

JAMAICA

No. 9 – 2006

I assent,

[L.S.]

(Sgd.) K. O. Hall
Governor-General
August 10, 2006

AN ACT to Give effect to the Agreement establishing the Caribbean Accreditation Authority for Education in Medicine and other Health Professions and for connected matters.

[August 11, 2006]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Caribbean Accreditation Authority (Medicine and other Health Professions) Act, 2006, and shall come into operation on a day to be appointed by the Minister by notice published in the *Gazette*.

Short title
and com-
mencement.

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

“Agreement” means the Agreement Establishing the Caribbean Accreditation Authority for Education in Medicine and

Interpre-
tation.

other Health Professions, signed at Castries, St. Lucia on the 13th day of November, 2003 of which the text of the Articles is set out in the Schedule;

Schedule.

“Authority” means the Caribbean Accreditation Authority for Education in Medicine and other Health Professions, established by Article 2 of the Agreement.

Certain provisions of Agreement to have force of law in Jamaica.

3. The provisions of Articles 14, 15 and 16 of the Agreement shall have the force of law in Jamaica.

Financial provisions.

4. All sums required to be paid to the Authority by the Government for the purpose of meeting the obligations of Jamaica under the Agreement are hereby charged on the Consolidated Fund.

Power of Minister to make implementing orders.

5. The Minister may, by order, make such provisions as he considers necessary or expedient for giving effect to the Agreement.

Amendment of Schedule and consequential matters.

6.—(1) Where any amendment to the Agreement is accepted by the Government, the Minister may, by order, amend the Schedule by including therein the amendment so accepted.

(2) Any order made under this section may contain such consequential, supplemental or ancillary provisions as appear to the Minister to be necessary or expedient for the purpose of giving effect to the amendment accepted under subsection (1), and without prejudice to the generality of the foregoing, may contain provisions amending references in this Act to the specific provisions of the Agreement.

(3) An order made under this section shall be subject to negative resolution.

(4) Where the Schedule is amended pursuant to this section, any reference to the Agreement in this Act or any other instrument shall, unless the context otherwise requires, be construed as a reference to the Agreement as so amended.

SCHEDULE (Sections 2 and 6)

Agreement Establishing the Caribbean Accreditation Authority for Education in Medicine and other Health Professions

THE CONTRACTING PARTIES

Recalling the provisions of the Revised Treaty of Chaguaramas establishing the Caribbean Community, including the CARICOM Single Market and Economy signed at Nassau, the Bahamas, on 5 July, 2001:

Concerned that international trends in the accreditation of training programmes in certain fields, in particular, the regional accreditation initiatives of the European Union will have implications for the traditional methods of accrediting medical programmes offered by institutions in the Caribbean Community:

Acknowledging the absence of a regional system of accreditation for training programmes in the Caribbean Community in medicine and other health professions:

Recognizing that the establishment of such a system is essential within the Caribbean Community and that such a system must be internationally recognized:

Conscious that the primary focus of accreditation and quality assurance initiatives in the Caribbean Community must be on the delivery of programmes of study aimed at achieving recognized, pre-determined quality standards, by Universities and like institutions in the Caribbean Community engaged in providing training in medicine and other health professions:

Aware of the critical importance of international comparability of programmes of study accredited by a body established within the Caribbean Community:

Determined to establish in the Caribbean Community a regional mechanism for the accreditation of training programmes in medicine and other health professions:

Have agreed as follows:

ARTICLE 1

Use of Terms

1. In this Agreement, unless the context otherwise requires—

“accredit” means the according of recognition by the Authority, on the basis of an informed evaluation, that the programmes of study offered by an institution and any award it confers, satisfy standards prescribed or approved by the Authority; and “reaccredit”, “accreditation” and other cognate expressions shall be construed accordingly;

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“Associate Member” means a state or territory that is admitted to associate membership of the Community under Article 231 of the Revised Treaty of Chaguaramas signed at Nassau, the Bahamas, on 5 July, 2001;

“Authority” means the Authority established by Article 2;

“award” means a degree, diploma, certificate or other evidence that prescribed programmes of study in medicine and other health professions have been completed successfully;

