

CHAPTER 18.11 ACCREDITATION ACT

Revised Edition

Showing the law as at 31 December 2020

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.

• Act • Subsidiary Legislation •

ACT

(Act No. 9 of 2017)

Act 9 of 2017 .. in force On Order

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CHAPTER 18.11 ACCREDITATION ACT

AN ACT to provide for the process and mechanism of accrediting a programme of study offered by a tertiary institution and the award it confers; to establish a National Accreditation Council and for related matters.

Commencement [ON ORDER]

PRELIMINARY

1. Short title and commencement

- (1) This Act may be cited as the Accreditation Act.

(2) This Act shall come into force on a date to be fixed by the Minister by Order published in the *Gazette*.

2. Interpretation

In this Act —

“**accredit**” means the certification of a programme of study offered by a tertiary institution and the award it confers under this Act;

“**accredited institution**” means a tertiary institution that holds a certificate of accreditation;

“**Accreditation Mark**” means the Accreditation Mark under section 41;

“**Accreditation Register**” means the Accreditation Register kept and maintained under section 45;

“**award**” —

- (a) means a degree, diploma, certificate or other evidence of competence or achievement;
- (b) includes —
 - (i) a sub-baccalaureate qualification,
 - (ii) a baccalaureate, or
 - (iii) post graduate degree;

“**certificate of accreditation**” means a certificate of accreditation issued under section 41;

“**Chairperson**” means the Chairperson of the Council appointed under section 8;

“**Council**” means the National Accreditation Council established under section 6;

“**course**” means a defined body of knowledge, skills and aptitudes designed to be acquired over a specified period and to which one or more credits may be awarded;

“**credit**” means a unit of academic measurement for a course or set of courses for which a particular award is conferred;

“**Deputy Chairperson**” means the Deputy Chairperson of the Council elected under section 8;

“**equivalent**” means a determination by the Council that a particular programme of study is comparable in standard with a similar programme of study in terms of weight, level and quality;

“**Executive Director**” means the Executive Director of the Council appointed under section 22;

“**member**” means a member of the Council appointed under section 7;

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

“**prescribed**” means prescribed in Regulations;

“**programme of study**” means an approved curriculum comprising a series of courses in an academic or vocational speciality leading to an award or credit;

“**re-accredit**” means renewal of certification of a programme of study offered by a tertiary institution and the award it confers under this Act;

“**Regulations**” means Regulations made under this Act;

“Secretary” means a Secretary appointed under section 23;

“standard” means a standard set by the Council under section 10(1)(a) and prescribed under this Act;

“tertiary education” means the teaching and learning process that occurs following completion of secondary schooling or its equivalent and which leads to an award or credit;

“tertiary institution” means an educational institution that offers tertiary education and is committed to research that maintains, advances, disseminates and assists the application of knowledge;

“validation” means reviewing and assessing the quality of a programme of study.

3. Application

This Act applies to a tertiary institution that provides programmes of study to students in Saint Lucia.

4. Act binds the Crown

This Act binds the Crown.

5. Purpose

The purpose of this Act is to provide for the accreditation of the programmes of study offered by a tertiary institution in Saint Lucia.

PART 1 NATIONAL ACCREDITATION COUNCIL

6. Establishment of the Council

(1) There is established a body to be known as the National Accreditation Council.

(2) The Council is a body corporate to which, subject to this Act, section 19 of the Interpretation Act applies.

7. Constitution of the Council

(1) The Council consists of —

- (a) three representatives from the Ministry responsible for education with at least 8 years experience in tertiary education;
- (b) one representative from the Ministry responsible for Health with experience in health education and quality assurance;
- (c) a legal officer from the Attorney General’s Chambers;
- (d) one human resource management professional;
- (e) one representative from the Trade Union Federation;
- (f) one representative from the Employers’ Federation;
- (g) one person with expertise in accreditation and quality assurance;
- (h) one training provider representing industry and private sector training providers; and
- (i) one representative from the Technical and Vocational Education and Training Council.

(2) The Minister shall appoint the members under subsection (1) by instrument in writing.

(3) The names of a member appointed under subsection (2) and every change of the membership in the Council must be published in the *Gazette*.

(4) In this section, “**the Technical and Vocational Education and Training Council**” means the Technical and Vocational Education and Training Council established under section 124 of the Education Act.

