ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER A61

ANGUILLA COMMUNITY COLLEGE ACT

Showing the Law as at 31 December 2022

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates—

Act 3/2009, in force 1 September 2008
Act 7/2009, in force 1 November 2010
Act 10/2021, in force 12 March 2021

Published by the
Attorney General's Chambers
Printed under Authority by
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ANGUILLA COMMUNITY COLLEGE ACT

TABLE OF CONTENTS

PART 1

PRELIMINARY

SECTION

1. Interpretation

PART 2

THE COLLEGE AND ITS BOARD OF GOVERNORS

2. Establishment of the College
3. Seal of the College
4. Functions of the College
5. Establishment, composition and appointment of Board of Governors
6. Disqualification for appointment
7. Duration and termination of membership
8. Temporary membership and vacancies
9. Powers of the Board
10. General directions
11. Meetings of the Board
12. Secretary to the Board
13. Remuneration of members
14. Interests in contracts to be disclosed
15. Declaration of interest in contract
16. Avoidance of nullity of contract
17. Liability of members
18. Gazetting of appointments, etc.

PART 3

ACADEMIC AND ADMINISTRATIVE GOVERNANCE OF THE COLLEGE

19. Staff of the College
20. President
21. Dean of Studies
22. Director of Finance and Administrative Studies
23. Registrar
24. Academic Divisions of the College
25. Secondment of public officers
26. Transfer of public officers to the service of the College
27. Probationary period respecting academic and senior administrative staff
28. Retirement
29. Retirement age of President

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30. Suspension of member of staff
31. Dismissal and termination of member of staff
32. Dismissal proceedings
33. Restrictions on other employment and activities of staff
34. Pensions Act to apply to staff of the College

PART 4

FINANCES AND ACCOUNTS OF THE COLLEGE

35. Funds and resources of the College
36. Setting-up grant by Government
37. Borrowing powers of the College
38. Loans and guarantees
39. Balancing revenue and expenditure
40. Accounts, book-keeping and reporting
41. Reserve fund
42. Exemption from taxes, duties, etc.

PART 5

MISCELLANEOUS

43. Student government
44. Vesting of property
45. Service of documents
46. Rules
47. Regulations
48. Citation

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ANGUILLA COMMUNITY COLLEGE ACT

PART 1
PRELIMINARY

Interpretation

1. In this Act—

"Board" means the Board of Governors established by section 5(1);

"Chairperson" means the Chairperson of the Board designated by the Governor under section 5(4) and "Deputy Chairperson" shall be construed accordingly;

"Chief Auditor" means the person appointed to the office of Chief Auditor referred to in section 79(1) of the Constitution of Anguilla;

"College" means the Anguilla Community College established by section 2(1);

"legal practitioner" means any barrister, solicitor or attorney-at-law licensed to practise in Anguilla;

"member" means a member of the Board, and includes the Chairperson, the Deputy Chairperson and a temporary member;

"Minister of Education" means the Member of the Executive Council of Anguilla responsible for education;

"Minister of Finance" means the Member of the Executive Council of Anguilla responsible for finance;

"officer", in relation to the College, means an officer of the College and includes the President, the Dean of Studies, the Director of Finance and Administration, the Registrar, the Head of an Academic Division and a Lecturer, referred to in section 19;

"Permanent Secretary" means the Permanent Secretary of the Department of Public Administration;

"President" means the President of the College appointed by the Board under section 20;

"Registrar" means the Registrar of the College appointed under section 9(2)(c).

PART 2
THE COLLEGE AND ITS BOARD OF GOVERNORS

Establishment of the College

2. (1) There is established a body corporate to be called the Anguilla Community College which shall have perpetual succession and a common seal.

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(2) For the purpose of carrying out its functions under this Act, the College may, in its corporate name, buy, sell, hold, deal and otherwise acquire and dispose of land and other property of whatsoever nature and may sue and be sued.

(3) The government, management and control of the College shall be vested in the Board of Governors appointed in accordance with section 5.

Seal of the College

3. (1) The seal of the College shall be kept in the custody of the Registrar, and the sealing of all documents required to be sealed shall be authenticated by the signatures of—

(a) the Chairperson and the Registrar; or

(b) a member authorised by the Chairperson in that behalf and the Registrar.

