

DOMINICA COLLEGE ACT, 2001

COLLEGE OF THE COMMONWEALTH OF DOMINICA

An Act to provide for the establishment of an educational institution to be known as _____ and for matters connected therewith and incidental thereto.

{Date}

Enacted by the Parliament of the Commonwealth of Dominica

PART I Preliminary

Short title

1. This Act may be cited as the

Dominica College Act, 2001

Interpretation

2. In this Act--

“Board of Governors” means the Board of Governors established by section __ of this Act;

“Chairman” means the Chairman of the Board of Governors;

“College” means the College of the Commonwealth of Dominica;

“Minister” means the Minister responsible for Education;

“President” means President of the College;

“Council” or “Academic Council” means the Academic Council of the College of the Commonwealth of Dominica;

“Executive and Finance Committee” means the Executive and Finance Committee established by section __ of this Act;

“college system” means the Clifton Dupigny Community College, the Dominica Teachers College and the Princess Margaret Hospital School of Nursing

“financial year” means such period of twelve months as determined by the Board;

“Registrar” means the Registrar appointed in accordance with this Act;

“Auditor” means the person appointed to the public office of Auditor established under section ---
- of the constitution;

“Secretary” means the Secretary of the College appointed by the Board under this Act;

“Management Team” means the Ad Hoc body appointed by the Minister for the sole purpose of giving direction and guiding the re-development and establishment of the College prior to the ascension of this Act, and

“Vice-President” means a Vice-President of the College appointed under section __ of the Act.

“Student Government” means the organization of students authorized under this Act to be duly representing the interests of students currently enrolled at the College.

PART II

The Establishment and Functions of the College

Establishment of College

3.— (1) There shall be established an educational institution known as The College of the Commonwealth of Dominica.

(2) The College shall be a body corporate by the name of The College of the Commonwealth of Dominica with perpetual succession and a common seal, and shall, in that name, be capable of--

- (a) suing and being sued in its corporate name;
- (b) with the prior approval of the Minister and not otherwise, taking, purchasing or otherwise acquiring, holding, charging and disposing of property, real, movable or immovable; provided that the College may acquire real property by devise or bequest without the said approval of the Minister, and
- (c) doing or performing all such acts or things for the performance of its functions under, and for the furtherance of the provisions of, this Act which may lawfully be done or performed by a body corporate.

(3) The seal of the College shall be kept in the custody of the Chairman, and shall be affixed to instruments pursuant to a resolution of the Board and in the presence of the Chairman or in case of his absence the deputy Chairman.

(4) The seal of the Board shall be authenticated by the signatures of the Chairman or deputy Chairman and one other member of the Board.

(5) All documents, other than those required by law to be under seal, made by and all decisions of the Board, shall be signified under the hand of the Chairman or deputy Chairman or any member of the Board authorized to act in that behalf.

Functions of the College

4. -- (1) The functions of the College shall be—

- (a) to provide instruction, conduct research and disseminate knowledge of a standard required and expected of a college of the highest standard in the Liberal and Creative Arts, Business, the Sciences, Technology, Agriculture and other branches of learning in an environment which fosters academic freedom;
- (b) to confer degrees and grant diplomas, certificates and other awards and honors as are usually conferred by similar institutions;
- (c) to enter into any association and affiliation with universities, colleges and other institutions of learning, whether within the Commonwealth of Dominica or otherwise, as the College may deem necessary and appropriate; and
- (d) to provide services to the community within its competence to do so.

(2) Without prejudice to anything contained in subsection (1), the College shall provide education and training at the post-secondary and tertiary levels in--

- (a) agriculture
- (b) arts and social science
- (c) business and hospitality
- (d) general studies and continuing education
- (e) health and environmental science
- (f) skills' training and professional development
- (g) teacher education and educational administration
- (h) technical education
- (i) technology and information science
- (j) such other fields of study and areas of training as the Board may from time to time determine in consultation with the Minister.

5. -- The Board may for the purpose of achieving the objectives of the College establish such number of faculties, schools, departments and divisions as are deemed necessary or expedient from time to time.

PART III

Governance of College

6.— (1) There shall be a President of the College who shall be appointed by the Board, in consultation with the Minister.

(2) The President shall be the principal executive officer of the College.

