

UNIVERSITY COUNCIL OF JAMAICA

THE UNIVERSITY COUNCIL OF JAMAICA
ACT

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THE UNIVERSITY COUNCIL OF JAMAICA
ACT

[1st October, 1987.]

Acts
23 of 1987,
16 of 1991
S. 64.,
36 of 2017
Sch.

Preliminary

1. This Act may be cited as the University Council of Jamaica Act. Short title.

2. In this Act, unless the context otherwise requires— Interpreta-
tion.

“associated institutions” means such institutions providing tertiary education as the Minister may, by order, determine; 5/1984
s. 2.

“Chairman” means the Chairman of the Council;

“the Council” means the Council appointed under section 3;

“functions” includes powers and duties;

“Executive Secretary” means the Executive Secretary to the Council appointed under section 6.

The University Council of Jamaica

3.—(1) There shall be established for the purposes of this Act, a body to be called the University Council of Jamaica which shall be a body corporate to which section 28 of the Interpretation Act shall apply. Establish-
ment and
constitution
of Council.

(2) The Council shall consist of not less than fifteen members of whom—

(a) the principals of the associated institutions and the person appointed as Executive Secretary of the Council, shall be *ex officio* members;

- (b) six members shall be appointed by the Minister as representatives of universities and at least one such member shall be a representative of the University of the West Indies;
 - (c) nine members shall be appointed by the Minister from among persons appearing to the Minister to be representatives of—
 - (i) professional bodies or organizations;
 - (ii) the Ministry of Education and other segments of the public sector;
 - (iii) organizations other than those specified in sub-paragraphs (i) and (ii), but nothing in this sub-paragraph shall prevent the appointment, pursuant to this sub-paragraph, of a person who is a member of a body, organization or sector referred to in those sub-paragraphs.
- (3) The Council shall have power to assume Armorial Bearings.
- (4) The appointment of every member of the Council other than the *ex officio* members shall be evidenced by instrument in writing, and such instrument shall state the period of office of the member which shall not exceed five years.
- (5) Every member of the Council shall be eligible for reappointment.
- (6) The Minister shall appoint a Chairman and a Vice-Chairman from among the members of the Council.
- (7) In the case of the absence or inability to act of the Chairman the Vice-Chairman shall perform the function of the Chairman; and in the case of the absence or inability to act of both the Chairman and the Vice-Chairman, the Minister may appoint any other members to perform the functions of Chairman and Vice-Chairman.

(8) The seal of the Council shall be authenticated by the signatures of the Chairman and any other member of the Council authorized to act in that behalf and such seal shall be officially and judicially noticed.

(9) All documents, other than those required by law to be under seal, made by, and all decisions of, the Council may be signified under the hand of the Chairman or the Executive Secretary.

(10) No act or proceeding of the Council shall be questioned on account of any vacancy in the membership thereof; and no defect in the appointment of any member of the Council shall vitiate any proceedings thereof.

(11) The Council shall have power to regulate its own proceedings.

(12) The Chairman shall preside at meetings of the Council, and if the Chairman, the Vice-Chairman and the persons appointed under subsection (7) are absent from a meeting, the members of the Council present shall elect one of their number to preside at the meeting.

(13) The quorum of the Council shall be nine.

(14) The decisions of the Council shall be by a majority of votes and, in addition to an original vote, the Chairman or other person presiding at a meeting shall have a casting vote in any case in which the voting is equal.

(15) The names of all members of the Council as first constituted and every change in the membership thereof shall be published in the *Gazette*.

4. The function of the Council shall be to promote the advancement in Jamaica of education, learning and knowledge in the fields of science, technology and the arts by means of the grant of academic awards and distinctions and for that purpose—

**Function of
the Council.**

- (a) to determine the conditions governing the grant of such awards and distinctions; and
- (b) to approve courses of study to be pursued by candidates to qualify for such grants, including, where appropriate, arrangements for training and experience in industry or commerce associated with such courses.

**Powers of
the
Council.**

5. In the exercise of its functions the Council shall have power—

- (a) to grant and confer Degrees, Diplomas, Certificates and other academic awards and distinctions to and on persons who have pursued courses of study approved by the Council at associated institutions and have passed such examinations or other tests as may from time to time be required by the Council;
- (b) to grant and confer Degrees to and on persons who have carried on research under the supervision of an educational or research establishment under conditions approved by the Council;
- (c) to grant and confer, subject to such conditions as the Council may determine, Honorary Degrees and distinctions to and on persons selected by the Council;
- (d) on what the Council may deem to be good and sufficient cause, to deprive persons of any Degrees, Diplomas, Certificates or other awards and distinctions granted to or conferred on them by the Council;
- (e) to accept, in partial fulfilment of the study and examination requirements for the awards of the Council, such periods of study and examinations as are recognized by the Council and successfully completed by students on courses other than those leading to the awards of the Council;

- (f) to co-operate with other organizations and bodies for such purposes as the Council may deem fit;
- (g) to appoint such bodies as the Council may think fit, consisting either wholly or partly of members of the Council and to delegate to such bodies with or without restrictions or conditions as it thinks fit, the exercise of any of the Council's functions, except functions relating to finance and the appointment and dismissal of the President of the Council;
- (h) to supervise and co-ordinate the work of bodies appointed by it and to determine all matters and disputes which may be submitted or referred to it by any such body;
- (i) to act as trustee of any property, legacy, endowment, bequest or gift for the purposes of the Council and, unless expressly forbidden by the terms of the trust, to invest funds arising therefrom in investments authorized under the Trustee Act;
- (j) to demand and receive fees in connection with the exercise of its functions and to receive grants and other payments;
- (k) to appoint any person to hold honorary office in connection with the Council;
- (l) to do all such other acts and things as, in the opinion of the Council, are necessary or incidental to the proper performance of its functions.