(2) All documents not required by law to be under seal may be signed by—

(a) the Chairperson;

(b) any member authorised by the Chairperson in that behalf; or

(c) the Registrar.

(3) The seal shall be judicially noticed.

Functions of the College

4. (1) The College shall be a tertiary education institution with the following functions—

(a) to provide full and part-time education and training to persons of the age of 16 years and over, except that persons below this age may be admitted to the College in such special circumstances as are approved by the Board;

(b) to provide educational services, including teaching and research, relevant to the needs of Anguilla and of the highest educational standards required and expected of an institution at this level;

(c) to grant degrees, diplomas, certificates and other awards;

(d) to enter into association or affiliation with universities, colleges and other relevant institutions within or outside Anguilla for the fulfilment of its functions; and

(e) to perform such other functions which for the time being are conferred on it by virtue of this Act or any other law or by virtue of any regulations made under this Act or any other law.

(2) The College shall have the power to carry on any activity which appears to it to be requisite, advantageous or convenient for or in connection with the discharge of its functions including, but not limited to, the compilation and preparation of such reports as the College considers fit or as the Minister may direct.

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(3) Nothing in this Act relating to the College shall be construed as derogating from any power exercisable by virtue of this or any other law to make regulations conferring any further function on the College.

Establishment, composition and appointment of Board of Governors

5. (1) There shall be a Board of Governors of the College which shall consist of—

(a) the President who shall be a member, *ex officio*; and

(b) not less than 7 nor more than 9 other members.

(2) The members shall be appointed by the Governor in Council from among persons experienced or having knowledge in education management, education planning and curriculum development, law, finance, industrial relations, economics and business management.

(3) Without limiting the generality of subsection (2), the Governor in Council shall, in appointing the members, endeavour to ensure that at all times the Board has at least—

(a) one member who has experience in education management at the tertiary education level;

(b) one member who has experience in education planning and curriculum development;

(c) two members who are representatives of non-governmental organizations or entities;

(d) two members who are representatives of industry; and

(e) one member who is a legal practitioner.

(4) The Governor in Council shall designate a member other than the *ex officio* member to be the Chairperson of the Board, and another such member to be the Deputy Chairperson of the Board.

Disqualification for appointment

6. A person shall not be qualified to be appointed as a member if the person—

(a) is under the age of 18 years;

(b) is a member of the House of Assembly;

(c) is not a holder of a degree from an approved college or university or does not possess the relevant qualifications or experience;

(d) save and except the President, is an officer or employee of the College;

(e) holds an office of emolument in the Ministry of Education;

(f) is an undischarged bankrupt; or

(g) has been convicted of an offence involving dishonesty.

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Duration and termination of membership

7. (1) The appointment of a member shall, subject to the provisions of this section, be for a term of 3 years and any person ceasing to be a member in good standing shall be eligible for re-appointment, but a member other than the President shall not be appointed for consecutive terms having an aggregate of more than 9 years.

(2) A member may be removed from office where—

(a) due to physical or mental incapacity, the member is unable to perform the functions of his office; or

(b) any circumstances arise that, if he were not a member, would cause him to be disqualified to be appointed as such by virtue of section 6.

(3) The Chairperson may resign his office by giving notice in writing addressed to the Minister of Education and the resignation shall take effect from the date of receipt of such notice by that Minister.

(4) Any member other than the Chairperson may resign his office by giving notice in writing addressed to the Minister of Education and transmitted through the Chairperson, but the resignation shall not take effect until such notice has been received by that Minister.

(5) The Governor in Council may, at any time, revoke the appointment of any member other than the *ex officio* member, if the Governor is satisfied that—

(a) the member is or becomes disqualified under section 6 from being appointed as a member;

(b) the member is unable or unfit to carry out the responsibilities as a member;

(c) the member has, without the consent of the Board, been absent from 3 or more consecutive meetings of the Board; or

(d) it is in the public interest to revoke such appointment.

Temporary members and vacancies

8. (1) Subject to subsection (3), the Governor may appoint a person to be a temporary member to act for a member whom he is satisfied is incapacitated from performing the duties of his office or unable to act by reason of illness, absence from Anguilla or other sufficient cause, during such incapacity or inability to act.

(2) A temporary member appointed under this section shall, while he acts as such, be deemed for all purposes to be a member.

(3) Where 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 as the appointment of the previous member.

