTER 16.06**

# **MONTSERRAT COMMUNITY COLLEGE ACT**

### **Revised Edition**

showing the law as at 1 January 2013

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

### **MONTSERRAT COMMUNITY COLLEGE ACT**

Act 5 of 2003 .. in force 1 October 2004 (S.R.O. 48/2004)

Amended by Act 9 of 2011 .. in force 27 September 2011 (S.R.O. 40/2011)

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## MONTSERRAT COMMUNITY COLLEGE ACT

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## CHAPTER 16.06

### MONTSERRAT COMMUNITY COLLEGE ACT

*(Acts 5 of 2003 and 9 of 2011)*

AN ACT RESPECTING THE ESTABLISHMENT AND OPERATION OF AN EDUCATIONAL INSTITUTION TO BE KNOWN AS THE MONTSERRAT COMMUNITY COLLEGE AND FOR THE MATTERS RELATED THERETO.

#### Commencement

*[1 October 2004]*

#### PRELIMINARY

#### Short title

1. This Act may be cited as the Montserrat Community College Act.

#### Interpretation

2. In this Act—

“**Academic Committee**” means the Academic Committee of the College established under section 12;

“**academic semester**”, “**academic term**”, and “**academic year**” mean respectively the periods prescribed as such under section 40(d);

“**Auditor**” means the person appointed to the public office of Auditor General;

“**Board**” means the Board of Governors of the College established by section 7;

“**Bursar**” means the Bursar of the College appointed under section 21;

“**Chairman**” means the Chairman of the Board and “**Deputy Chairman**” shall be construed accordingly;

“**College**” means the Montserrat Community College established by section 3;

“**Finance Committee**” means the Finance Committee established under section 11;

“**financial year**” means such period of twelve months as determined by the Board;

“**Minister**” means the Minister responsible for Education;

“**Ministry**” means the Department of Education;

“**Principal**” means the Principal of the College appointed under section 18;

“**Registrar**” means the Registrar appointed under section 20;

“**Secretary**” means the Secretary to the Board;

“**staff**” means the academic, administrative and other staff of the College;

“**student**” means a person who is enrolled as a student during a current academic year for a degree, diploma, certificate or such other qualification or course of the College as may be approved by the Board as qualifying a person for the status of a student, but does not include a student of an affiliated institution who is registered for examinations leading to a degree, diploma, certificate or other academic award of the College;

“**Student Government**” means the organization of students authorised under this Act that represents the interests of students.

## PART 1

### THE COLLEGE AND ITS BOARD OF GOVERNORS

#### Establishment of College

**3. (1)** There is hereby established an education institution called the Montserrat Community College.

**(2)** The College—

- (a)* is a body corporate with perpetual succession and a common seal;
- (b)* may contract or be contracted within its corporate name;
- (c)* with the prior approval of the Minister, except as otherwise provided in subsection (3), may take, purchase or otherwise acquire, hold, charge and dispose of property, real, movable or immovable; and
- (d)* may sue and be sued in its corporate name.

**(3)** Notwithstanding subsection (2)(c), the College may acquire property by devise or bequest without the approval of the Minister.

#### Common Seal

**4. (1)** The seal of the College shall be kept in the custody of the Chairman, and shall be affixed to instruments pursuant to a resolution of the Board and in the presence of the Chairman or in case of his absence the Deputy Chairman.

**(2)** The seal of the College shall be authenticated by the signatures of the Chairman or Deputy Chairman and one other member of the Board.

**(3)** All documents, other than those required by law to be under seal, made by and all decisions of the Board, shall be signified under the hand of



the Chairman or Deputy Chairman or any member of the Board authorised in writing by the Chairman or Deputy Chairman to act in that behalf.

### **Functions of the College**

**5. (1)** The functions of the College are—

- (a) to provide education and training of a standard required and expected of a college, which will meet the criteria of established regional institutions for certification, accreditation and articulation;
- (b) to provide facilities for, and encourage, study and research;
- (c) to confer degrees, diplomas, certificates and other awards and honours as are usually conferred by similar institutions;
- (d) to provide facilities and resources for the well-being of the college's staff, students and other persons undertaking courses at the College;
- (e) to enter into association and affiliation with universities, colleges and other institutions of learning locally, regionally or internationally, as the College may consider necessary and appropriate;
- (f) to provide courses of study to meet the needs of the community;
- (g) to deliver education and training programmes that will equip individuals with the knowledge and skills to contribute and support the achievement of national development goals;
- (h) to disseminate knowledge and promote scholarship;
- (i) to provide services to the community within its competence to do so;
- (j) to perform other functions given to the College under this or any enactment.