“Contracting Party” means a Member State or an Associate Member State of the Community for which this Agreement is in force;

“Community” means the Caribbean Community, including the CARICOM Single Market and Economy established by the Revised Treaty of Chaguaramas signed at Nassau, the Bahamas, on 5 July, 2001;

“Executive Director” means the Executive Director appointed by Article 11;

“medicine” includes dental medicine and veterinary medicine;

“other health professions” means any health profession other than medicine specified by the Authority pursuant to paragraph 4 of Article 9;

“quality assurance” means a system or process of ensuring that awards granted or programmes of study offered in medicine and other health professions by Universities or like institutions satisfy standards prescribed or accepted by the Authority;

“Secretariat” means the Secretariat established by the Authority by Article 10;

“Secretary-General” means the Secretary-General of the Community;

“standard” means a clearly defined level of academic achievement employed as a measurement of the quality of education.

2. For the purposes of this Agreement any reference in the following Articles to the Community shall include a reference to an Associate Member.

ARTICLE 2

Establishment of the Authority

1. There is hereby established the Caribbean Accreditation Authority for Education in Medicine and other Health Professions having the objectives, powers and functions set out in this Agreement.

2. The Headquarters of the Authority shall be located in a Member State of the Community to be determined by the Contracting Parties.

ARTICLE 3

Objectives of the Authority

The Authority shall have the following objectives—

- (a) the achievement and maintenance of standards of excellence in programmes of study in medicine and other health professions offered by institutions in the Community;
- (b) the establishment of an efficient system of regulation in relation to the standards and quality of programmes of study in medicine and other health professions;
- (c) the securing of international recognition of the programmes of study in medicine and other health professions;
- (d) maintaining the confidence of the peoples of the region in the quality of training offered in the Community in medicine and other health professions.

ARTICLE 4

Composition of the Authority

1. Subject to this Article and to Article 5, the Authority shall consist of the following members:

- (a) three (3) persons nominated jointly by academic institutions in the Community offering training in medicine (other than dental medicine and veterinary medicine);
- (b) one (1) person nominated jointly by academic institutions in the Community offering training in dental medicine;
- (c) one (1) person nominated jointly by academic institutions in the Community offering training in veterinary medicine;
- (d) two (2) persons nominated jointly by regional organizations representing civil society;
- (e) two (2) students enrolled in training programmes in medicine at academic institutions in the Community and nominated by the institutions;
- (f) two (2) persons from outside the region who have expertise in the accreditation of training programmes in medicine or other health professions;
- (g) one person representing the Caribbean Association of Medical Councils (CAMC);

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- (h) three (3) persons, each appointed by a Contracting Party selected by the Secretary-General on a rotational basis;
- (i) the Executive Director, who shall be an *ex-officio* member.

2. Persons referred to in sub-paragraphs (a), (b), (c), (d), and (g) of paragraph 1 and sub-paragraph (a) of paragraph 6 shall be appointed for a term of three years and shall be eligible for reappointment for a further term of three years. No such persons may be appointed for more than six consecutive years.

3. Persons referred to in sub-paragraph (e) of paragraph 1 and sub-paragraph (b) of paragraph 6 shall be appointed for a term of one year and shall be eligible for re-appointment for another one-year term. No such persons may be appointed for more than two consecutive years.

4. Persons referred to in sub-paragraph (f) of paragraph 1 shall be appointed for a single term not exceeding three years.

5. Persons referred to in sub-paragraph (h) of paragraph 1 shall be appointed for a term of three years.

6. Where under paragraph 4 of Article 9, the Authority specifies which professions are to be treated as other health professions, membership of the Authority shall be extended to include—

- (a) two (2) persons nominated jointly by academic institutions offering training in other health professions in the Community;
- (b) two (2) students enrolled in training programmes in other health professions in institutions in the Community nominated jointly by those institutions.

7. Where the institutions fail, within the time specified in the request, to nominate any person under this Article, the Secretary-General may designate such person.

8. Where a member is unable to act or resigns, the competent institutions shall nominate another person to act in the place of that member.

9. A member may resign by transmitting a written notice in that behalf to the Chairman. In the case of the Chairman, such notice should be transmitted to the Vice-Chairman.