8. Chairperson and Deputy Chairperson of the Council

(1) The Minister shall appoint a member of the Council to be the Chairperson of the Council.

(2) At the first meeting of the Council, the members of the Council shall elect a Deputy Chairperson from among its membership.

(3) The Deputy Chairperson shall act as Chairperson of the Council —

- (a) during a vacancy in the office of Chairperson;
- (b) during periods when the Chairperson is absent from duty or, for any other reason, is unable to perform the functions of his or her office.

9. Disqualification

A person is disqualified from being a member and is not eligible to be appointed as a member, or having been appointed, is not eligible to continue as a member if that person —

- (a) has filed for bankruptcy in a court or is declared by a court to be bankrupt;
- (b) is declared by a court to be mentally incapacitated by reason of unsoundness of mind;
- (c) certified by a health practitioner to be physically or mentally incapacitated;
- (d) has been convicted of a criminal offence except where the offence —
 - (i) is a minor traffic offence, or
 - (ii) is spent in accordance with the Criminal Records (Rehabilitation of Offenders) Act; or
- (e) is convicted of an offence under this Act; or
- (f) is a member of Parliament.

10. Functions of the Council

(1) The functions of the Council are —

- (a) to determine conditions and set standards for accreditation for tertiary institutions and programmes of study offered in Saint Lucia;
- (b) to accredit and re-accredit tertiary institutions;
- (c) to maintain a record of the tertiary institutions that are accredited under this Act;
- (d) to ensure that the quality of tertiary education in Saint Lucia meets the standards set by the Council for an award or credit;

- (e) to ensure the maintenance of the standards, whether set by the Council or by any other accreditation body having jurisdiction to set standards to be followed by the Council;
- (f) to provide for the validation and recognition of new programmes of study offered by tertiary institutions;
- (g) to advise on the recognition of foreign-based tertiary institutions and the programmes of study offered;
- (h) to determine equivalency of programmes of study and qualifications;
- (i) to develop and maintain a unified system of credits for tertiary institutions;
- (j) to ensure transfer of credits granted by other accredited bodies;
- (k) to establish relationships with national, regional and international accreditation bodies and quality assurance bodies and keep under review the systems of accreditation, procedures and practices by such bodies;
- (l) to provide advice on the process and requirements of accreditation and related matters including the conferral of award on tertiary institutions;
- (m) to enhance the quality of tertiary education in Saint Lucia and to disseminate good practices by conducting research and training;
- (n) to promote quality assurance and a programme of validation and accreditation in Saint Lucia;
- (o) to protect the interests of students pursuing a programme of study;
- (p) to establish and implement a national qualification framework that sets out the levels at which qualifications and equivalencies of awards granted in other jurisdictions are recognized;
- (q) to provide the public with information on the quality and recognition of programmes of study and institutions including the annual publication of a list of accredited programmes of study and tertiary institutions in order to protect the public interest;
- (r) to undertake audits, reviews and evaluations independently or in co-operation with other bodies as the Council considers necessary for the discharge of its functions;
- (s) to recognize courses or programmes of study successfully completed by students in partial fulfilment of programmes and examinations recognized by the Council;
- (t) to collect fees in connection with the exercise of its functions;
- (u) to revoke a certificate of accreditation;
- (v) to do or cause to be done other things as the Council considers expedient or necessary for the performance of its functions under this Act; and
- (w) to discharge other related functions as the Minister assigns to the Council.

(2) Prior to employment in Saint Lucia under the Caribbean Community Skilled Nationals Act the Council shall examine and verify certificates of qualification of a citizen of a qualifying Caribbean Community State.

(3) In subsection (2), “**qualifying Caribbean Community State**” has the meaning assigned to it under section 2 of the Caribbean Community Skilled Nationals Act.

11. Powers of the Council

In carrying out functions under section 9, the Council has the power —

- (a) to undertake evaluations of programmes of study offered by a tertiary institution on its own initiative or in cooperation with other bodies as considered necessary for the discharge of its functions;
- (b) to establish the requirements that a tertiary institution must satisfy to have a programme of study accredited or re-accredited by the Council;
- (c) to receive with the permission of the Minister, grants and other payments;
- (d) to carry out unscheduled surveillance visits to an accredited institution at intervals other than those prescribed;
- (e) to charge prescribed fees for evaluations and surveillance;
- (f) to issue directions to an accredited institution requiring the accredited institution to take measures or cease activities as may be necessary; or
- (g) to request information, documents or things.