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Powers of the Board

9. (1) The Board shall have the power to determine and decide on the policy and strategic planning for the ongoing development of the College.

(2) Without limiting the generality of subsection (1), the Board shall have the power—

(a) subject to any directions under section 10, to control and exercise general supervision of the affairs, functions, purposes, policy and property of the College;

(b) to provide for the admission, welfare, academic progress and discipline of students of the College;

(c) to appoint such academic, administrative and other staff of the College as appears to the Board to be necessary, on such terms and conditions (including salary, allowances and other remuneration and promotion) as the Board may determine;

(d) subject to the provisions of this Act, to exercise disciplinary control over the academic, administrative and other staff of the College;

(e) to inquire and adjudicate upon disciplinary charges against students or members of its academic and other staff;

(f) to determine courses of study and admission standards;

(g) to conduct examinations;

(h) to award, upon the recommendation of the President, degrees, diplomas, certificates, and other academic distinctions;

(i) to award and administer bursaries and scholarships tenable at the College or elsewhere;

(j) to receive, on behalf of the College, donations, grants or other moneys;

(k) subject to section 24, to create or abolish such Academic Divisions or programmes within the College as the Board may consider necessary or expedient;

(l) to enter into agreements or arrangements on behalf of the College with other institutions of further or higher education for the provision of instruction and the granting of degrees, diplomas, certificates and other academic distinctions; and

(m) to make rules, in accordance with section 46, for furthering the work and interests of the College, including rules—

(i) for maintaining academic integrity; and

(ii) respecting the remuneration of staff and other members of the College.

(Am. in L.R. 15/12/2010)

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(3) Subject to the approval of the Minister of Education, the Board shall have the power to—

(a) acquire and dispose of real property;

(b) fix fees and charges for courses of study, facilities and other services provided by the College and make decisions with respect to finance and such fees; and

(c) determine the annual budget for the College.

(4) Where the inquiry and adjudication under paragraph (2)(e) relate to a member of staff who is a public officer on secondment to the College, the Board may, according to its findings, direct the President to recommend to the Permanent Secretary that the secondment of such member of staff be terminated and the Permanent Secretary shall refer the recommendation to the Governor.

General directions

10. (1) The Minister of Education may, after consultation with the Board, give directions of a general nature in relation to the policy to be followed by the Board concerning the functioning of the College.

(2) The general directions referred to in subsection (1) shall not apply to—

(a) the appointment, termination, promotion or discipline of members of the staff; and

(b) the admission, evaluation, discipline, academic promotion, certification or award of particular students.

(3) The Minister may, in the exercise of the power under subsection (1), direct the Board to submit to the Minister such reports respecting the operations and functions of the College as the Minister considers fit.

Meetings of the Board

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

(2) The Chairperson shall call a special meeting within 7 days of the receipt by him of a requisition for that purpose addressed to him by any 3 members.

(3) The Chairperson or, in his absence, the Deputy Chairperson shall preside at a meeting of the Board.

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

(5) A member may, if all members consent, participate in a meeting of the Board or a committee of the Board by means of any telephone or other communication facility that permits all persons participating in the meeting to hear each other.

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(6) A member who participates in a meeting by means described in subsection (5) is for the purposes of this Act present at the meeting.

(7) The quorum at a meeting of the Board shall consist of 5 members.

(8) Decisions of the Board at a meeting shall be arrived at by a majority vote, and, in the event of an equality of votes, the person presiding at the meeting shall have a casting vote.

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

(10) Subject to this Act, the Board has the power in all respects to regulate its own procedures, including the manner in which matters subject to the determination of the Board are to be determined by the Board.

Secretary to the Board

12. (1) The Registrar shall hold the office of Secretary to the Board and shall be present at the meetings and shall take minutes of any business transacted.

(2) A copy of all minutes shall be transmitted to the Minister of Education immediately after they have been confirmed.

Remuneration of members

13. The College shall pay—

(a) to each member, in respect of his office as such, such remuneration and allowances, if any, as the Governor in Council may determine; and

(b) to the Chairperson, in respect of his office as such, such remuneration and allowances, if any, in addition to any remuneration or allowances to which he may be entitled in respect of his office as a member, as the Governor in Council may determine.