ARTICLE 5

Criteria for membership of the Authority

1. The members nominated pursuant to paragraph 1 (a) of Article 4 shall currently hold, or have held, a faculty appointment at an academic institution referred to in that paragraph or otherwise have knowledge and experience in the process of accrediting programmes of study in medicine.

2. The members nominated pursuant to paragraph 1 (b) or (c) of Article 4 shall hold the appropriate academic qualifications, and be actively engaged in or have recent experience in the practice of their discipline.

3. The members nominated pursuant to paragraph 1 (d) of Article 4 shall, by virtue of education, experience and public service, possess qualifications which enable them to provide a public perspective in evaluating programmes of study in medicine or other health professions.

4. The members nominated pursuant to paragraph 1 (e) of Article 4 should normally be in their penultimate year of training, be in good academic standing and should be students drawn from among institutions in the Community.

5. The members nominated pursuant to paragraph 6 (a) of Article 4 shall currently hold, or have held, a faculty appointment at an academic institution referred to in that paragraph or otherwise have knowledge and experience in the process of accrediting programmes of study in other health professions.

6. The members nominated pursuant to paragraph 6 (b) of Article 4 should normally be in their penultimate year of training, be in good academic standing and should be students drawn from among institutions in the Community.

7. Subject to Article 25, the Secretariat shall be responsible for soliciting nominations for membership.

ARTICLE 6

Chairman and Vice-Chairman

1. At its first meeting, and as required thereafter, the Authority shall elect a Chairman and Vice-Chairman, from among its members referred to in paragraph 1 (a), (b), (c), (d), and (g) and paragraph 6 (a) of Article 4.

2. The Chairman and Vice-Chairman shall each hold office for three years and shall be eligible for re-election.

3. The Chairman may resign from the office of Chairman by notice in writing addressed to the Vice-Chairman and the resignation shall take effect on the date of receipt of the notice.

4. The Vice-Chairman may resign from that position by notice in writing addressed to the Chairman and the resignation shall take effect on the date of receipt of the notice by the Chairman.

5. The Chairman shall preside at all meetings of the Authority and in the event of the Chairman's absence the Vice-Chairman shall preside.

6. If both the Chairman and the Vice-Chairman are absent from a meeting, the members present shall elect one of the members qualified under paragraph 1 to act as Chairman or Vice-Chairman at that meeting.

ARTICLE 7

Procedures of the Authority

1. The Authority shall meet in ordinary session at least once in every year and in special session as often as circumstances may require. Special sessions of the Authority shall be convened upon the written request of two-thirds of the members in that behalf.
2. Decisions of the Authority shall be made by a two-thirds majority of the members of the Authority who are eligible to vote. A simple majority of such members of the Authority shall constitute a quorum.
3. Where circumstances warrant, the Authority may make decisions without meeting in formal session.
4. Minutes of the proceedings of the Authority shall be kept in proper form.
5. Subject to this Agreement, the Authority shall establish its rules of procedure.

ARTICLE 8

The Seal of the Authority

1. The Authority shall have and use as occasion may require a Seal having a device or impression with the inscription "Caribbean Accreditation Authority for Education in Medicine and Other Health Professions".
2. The Seal of the Authority shall be kept in the custody of the Executive Director and shall be affixed to documents pursuant to a resolution of the Authority in the presence of the Chairman and any other member of the Authority and the Executive Director.
3. The Seal shall be authenticated by the signatures of the Chairman or any other member authorized to act in that behalf.

ARTICLE 9

Powers and Functions of the Authority

1. The Authority shall perform such functions as may be required for the achievement of the objectives set out in Article 3.
2. Without prejudice to the provisions of paragraph 1, the Authority shall *inter alia*—
 - (a) determine and prescribe standards, criteria and systems for the accreditation of programmes of study in the Community in medicine and other health professions;
 - (b) select suitable persons as assessors and appoint panels of assessors;