12. Independence of the Council

In performing functions and exercising powers, the Council shall act independently, impartially and in the public interest.

13. Delegation by the Council

(1) Subject to subsection (2), the Council may delegate its functions under this Act to a committee of the Council appointed under section 29.

(2) The Council shall not delegate its functions under this Act —

- (a) to grant or refuse accreditation;
- (b) to impose or remove conditions of accreditation;
- (c) to issue a certificate of accreditation; or
- (d) to revoke accreditation.

14. Official seal

(1) The Council must have an official seal.

(2) The official seal of the Council under subsection (1) shall be kept in the custody of the Executive Director.

(3) The affixing of the official seal of the Council must be witnessed and signed by —

- (a) the Chairperson or the Deputy Chairperson; and
- (b) the Executive Director.

(4) A document and a decision of, the Council, other than a document or decision required by law to be under seal, shall be signed by —

- (a) the Chairperson or a member authorized in writing by the Chairperson to act on behalf of the Chairperson; and
- (b) the Executive Director.

15. Term of appointment

Subject to sections 16 and 17, a member holds office for a period not exceeding 5 years and is eligible for reappointment.

16. Resignation

A member may resign from membership of the Council by submitting a notice of resignation in writing to the Minister.

17. Revocation of appointment

The Minister may revoke in writing the appointment of a member if, the Minister is satisfied that the member is —

- (a) disqualified from being a member under section 9;
- (b) unable to perform the functions of his or her office;
- (c) guilty of misconduct; or
- (d) has failed to attend 3 consecutive meetings of the Council without presenting a medical certificate or without being excused —
 - (i) in the case of the Chairperson, by the Minister in writing,
 - (ii) in the case of any other member, by the Chairperson in writing.

18. Vacancy

The office of a member is vacated —

- (a) on the death of the member;
- (b) if the member becomes disqualified under section 9;
- (c) if the member resigns under section 16;
- (d) if the Minister revokes the appointment of the member under section 17;
- (e) on the expiry of a member's term of appointment.

19. Validity of proceedings

The validity of proceedings of the Council is not affected by a vacancy under section 18 or by a defect in the appointment of a member.

20. Leave of absence of member and alternate member

(1) The Minister may approve a leave of absence for a member for a period not exceeding three months.

(2) The Minister may appoint an alternate member to act as a member while the member is absent on approved leave of absence under subsection (1).

(3) If the Minister appoints an alternate member under subsection (2), the appointment must comply with the requirements under section 7 as to the constitution of the Council.

21. Remuneration of member

A member of the Council is entitled to be paid remuneration as prescribed.

22. Executive Director

(1) The Council shall appoint an Executive Director on such terms and conditions as the Council determines.

(2) The Executive Director shall manage the affairs of the Council.

(3) Without prejudice to the generality of subsection (2), the Executive Director shall perform all the functions assigned to him or her under this Act and shall attend all meetings of the Council unless —

- (a) instructed otherwise by the Chairperson; or
- (b) the Executive Director has obtained leave of absence or is prevented from attending for good cause.

(4) The Council may, during the absence of the Executive Director, appoint a person to act as Executive Director on such terms and conditions as the Council determines.

23. Secretary and staff

(1) The Council shall appoint a person on terms and conditions as the Council determines to perform the functions of Secretary to the Council.

(2) The Secretary shall perform all the functions assigned to him or her under this Act and additional duties allocated by the Executive Director and the Council.

(3) The Council may appoint staff as it requires for the proper carrying out of its functions under this Act.

24. Council to regulate its own procedure

(1) Subject to this Act and to the Regulations, the Council shall regulate its own procedure.

(2) The Council shall cause to be kept minutes of the proceedings of its meetings and of meetings of any of the committees established by it.

25. Meetings

(1) A meeting of the Council shall be held at a time and place the Chairperson decides.

(2) Notwithstanding subsection (1), the Chairperson shall call a meeting if requested, in writing, to do so by three members.

26. Quorum

(1) The quorum for a meeting of the Council is seven.

(2) The quorum under subsection (1) must include the legal officer from the Attorney General's Chambers.

