



No. 6 of 1988

I assent,
M. E. GORDON
Governor-General
27th May, 1988.

AN ACT to provide for the establishment, management and development of the University College of Belize; to repeal the Belize College of Arts, Science and Technology (BELCAST) Act, 1983; to vest the assets, rights and liabilities of the BELCAST Council in the new University College of Belize Council; and for matters connected therewith or incidental thereto.

(Gazetted 28th May, 1988)

BE IT ENACTED, by and with the advice and consent of the House of Representatives and the Senate of Belize and by the authority of the same, as follows:—

1. This Act may be cited as the

Short Title.

UNIVERSITY COLLEGE OF BELIZE ACT, 1988.

- Interpretation. 2. In this Act, unless the context otherwise requires—
- (a) "Chairman" means the Chairman of the Council established under Section 5;
 - (b) "College" means the University College of Belize established under Section 3;
 - (c) "Council" means the Council established under Section 5;
 - (d) "member" means a member of the Council;
 - (e) "Minister" means the Minister for the time being responsible for education;
 - (f) "President" means the President of the College appointed under Section 25;
 - (g) "Student Council" means the Council representing the Student body of the College.
- Establishment of University College. 3.(1) There is hereby established a College to be known as the University College of Belize.
- (2) The campus or campuses of the College shall be located and the classes conducted in such place or places as the Council may, from time to time, determine.
- Objects of the College. 4. The objects of the College shall be to provide education, training and undertake research at the University level to meet the development needs of Belize. In carrying out its objectives the College shall maintain academic freedom to pursue objective and genuine academic goals.
- Establishment of the Council. 5. There shall be established a Council to be known as the Council of the University College of Belize which shall be a body corporate with perpetual succession and a common seal with power to purchase, take, hold and dispose of land and property of whatever kind, to enter into contracts, to sue and be sued in the said name and do all things necessary for the purposes of this Act.
- Seal of the Council. 6.(1) The seal of the Council shall be in such form as may be determined by the Council.
- (2) The seal of the Council shall not be affixed to any document except by the authority of a resolution of the council and except in the presence of the Chairman and one member who shall sign their names on the document in proof of their presence.

7. The objects of the Council shall be the management, maintenance and development of the College.

Objects of Council.

8.(1) The council shall be composed of not more than thirteen members appointed by the Minister and shall include-

Membership of the Council.

- (a) Permanent Secretary to the Ministry of Education or his nominee, ex-officio;
- (b) One person nominated by the institution for the time being providing accreditation assistance to the University College of Belize.
- (c) Three persons representing the Sixth Forms in Belize;
- (d) Principal, Belize Teachers' College, ex-officio,
- (e) One person representing Belize College of Agriculture;
- (f) One person representing commerce and industry after consultation with the Chamber of Commerce and Industry;
- (g) One person representing trade unions after consultation with the Trade Union Congress;
- (h) One person representing legal profession after consultation with the Bar Association;
- (i) One person at the discretion of the Minister;
- (j) One person representing the faculty after consultation with the Faculty;
- (k) One person representing the student body after consultation with the Student Council.

(2) The Chairman of the Council shall be elected from amongst its members.

(3) The President shall act as the Secretary of the Council.

9.(1) A person shall be disqualified from being or from continuing, as a member of the Council —

Disqualification and removal.

- (a) if he, directly or indirectly, holds or enjoys any right or benefit under any contract made by or on behalf of the Council; or

- (b) if he has any such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member of the Council; or
- (c) if he is adjudicated a bankrupt, or is certified insane or has been convicted of a criminal offence (other than a traffic offence) punishable with imprisonment.

- (2) A member who incurs any of the disqualifications mentioned in subsection (1), may be removed from office by the Minister after consultation with the Council.

Temporary
Appointments in
case of death,
etc.

10.(1) Where a member dies or resigns or is removed from office, the Minister may appoint another person representing the same interest in the manner set out in section 8—(1) to be a member in place of the member who dies, resigns or is removed from office.

(2) Any member appointed under sub-section (1) shall, unless he earlier resigns or his office becomes vacant by death or removal, hold office for the unexpired part of the term of office of the member in whose place he is appointed.