- (c) accredit, on the basis of the reports of the assessors, programmes of study in medicine and other health professions;
- (d) facilitate the development of an accreditation and quality assurance ethos in the Community;
- (e) collaborate with professional bodies to develop training programmes designed to create a regional cadre of trained assessors;
- (f) establish rules, guidelines and procedures in relation to the accreditation of programmes in medicine and other health professions;
- (g) approve arrangements and systems for accrediting programmes of study in medicine and other health professions;
- (h) withdraw or modify, as appropriate, accreditation granted to any programme;
- (i) establish and maintain relations with bodies outside the Community having functions in relation to accreditation and quality assurance;
- (j) determine the basis and procedures for the removal of a member;
- (k) approve the budget of the Authority;
- (l) approve the staff regulations and financial regulations of the Authority;
- (m) appoint an auditor;
- (n) determine the fees payable by institutions in connection with the accreditation of their programmes;
- (o) do all such other acts and things as may be required for the achievement of the objectives of the Authority.

3. The Authority may—

- (a) establish committees of the Authority and invite persons to serve on such committees;
- (b) delegate to such committees, the functions of the Authority specified in the instrument of delegation, provided that a person invited pursuant to sub-paragraph (a) shall not be deemed to be a member of the Authority.

4. The Authority shall specify the professions which are to be treated as other health professions for the purposes of this Agreement. The Executive Director shall notify the Contracting Parties of such decisions of the Authority.

ARTICLE 10

The Secretariat

1. The Authority shall establish a Secretariat which shall be responsible for the general administration of the affairs of the Authority.

2. The Secretariat shall comprise an Executive Director and such professional, administrative and other staff as may be required to carry out its functions.

3. The appointment of the Executive Director and professional, administrative and other staff shall be subject to such terms and conditions as the Authority shall determine.

4. In addition to any functions which may be assigned to it by the Authority, the Secretariat shall *inter alia*—

- (a) conduct research on accreditation and quality assurance so as to inform the work of the Authority;
- (b) manage the accreditation cycle for programmes subject to the Authority's accreditation process;
- (c) communicate with and provide guidance and advice to institutions that are engaged in or propose to be engaged in the Authority's accreditation process;
- (d) undertake or arrange for the training of persons as assessors of programmes;
- (e) provide information on the work of the Authority to the Contracting Parties, institutions providing training in medicine and other health professions and to members of the public;
- (f) maintain a record of all activities;
- (g) prepare an annual report of the Authority's work;
- (h) maintain, on behalf of the Authority, contacts with bodies outside of the Community having functions in relation to accreditation and quality assurance;
- (i) prepare the draft budget of the Authority and submit it for the consideration and approval of the Authority;
- (j) prepare and submit for the consideration and approval of the Authority, the staff regulations and financial regulations of the Authority;
- (k) prepare an annual Work Programme and present it to the Authority for approval;
- (l) service meetings of the Authority and any committee thereof.

ARTICLE 11

Executive Director

1. The Executive Director shall be appointed by the Authority for a term of three (3) years, on such other terms and conditions as may be specified in the instrument of appointment, and shall be eligible for reappointment.

2. The Executive Director shall attend and participate in all meetings of the Authority but shall have no right to vote on any matter before the Authority.

3. The Executive Director shall be responsible for the day-to-day management and operations of the Secretariat and without limiting the generality of the foregoing—

- (a) shall ensure the efficient use and management of the resources of the Authority;
- (b) shall make recommendations for and in relation to the achievement of the objectives set out in Article 3;
- (c) shall implement the directives of the Authority;
- (d) may enter into contracts and sign instruments and documents on behalf of the Authority;
- (e) shall carry out such other duties as may be assigned by the Authority.

The Executive Director shall appoint such staff as may be required for the operations of the Secretariat.

ARTICLE 12

Financial Provisions

1. The funds of the Authority shall comprise—

- (a) annual contributions from the Contracting Parties;
- (b) grant funds received from donor agencies;
- (c) income derived from earnings for services provided by the Authority;
- (d) fees from institutions whose programmes are accredited by the Authority;
- (e) monies received from any other source of funding.

2. The draft budget prepared by the Secretariat shall be presented to the Authority for approval (with or without modifications).

3. Upon approval of the draft budget, the Authority shall submit it to the Council for Human and Social Development (an organ of the Community so named in paragraph 2 of Article 10 of the Treaty) for approval.