27. Presiding at meeting

(1) The Chairperson shall preside at meetings of the Council at which he or she is present.

(2) If the Chairperson is absent from a meeting of the Council, but the Deputy Chairperson is present, the Deputy Chairperson shall preside.

(3) If the Chairperson and the Deputy Chairperson are both absent from a meeting of the Council, the members shall elect a member present at the meeting to preside.

28. Conduct of meetings of the Council

(1) A decision of the Council must be decided by a majority of members present and voting at the meeting and, in the event of an equality of votes, the Chairperson or presiding member has a casting vote.

(2) A resolution is validly made by the Council although it is not passed at a meeting of the Council, if —

- (a) a majority of the members give written agreement of the resolution; and
- (b) notice of the resolution is given under the procedures approved by the Council.

(3) The Council shall keep in the minutes of its meetings, a record of a resolution made under subsection (2).

29. Committees of the Council

(1) The Council may establish committees of the Council for effectively and efficiently performing its functions.

(2) The Chairperson of a committee established under subsection (1) shall be a member of the Council.

(3) The Council shall decide the terms and conditions of a committee established under subsection (1).

(4) A committee established under subsection (1) shall —

- (a) advise and make recommendations to the Council with respect to matters, within the scope of the functions of the Council, referred by the Council to the committee; and
- (b) subject to section 13, exercise the powers delegated to it by the Council.

(5) A committee appointed under subsection (1) shall keep a record of a decision it makes when exercising a power delegated to it by the Council.

(6) A member of a committee appointed under subsection (1) is entitled to be paid such fees and allowances as determined by the Council.

30. Co-opting

The Council may co-opt a person to attend a particular meeting of the Council at which it is proposed to deal with a particular matter, for the purpose of assisting or advising the Council, but a co-opted person does not have the right to vote.

31. Confidentiality and oath of secrecy

(1) Information obtained by the Council or the staff of the Council in the evaluation of a tertiary institution is confidential and must not be, subject to the law in force of Saint Lucia, divulged without the prior written consent of the tertiary institution.

(2) A member, the Secretary or staff of the Council shall at all times preserve and aid in preserving confidentiality with regard to all matters coming to his or her knowledge in the performance of his or her duty under this Act.

(3) Except with the written consent of the Council or for the performance of his or her duties or under a legal obligation, a member of, the Secretary or staff of the Council shall not communicate confidential matter to a person or permit a person to have access to records in the possession, custody or control of the Council.

(4) A member of the Council, the Secretary or staff of the Council is required to take the oath of secrecy set out in Schedule 1.

32. Declaration of interest

(1) A member who has a direct or indirect interest in a matter before the Council shall declare the nature of his or her interest at the first meeting of the Council and shall leave the meeting on the matter coming up for discussion.

(2) A declaration of interest and the departure of a member from the meeting under subsection (1) must be noted in the minutes of the meeting.

33. Abstention from voting

(1) A member of the Council shall not —

- (a) vote in respect of a matter before the Council in which he or she has a direct or indirect interest; or
- (b) seek to influence the vote of any other member.

(2) A member who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

(3) Notwithstanding subsection (2), where a member fails to comply with subsection (1), the failure to comply amounts to misconduct and section 17 applies.

34. Directions by the Minister

(1) The Minister may give the Council a written direction in relation to a matter relevant to the performance of its functions under this Act, if the Minister is satisfied that it is necessary to give the direction in the public interest.

(2) Without limiting subsection (1), the direction may be —

- (a) to give a report and information; or
- (b) to comply with a policy.

(3) A direction issued under subsection (1) shall not be in relation to —

- (a) the grant or refusal of accreditation;
- (b) the imposition or removal of conditions on accreditation; or
- (c) the revocation of a certificate of accreditation.

35. Protection from liability

(1) An action or proceedings shall not lie against a member or staff of the Council in respect of an act done or omitted to be done in good faith in the exercise or purported exercise of a function under this Act except in cases of personal injury.

(2) The Council shall indemnify a member or staff of the Council for the legal cost of defending an action in respect of an act done or omitted to be done in good faith in the exercise or purported exercise of a function under this Act.

PART 2 ACCREDITATION

36. Restriction on programmes of study

(1) A tertiary institution shall not offer a programme of study unless the tertiary institution holds a valid certificate of accreditation under this Act.