(3) Where a member, by reason of illness or absence from Belize or otherwise, is temporarily unable to perform the duties of his office, the Minister may appoint another person representing the same interest to act in his place.

Term of office
of members.

11.(1) Every member, other than a member referred to in sub-section (2) of this section, shall, unless his office becomes vacant earlier by death, resignation or removal, hold office for a period of three years.

(2) Every member who becomes such member by virtue of his post or by virtue of being a representative of any institution or college shall hold office as long as he holds that post or represents that institution or college.

Resignation of
members.

12. A member may, at any time, resign his office by letter addressed to the Minister.

Eligibility of
members for
re-appointment.

13. Any member, other than a member who is removed from office, shall be eligible for re-appointment.

Powers and
functions of
the Council.

14. (1) The principal powers and functions of the Council are —

- (a) to take steps for the efficient management, maintenance, and development of the College;
 - (b) to establish policies which promote programmes of education in the fields of business administration, education, general arts including social sciences, humanities, natural and physical sciences and such other academic disciplines as may be decided by the Council;
 - (c) to establish policies which promote research in each of the academic disciplines mentioned in paragraph (b) with particular reference to Belize;
 - (d) to plan and develop the academic capacities of the College;
 - (e) to determine the requirements for admission of students to the programmes of the College;
 - (f) to award degrees, diplomas, certificates, honorary degrees and other academic distinctions;
 - (g) to promote scholarships, exhibitions, bursaries prizes, awards and other incentives for excellence in student achievement and scholarship;
 - (h) to approve the budget of the College for submission to the Minister;
 - (i) to manage endowments, donations, contributions and trust properties;
 - (j) to advance loans or grants under such conditions as may be specified by the Minister;
 - (k) to erect, equip and maintain a building or buildings suitable for class-rooms, laboratories, library, computer-room, offices, study rooms, media rooms, communication rooms and rooms for such other recreational facilities as may be considered desirable for full development of the College;
- (2) to do all other things as may be necessary for better carrying out the provisions of this Act.

15.(1) The Council, may from time to time, appoint any committee for any matter, whatsoever, arising out of or connected with any of its functions under this Act.

Appointment
of committees.

(2) Any such committee shall consist of at least one member of the Council and such other persons whose assistance or services the Council may require.

(3) The Council may, by resolution, reject the report of any such committee or adopt it with such modifications, additions, or adaptations as it may think fit.

Validity of acts and proceedings of the Council.

16. All acts and proceedings of the Council shall be valid notwithstanding any vacancy in the membership of the Council or any defect in the appointment of any member thereof.

Meetings of the Council.

17.(1) The Council shall meet at least once in each College term and at such times as may be necessary for the performance of its functions under this Act.

(2) Immediately after the coming into effect of this Act the President shall appoint a day for the first meeting of the Council and he shall preside over the election of the Chairman of the Council.

(3) The Council shall at its first meeting and thereafter every year elect one member to be Vice-Chairman for a period of one year.

(4) The Chairman shall, if present, preside at all meetings of the Council.

(5) Where the Chairman is absent from any meeting of the Council, the Vice-Chairman shall preside at such meeting; and where the Chairman and Vice-Chairman are both absent from any meeting of the Council, the members present shall elect any one of their number to preside at such meeting.

(6) Seven members of the Council shall constitute the quorum at any meeting.

(7) Decisions of the Council shall be by a majority of votes of those present and voting and in any matter where the votes are equal, the Chairman or the person presiding at that meeting shall have a second and casting vote.

(8) The Chairman shall cause to be given to the members at least seven days notice of every meeting and such notice shall be in writing and shall state clearly the purpose of the meeting.

(9) The Chairman may, at any time, call a special meeting and shall do so within five days of his being requested to do so in writing by not less than five members.

(10) Minutes of the proceedings of each meeting of the Council shall be kept in such manner as the Council may de-

termine and shall be confirmed by the Council and signed by the Chairman as soon as practicable thereafter at a subsequent meeting.

(11) Subject to the provisions of this Section, the Council may regulate its own procedure.

18. No civil or criminal proceedings shall lie —

(a) against the Council for any act which in good faith is done or purported to be done by the Council under this Act; or

(b) against the President, any member, officer, servant or agent of the Council, for any act which in good faith is done or purported to be done by the President, such member, officer, servant or agent under this Act or on the direction of the Council.