**(2)** Without prejudice to anything contained in subsection (1), the College shall provide—

- (a) Arts, Science and General Studies;
- (b) Technical and vocational education;
- (c) Business, management and hospitality studies;
- (d) Information technology and communication studies;
- (e) Nursing education;
- (f) Adult and continuing education;
- (g) Health and environmental science;
- (h) Teacher education;

- (i) Any other fields of study and areas of training as the Board may from time to time determine in consultation with the Minister.

### **Powers of the College**

6. The College may do or perform all such acts or things that are necessary for, or in connection with, the performance of its functions under, and for the furtherance of, the provisions of this Act that may lawfully be done or performed by a body corporate.

### **Establishment and Functions of the Board**

7. (1) There is established for the purpose of the management of the College a body to be known as the Montserrat Community College Board of Governors.

(2) The general direction, management and control of the College are vested in the Board and the Board shall exercise the powers of the College directly or indirectly through its staff, employees and agents.

(3) Without prejudice to the generality of subsections (1) and (2), the functions of the Board are—

- (a) to provide for the welfare of the staff and students of the College;
- (b) to formulate the policies of the College;
- (c) to ensure that the policies of the College are implemented;
- (d) to establish such number of faculties, schools, departments and divisions of the College as it considers necessary or expedient;
- (e) to control and superintend the property of the College;
- (f) to appoint such academic, administrative and other staff as appears to the Board to be necessary, on such terms and conditions (including salaries, allowances, other remuneration and disciplinary control) as the Board may determine;
- (g) to cause proper accounts of the financial affairs of the College to be maintained and audited;
- (h) to accept, deposit, or act as trustees or managers of, any property of the College or any legacy, endowment, bequest or gift to the College for purposes of education or research or otherwise in furtherance of the work of the College and to invest any funds representing such property, legacy, endowment, bequest or gift, if not immediately required in such security as the Board may think fit;
- (i) on the advice of the Academic Committee—

- (i) to determine the programmes and courses of study to be pursued in the College and admission standards;
  - (ii) to set entry qualifications;
  - (iii) to conduct examinations;
  - (iv) to confer academic degrees, diplomas, other awards and honours;
- (j) to provide pecuniary benefits for the employees of the College on their retirement, resignation, discharge or other termination of service, or in the event of their sickness or injury and for their dependants, and for that purpose effect policies of insurance, establish pension and provident funds or make such other provision as may be necessary to secure for such employees and their dependants any or all of the pecuniary benefits to which the provisions of this paragraph relate;
- (k) on the recommendation of the Academic Committee, to grant sabbatical and other leave;
- (l) on the recommendation of the Academic Committee, to enter into agreements or arrangements on behalf of the College with other institutions of further education (including universities), for the provision of instruction or the granting of degrees, associate degrees, diplomas, certificates and other academic awards;
- (m) to fix fees and charges for courses of study, facilities and other services provided by the College and to reduce, waive or refund fees and charges so fixed, generally or in any particular case or class of case;
- (n) on the advice of the Academic Committee, to award and administer bursaries and scholarships tenable at the College or an affiliated institution;
- (o) to negotiate a collective agreement or similar agreement or any similar agreement with the representative body of the employees of the College;
- (p) to inquire into and adjudicate upon disciplinary charges against students or members of its Academic and other staff;
- (q) to advise the Minister respecting amendments to this Act;
- (r) to make Rules under this Act, with the approval of the Minister.

(4) Where the inquiry and adjudication under subsection (3)(p) relates to a member of staff who is a public officer on secondment to the College, the Board may, according to its findings, direct the Principal to recommend to the Permanent Secretary of the Ministry that the secondment of the staff member be terminated and the Permanent Secretary shall refer

such recommendation to the responsible authority under the public service law. (*Amended by Act 9 of 2011*)

(5) The Schedule has effect in respect to the constitution and other matters relating to the Board.