(2) A tertiary institution that contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 11 years or to both.

37. Application for accreditation

(1) A tertiary institution may make an application for accreditation to the Council.

(2) An application under subsection (1) must be —

- (a) in the prescribed form; and
 - (b) accompanied by the prescribed fee.
- (3) An application for accreditation must be published in the *Gazette*.

38. Request for further information to support application

(1) The Council may, by giving notice to the tertiary institution, require the tertiary institution to provide to the Council within at least 14 days, further information which the Council requires to make its decision on the application.

(2) The Council shall, advise the tertiary institution of the date on which the application will be considered at least 30 days before the set date.

(3) A tertiary institution is deemed to have withdrawn an application if within the time under subsection (1), the tertiary institution does not comply with the requirement.

39. Consideration of application by the Council

(1) On receipt of an application, the Council shall undertake an evaluation of the tertiary institution and programme of study to determine if the tertiary institution and programme of study meets the standard of accreditation.

(2) An evaluation under subsection (1) must include validation.

(3) In undertaking an evaluation under subsection (1), the Council shall consider

- (a) the mission of the tertiary institution or programme of study and any specialized programme which the tertiary institution intends to offer;
- (b) the goals and objectives of the tertiary institution or programme of study;
- (c) the conditions under which the goals or objectives under paragraph (b) are to be achieved;
- (d) each course and its coherence with the programme of study;
- (e) the expected standards and the maintenance of the standards;
- (f) the list of programmes of study to be offered and the policy regarding credits;
- (g) links with other accredited institutions;
- (h) the student registry, and admissions policy;
- (i) the maintenance of student records;
- (j) the availability of student counselling services and procedure for monitoring student performance;
- (k) in the case of recruitment of students into a tertiary institution —
 - (i) the standards and recruitment procedures,
 - (ii) the conduct of oral and practical exams,
 - (iii) the grading systems as a basis of classifying student performance;
- (l) examination regulations and procedures including —
 - (i) the setting, marking and appeals of written examinations,
 - (ii) the conduct of research proposals and other oral examinations,
 - (iii) the grading systems as a basis of evaluating student performance;

- (m) the procedure for selecting and performance of external examiners;
- (n) the availability of equipment, facilities and experiences necessary to deliver the curriculum —
 - (i) the adequacy of facilities,
 - (ii) linkages with other libraries and other tertiary institutions in the Caribbean and outside the Caribbean;
- (o) quality control and quality assurance systems with the tertiary institution and programmes of study offered;
- (p) the proposed physical location of the tertiary institution including —
 - (i) projections regarding student enrolment and staff size,
 - (ii) provisions for classrooms, laboratories, and offices;
- (q) proposals regarding the financing and managing of the tertiary institution including —
 - (i) the charter of the tertiary institution,
 - (ii) the governing body of the tertiary institution, and
 - (iii) costs and efficiency of the tertiary institution; and
- (r) benefits to the local economy.

(2) The Council shall not in considering an application for accreditation be restricted to the information contained in the application.

40. Decision on application

- (1) The Council may, based on an evaluation under section 39 —
 - (a) grant an application for accreditation without conditions if it is satisfied that the programmes of study offered by a tertiary institution and the award it confers complies with the standards for accreditation;
 - (b) grant an application for accreditation with conditions, if it is satisfied that the programmes of study offered by a tertiary institution and the award it confers does not comply with the standards for accreditation but that conditions are sufficient to remedy non-compliance; or
 - (c) refuse an application for accreditation, if it is satisfied that the programmes of study offered by a tertiary institution and the award it confers does not comply with the standards for accreditation.

(2) If the Council grants an application with conditions or refuses an application, the Council shall provide the tertiary institution with notice in writing, including the reasons for the decision.

(3) If the Council fails to decide an application within six months after receipt of the application, the Council is deemed to have decided to refuse to grant the application.

- (4) The grant of accreditation must be published in the *Gazette*.

41. Issue of certificate of accreditation

(1) Where the Council grants an application under section 40, the Council shall issue to the tertiary institution a certificate of accreditation in the prescribed form and on payment of the prescribed fee.

- (2) A certificate of accreditation issued under subsection (1) must —

- (a) contain an accreditation number;

- (b) state the period of validity of accreditation, which must be a period not exceeding 4 years; and
- (c) be accompanied by the prescribed Accreditation Mark.