Protection for
action taken
under this Act.

19. The Minister may from time to time make recommendations to the Council regarding the general policies to be followed in the management, development and operation of the College.

Directions by
Minister.

20. Any degrees, diplomas, certificates and other academic distinctions awarded by the College shall be recognised by all persons, institutions and courts of law in Belize.

Recognition of
degrees, diplomas
etc.

21.(1) The Council shall, before the end of September in each year, submit to the Minister through the Permanent Secretary to the Ministry responsible for education, an estimate of its revenues and expenditures necessary for carrying out its functions under this Act, for the period of one year commencing on the first day of April next ensuing. The Minister may with or without any modifications approve the estimate and submit it to the National Assembly.

Preparation of
Budget and grant
from Government

(2) The Minister shall place at the disposal of the Council such funds as are voted for the purpose by the National Assembly.

22.(1) The funds of the Council shall consist of —

(a) such sums of money as may be voted annually for the purposes of the College by the National Assembly under section 21;

(b) moneys received as fees and other charges from students of the College;

Funds of the
Council.

- (c) subventions and donations and bequests of moneys granted to the College; and
- (d) all other moneys belonging to the College from whatsoever source derived.

(2) The Council may receive, gifts, grants or bequests of any property, whatsoever, and may either retain them for the use of the College or dispose of them, with the approval of the Minister, at the best price possible. Any moneys realised from the disposal or use of any such property shall be credited to the funds of the Council.

(3) The funds of the Council may be applied to meet any legal obligations or commitments of the Council and the College in carrying out the provisions of this Act.

Accounts and
audit.

23.(1) The Council shall, in such manner and form as may be approved by the Minister, keep proper accounts of all its financial transactions, of its assets and liabilities and a complete record of all other matters relating to its finances.

(2) The Council shall, on or before the first day of July in each year, prepare and submit to the auditor in such manner as may be approved by the Minister a statement of accounts for the twelve months ending on the preceeding thirty-first day of March:

Provided that the first statement of accounts shall be for the period beginning from the date of commencement of the College or Council, whichever is earlier, and ending on the thirty-first day of March of the year next following.

(3) The accounts of the Council shall be audited annually by an auditor or auditors appointed by the Council with the approval of the Minister.

(4) The auditor shall make a written report upon the annual balance sheet and accounts of the Council and in such report state whether he has or has not obtained the information and explanations required by him for the purpose of the audit, and whether in his opinion such accounts are properly drawn up so as to reflect a true and correct view of the affairs of the Council, according to the best of his information and the explanations given to him and as shown by the books of the Council.

(5) The auditor shall transmit copies of his report made under sub-section (4) to the Council and to the Minister.

(6) Notwithstanding anything contained in this Section, the Minister may in his discretion, at any time, require the Auditor General of Belize to examine and report on the accounts of the Council, and the Council shall afford the Auditor General all facilities for the examination of its accounts as the Auditor General may require.

24.(1) The Council shall cause to be prepared an annual report of its activities as soon as practicable after the close of each academic year:

Annual Report.

Provided that the first report shall be for the period beginning from the inception of the College or Council and ending on the thirty-first day of May of the year next following.

(2) Without prejudice to the generality of the provisions of sub-section (1), such report shall include —

- (a) a description of the activities of the College during the period under review;
- (b) details of the courses of studies offered by the College and the enrolment of students to each of the courses of studies for the period under review;
- (c) details of staff and their deployment;
- (d) comments on any new programmes or projects introduced during the period under review;
- (e) information on any research carried out by the College.

(3) A copy of the audited statement of accounts and the auditor's report thereon shall be attached to the report referred to in sub-section (1).

(4) The annual report shall be submitted to the Minister not later than six months after the close of the financial year.

(5) Every report submitted under sub-section (4) shall be laid before the National Assembly by the Minister as soon as possible.

25.(1) The Governor-General, acting in accordance with the advice of the Prime Minister, shall appoint a person to be the President of the College under such remunerations, terms and conditions of service as may be approved by the Governor-

Appointment of
President and
his duties.

General acting on the advice of the Prime Minister. The Person exercising the powers of President immediately prior to the coming into effect of this Act shall be deemed to have been appointed in accordance with the provisions of this section.

