

**THE COUNCIL OF COMMUNITY COLLEGES
OF JAMAICA ACT, 2001**

(Act 29 of 2001)

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SCHEDULE.

No. 29—2001

I assent,

[L.S.]

H. F. COOKE,
Governor-General.

28th day of December, 2001.

**AN ACT to establish the Council of Community Colleges of
Jamaica and for connected matters.**

[28th December, 2002]

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:—

Preliminary

1. This Act may be cited as the Council of Community Short title.
Colleges of Jamaica Act, 2001.

Interpretation.

2. In this Act—

“chairman” means the chairman of the Council;

“Council” means the Council of Community Colleges of Jamaica established under section 3;

“community college” has the meaning assigned to it by section 2 of the Education Act.

The Council of Community Colleges of Jamaica

Establishment of Council.

3.—(1) There is hereby established a body to be known as the Council of the Community Colleges of Jamaica, which shall be a body corporate to which section 28 of the Interpretation Act shall apply.

Schedule.

(2) The provisions of the Schedule shall have effect as to the constitution of the Council and otherwise in relation thereto.

Functions of the Council.

4. The Council shall—

- (a) supervise and co-ordinate the work of community colleges;
- (b) promote the interests of community colleges;
- (c) advise the Minister on policy and education matters relevant to community colleges;
- (d) determine conditions for the holding of examinations leading to awards of degrees, diplomas or certificates or other awards to persons who have pursued an approved course of study at a community college;
- (e) appoint such committees as it considers necessary for the furtherance of its functions;
- (f) provide professional development opportunities for members of staff of community colleges;

- (g) solicit or receive grants, donations, prizes or gifts on behalf of community colleges, subject to the approval of the Minister;
- (h) implement public awareness programmes;
- (i) consider, recommend or approve the curricula of community colleges;
- (j) examine and assess the work of students in training at community colleges;
- (k) determine all matters and disputes which may be referred to it by any community college;
- (l) prescribe the conditions under which persons may be admitted as students of a community college or of any particular course of study within a community college;
- (m) collaborate with other institutions, including institutions of further and higher education, in the provision of educational opportunities;
- (n) institute such offices as the Council requires;
- (o) perform such other functions as may be requisite to further its functions.

5. The Minister may, after consultation with the chairman, give to the Council such directions of a general character as to the policy to be followed by the Council in the performance of its functions as appear to the Minister to be necessary in the public interest and the Council shall give effect thereto. Ministerial directions.

6.—(1) The Council shall appoint and employ, at such remuneration and on such terms and conditions as the Council may determine, an Executive Director and such other officers and employees as the Council deems necessary for the proper carrying out of its functions: Appointment of officers and other employees.

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.

(2) For the purposes of subsection (1), the “prescribed rate” means such rate as the Minister may, by order prescribe.

(3) 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 within the Council, and any public officer so appointed shall, while so employed, in relation to any pension, gratuity or other allowance and in relation to any other rights as a public officer, be treated as continuing in the service of the Government.

Pensions,
gratuities
and other
retiring
benefits.

7. The Council may, with the approval of the Minister—

- (a) enter into arrangements respecting schemes, whether by way of insurance policies or otherwise; and
- (b) make regulations,

for medical benefits, pensions, gratuities and other retiring benefits or disability or death benefits, relating to 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 employees.

Financial Provisions, Accounts and Reports

8.—(1) The funds and resources of the Council shall consist of—

Funds and resources of the Council.

- (a) sums which may from time to time be placed at the disposal of the Council by Parliament;
- (b) all other moneys payable to, and other property vested in the Council in respect of any matter incidental to its functions.

(2) The expenses of the Council, including the remuneration of members and employees, shall be paid out of the funds of the Council.

9. All moneys of the Council not immediately required to be expended for the purpose of meeting any obligations or discharging any of the functions of the Council may be invested in such securities as may be approved either generally or specifically by the Minister and the Council may, with the approval of the Minister, sell all or any of such securities.

Power to invest moneys.

10.—(1) Subject to the provisions of subsection (2), the Council may borrow such sums as may be required by it for meeting any of its obligations or for discharging any of its functions.

Borrowing powers.

(2) The power of the Council to borrow shall, as to the amount, as to the source of borrowing, and as to the terms on which the borrowing may be effected, be exercisable only with the approval of the Minister responsible for finance and any such approval may be either general or limited to a particular borrowing or otherwise, and may be either unconditional or subject to conditions.

Power of Minister of Finance to guarantee loans to Council.

11.—(1) With the approval of the House of Representatives, signified by resolution, the Minister responsible for finance may guarantee, in such manner and on such conditions as he thinks fit, the repayment of the principal and the payment of interest and charges on any authorized borrowing of the Council.

(2) Where the Minister responsible for finance is satisfied that there has been a default in the payment of any principal moneys guaranteed under the provisions of this section or in the payment of interest or charges so guaranteed, he shall direct the repayment or, as the case may be, the payment out of the Consolidated Fund of the amount in respect of which there has been such default and any such repayment or payment shall be a charge on the Consolidated Fund.