(6) The Governor acting on the advice of Cabinet may by Order amend the Schedule. (*Amended by Act 9 of 2011*)

### **Powers of the Board**

8. The Board may do anything it considers necessary or convenient to be done for, or in connection with, the exercise of its functions.

### **Board to promote College's interests**

9. The Board shall act in a manner that it considers most likely to promote the College's interests.

### **Board to appoint Standing Committees**

10. The Board shall establish two Standing Committees, namely, the Finance Committee and the Academic Committee.

### **The Finance Committee**

11. (1) The Finance Committee shall comprise the Chairman of the Board who shall preside at the meetings of the Committee, a representative from the Ministry of Finance, one each from the financial sector and the business community and not more than three other members appointed by the Board.

(2) The Finance Committee is responsible for the financial affairs of the College and in particular shall—

- (a) review financial plans and budgets for the College;
- (b) adopt rules to regulate the financial transactions of the College subject to approval by the Board;
- (c) supervise expenditure and approve variations within the approved budget up to limits set from time to time by the Board;
- (d) review statements of accounts by the Board;
- (e) manage the funds of the College and make recommendation for the investment thereof.

(3) Members appointed to the Finance Committee shall serve for a three year term.

(4) Any retiring member of the Finance Committee is eligible for re-appointment.

### **The Academic Committee**

**12. (1)** The Academic Committee shall comprise the Principal, Vice Principal, Heads of Divisions, Deans, and one academic staff member appointed by the Board from each division.

**(2)** The Principal, or in his absence the Vice-Principal shall be the chairman of the Academic Committee.

**(3)** The Academic Committee shall—

- (a)* establish academic and teaching standards in programmes of the College;
- (b)* advise the Board as to appropriate admission standards and entry qualifications;
- (c)* propose changes to the admission standards and entry qualifications, if necessary, for the approval of the Board;
- (d)* establish criteria for examinations of the College;
- (e)* receive and consider proposals from Faculties, Schools, Departments and Divisions for changes in the academic programme, including the introduction of new courses or changes in curricula of on-going courses;
- (f)* prepare educational development plans for the College for consideration by the Board;
- (g)* be responsible for moderation, accreditation, internal and external assessment and certification of academic achievements subject to any requirements of the Board;
- (h)* advise and make recommendations to the Board as regards recruitment and training of staff and the promotion and conduct of research;
- (i)* advise the Board whenever its advice is required under the provisions of this Act or whenever the Committee considers it necessary in the interest of the College to do so.

**(4)** The Academic Committee shall approve all changes to existing and new courses and teaching programmes.

**(5)** Members appointed to the Academic Committee shall serve for a three year term.

**(6)** Any retiring member of the Academic Committee is eligible for reappointment.

### **Other Committees and related matters**

**13. (1)** The Board may from time to time establish and abolish such other committees as it considers necessary or expedient for the purpose of carrying out its functions under this Act.

(2) A committee established under subsection (1) may consist of persons who are members of the Board and persons who are not, but unless otherwise provided by this Act, any such committee shall consist of no more than seven persons, of whom no more than three shall be members of the Board, and no fewer than two persons, one of whom shall be a member of the Board.

(3) A committee appointed under subsection (1) shall exercise such powers and functions as the Board determines arising out of or connected with the powers and functions of the Board under this Act.

(4) The Board may by resolution reject the report of any such committee appointed under subsection (1) or adopt it wholly, or with such modifications, additions or adaptations as the Board determines.

(5) A committee of the Board, including a Standing Committee, may regulate its own procedure subject to any Rules made under this Act or any written directions of the Board in this regard.

(6) The members of a committee appointed under subsection (1) shall elect as Chairman a committee member who is a member of the Board, unless it is a Disciplinary Committee, in which case the Chairman shall be a person with legal qualifications.

### **Delegation of functions**

**14. (1)** Subject to the provisions of this Act, the Board may delegate to any appropriately qualified member or committee of the Board or any appropriately qualified member of staff, the power and authority to carry out on its behalf such functions as the Board may determine.

(2) A delegation of power or authority under subsection (1) does not prevent or affect the exercise of such power or authority by the Board where the Board considers it necessary.

(3) Notwithstanding subsection (1), the Board may not delegate its power—

- (a) to advise the Minister respecting amendment to this Act;
- (b) to make Rules under this Act, with the approval of the Minister;
- (c) to adopt the College's annual budget; or
- (d) to approve spending of funds available to the College by way of bequest, donation or special grant.