Interest in contract to be disclosed

14. (1) A member or officer who is—

(a) a party to a contract or proposed contract with the College; or

(b) a director or an officer of any body, or has an interest in any body, which is a party to a contract or proposed contract with the College;

shall disclose in writing to the Board, or request to have entered in the minutes of a meeting of the Board, the nature and extent of his interest.

(2) The disclosure shall be made—

(a) in the case of a member—

(i) at the meeting of the Board at which the contract or, as the case may be, the proposed contract is first considered,

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(ii) if the member becomes interested after the contract is made, at the first meeting of the Board after he becomes so interested, or

(iii) if a person who is interested in the contract later becomes a member, at the first meeting of the Board after he becomes a member; or

(b) in the case of an officer who is not a member—

(i) forthwith after the officer becomes aware that the contract or, as the case may be, the proposed contract is to be considered at the meeting of the Board,

(ii) if the officer becomes interested after the contract is made, forthwith after he becomes so interested, or

(iii) if a person who is interested in the contract later becomes an officer, forthwith after he becomes such an officer.

(3) If the contract or proposed contract falls to be considered at a meeting of the Board at which the member or officer is present, that member or, as the case may be, officer shall, after disclosing his interest—

(a) withdraw from the meeting without voting or participating in the discussion respecting the matter; and

(b) refrain, at all times, from attempting to influence the Board's decision in the matter.

(4) If the contract or proposed contract is one which, in the ordinary course of the business of the College, would not require approval by the Board, the member or officer shall, in writing—

(a) disclose to the Board; or

(b) request to have entered in the minutes of a meeting of the Board;

the nature and extent of his interest forthwith after that member or, as the case may be, officer becomes aware of the contract or proposed contract.

(5) A member or an officer who contravenes this section is liable to removal or to be dismissed.

Declaration of interest in contract

15. For the purposes of section 14, a general notice to the Board by a member or an officer declaring that the member or, as the case may be, the officer—

(a) is a director or officer of, or has an interest in, another body; and

(b) is to be regarded as interested in any contract with another body;

is a sufficient declaration of interest in relation to the contract.

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Avoidance of nullity of contract

16. A contract—

(a) between the Board and any member or officer;

(b) between the Board and another body of which any member or officer is a director or officer; or

(c) in which a member or officer has an interest;

is neither void nor voidable by reason only of that relationship if the member or officer disclosed his interest in accordance with section 14 or 15 and complied with section 14(3) or, as the case may be, section 14(4) and the contract was approved by the Board and was reasonable and fair to the College at the time it was approved.

Liability of members

17. (1) No member 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.

(2) Subject to section 31(2), no act done or proceedings taken under this Act shall be questioned on the ground of any omission, defect or irregularity not affecting the merit of the case.

Gazetting of appointments, etc.

18. The Governor in Council shall cause every appointment, removal, resignation or death of a member to be published in the *Gazette*.

PART 3

ACADEMIC AND ADMINISTRATIVE GOVERNANCE OF THE COLLEGE

Staff of the College

19. Financial resources permitting, the staff of the College may consist of—

(a) the President;

(b) the Dean of Studies;

(c) the Director of Finance and Administrative Studies;

(d) the Registrar;

(e) the Heads of Academic Divisions;

(f) Lecturers and Tutors, whether senior or otherwise; and

(g) the members of the support and administrative staff.

(Act 10/2021, s. 2)

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President

20. (1) The President is—

(a) the Chief Executive Officer;

(b) the Chief Academic Officer; and

(c) without prejudice to any duties conferred upon the President by this Act, responsible for the overall academic and administrative direction of the College.

(2) Without prejudice to the generality of subsection (1), the President shall—

(a) supervise the academic work of the College;

(b) supervise and direct the academic, administrative and other staff of the College;

(c) present to the Board an annual report on the work of the College; and

(d) perform such other duties as may be specified under this Act or regulations made under this Act or as may, from time to time, be assigned or delegated to him by the Board.

(3) A person shall not be qualified to hold the office of President if the person—

(a) holds any other office of emolument whether in the public service or otherwise; or

(b) is engaged in any other occupation for reward which in the opinion of the Board—

(i) is likely to interfere with the proper performance of his function, or

(ii) is prejudicial to the welfare of the College.

(4) The President may terminate his appointment by giving one complete academic term's notice in writing to the Board.