(3) The President shall be the academic and administrative head of the College and shall generally supervise and direct the academic work of the College, the academic and administrative staff and other staff of the College, and shall also perform such other functions as may from time to time be assigned to him by the Board.

(4) The President shall be appointed as a full-time employee for a term not to exceed five years, but he may be eligible for reappointment for only one more term not to exceed five years at the determination of the Board.

(5) The Board may, with the prior approval of the Minister, remove the president from office on grounds of misconduct, inefficiency or other good cause.

7. – (1) There shall be a Vice-President for Academic and Student Affairs, a Vice-President for Financial and Administrative Affairs and other such Vice-Presidents as the Board may determine, such Vice-Presidents shall be appointed by the Board.

(2) The Vice-Presidents shall, under the direction of the President, be responsible for the general administration of the College, including academic affairs, financial affairs and institutional development of the College, and such other duties as may be assigned to the Vice-Presidents by the President or the Board.

(3) Whenever the President is absent from the Commonwealth of Dominica or for any reason unable to perform the functions of the office, or whenever there is a vacancy in the office of the President, the Vice-President for Academic and Student Affairs shall exercise and perform all functions of the President.

(4) In the absence or inability of the President and Vice-President for Academic and Student Affairs, such duties of the office of the President shall be performed by other such persons as the Board may appoint during such absence or inability.

Duties of President

8.-- Without prejudice to any other duties conferred upon the President by this Act, the President shall be responsible for-

- (a) the implementation of policy and for all phases of the operation, administration, supervision, maintenance and promotion of the College and its programmes;
- (b) the introduction of measures, mechanisms and procedures as are necessary for the effective discharge of his duties;
- (c) the provision of leadership in matters relating to the academic programmes of the College;
- (d) the promotion of the interests of the College both within and outside the Commonwealth of Dominica;
- (e) the exercise of such other powers conferred on him or delegated to him by the Board in accordance with this Act.

9.-- (1) There shall be a Registrar of the College who shall be appointed by the Board.

(2) The Registrar shall be subject to the directions of the President and shall be responsible for the day to day administration of the College.

(3) The Registrar shall perform the duties of Secretary to the Board and Academic Council.

10.-- (1) There shall be a Vice-President for Financial Affairs of the College and shall be appointed by the Board.

(2) The Vice-President for Financial Affairs shall be the chief financial officer of the College and shall be responsible for the management and control of the funds of the College.

Termination and appointment of staff

11.-- (1) Any person is eligible for admission as a student of the College who possesses such entry qualifications as determined by the Board on the advice of the Academic Council with approval of the Minister.

(2) Any person is eligible for appointment to an office of, or employment under the Board.

(3) The Board shall publish, by Notice in the Gazette, the qualifications determined under subsection (1).

12.-- There shall be a student government and shall be initiated by the Board and controlled by students who shall be democratically elected and contain a constitution approved by the Board.

13.-- (1) A member of the academic staff shall, on first appointment, be required to serve a probationary period of six months unless the Board dispenses with the requirement to serve a probationary period; but such requirement shall not apply to persons serving on the permanent staff of the College at the commencement of this Act or to public officers who are seconded to the College.

(2) Where a member of the academic staff is appointed in the first instance for a probationary period, the Board at the expiration thereof, may, on the recommendation of the President, appoint him to a post on the permanent staff of the College.

(3) The appointment of the permanent staff of the College of any member of the teaching staff who was in the first instance appointed for a probationary period, shall be deemed to have taken effect from the date of his appointment on probation.

(4) The appointment of a member of the academic staff who is serving the probationary period mentioned in subsection (2) maybe terminated by one month's notice given by the Board to such member or by such member to the Board.

(5) A notice given under subsection (4) shall be transmitted through the President.

(6) A member of staff who is employed by the Board on a full-time basis shall not hold any other appointment or engage in any activity which constitutes a conflict of interest or which in the opinion of the Board, may interfere with the proper performance of his duties as a member of the teaching staff or is prejudicial to the welfare of the College.

14.-- (1) A member of the staff may be suspended by the President for-

(a) gross neglect of duty; or

(b) misconduct calculated to injure, or capable of injuring, the reputation of the College.

(2) The President shall immediately upon any such suspension, report the same and the circumstances thereof in writing to the Chairman who shall within seven days of receipt by him of the President's report, summon a meeting of the Board to inquire into and adjudicate upon the matter.