### **Protection of the Board**

**15.** No act done or proceedings taken under this Act shall be questioned on the ground of any omission, defect or irregularity not affecting the merits of the case.

### **Minister may give directions**

**16. (1)** The Minister may, after consultation with the Board, give the Board—

- (a) directions of a general character as to the policy to be followed in the exercise and performance of its functions in matters appearing to the Minister to concern the public interest;
- (b) directions for the remedying of any serious defect or failure in the successful performance of its function;

and the Board shall give effect to such directions.

**(2)** The directions under subsection (1) by the Minister shall not apply to—

- (a) the appointment, termination of appointment, promotion or discipline of any member of the Academic, Administrative or other staff of the College; and
- (b) the admission of any particular student to the College or evaluation, discipline, academic promotion, certification, or awards to students of the College.

### **Remuneration of members of Board and Committees**

**17. (1)** The members of the Board shall receive such remuneration and allowances out of the funds of the College as the Board may, with the approval of the Governor acting on the advice of Cabinet, determine. *(Amended by Act 9 of 2011)*

**(2)** Where persons, not being members of the Board, are members of a Standing Committee or other committee appointed under this Act, the Board may by resolution determine the remuneration and allowances of such persons, and such sums shall properly be payable out of the funds and resources of the College.

## **PART 2**

### **ACADEMIC AND ADMINISTRATIVE GOVERNANCE OF THE COLLEGE**

#### **Principal of the College**

**18. (1)** The Board, in consultation with the Minister, shall appoint a Principal and a Vice Principal of the College.

**(2)** The Board may, after consultation with the Principal appoint other such Vice Principals as the Board may determine.

**(3)** The Principal is the academic and administrative head of the College and shall generally supervise and direct the academic work of the

College, the academic, administrative and other staff of the College, and shall also perform such other functions as may be specified under this Act or Rules made thereunder or may from time to time be assigned to him by the Board.

(4) The Principal holds office as a full-time employee for a term not to exceed five years, but he is eligible for reappointment at the determination of the Board.

(5) Subject to the conditions specified under subsection (6), the Board may, with the prior approval of the Minister, remove the Principal from office on the grounds of misconduct, inefficiency, ill health or other good cause.

(6) The Board shall, prior to exercising its power of removal under subsection (5), ensure that—

- (a) the Principal is given due notice of not less than fourteen days that his removal is under consideration together with a statement of the charges alleged against him; and
- (b) the Principal is given an opportunity to defend himself in person or, at his own expense, by a legal practitioner of his own choice, against such charges.

(7) The Principal may terminate his appointment by giving three month's written notice to the Board.

### **Duties of the Principal**

19. (1) Without prejudice to any other duties conferred upon the Principal by this Act, the Principal is responsible for—

- (a) planning, the implementation of policy and for all phases of the operation, administration, supervision, maintenance and promotion of the College and its programmes;
- (b) the introduction of measures, mechanisms and procedures as are necessary for the effective discharge of his duties;
- (c) the provision of leadership in matters relating to the academic programmes of the College;
- (d) the promotion of the interests of the College both within and outside Montserrat;
- (e) the exercise of such other powers conferred on him or delegated to him by the Board in accordance with this Act or Rules made under this Act.

(2) Whenever the Principal is absent from the island or for any reason unable to perform the function of the office, or whenever there is a vacancy in the office of Principal, the Vice Principal for Academic and Student Affairs shall exercise all functions of the Principal.



(3) The Vice Principal is under the direction of the Principal, responsible for the general administration of the College, including academic affairs and student affairs, financial affairs and institutional development of the College and for such other duties as may be assigned to the Vice Principal/s by the Principal or the Board.

### **Registrar**

20. (1) The Board may appoint a Registrar of the College.

(2) Subject to the directions of the Principal, the Registrar is responsible for the day-to-day administration of the College.

(3) The Registrar shall perform the duties of Secretary to the Board.

### **Bursar**

21. (1) The Board may appoint a Bursar of the College.

(2) The College Bursar shall receive on behalf of the College all monies and property payable or deliverable to the College and his receipt shall be sufficient discharge for the same.

(3) Without prejudice to the powers of the Finance Committee, the Bursar is responsible for the day-to-day administration and control of the financial affairs of the College.