(3) A certificate of accreditation remains the property of the Council and must be returned to the Council on revocation or expiry.

42. Accreditation Mark

(1) A tertiary institution shall not use the Accreditation Mark unless it is issued with a certificate of accreditation.

(2) A tertiary institution that contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding \$40,000.

(3) The Accreditation Mark shall not be used by an accredited institution on a document unless the document relates in whole or in part to activities that have been accredited by the Council.

(4) The Council may make Rules to govern the use of the Accreditation Mark.

43. Re-accreditation

(1) If a certificate of accreditation expires, a tertiary institution may make an application to the Council for re-accreditation.

(2) An application under subsection (1) must —

- (a) be in the prescribed form;
- (b) be accompanied by the prescribed re-accreditation fee.

(3) The Council may grant an application for re-accreditation if it is satisfied that the programme of study offered by the tertiary institution and its awards continue to meet the standards for accreditation.

(4) If the Council grants an application for re-accreditation, the Council shall issue a certificate of accreditation.

(5) When re-accrediting a tertiary institution, the Council may vary the conditions attached to the accreditation and may impose additional conditions.

44. Revocation

(1) The Council may revoke a certificate of accreditation, if the Council has reasonable grounds to believe that an accredited institution has breached a condition in the certificate of accreditation.

(2) If the Council believes that a ground exists to revoke a certificate of accreditation, the Council shall issue to an accredited institution a notice to provide —

- (a) the action which the Minister proposes to take under this Part;
- (b) the ground for the proposed action;
- (c) an outline of the facts and circumstances forming the basis for the grounds; and
- (d) an invitation to the accredited institution to show within a specified period reasons why the proposed action must not be taken.

(3) The specified period under subsection (2)(d) is a period ending at least 30 days after the notice under subsection (1) is given to the accredited institution.

(4) An accredited institution may make written representations with respect to a notice under subsection (2) and the Council shall consider all such representations made by the accredited institution.

(5) If, after considering the representations made under subsection (4), the Council no longer believes that a ground exists to revoke the certificate of accreditation, the Council shall —

- (a) not take further action with respect to the notice; and
- (b) give notice to the accredited institution that no further action will be taken under the notice.

(6) If after considering the representations made under subsection (4), the Council believes that the ground exists to revoke the certificate of accreditation, the Council shall give notice to the accredited institution of its decision to revoke the certificate of accreditation.

45. Accreditation Register

(1) Subject to subsection (2), the Council shall keep and maintain a register to be known as the Accreditation Register.

(2) The Accreditation Register shall be in the prescribed form and shall contain the following particulars —

- (a) the accreditation number issued under section 41;
- (b) the name and address of the applicant and the tertiary institution to which the accreditation relates;
- (c) the programmes of study offered and the award offered; and
- (d) other prescribed particulars.

46. Exemptions

(1) A tertiary institution may be exempt by the Council from the provisions of this Act, if the Council is satisfied that the tertiary institution has been evaluated by a recognized accreditation authority.

(2) In subsection (1), “**recognized accreditation authority**” means a recognized accreditation authority specified in Schedule 2.

47. Appeal

(1) A tertiary institution that is aggrieved by a decision of the Council may make an application to the Minister for the review of a decision within 30 days after being given notice of a decision of the Council.

(2) If a decision is reviewed under subsection (1), the Council shall —

- (a) submit to the Minister a written report on the decision; and
- (b) submit to the tertiary institution a copy of the report.

(3) The report under subsection (2) must contain the reasons for the decision taken by the Council.

(4) An appeal from the decision of the Minister shall be to a Judge in Chambers.

48. Operational plan

(1) An accredited institution shall within thirty days of the issue of the certificate of accreditation, prepare an operational plan to be submitted for approval to the Council.

(2) An accredited institution that contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding \$10,000.

49. Information on management and organizational change

(1) An accredited institution shall inform the Council in writing of management and organizational changes including a change —

- (a) in the name and address of the accredited institution;
- (b) in the structure of the accredited institution;
- (c) of ownership of the accredited institution; and
- (d) in staff that could affect the performance or competence of the accredited institution.

(2) If the accredited institution informs the Council under subsection (1), the accredited institution shall submit supporting documents or any other prescribed documents.