15.-- (1) The Board may dismiss any member of staff appointed to a post on the permanent staff of the College subject to the following conditions:

(a) the member shall be given due notice that his dismissal is under consideration together with a statement of the charge alleged against him;

(b) the member shall be given an opportunity to defend himself against any such charge before a tribunal appointed by the Board to hear and determine the charge.

(2) Where a member of the staff of the College is appointed and employed under a written contract of service, the terms of such contract in relation to termination thereof shall have effect in this regard.

16.-- The Public Service Commission may, subject to such condition as it may impose, approve the secondment to the College of an officer in the public service; but an officer so seconded shall, in relation to pension, gratuity or other benefits and in relation to other rights as a public officer, be treated as continued service in the public service.

17.-- For the avoidance of doubt, it is hereby declared that an officer seconded to the College shall continue to be a public service until such time when he resigns, retires, or otherwise leaves the public service.

The College Board of Governors

18.-- (1) There shall be established for the purposes of management of the College a body to be known as the College Board of Governors or Board.

(2) The general direction and control of the College shall be vested in the Board.

(3) Without prejudice to the generality of subsection (2), the Board shall have power—

(a) to provide for the welfare of the students of the College.

(b) to implement the objectives of the College

(c) to formulate the policies of the College;

(d) to create such departments or divisions within the College as it considers expedient;

(e) to control and superintend the property of the College

(f) to appoint such faculty, administrative and other staff as appears to the Board to be necessary, on such terms and conditions (including salaries, allowances, other remuneration and disciplinary control) as the Board may determine;

- (g) to cause proper accounts of the financial affairs of the College to be maintained;
 - (h) to accept, deposit, or act as trustees or managers of, any property of the College or any legacy, endowment, bequest or gift to the College for purposes of education or research or otherwise in furtherance of the work of the College and to invest any funds representing such property, legacy, endowment, bequest or gift, if not immediately required in such security as the Board may deem fit;
 - (i) on the advice of the Academic Council conduct examinations
 - (j) to determine the programmes and courses of study to be pursued in the College and admission standards;
 - (k) on the advice of Council confer academic degrees and honours;
 - (l) provide pecuniary benefits for the employees of the College on their retirement, resignation, discharge or other termination of service, or in the event of their sickness or injury and for their dependants, and for that purpose effect policies of insurance, establish pension and provident funds or make such other provision as may be necessary to secure for such employees and their dependants any or all of the pecuniary benefits to which the provisions of this subparagraph relate;
 - (m) to grant sabbatical and other leave; on the advice of the Academic Board enter into agreements or arrangements on behalf of the College with other institutions of further education (including universities), for the provision of instruction or the granting of associate degrees, degrees, diplomas, certificates and other academic distinctions.
 - (n) to fix fees and charge for courses of study, facilities and other services provided by the College and to reduce, waive or refund fees and charges so fixed, generally or in any particular case or class of case;
 - (o) on the advice of Council award and administer bursaries and scholarships whether tenable at the College or elsewhere;
 - (p) to negotiate a collective agreement or any similar agreement with the representative body of the employees of the College;
 - (q) to make regulations—
 - (i) to direct and regulate the administration of the College;
 - (ii) without prejudice to the generality of subparagraph (1), to direct and regulate the conduct, discipline and such other matters affecting the employment of members of the faculty and other staff;
 - (iii) for the better carrying out of the provisions of this Act.
- (4) The Schedule shall have effect in relation to the constitution of and procedures of the Board of Governors.

19.— (1) The Board may establish such number of committees as it considers necessary or expedient for the purpose of carrying out its functions under this Act.

(2) A committee established under subsection (1) may consist of persons who are members of Board and persons who are not, but unless otherwise provided by this Act any such committee shall consist of no more than nine persons of whom no more than five shall be members of the Board, and consist of at least two members one of which must be of the Board.

(3) A committee appointed under section (1) shall perform such functions as the Board determines arising out of or connected with the powers and duties of the Board under this Act.

(4) The Board may by resolution reject the report of any such committee appointed under subsection (1) or adopt it wholly, or with such modifications, additions or adaptations as the Board determines.