(5) In the temporary absence of the President, and in the absence or in the non-appointment of a Dean of Studies, the Board shall appoint a senior member of the academic staff of the College to act as President but, such an acting appointment shall not exceed 6 months without the prior approval of the Minister of Education.

Dean of Studies

21. The Dean of Studies shall—

(a) report to the President;

(b) assist the President in the overall academic administration of the College and implementation of policy as approved by the Board;

(c) initiate and coordinate the planning and development of programmes;

(d) co-ordinate the operations of the Academic Divisions of the College;

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(e) assess, co-ordinate, evaluate and maintain the curriculum design, development and evaluation systems of the College;

(f) act for the President in his absence; and

(g) have such other duties as may be assigned to him by the Board or, as the case may be, the President.

Director of Finance and Administrative Studies

22. The Director of Finance and Administrative Studies of the College shall—

(a) report to the President;

(b) be the Bursar of the College, *ex officio*;

(c) subject to the directions of the Board, receive on behalf of the College all monies and property payable or deliverable to the College and his receipt shall be sufficient discharge for the same;

(d) subject to the directions of the President, be responsible for—

(i) the day-to-day administration and control of the financial affairs of the College,

(ii) personnel resources and staff welfare including the administration of matters relating to the appointment, promotion and discipline of staff, and

(iii) the planning, development and co-ordination of the administrative machinery of the College; and

(e) have responsibility for such other matters as may be referred to him by the Board or the President.

Registrar

23. (1) Subject to the directions of the President, the Registrar shall be responsible for the day-to-day administration of the College respecting—

(a) student services including the administration of matters relating to the admission, registration and discipline of students;

(b) examinations and certification;

(c) the award of bursaries and scholarships; and

(d) marketing and public relations.

(2) The Registrar shall carry out the duties of Secretary to the Board and to such other committee of the College to which he may be assigned by the Board.

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Academic Divisions of the College

24. (1) There shall be established within the College such number of Academic Divisions corresponding to the areas of emphasis as the Board may direct after consultation with the President.

(2) Without limiting the generality of subsection (1), the Academic Divisions established within the College shall include the following Divisions—

(a) Hospitality Studies;

(b) Technology;

(c) Natural Sciences;

(d) Humanities and Education;

(e) Continuing and Adult Education; and

(f) Social Sciences.

(3) The Head of an Academic Division shall report to the Dean of Studies and shall be responsible for—

(a) the overall development and maintenance of teaching and related policy of the Academic Division under his control;

(b) the day-to-day administration of the Academic Division;

(c) the general management of teaching and support staff within the Academic Division including the allocation of duties; and

(d) controlling the resources of the Academic Division including the planning, budgeting and budgetary control of that Academic Division.

Secondment of public officers

25. (1) The Governor may, acting in his own discretion and subject to such conditions as he may impose, approve the secondment of any public officer for service with the College as appears necessary for the proper carrying out of its functions under this Act.

(2) Any public officer seconded under subsection (1) shall, in relation to pension, gratuity and other benefits and rights and to discipline, be treated as if he were not so seconded.

Transfer of public officers to the service of the College

26. (1) The Governor in Council may, subject to section 66 of the Pensions Act[1], by regulations transfer a public officer employed by the Government to the service of the College at a remuneration and on terms and conditions of service not less favourable than the remuneration and terms and conditions of service that were enjoyed by the public officer immediately before the transfer.

(Am. in L.R. 15/12/2014)

[1] This section has been corrected to reflect the renumbering of the Pensions Act, R.S.A. c. P20 *(15/12/2014)*.

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(2) The Board may, after the day on which regulations made under subsection (1) come into operation—

(a) terminate the employment; or

(b) vary the terms and conditions of service;

of any person referred to in that subsection in the same manner and to the same extent as before that date.

Probationary period respecting academic and senior administrative staff

27. (1) Subject to subsection (2), a member of the academic staff or senior administrative staff shall, on first appointment, be required to serve a probationary period of 6 months, unless the Board dispenses with the requirement.

(2) The probationary requirement is not applicable to a person on the permanent staff of the College at the commencement of this Act or to a public officer seconded to the College as a member of the academic staff or senior administrative staff, unless the Board decides otherwise.

(3) Where a member of the academic staff or senior administrative staff is appointed in the first instance for a probationary period, the Board may, at the expiration of such period and on the recommendation of the President, appoint such member to a post on the permanent staff of the College.