(3) An accredited institution that contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine not exceeding \$10,000.

50. Access to premises

(1) An accredited institution shall provide the Council and its representatives reasonable access to its premises as is necessary, to enable the Council or its representatives to monitor compliance with this Act.

(2) An accredited institution that contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding \$10,000.

51. Availability of information and documents

(1) An accredited institution shall make available to the Council or its representatives, information and documents which the Council considers necessary.

(2) An accredited institution that contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding \$10,000.

52. Non-accredited activity

(1) An accredited institution shall claim that it is accredited in respect of activities that are approved by the Council and where the accredited institution operates outside the scope of its accreditation, the accredited institution shall provide on a document or certificate issued in connection with the non-accredited activity, a statement to the effect that the activity is not one that has been accredited by the Council.

(2) An accredited institution that contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding \$10,000.

53. Use of certificate of accreditation

(1) An accredited institution shall not use the certificate of accreditation in such a manner as to bring the arrangements for accreditation in disrepute.

(2) An accredited institution that contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding \$10,000.

54. Display of certificate of accreditation

(1) An accredited institution shall exhibit in a prominent position at each place of operation, a copy of the certificate of accreditation.

(2) An accredited institution that contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding \$10,000.

55. Reference to accreditation

An accredited institution may refer to its accreditation by the Council in a document, brochure or advertising media —

- (a) in a case where an Accreditation Mark and an accreditation number have been issued by the Council, use the following phrase —

“an accredited institution listed under accreditation number { }”;

- (b) in any other case, use the following phrase —

“listed in the Accreditation Register.”

56. Discontinuance of accreditation

(1) On the expiry or revocation of the term of accreditation, an accredited institution shall immediately discontinue its use of reference to accreditation and withdraw advertising matter which contains reference to accreditation.

(2) An accredited institution that contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding \$10,000.

PART 3 FINANCIAL PROVISIONS

57. Funds of the Council

The funds of the Council consists of —

- (a) monies placed at its disposal for the purpose of this Act by Parliament;
- (b) monies arising from grants or donations;
- (c) monies payable to the Council for or in connection with the carrying out of its functions;
- (d) property and assets acquired by the Council with the approval of the Minister; or
- (e) fees and other monies paid to the Council.

58. Application of funds

The funds of the Council must be applied towards —

- (a) the payment of salaries, fees, allowances, gratuities, pensions, or similar benefits to persons employed or formerly employed by the Council;
- (b) the payment of remuneration, fees and allowances of members of the Council and members of committees established by the Council;
- (c) the capital and operating expenses, including maintenance and insurance of the property of the Council; and
- (d) meeting the obligations and the performance of any of the functions of the Council and other incidental matters.

59. Borrowing powers

(1) Subject to subsection (2), the Council may borrow money from the Government, bank or financial institution by way of loan, overdraft or otherwise required by it for the purpose of carrying out its functions under this Act.

(2) The Council may borrow money under subsection (1) with the approval of the Minister responsible for finance on such terms and conditions including in relation to

the amount and the sources of borrowing that the Minister responsible for finance approves.

(3) The Council shall not pledge its assets as security for a loan without the prior written approval of the Minister responsible for finance.

60. Guarantee of borrowing

(1) The Minister responsible for finance may, with the approval of Parliament by resolution, guarantee in the manner and on conditions as he or she thinks fit, the payments of the principal and interest of amounts borrowed by the Council.

(2) If the Minister responsible for finance is satisfied that there has been default in the payment of principal money or interest guaranteed under subsection (1), he or she shall direct the repayment of the principal money or interest out of the Consolidated Fund.

61. Financial year

The financial year of the Council commences from the 1st day of April and ends on the 31st day of March in each year or such other period as the Council may specify by notice published in the *Gazette*.

62. Accounts

The Council shall keep proper records of accounts in accordance with generally accepted international accounting standards and principles, and shall prepare and retain financial statements in respect of each financial year.

63. Audit

(1) The Council shall as soon as practicable after each financial year, have its accounts audited annually by an independent auditor appointed by the Council, who shall conduct the audit in accordance with generally accepted international auditing standards and principles.

(2) A member or staff of the Council shall grant to the auditor appointed under subsection (1) access to books, deeds, contracts, accounts, vouchers or other documents which the auditor considers necessary.