(5) A committee of the Board, including the standing committees thereof, may regulate its own procedure subject to any written directions of the Board in this regard.

(6) The members of a committee appointed under subsection (1) shall elect as Chairman a committee member who is a member of the Board.

(7) Where persons, not being members of the Board, are members of a Standing Committee or a committee appointed under subsection (1), the Board may, with the approval of the Minister, by resolution declare the remuneration and allowances of such persons, and such sums shall properly be payable out of the funds and resources of the College.

20.-- (1) Subject to the provisions of this Act, the Board may delegate to any member or committee of the Board the power and authority to carry out on its behalf such duties as the Board may determine.

(2) The delegation of any power or authority under subsection (1) shall not prevent the Board itself from exercising the power or authority.

Protection of the Board

21.-- No act done or proceedings taken under this Act shall be questioned on the ground of any omission, defect or irregularity not affecting the merits of the case.

Committees of the Board

22.-- Without prejudice to the generality of section 17, there shall be two standing committees of the Board and which shall be the Executive and Finance Committee and the Academic Council.

23.-- (1) The Executive and Finance Committee shall be chaired by the Chairman of the Board and be responsible for the financial affairs of the College and in particular shall –

(a) review financial plans and budgets for the College;

- (b) make rules to regulate the financial transactions of the College subject to approval by the Board;
- (c) supervise expenditure and approve variations within the approved budget up to limits set from time to time by the Board;
- (d) review statements of accounts by the Board; and
- (e) manage the funds of the College and make recommendations for the investment thereof.

24.-- (1) The Academic Council shall comprise the President, Vice-President for Academic and Student Affairs, Deans, Heads of Departments and one faculty member from each academic division.

(2) The President, or in his absence the Vice-President for Academic and Student Affairs shall be the Chairman of the Academic Council or Council.

(3) The Academic Council shall-

- (a) establish academic and teaching standards in programmes of the College;
- (b) propose changes in entry requirements, if necessary, for the approval of the Board of Governors;
- (c) establish criteria for examinations of the College;
- (d) receive and consider proposals from Departments for changes in the academic programme, including the introduction of new courses or changes in curricular of on-going courses;
- (e) prepare educational development plans for the College for consideration by the Board;
- (f) be responsible for moderation, accreditation, internal and external, and certification of academic achievements subject to any requirements of the Board;
- (g) advise generally and make recommendations to the Board of Governors as regards recruitment and training of staff and research.

(4) The Academic Council shall approve all changes to existing and new courses and teaching programmes.

(5) Faculty members elected to the Academic Council shall serve for a two-year term, except for the first term, in which case two lecturers will be elected for three years.

(6) Any retiring member of the Academic Council is eligible for re-election.

Discipline of students

25.-- The President may exercise disciplinary control over students of the College and in this regard may consult any committee appointed by him in that behalf from among the faculty or staff of the College.

Minister may give directions

26.-- (1) The Minister may, after consultation with the Board, give the Board –

(a) directions of a general character as to the policy to be followed in the exercise and performance of its functions in matters appearing to the Minister to concern the public interest;

(b) directions for the remedying of any serious defect or failure in the successful performance of its function;

and the Board shall give effect to such directions.

(2) Such directions in subsection (1) by the Minister shall not apply to–

(a) the appointment, termination of appointment, promotion or discipline of any member of the faculty, administration or other staff of the College, other than the President; and

(b) the admission of any particular student to the College or the evaluation, discipline, academic promotion, certification, or awards to students of the College.

Remuneration of members of Board and committees

27.-- (1) The members of the Board shall receive such remuneration and allowances as the Minister approves.

(2) Where persons, not being members of the Board are members of committees appointed to section 17 (1), the Board may by resolution determine the remuneration and allowances of such persons, and such sums shall be properly be payable out of the funds and resources of the College.

PART IV
Staff of College

Staff generally

28.-- (1) Subject to this Part, the College shall have such number of academic, administrative and other staff as the Board determines necessary from time to time.

(2) The employment of persons under subsection (1) shall be subject to such terms and conditions as may be agreed between the employee and the Board.

(3) Members of the staff of the College, other than the President, academic staff and senior administrative staff shall be appointed by the President or such other person to whom the power is delegated by Board.

(4) The President, academic staff and senior administrative staff shall be appointed by Board.