(4) The Bursar shall have such other duties as the Board considers appropriate.

## **PART 3**

### **STAFF OF COLLEGE**

#### **Staff of the College**

22. (1) Subject to this Part, the College shall have such number of academic, administrative and other staff as the Board determines necessary from time to time.

(2) The employment of persons under subsection (1) shall be subject to such terms and conditions as may be agreed between the employee and the Board.

#### **Appointment of staff**

23. The Principal, academic staff and senior administrative staff shall be appointed by the Board and other members of staff shall be appointed by the Principal or such other person to whom the power is delegated by the Board.

## Secondment of public officers to the College

**24. (1)** Where the secondment of a public officer to the College is approved by the responsible authority under the public service law, subject to such conditions as may be imposed, the officer so seconded to the College shall be employed in accordance with the provisions of this Act, but the service of the seconded officer during the period of secondment shall, in relation to pension, gratuity or other benefits and rights as a public officer, be treated as continued service in the Public Service. (*Amended by Act 9 of 2011*)

**(2)** For the avoidance of doubt, it is hereby declared that an officer seconded from the Public Service to the College shall continue to be a public officer until such time when he resigns, retires, or otherwise leaves the Public Service, but the officer shall, during his period of secondment to the College, comply with the provisions of this Act and Rules made under this Act.

**(3)** The Board may employ a public officer on secondment to the College as a member of staff for a maximum period of two years, except in exceptional circumstances, when the secondment may be extended or renewed.

**(4)** A public officer who is seconded to the College shall exercise an option at least three months prior to the completion of the period of his secondment of either becoming a member of the permanent staff of the College or returning to his substantive position in the Public Service or such other equivalent and suitable position to which he may be appointed in the Public Service.

**(5)** A public officer who exercises his option under subsection (4)—

- (a)** to become a member of the permanent staff of the College, shall do so in writing addressed to the Chairman of the Board and copied to the Permanent Secretary of the Ministry;
- (b)** to return to the Public Service, shall do so in writing to the Permanent Secretary of the Ministry and copied to the Chairman of the Board.

**(6)** A public officer on secondment to the College shall be so employed by the College that his remuneration and conditions of service are not less favourable than those that are attached to such appointment in the Public Service.

## Probationary period for Academic and Senior Staff

**25. (1)** Subject to subsection (2), a member of the academic or senior administrative staff shall, on first appointment, be required to serve a probationary period of six months, unless the Board dispenses with the requirement to serve a probationary period.

(2) The probationary requirement is not applicable to a public officer who is seconded to the College as a member of the academic or senior administrative staff, unless the Board decides otherwise.

(3) Where a member of the academic or senior administrative staff is appointed in the first instance for a probationary period, the Board at the expiration thereof, may, on the recommendation of the Principal, appoint him to a post on the permanent staff of the College.

(4) The appointment on the permanent staff of the College of any member of the academic or senior administrative staff, who was in the first instance appointed for a probationary period, shall be deemed to have taken effect from the date of his appointment on probation.

(5) The appointment of a member of the academic or senior administrative staff who is serving a probationary period may be terminated by one month's written notice given by the Board to such member or by such member to the Board, as the case may be.

(6) A notice given under subsection (5) shall be transmitted through the Principal.

(7) A member of the academic or senior administrative staff may terminate his appointment by giving three month's written notice to the Board transmitted through the Principal.

(8) A member of the academic or senior administrative staff who is employed by the Board on a full-time basis shall not hold any other appointment or engage in any activity which constitutes a conflict of interest or which in the opinion of the Board, may interfere with the proper performance of his duties as a member of staff or is prejudicial to the welfare of the College.

### **Retirement of members of staff**

26. Subject to the terms of his contract or the terms of employment, a member of the Academic and Senior-Administrative staff shall retire from office on the thirty-first of August following the date on which he attains the age of sixty years, unless the Board, on the recommendation of a Committee appointed for that purpose, invites any such member to continue in his office for a period not exceeding five years, after which retirement is compulsory.

### **Discipline**

27. (1) A member of the staff may be suspended by the Principal for—

(a) gross neglect of duty; or

(b) misconduct calculated to injure, or capable of injuring, the reputation of the College.

(2) The Principal shall, immediately upon any such suspension, report the same and the circumstances including the reasons thereof in

writing to the Chairman, and a copy of the report shall immediately be delivered to the suspended member of staff.