6.—(1) The Council may, whenever it thinks fit, appoint a President who shall hold office for a period of five years.

(2) A person appointed President shall be eligible for reappointment.

(3) The Council shall appoint a fit and proper person

**Appoint-
ment of
President,
Executive
Secretary
and other
staff.**

to be the Executive Secretary to the Council at such remuneration and subject to such conditions as the Council may determine.

(4) The Council may appoint and employ such other officers and servants as it thinks fit, at such remuneration and subject to such conditions as it thinks fit.

Provided that—

- (a) no salary in excess of the prescribed rate shall be assigned to any post without the prior approval of the Minister; and
- (b) no appointment shall be made to any post to which a salary in excess of the prescribed rate is assigned, without the prior approval of the Minister.

(5) For the purposes of subsection (3) the prescribed rate means fifteen thousand dollars or such higher rate as the Minister may from time to time determine.

Power of Governor-General in Council to issue general directions of policy.

7. The Governor-General in Council may, after consultation with the Chairman, give to the Council in writing such directions of a general nature as appear to the Governor-General to be necessary in the public interest.

Financial Provisions

Funds.

8.—(1) The funds of the Council shall consist of such moneys as may from time to time be placed at its disposal for the purposes of this Act by Parliament and such other moneys as may lawfully be paid to the Council.

(2) The expenses of the Council (including any remuneration of the members and staff thereof) shall be paid out of the funds of the Council.

Accounts and audit.

9.—(1) The Council shall keep proper accounts and other records in relation to its business and shall prepare annually a statement of accounts in a form satisfactory to the Minister.

(2) The accounts and other records referred to in subsection (1) shall be kept in such a manner as to ensure the provision of separate information as respects each of the main functions and activities of the Council, and to show as far as may be, the income and expenditure incurred in relation to each such function and activity.

(3) The accounts of the Council shall be audited by auditors approved by the Council.

10.—(1) The Council shall within six months after the end of each financial year or within such longer period as the Minister may in special circumstances approve, cause to be made and transmitted to the Minister a report dealing generally with the activities of the Council during the preceding financial year.

Annual reports and estimates.

(2) The Minister shall cause a copy of the report together with the annual statement of accounts and the auditor's report thereon to be laid on the Table of each House of Parliament.

(3) The Council shall, before a date specified by the Minister, submit to the Minister for his approval estimates of income and expenditure for the ensuing financial year.

11. The Council shall have power to borrow money and to secure the repayment of any money so borrowed by mortgaging or pledging any property of the Council or by the issue of debentures, debenture stock or scrip or otherwise.

Borrowing powers.

General

12. The Governor-General may, subject to such conditions as he may impose, approve the appointment of any public officer in the service of the Government to any office with the Council and any public officer so appointed shall, in relation to pension, gratuity, or other allowance, and to other rights as a public officer, be treated as continuing in the service of the Government.

Governor-General to approve appointment of public officer.

Pension.

13. It shall be lawful for the Council, with the approval of the Minister—

- (a) to enter into arrangements respecting schemes, whether by way of insurance policies or not;
- (b) to make regulations,

for pensions, gratuities and other retiring or disability or death benefits relating to members and employees of the Council and such arrangements or regulations may include provisions for the grant of benefits to the dependants and the legal personal representatives of such members or employees.

Statutes.

14. The Council shall have power to make statutes prescribing or regulating, as the case may be, its powers and duties as well as the composition, constitution, powers and duties of other authorities which may from time to time be established by the Council and all other matters relative to the Council and to the other authorities and to the functions of the Council which it may consider proper to be so prescribed or regulated.

Regulations.

15. The Minister may, after consultation with the Council, make regulations generally for the proper carrying out of the provisions and purposes of this Act.

Exemption
from
customs
duty, *etc.*
36/2017
Sch.

16. No customs duty or other similar impost (other than general consumption tax) shall be payable upon any article imported into Jamaica or taken out of bond in Jamaica by the Council and shown to the satisfaction of the Commissioner of Customs to be required for the use of the Council in the performance of its functions.

Exemption
from income
tax, property
tax, stamp
duties and
transfer tax.

17.—(1) The Council shall be exempt from—

- (a) income tax and property tax;
- (b) stamp duty on all instruments executed by it or on its behalf.

(2) There shall be exempt from taxation under the Transfer Tax Act any transfer by the Council of property belonging to it or of any right or interest created in, over or otherwise with respect to such property.