29.-- The staff presently employed by the college system shall continue to be employed as if they were employed pursuant to this Act without any loss of benefits, status or any other like matter.

PART V

Finance of the College

Funds and resources of the Board

30. -- The funds and resources of the Board shall consist of

(a) such sums as may be voted for the purpose of the College by parliament;

(b) all sums borrowed by the Board for the purpose of meeting any of its obligations or discharging any of its functions; and

(c) all other sums or property which may in any manner become payable to, or vested in the Board in respect of any matter incidental to its functions.

Borrowing Power of the Board

31. -- (1) Subject to the provisions of subsection (2), the Board may borrow sums required by it for meeting any of its obligations or discharging any of its functions.

(2) The power of the Board to borrow is exercisable only with the approval of the Minister of Finance as to the amount, as to the source of the borrowing and as to the terms on which the borrowing may be effected.

(3) An approval given in any respect for the purpose of subsection (2) may be either general or limited to a particular borrowing or otherwise, and may be either unconditional or subject to conditions.

Guarantee with the approval of the House

32.-- (1) With the approval of the House of Assembly, the Minister of Finance may guarantee in such manner and on such conditions as he may think fit, the repayment of the principal and payment of interest in respect of any authorized borrowing by the Board.

(2) Where the Minister of Finance is satisfied that there has been default in the repayment of the principal monies or payment of interest guaranteed under the provisions of this section, he shall direct the repayment or payment as the case may be, out of the Consolidated Fund of the amount in respect of which there has been such default.

(3) The Board shall make to the Accountant General, at such times and in such manner as the Minister of Finance may direct, payments of such sums as may be so directed in or towards

repayment of any sums issued in fulfilment of any guarantee given under this section, and payment of interest may be directed as regards different sums and as regards interests for different periods.

Accounts and audit

33.-- (1) The Board shall keep accounts of its transactions to the satisfaction of the Minister of Finance and such accounts shall be audited annually by the auditor appointed by the Board.

(2) The members, officers and employees of the Board shall grant to the auditor appointed by the Board or to any public officer on the staff of the Audit Department access to all books, documents, monies and property of the Board and shall give the auditor or the officer of the Audit Department on request, all such information as may be within their knowledge in relation to the operation of the Board.

(3) If any person fails or refuses to comply with any request of the auditor or the relevant officer made pursuant to subsection (2) or otherwise impedes or obstructs the auditor or the officer in the exercise of his functions under this section, that person is guilty of an offence and liable on summary conviction to a fine of one thousand dollars.

Annual Report, statement of accounts and estimates

34.-- (1) The Board shall submit to the Minister –

(a) within three months after the end of each academic year, or within such further time as the Minister may consider reasonable, a report on the activities of the College during that academic year, and a development plan for the new academic year;

(b) together with the Report under paragraph (a), a statement of its account audited in accordance with the provisions of section 32(1), for the financial year ending in such year;

(c) on or before the 31st December in each year, its estimates of revenue and expenditure for the College in respect of the next financial year for the approval of the Minister.

(2) The Minister shall table annually in the House of Assembly copies of the Report of the Board and the statement of its accounts together with the auditor's report thereon mentioned in subsection (1)(a) and (b).

Minutes of Board receivable in evidence

35.-- Minutes made of meetings of the Board shall, if duly signed by the Chairman or deputy Chairman, be receivable in evidence in all legal proceedings without further proof; and every meeting of the Board in respect of which minutes have been so signed be deemed to have been duly convened and held, and all members present thereat to have been duly qualified to act.

Commencement

36.-- This Act shall come into operation on such a day as the President of the Commonwealth of Dominica appoints by proclamation. may by a subsequent Act appoint.

PART VI

Constitution of the Board

Membership of the Board

37.-- (1) The Minister, after consultation with members of the Ad Hoc Management Team and the Cabinet of the Government of the Commonwealth of Dominica and other persons or bodies as he may determine necessary, appoint the first Board of Governors of the College.

(2) For any subsequent appointment to the Board, the Minister will consult with the Chairman of the Board and the bodies specified in section (___)

(3) The Board shall consist of a Chairman and not more than eight other members, with the relevant technical and professional qualifications and experience, appointed by the Minister and, subject to paragraph 7 (1), every member of the Board shall hold office for the time specified in his letter of appointment.