(3) The suspended staff member may make representation to the Chairman respecting the suspension within seven days of the suspension by the Principal.

(4) The Chairman shall, within ten days of receipt by him of the Principal's report, summon a meeting of the Board to inquire into and adjudicate upon the matter.

(5) At a meeting of the Board under subsection (4) the Board may adjudicate on the merits of the case and the term of the suspension.

### **Dismissal of member of staff**

**28. (1)** Notwithstanding section 29, the Board may, subject to section 7(4), dismiss any member of staff if—

- (a) the member is given due notice of not less than fourteen days that his dismissal is under consideration together with a statement of the charge alleged against him; and
- (b) the member is given an opportunity to defend himself in person or, at his own expense, by a legal practitioner of his own choice, against any such charge.

(2) The Board may, prior to giving the member of staff due notice under subsection(1)(a), appoint a Disciplinary Committee to investigate and report to the Board as to whether there are grounds for dismissal proceedings to be brought before the Board against the member.

(3) On receipt of a report from the Committee under subsection (2), if the Board decides to proceed under subsection (1), the Board shall furnish the member whose dismissal is being considered with a copy of such report.

(4) The report of the Disciplinary Committee may be used by the Board in proceedings under subsection (1), but the Board shall not be restricted to evidence appearing or referred to in such report.

(5) Where the Board fails to comply with the procedure under subsection (1), any decision taken by the Board to dismiss the member is void.

### **Termination in respect of appointment under contract**

**29.** Notwithstanding sections 18(7), 25(5) and 25(7), where the Principal or a member of the academic or senior administrative staff is appointed and employed under a written contract of service, the terms of such contract in relation to termination thereof shall have effect in this regard.

## PART 4

### FINANCE OF THE COLLEGE

#### **Funds and resources of the College**

**30.** The funds and resources of the College shall consist of—

- (a) such sums as may be voted for the purpose of the College by the Legislative Assembly; (*Amended by Act 9 of 2011*)
- (b) all sums borrowed by the College for the purpose of meeting any of its obligations or discharging any of its functions;
- (c) such sums received by way of fees; and
- (d) all other sums or property which may in any manner be payable to, or vested in the College in respect of any matter incidental to its functions.

#### **Borrowing powers of the College**

**31. (1)** Subject to the provisions of subsection (2), the College may borrow sums required by it for meeting any of its obligations or discharging any of its functions.

**(2)** The power of the Board to borrow is exercisable only with the approval of the Minister of Finance as to the amount, as to the source of the borrowing and as to the terms on which the borrowing may be affected.

**(3)** An approval given by the Minister of Finance in any respect for the purpose of subsection (2) may either be general or limited to a particular borrowing or otherwise, and may either be unconditional or subject to conditions.

#### **Guarantee by Minister of Finance of borrowing by College**

**32. (1)** With the approval of the Legislative Assembly, the Minister of Finance may guarantee in such manner and on such conditions as he may think fit, the repayment of the principal and payment of interest in respect of any authorised borrowing by the College. (*Amended by Act 9 of 2011*)

**(2)** Where the Minister of Finance is satisfied that there has been default in the repayment of the principal monies or payment of interest guaranteed under the provisions of this section, he shall direct the repayment or payment, as the case may be, out of the Consolidated Fund of the amount in respect of which there has been such default.

**(3)** The College shall make to the Accountant General, at such times and in such manner as the Minister of Finance may direct, payments of such sums as may be so directed in or towards repayment of any sums issued in fulfilment of any guarantee given under this section, and payment of interest may be directed as regards different sums and as regards interests for different periods.

### Accounts and audit

**33. (1)** The Board shall keep accounts of the transactions of the College to the satisfaction of the Minister of Finance and such accounts shall be audited annually by the auditor appointed by the Board.

**(2)** The members, officers and employees of the College shall grant to the auditor appointed by the Board or to any public officer on the staff of the Audit Department access to all books, documents, monies and property of the College and shall give the auditor or the officer of the Audit Department on request, all such information as may be within their knowledge in relation to the operation of the College.

**(3)** If any person fails or refuses to comply with any request of the auditor or the relevant officer made pursuant to subsection (2) or otherwise impedes or obstructs the auditor or the officer in the exercise of his functions under this section, that person is guilty of an offence and liable on summary conviction to a fine of \$1,000.

