

THE COUNCIL OF COMMUNITY COLLEGES OF
JAMAICA ACT

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THE COUNCIL OF COMMUNITY COLLEGES OF
JAMAICA ACT

Act
29 of 2001.

[31st December, 2001.]

Preliminary

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

2. In this Act—

Interpreta-
tion.

“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

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.

Establish-
ment of
Council.

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

Schedule.

4. The Council shall—

Functions
of the
Council.

- (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:

Appoint-
ment 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, approved 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.

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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

Funds and
resources
of the
Council.

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

- (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.

Power to
invest
moneys.

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.

Borrowing
powers.

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.

(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.

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.

Power of
Minister of
Finance to
guarantee
loans to
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 fulfillment 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.

Power of
Minister to
require
returns.

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.

Exemption
from taxes
and duties.

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.

(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.

General

17. The Council may, with the approval of the Minister, make regulations generally for the better carrying out of the purposes of this Act.

Regulations.

SCHEDULE

(Section 3)

The Council of Community Colleges of Jamaica

1. The Council shall consist of not less than nineteen members of whom—

Constitution of Council.

(a) the following shall be *ex officio* members—

COUNCIL OF COMMUNITY COLLEGES OF JAMAICA

- (i) the Permanent Secretary in the Ministry responsible for education or his nominee;
- (ii) the principal of each Community College;
- (b) the following (hereinafter referred to as "appointed members") shall be appointed by the Minister by instrument in writing—
 - (i) a representative of the University of the West Indies, nominated by the Vice-Chancellor of that University;
 - (ii) a representative of the University of Technology, Jamaica, nominated by the President of that University;
 - (iii) a representative of the academic staff of each community college;
 - (iv) a representative of the University Council of Jamaica;
 - (v) a representative of the College of Agriculture, Science and Education;
 - (vi) a representative of the National Council on Technical Vocational Education and Training;
 - (vii) the president of the Secondary Schools Principals' Association or his nominee;
 - (viii) one person nominated by an organization representing the business sector;
 - (ix) not more than three other persons appearing to the Minister to be persons knowledgeable and experienced in matters relating to education.

Chairman
and deputy
chairman.

2.—(1) The Minister shall appoint a chairman from among the appointed members.

(2) The members of the Council shall appoint a deputy chairman from among them.

(3) In the case of absence or inability to act of the chairman, the deputy chairman shall perform the functions of chairman.

(4) In the case of the absence or inability to act of both the chairman and the deputy chairman, the Minister may appoint any other appointed member to perform the functions of the chairman, or, as the case may be, the members may appoint another member to perform the functions of the deputy chairman, during such absence or inability.

3. The Minister, on the application of any appointed member of the Council, may grant to such appointed member leave of absence for any period not exceeding six months and may appoint some other person to act as an appointed member during the period of leave of absence so granted.

Grant of
leave of
absence.

4.—(1) An appointed member shall hold office for a period not exceeding three years.

Tenure of
office.

(2) Every appointed member shall be eligible for reappointment.

(3) If any vacancy occurs in the appointed membership of the Council such vacancy shall be filled by the appointment of another appointed member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous appointed member was appointed.

5.—(1) An appointed member of the Council, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of receipt by the Minister of such instrument, the appointed member shall cease to be a member of the Council.

Resignation
of members.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and his resignation shall take effect from the date of the receipt of the instrument by the Minister.

6. The Minister may, at any time, revoke the appointment of any appointed member of the Council.

Revocation
of appoint-
ment of
member.

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

Gazetting
of appoint-
ments.

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.

Seal.

(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 meet-
ings.

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.

Remunera-
tion 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.

Appoint-
ment 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 subparagraph (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.

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.

Power to
delegate.

(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.

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.

Protection
of members.

(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.

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

Disclosure
of interest.

(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

COUNCIL OF COMMUNITY COLLEGES OF JAMAICA

- (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.