(4) The Board shall consist of nine members appointed by the Minister of whom-

- (a) one shall be the President ex-officio;
- (b) three shall be public officers, one of whom may be from the Ministry responsible for Tourism and another being the Chief education officer;
- (c) one shall be a student of the College selected in accordance with the procedures as may be determined by the student government;
- (d) one shall be a faculty member of the College selected in accordance with such procedures as may be determined by the faculty union;
- (e) one shall be from the collective bargaining unit representing faculty of the College;
- (f) one shall be from the Chamber of Commerce;
- (g) one shall be from the Public Service Union

(4) The Minister shall designate two members as chairman and deputy Chairman.

(5) The Registrar will be Secretary of the Board but without the right to vote at Board meetings.

Duration and termination of membership

(6) Except for the first term in which the Chairman and three other members shall be appointed for a three year term, each member of the Board shall serve a two year term.

(7) Any person ceasing to be a member of the Board in good standing is eligible for reappointment.

(8) A member of the Board becomes unfit to hold office and his appointment shall be revoked by the minister on the advice of the Board if –

- a. he is medically declared to be of unsound mind;
- b. becomes bankrupt;
- c. he is convicted of any indictable offence;

and the office of a member of the Board shall become vacant if he fails without adequate cause to attend three successive meetings.

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

(10) A member of the Board, 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 the receipt by the Minister of the instrument the member shall cease to be a member of the Board.

(11) A member of the Board other than the Chief Education Officer shall hold office for two years but shall be eligible for re-appointment; but except for the chief Education Officer a member shall not hold office for periods which in the aggregate amount to more than six years.

Temporary members and vacancies

(12) The minister may appoint any person to act temporarily in the place of any member of the Board in case of absence or inability of such member to act.

(13) If any vacancy occurs in the membership of the Board, such vacancy, shall be filled by the appointment of another member who shall, subject to the provisions of this Act, hold office for the remainder of the period for which the previous member was appointed, so however, that such appointment shall be made in the same manner and from the same category of persons. In any, as the appointment of the previous member.

Gazetting the appointment

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

Members liability

(15) No member of the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operation of the College.

A member not to hold employment under the Board

(16) A member of the Board may not be appointed to any office or be employed by the Board.

Fees and allowances

(17) Members of the Board shall be paid fees and allowances out of the funds of the College as the Board may, with the approval of the Minister, determine.

President to attend meetings

(18) The President shall attend meetings of the Board, but will not have the right to vote at such meetings.

Duties and responsibilities

(19) The College shall be managed by a Board of Governors who shall have the following responsibilities as defined in section 18.

(20) The Board shall be deemed to have delegated to the President such powers of the Board as are necessary to enable him to transact efficiently the day-to-day business of the College.

Board to employ persons for performance of functions

(21) Subject to subsection (22), the Board may, from time to time, employ such persons as may be necessary for due performance of the functions of the College upon such terms and conditions as may be determined by the Board.

(22) The Board shall appoint a Vice-President for financial and Administrative Affairs on such terms and conditions as may be determined by the Board.

(23) Meetings of the Board

(a) The Board shall meet at least once every month and at other times as may be necessary or expedient for the transaction of its business and such meetings shall be held at places and times and on such days as the Council may determine.

(b) The Chairman, or in his absence the Deputy Chairman, shall preside at a meeting of the Council.

(c) At any meeting of the Council, in case of the absence or inability to act of both the Chairman and the Deputy Chairman, the members of the Council present shall elect one of their members to preside at the meeting.

(d) The decisions of the Council shall be a majority of votes and in addition to an original vote, in any case in which the voting is equal, the Chairman, or in his absence the Deputy Chairman or other member presiding at that meeting, shall have a casting vote.

Minister to be represented at meetings

(24) Minister may attend any meeting of the Council or a committee thereof or be represented at any such meeting by any person authorized by him in that behalf; and the Minister or that person may take part in the proceedings at the meeting but shall not vote on any matter.

Meetings of the Board

(25) The Chairman may at any time summon a meeting of a Board and shall summon a meeting within seven days -

- (a) of a request for that purpose addressed to him by any four members of that Board, or;
- (b) if a direction to that effect is addressed to him by the Minister.