### Annual report, statement of accounts and estimates

**34. (1)** The Board shall submit to the Minister—

- (a)* within three months after the end of each academic year, or within such further time as the Minister may consider reasonable, a report on the activities of the College during that academic year, and a development plan for the new academic year;
- (b)* on or before 1 October in each year, a statement of the College's account audited in accordance with section 34(1), for the financial year ending in such year;
- (c)* on or before 1 October in each year, its estimates of revenue and expenditure for the College in respect of the next financial year for the approval of the Minister.

**(2)** The Minister shall table annually in the Legislative Assembly copies of the report of the College and the audited statement of its accounts mentioned in subsections (1)(a) and (b). *(Amended by Act 9 of 2011)*

### Minutes of Board receivable in evidence

**35.** Minutes made of meetings of the Board shall, if duly signed by the Chairman, be receivable in evidence in all legal proceedings without further proof; and every meeting of the Board in respect of which minutes have been so signed shall be deemed to have been duly convened and held, and all members present thereat to have been duly qualified to act.

## PART 5

### MISCELLANEOUS

#### **Eligibility**

**36. (1)** Any person is eligible for admission as a student of the College who possesses the entry qualifications determined by the Board on the advice of the Academic Committee.

**(2)** Any person is eligible for appointment to an office of, or employment under the Board.

**(3)** The Board shall, with the approval of the Minister, publish in the *Gazette* or a newspaper the qualifications determined under subsection (1).

#### **Non-discrimination**

**37. (1)** The College may not administer a test of religion, politics, race or sex to any person in order to entitle the person to be admitted as a student of the College or to hold any office in it, or to graduate from it, or to enjoy any of its advantages, benefits or privileges.

**(2)** A person shall not be denied admission as a student of the College or be ineligible to hold office in it, or to graduate from it, or to enjoy any of its advantages, benefits or privileges, because of the person's religious or political views or beliefs, race or sex.

#### **Student government**

**38.** There shall be a student government initiated by the Board and controlled by students who shall be democratically elected and contain a constitution approved by the Board.

#### **Student discipline**

**39.** The Principal may, subject to any Rules made under this Act, exercise disciplinary control over students and in this regard may consult a Disciplinary Committee appointed for this purpose by the Board under section 13.

#### **Rules**

**40.** The Board may, with the approval of the Minister, make Rules to direct and regulate the management and administration of the College and without prejudice to the generality of the foregoing, may make Rules—

- (a)* respecting the proceedings of the Board and the manner of transacting its business;
- (b)* prescribing the manner in which documents, cheques and instruments of every description shall be signed, executed or kept for the purposes of its functions;

- (c) prescribing for the due custody of monies forming part of the funds and resources of the Board;
- (d) prescribing the academic year and terms or semesters, as the case may be, and the vacations and holidays to be recognised for the purposes of the College;
- (e) providing for the grant and conditions of leave for the Principal and staff of the College;
- (f) prescribing the subjects of instruction, the relative prominence and value to be assigned to each subject or group of subjects and the extra-curricular activities of the College;
- (g) respecting the conduct and discipline of students and members of staff;
- (h) respecting the establishment and management of faculties, schools, departments or divisions of the College;
- (i) generally for the exercise of its functions and such other matters considered relevant to the operation of the College.

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## SCHEDULE

### CONSTITUTION AND PROCEDURE OF THE BOARD

**1. (1)** The Governor acting on the advice of Cabinet may appoint the first Board of Governors of the College. (*Amended by Act 9 of 2011*)

**(2)** For any subsequent appointment to the Board, the Minister shall consult with the Chairman of the Board and any other person or body as he may determine necessary.