(2) The President shall be the principal executive officer of the Council and shall be responsible to the Council for the proper and efficient management of the College and the funds of the Council.

(3) The President shall —

- (a) act as Secretary of the Council;
- (b) attend meetings of the Council and arrange to record the minutes of its proceedings;
- (c) supervise the staff of the College in performance of their duties; and
- (d) perform such other duties as may be required of him by the Council.

(4) The President shall have the right to speak at meetings of the Council but shall have no right to vote.

Appointment
of other staff

26. The Council may appoint and employ, other than the President, such members of professional, administrative, supporting and ancillary staff as it may deem necessary for the efficient management of the College, on such remuneration and on such terms and conditions of service as may be generally established by the Council and approved by the Minister. Any persons who, prior to the coming into effect of this Act, were acting in, or holding any such office or post, shall be deemed to have been appointed in accordance with this section.

Posts pension-
able etc.

27.(1) The post of the President, and the posts of the administrative, professional, clerical and secretarial staff shall be pensionable under the Pensions Ordinance, notwithstanding anything to the contrary in that Ordinance or any other enactment. Persons holding ancillary posts of the semi-skilled or unskilled category shall be entitled to retirement benefits under the Government Workers' Rules.

(2) Where an officer in the public service is seconded or temporarily transferred for duty in the College from a pensionable office within the meaning of the Pensions Ordinance, shall apply to him as if his service in the College were pensionable service in a civil capacity under the Government.

(3) Where an officer in the public service is transferred to an office in the College and retires on pension from, or dies while in service in the College, his service in the public service

shall rank as qualifying service or pensionable service, as the case may be, for purposes of determining eligibility for pension under the Pensions Ordinance.

(4) Notwithstanding any contrary provision in the Pensions Ordinance or any enactment amending or replacing that Ordinance, where a person employed in a pensionable office in the College is transferred to a pensionable office in the public service his service in the College shall rank as qualifying service or pensionable service, as the case may be, for purposes of determining his eligibility for a gratuity or pension under the Pensions Ordinance.

(5) Service by persons in the institution called the University College of Belize before the coming into force of this Act shall be pensionable service for the purposes of the Pensions Ordinance.

28.(1) The Council may in writing delegate to the Chairman or any other member or to any committee appointed by it, or to the President or to any officer or servant of the Council any of its powers and functions, except the power to make rules under this Act.

Delegation of powers and functions

(2) The Chairman, other members, the committee, the President, the officer or servant to whom any of the powers or functions of the Council have been delegated under Subsection (1), shall exercise or perform the powers or functions so delegated, subject to the directions of the Council.

(3) A delegation under this section may at any time be revoked by the Council and while in force shall not prevent the exercise or discharge by the Council of any of its powers or functions.

✓ 29.(1) The Council may, make rules for the better carrying out of the provisions of this Act.

Rules.

✓ (2) Without prejudice to the generality of sub-section (1), such rules may provide for all or any of the following matters —

- ✓ (a) the wages, salaries and other remuneration of its staff other than the President;
- ✓ (b) the terms and conditions of service of its staff other than the President;
- (c) the responsibilities and discipline of students of the College;

- (d) the fees and other charges to be paid by the students of the College;
- (e) the appointment, dismissal and disciplinary control over the teaching staff of the College other than the President;
- (f) the academic programmes, curricula and new courses to be conducted by the College;
- (g) the manner in which the violation of any rules made under this Section may be dealt with.

Provided that any rule under this section which affects the revenue or expenditure of the College shall be subject to the approval of the Minister.

- Exemption from taxation. 30. Any property acquired by, or vested in, the Council, whether real or personal, shall be exempted from any tax, duty or impost, whatsoever.
- Commencement. 31. This Act shall come into force on such date as the Minister may, by order published in the *Gazette*, appoint.
- Vesting of property in the Council. 32. On and from the date of commencement of this Act, all assets, rights, interests and liabilities of the Council of the Belize College of Arts, Science and Technology, including lands, buildings, libraries and laboratories, shall stand transferred to, and vested in the Council.
- Repeal of No. 10 1983 33. On the date of commencement of this Act, the Belize College of Arts, Science and Technology Act, No. 10 of 1983 shall stand repealed.