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4. The Executive Director shall cause proper accounts of the Authority to be kept and such accounts shall be audited annually by an auditor appointed by the Authority under Article 9.

5. The Authority shall, within thirty (30) days of the receipt of the report of the auditor and the audited accounts of the Authority, transmit copies of the report and audited accounts to the Contracting Parties and the Council for Human and Social Development.

ARTICLE 13

Provisional Budgetary Measures

The Authority is empowered to commit provisionally and pending approval of the budget, expenditure not exceeding one-fifth ($\frac{1}{5}$) of the regular Budget of the previous year.

ARTICLE 14

Exemption from Taxation

1. The income of the Authority shall be exempt from income tax.
2. The Authority shall be exempt from property tax and stamp duty in respect of instruments executed by or on its behalf.
3. The Authority shall be exempt from customs duties and taxes on goods imported, purchased or taken out of bond and used for the execution of its functions.

ARTICLE 15

Legal Status of the Authority

1. The Authority shall possess full legal capacity and in particular full capacity—
 - (a) to contract;
 - (b) to acquire and dispose of movable and immovable property; and
 - (c) to institute and defend legal proceedings.
2. The Authority may enter into agreements with any entity for the achievement of its objectives.
3. The Authority shall conclude with the Contracting Party in which the Headquarters is to be located, an agreement relating to the privileges and immunities to be granted or accorded to the Authority.
4. In any legal proceedings the Authority shall be represented by the Executive Director.

ARTICLE 16

Protection from Legal Process

No action, suit or other proceeding shall be instituted against any member of the Authority or any member of the staff of the Secretariat for any act done *bona fide* in the execution of their functions under this Agreement.

ARTICLE 17

Signature

This Agreement shall be open for signature by any Member State or Associate Member of the Community.

ARTICLE 18

Entry into Force

This Agreement shall enter into force on signature by all Member States of the Community.

ARTICLE 19

Provisional Application

This Agreement may be provisionally applied on signature by not less than four Member States of the Community.

ARTICLE 20

Depositary

This Agreement shall be deposited with the Secretary-General (hereinafter called "the Depositary"). The Depositary shall transmit copies of this Agreement to each Contracting Party.

ARTICLE 21

Accession

1. After its entry into force any Member State or Associate Member of the Community may accede to this Agreement.
2. Instruments of Accession shall be deposited with the Depositary.

ARTICLE 22

Amendment

1. A proposal for the amendment of this Agreement shall be transmitted by the Chairman of the Authority to each Contracting Party within 30 days of the date of the proposal.

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2. The amendment shall have effect upon the acceptance thereof by the Contracting Parties.

ARTICLE 23

Withdrawal

1. A Contracting Party may withdraw from this Agreement by giving twelve months' notice in writing to the Depository who shall promptly notify the other Contracting Parties accordingly and the withdrawal shall take effect one year after the date on which the notice has been received by the Depository, unless the Contracting Party, before the withdrawal becomes effective, notifies the Depository in writing of the cancellation of its notice of withdrawal.

2. A Contracting Party that withdraws from this Agreement undertakes to honour financial or other obligations duly assumed as a Contracting Party.

ARTICLE 24

Implementation

The Contracting Parties shall take all necessary action, whether of a legislative, executive or administrative nature, for the purpose of giving effect to this Agreement. Such action shall be taken as expeditiously as possible, and the Executive Director shall be informed accordingly.

ARTICLE 25

Inaugural Meeting

Upon the provisional application of this Agreement, the Secretary-General shall take the necessary steps to secure the nomination of the members of the Authority referred to in Article 4 and to convene the Inaugural Meeting of the Authority.

IN WITNESS WHEREOF the undersigned duly authorized in that behalf by their respective Governments have executed this Agreement.

DONE at Castries, Saint Lucia, on the 13th day of November, 2003.

Signed by
for the Government of Antigua and Barbuda on the 13th day of November, 2003,
at Castries, Saint Lucia.

Signed by
for the Government of the Bahamas on the day of , 2003,
at

Signed by
for the Government of Barbados on the day of , 2003,
at

Passed in the Senate this 21st day of July, 2006.

NAVEL CLARKE
Deputy President.

This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.

Clerk to the Houses of Parliament.