(3) The Council shall make to the Accountant-General, at such times and in such manner as the Minister responsible for finance may direct, payments of such amounts as may be so directed in or towards repayment of any sums issued in fulfilment of any guarantee under this section, and payments of interest on what is outstanding for the time being in respect of any sums so issued at such rate as the Minister may direct, and different rates of interest may be directed as respects different sums and as respects interest for different periods.

Accounts and audit.

12.—(1) The Council shall keep proper accounts and other records in relation to its functions and shall prepare annually a statement of accounts that conforms to established accounting principles and is in a form satisfactory to the Minister.

(2) The accounts of the Council shall be audited annually by the Auditor-General.

Annual reports and estimates.

13.—(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.

(2) The Minister shall cause a copy of the annual statement of accounts and the auditor's report thereon to be tabled in the House of Representatives and the Senate.

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

14. The Council shall furnish the Minister with such returns, accounts and other information as he may require with respect to the activities of the Council and shall afford him facilities for verifying such information in such manner and at such times as he may reasonably require.

Power of Minister to require returns.

15.—(1) The income of the Council shall be exempt from income tax and the property of the Council shall be exempt from property tax.

Exemption from taxes and duties.

(2) The Council shall be exempt from liability to stamp duty in respect of any instrument executed by it or on its behalf.

(3) Any transfer by the Council of any property belonging to it or of any right or interest created in, over or otherwise with respect to, any such property shall be exempt from transfer tax.

(4) No customs duty, general consumption tax or other similar impost 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.

16. Without prejudice to any other method of recovery any debt due to the Council may be recovered, without limit of amount, in a Resident Magistrate's Court as a civil debt.

Recovery of debts.

Gazetting of appointments. 7. The names of all members of the Council as first constituted and every change in the membership shall be published in the *Gazette*.

Seal. 8.—(1) The seal of the Council shall be authenticated by the signature of the chairman, the secretary or any other member of the Council authorized to act in that behalf and shall be judicially and officially noticed.

(2) 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 any member or officer of the Council authorized to act in that behalf.

Procedure and meetings. 9.—(1) The Council shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Council may determine.

(2) Except in exceptional circumstances, written notice of the date, time and place of each meeting shall be given to each member at least thirty days prior to the meeting.

(3) The chairman may at any time call a special meeting of the Council and shall call a special meeting to be held within ten days of a written request for that purpose addressed to him by at least twenty-five per cent of the members of the Council.

(4) The chairman or, in the case of the inability to act of the chairman, the deputy chairman shall preside at the meetings of the Council and in the absence of both the chairman and the deputy chairman from any meeting, the members of the Council present shall elect one of their number to preside at that meeting and when so presiding the chairman, the deputy chairman or the member elected as aforesaid, as the case may be, shall have in addition to an original vote, a casting vote.

(5) The quorum of the Council shall be ten.

(6) Subject to the provisions of this Schedule, the Council may regulate its own proceedings.

(7) The validity of any proceedings of the Council shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

(8) Minutes, in proper form, of the meetings shall be kept.

Remuneration of members.

10. There shall be paid to the chairman, the deputy chairman, and other members of the Council, such remuneration (whether by way of honorarium, salary or fees) and such allowances as the Minister may determine.

Appointment of committees.

11.—(1) The Council may, with the approval of the Minister, appoint committees for special purposes connected with the functions of the Council and which, in the opinion of the Council, would be better regulated and managed by means of committees.

(2) The number of members of a committee appointed under sub-paragraph (1), the terms of appointment of such members, the quorum of the committee and the area within which the committee is to exercise authority shall be determined by the Council.

(3) A committee appointed pursuant to this paragraph may include persons who are not members of the Council, but at least one of the members of such committee shall be a member of the Council.

(4) The provisions of paragraph 14 shall apply to a member of a committee who is not a member of the Council in like manner as they apply to a member of the Council.

(5) The validity of the proceedings of a committee appointed pursuant to this paragraph shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

Power to delegate.

12.—(1) Subject to the provisions of this Schedule, the Council may, by instrument in writing, delegate to any member, committee, officer or employee of the Council any function exercisable by the Council under this Act, other than this power of delegation and the power under section 17 to make regulations.

(2) A delegation under this paragraph—

(a) may be made subject to such conditions, qualifications and exceptions as may be specified in the instrument; and

(b) is revocable by the Council,

and such delegation shall not prevent the exercise by the Council of the function delegated.

Protection of members.

13.—(1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Council in respect of any

act done *bona fide* in pursuance or execution or intended execution of this Act.

(2) Where any member of the Council is exempt from liability by reason only of the provisions of this paragraph, the Council shall be liable to the extent that it would be if the said member were an employee or agent of the Council.

Disclosure of interest.

14. A member of the Council who is directly or indirectly interested in any matter which is being dealt with by the Council—

- (a) shall as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Council; and
- (b) shall not be present during the deliberation of the Council on the matter or take part in the decision of the Council with respect thereto.

Office of member not public office.

15. The office of the chairman, deputy chairman, or members of the Council shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.