**(3)** The Board shall consist of a Chairman, a deputy Chairman and eight other members, with the relevant professional and technical qualifications and experience, appointed by the Governor acting on the advice of Cabinet. Every member of the Board shall hold office for the time specified in the letter of appointment. (*Amended by Act 9 of 2011*)

**(4)** The Board shall consist of not more than ten members appointed by the Governor acting on the advice of Cabinet of whom—

- (a) one shall be the Principal (*ex-officio*);
- (b) two shall be public officers, one of whom shall be the Director of Education or his/her designate and the other the Permanent Secretary responsible for Human Resource Development/Education;
- (c) one shall be a student selected in accordance with the procedures as may be determined by the student government;
- (d) one shall be a member of the Academic staff, selected in accordance with such procedures as may be determined by the staff;



- (e) 4 shall be from the private sector having regard for the desirability of including persons of international, regional or national standing from the professions especially legal, commerce, industry, tourism and other such fields;
- (f) one shall be a representative of the Ministry of Finance. (*Amended by Act 9 of 2011*)
- (5) The Governor acting on the advice of Cabinet shall designate two members as Chairman and Deputy Chairman. (*Amended by Act 9 of 2011*)
- (6) The Registrar appointed under section 20 shall, in keeping with that section, be Secretary to the Board, but the Registrar shall not have the right to vote at Board meetings.
2. (1) A member of the Board shall hold office for three years.
- (2) Any person in good standing ceasing to be a member of the Board is eligible for reappointment.
- (3) The Minister on the advice of the Board may revoke the appointment of any member of the Board if he becomes unfit to hold office.
- (4) The office of a member of the Board shall become vacant if he fails without adequate cause to attend three successive meetings.
- (5) The Chairman may at any time resign his office by instrument in writing addressed to the Minister and the resignation shall take effect as from the date of receipt of the resignation by the Minister.
- (6) A member of the Board, other than the Chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the Chairman and from the date of the receipt by the Minister of the instrument the member shall cease to be a member of the Board.
3. (1) The Governor acting on the advice of Cabinet may appoint any person to act temporarily in the place of any member of the Board in case of absence or inability of such member to act. (*Amended by Act 9 of 2011*)
- (2) If any vacancy occurs in the membership of the Board, such vacancy, shall be filled by the appointment of another member who shall, subject to the provisions of this Act, hold office for the remainder of the period for which the previous member was appointed, so however, that such appointment shall be made in the same manner and from the same category of person as the appointment of the previous member.
4. The names of all members of the Board as first constituted and every change in the membership thereof shall be published in the *Gazette*.
5. No member of the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operation of the College.
6. A member of the Board may not be appointed to any office of or be employed by the Board.
7. The Principal may attend meetings of the Board as an *ex-officio* member, but shall not have the right to vote at the meetings.

**8. (1)** The Board is responsible for the management of the College and for the exercise of its functions and powers specified in this Act.

**(2)** The Board shall be deemed to have delegated to the Principal such functions and powers of the Board as are necessary to enable him to transact efficiently the day-to-day business of the College.

**(3)** The Board may, from time to time, employ such persons as may be necessary for the due performance of the functions of the College upon such terms and conditions as it may determine.

**9. (1)** The Board shall meet at least once every semester and at other times as may be necessary or expedient for the transaction of its business and such meetings shall be held at places and times and on such days as the Board may determine.

**(2)** The Chairman, or in his absence the Deputy Chairman, shall preside at a meeting of the Board.

**(3)** At any meeting of the Board, in case of the absence or inability to act of both the Chairman and Deputy Chairman, the members of the Board present shall elect one of their members to preside at the meeting.

**(4)** The decisions of the Board shall be by a majority of votes and in addition to an original vote in any case in which the voting in addition to an original vote, is equal, the Chairman, or in his absence the Deputy Chairman or other member presiding at that meeting, shall have a casting vote.

**(5)** The Minister may attend any meeting of the Board or a committee thereof or be represented at any such meeting by any person authorised by him in that behalf; and the Minister or that person may take part in the proceedings at the meeting but shall not vote on any matter.

**(6)** The Chairman may at any time summon a meeting of the Board, and shall summon a meeting within seven days—

*(a)* of a request for that purpose addressed to him by any four members of the Board; or

*(b)* if a direction to that effect is addressed to him by the Minister.

**10.** At any meeting of the Board, or a Committee, a quorum shall be the minimum number constituting a majority of the total number of members of the Board or Committee.

**11. (1)** Minutes of each meeting of the Board, Finance Committee and the Academic Committee and any other Committee shall duly be kept by the persons the Board may appoint for that purpose and shall be confirmed by the Chairman or person presiding at the next meeting of the Board or relevant Committee.

**(2)** A copy of the minutes of every meeting of the Board or a Committee, as the case may be, shall be submitted to the Board or the relevant Committee at its next meeting.

*(Amended by Act 9 of 2011)*