(26) Quorum:

At any meeting of the Council, or a committee, a quorum shall be the minimum number constituting a majority of the total number of members of the Council or committee.

(27) Minutes:

(a) Minutes in proper form of each meeting of the Council, Finance Committee, Educational Programmes Board and Academic Board shall be kept by the persons the Council may appoint for the purpose and shall be confirmed by the Chairman or Deputy Chairman, as the case may be as soon as practicable thereafter at a subsequent meeting.

(b) Copies of the minutes of meetings of each Board shall be submitted to the Council at its next meeting.

PART VII

Transfer of Certain Assets to the Authority

Transfer of assets to the Board

38.-- (1) The movable property and undertakings owned by the Government and used by it for the operation of the office of College immediately before the date of the coming into force of this Act shall by virtue of this Act be transferred to and vested in the College for same purpose as they were held by the Government immediately before the said date.

(2) The transfer and vesting aforesaid shall extend to the whole of such movable property and undertakings and shall include assets, powers, rights, and privileges and all things necessary or ancillary thereto which are held or enjoyed in connection therewith or appertaining thereto, as well as all obligations affecting or relating to any of the aforesaid movable property or undertakings or other things included therein as aforesaid.

Construction of laws, judgements, contract, etc. relating to transferred assets

39.-- Subject to the provisions of this Act, all laws, rules, regulations, orders, judgements, decrees, awards, deeds, bonds, contracts, agreements, instruments, documents, warrants and other arrangement subsisting immediately before the date of coming into force of this Act affecting or relating to any of the movable properties or undertakings transferred to the College by or under this Act shall have full force and effect against or in favour of the College shall be enforceable fully and effectually, as if instead of the Government the College has been named therein or had been a party thereto, and otherwise in substitution of the Government.

40.-- (1) Where anything has been commenced by or under the authority of the Government prior to the date of the coming into force this Act and such thing relates to any of the movable

properties or undertakings or any right or liability transferred to the College by or under this Act, such thing may be carried on and completed by or as authorized, by the College

(2) Where immediately before the coming into force of this Act, any legal proceedings are pending to which the Government is or is entitled to be a party, and such proceedings are related to any of the movable properties or undertakings, or any right of liability transferred by or under this Act, the College shall, as from the date aforesaid, be substituted in such proceedings for the Government or shall be made a party thereto in like manner as the Government could have become, and such proceedings shall not abate by reason of the substitution.

Part VIII

Officers and employees of the College

Transfer of public officers

41.-- (1) Every pensionable officer of the college system shall, upon the commencement of this Act, be deemed to be transferred from the service of the Government to the service of the Authority for a period extending from the date of such commencement to the date on which the officer accepts permanent employment with the College to take immediate effect under the provisions of section 29 (transitional)

(2) Nothing in this subsection shall be deemed to preclude an officer, deemed to be transferred to the service of the College under this subsection, from applying at any time during the ensuing one year period, for a transfer to a Government Department in accordance with the terms and conditions of service attached to the appointment held by such officer at the commencement of this Act and, on such application being made, the same consideration shall be given thereto as if the applicant had continued to be in the service of the Government.

(3) During such as aforesaid in subsection (1) every such officer shall be so employed by the College that his remuneration and conditions of service are not less favourable than those which are attached to the appointment under the Government held by such become attached to such appointment, during such period as aforesaid in sub section (2), had such officer continued in the service of the Government, but, for the purposes of the pension and gratuity, such period of service with the College shall be deemed to be service with the Government; the College shall pay to the Government such contributions in respect of the cost of pensions earned by such officers during such period as aforesaid as may be determined by the Treasurer.

Offer of permanent employment

42.-- (1) Every public officer who accepts permanent employment with the College offered to him under this section shall, for all purposes be deemed to have ceased to be in the service with the College on the date of his acceptance.

(2) An employee of the College who is eligible for pensions, gratuities and other benefits at the mandatory age of retirement from the public service, had such officer continued in the service of the Government, but, for the purposes of the pension and gratuity, shall take such entitlements at such time.

(3) Such officer will at the pleasure of the Board be eligible to continue in the employment of the College after that person has been retired from the public service on terms and conditions as determined by the Board.

43.-- Section 42 shall not apply to officers or employees not in the employment of the college system or in the service with the College at the commencement of this Act.