(3) The auditor may require the member or staff of the Council holding or accountable for a book, deed, contract, account, voucher or other document to appear, make a signed statement or provide information in relation to the book, deed, contract, account, voucher or other document as the auditor considers necessary.

(4) A member or staff of the Council required to appear, make a signed statement or to provide information under subsection (3) and who fails to comply, commits an offence and on summary conviction is liable to a fine not exceeding \$5,000 or to a term of imprisonment not exceeding 6 months or to both, and to revocation of his or her appointment as a member of the Council, or dismissal of the Secretary to the Council, or an officer or a member of staff of the Council.

64. Auditor's report

An auditor appointed under section 63 shall as soon as practicable and not later than 2 months after the end of each financial year, submit to the Council copies of the audited financial statement of the Council.

65. Annual report

(1) Subject to subsection (2) and not later than 3 months after the end of each financial year, the Council shall submit to the Minister an annual report on the work and activities of the Council for that financial year and the Minister shall lay the annual report at the next sitting of Parliament after receipt of the report.

(2) An annual report under subsection (1) shall be accompanied by the auditor's report made under section 64.

(3) A summary of an annual report under subsection (1) shall be published in the *Gazette* and the entire annual report must be available to the public on payment of the prescribed fee to the Council.

PART 4 MISCELLANEOUS

66. Amendment of Schedules

The Minister may, by Order published in the *Gazette*, amend Schedule 1 or Schedule 2.

67. Regulations

(1) The Minister may, in consultation with the Council, make Regulations for giving effect to this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may, in consultation with the Council, make Regulations to —

- (a) prescribe fees and charges under this Act;
- (b) prescribe forms for certificates and the Accreditation Mark as required under this Act;
- (c) prescribe standards for accreditation;
- (d) provide for a national qualifications framework; and
- (e) provide for a transitional matter arising as a consequence of the coming into operation of this Act or the Regulations.

(3) Regulations made under this section may provide that a tertiary institution which contravenes or fails to comply with a provision of the Regulations commits an offence and is liable on summary conviction to a fine not exceeding \$10,000.

68. Transitional

A tertiary institution in operation before the commencement of this Act shall apply for accreditation within 6 months of the commencement of this Act.

Schedule 1

(Section 31(4))

OATH OF SECRECY

Form of oath to be taken by every member of the Council, the Secretary to the Council, or an officer or a member of staff of the Council under this Act

I, (name) swear or affirm that I will well and faithfully carry out my duties and obligations under the Accreditation Act, rules and instructions thereunder and that I will not without due authority in that behalf disclose or make known any matter or thing that comes to my knowledge by reason of my employment or office.

Signed

Date

Schedule 2

(Section 46(2))

RECOGNIZED ACCREDITATION AUTHORITY

The Caribbean Accreditation Authority for Education in Medicine and other Health Professionals.

CHAPTER 18.11 ACCREDITATION ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation

*Accreditation (Amendment of Schedule 2) Order***SAINT LUCIA**

STATUTORY INSTRUMENT, 2022, No. 107

[15th August, 2022]

In exercise of the power conferred under section 66 of the Accreditation Act, Cap. 18.11, the Minister responsible for education makes this Order:

Citation

1. This Order may be cited as the Accreditation (Amendment of Schedule 2) Order, 2022.

Amendment of Schedule 2

2. Schedule 2 of the Accreditation Act, Cap. 18.11 is amended by inserting the following recognized accreditation authority in the proper alphabetical sequence —

“The Accreditation Commission on Colleges of Medicine”.

Made this 8th day of August, 2022.

SHAWN A. EDWARD,
Minister responsible for education.

*Accreditation Act (Commencement) Order***SAINT LUCIA**

STATUTORY INSTRUMENT, 2023, No. 21

[27th February, 2023]

In exercise of the power conferred under section 1(2) of the Accreditation Act, Cap. 18.11, the Minister responsible for education makes this Order:

Citation

1. This Order may be cited as the Accreditation Act (Commencement) Order, 2023.

Commencement

2. The Accreditation Act, Cap. 18.11 is deemed to have come into force on the 1st day of February, 2022.

Made this 23rd day of February, 2023.

SHAWN A. EDWARD,
Minister responsible for education.