(4) The appointment on the permanent staff of the College of any member of the academic staff or senior administrative 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.

(5) The appointment of a member of the academic staff or senior administrative staff who is serving a probationary period may be terminated by one month's written notice given—

(a) by the Board to such member; or

(b) by such member to the Board;

but, where the notice is given by the Board to such member, the Board shall not terminate the appointment unless such member is given a reasonable opportunity to show cause why his appointment should not be terminated.

(6) Every notice given under subsection (5) shall be transmitted through the President.

Retirement

28. (1) Subject to the terms of his contract or employment, a member of the academic staff or senior administrative staff shall retire from office on the 31st day of August following the date on which he attains the age of 65 years, the mandatory minimum retirement age.

(2) Notwithstanding subsection (1) the Board, on the recommendation of a committee appointed for that purpose, may invite the member referred to in subsection (1) to continue in his office for a period not exceeding 5 years, after which retirement is compulsory.

(Act 10/2021, s. 3)

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Retirement age of President

29. (1) The mandatory minimum retirement age referred to in section 28(1) does not to apply to the Office of President.

(2) The Board may in its discretion hire a candidate to the Office of President who—

(a) is, at the date of appointment , at the mandatory minimum retirement age;

(b) will during his tenure reach the mandatory minimum retirement age; or

(c) is above the mandatory minimum retirement age.

(3) The President shall retire from office on the 31st day of August following the date on which he attains the age of 75 years.

(Act 10/2021, s. 4)

Suspension of member of staff

30. (1) Notwithstanding section 9(2)(d), a member of the staff of the College 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 such suspension—

(a) report, in writing to the Chairperson, such suspension and the circumstances including the reason or reasons for the suspension; and

(b) deliver or cause to be delivered a copy of such report to the suspended member of staff and to the Head of the relevant Academic Division.

(3) The suspended member of staff may, within 7 days of the suspension by the President, make to the Chairperson representation respecting such suspension.

(4) The Chairperson shall, within 10 days of receipt by him of the report respecting the suspension, summon a meeting of the Board—

(a) to inquire into the matter; and

(b) to adjudicate upon the matter including the merits of the case and the term of the suspension.

Dismissal and termination of member of staff

31. (1) Notwithstanding section 30, the Board may, subject to subsection (5) and sections 9(4) and 20(4), dismiss any member of staff if the member is given—

(a) due notice of not less than 14 days that his dismissal is under consideration together with a statement of the charge or charges alleged against him; and

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(b) an opportunity to defend himself in person, or at his own expense by a legal practitioner of his own choice, against any such charge or charges.

(2) Where the Board fails to comply with the procedure under subsection (1), any decision taken by the Board to dismiss the member of staff is void.

(3) A person holding a permanent appointment as a member of the academic staff or senior administrative staff may terminate his appointment by giving 3 month's notice in writing to the Board.

(4) Every notice given under subsection (3) shall be transmitted through the President.

(5) Notwithstanding subsection (3) and sections 20(4) and 27(5), where the President or a member of the academic staff or senior administrative staff is appointed or employed under a written contract of service, the terms of such contract in relation to the termination of the employment relationship shall have effect in this regard.

Dismissal proceedings

32. (1) The Board may, prior to giving the member of staff due notice under section 31(1), appoint a Disciplinary Committee to investigate and report to the Board as to whether there are grounds for dismissal proceedings to be brought before the Board against such member.

(2) Where the Board decides, after receipt of the report from the Disciplinary Committee, to bring dismissal proceedings under section 31(1) against the member of staff, the Board shall promptly furnish that member of staff with a copy of such report.

(3) The report of the Disciplinary Committee may be used by the Board in proceedings under section 31(1), but the Board shall not be restricted to the evidence referred to or appearing in such report.

Restrictions on other employment and activities of staff

33. (1) A member of the academic staff or senior administrative staff who is employed on a full-time basis shall not, without the written permission of the Board, hold any other appointment or engage in any activity which—

(a) constitutes a conflict of interest; or

(b) in the opinion of the Board—

(i) may interfere with the proper performance of his duties as a member of staff, or

(ii) is prejudicial to the welfare of the College.

(2) A member of staff referred to in subsection (1) who is desirous of engaging in commercial activities or employment other than employment in the service of the College or in any one of the activities referred to in subsection (1) shall make an application in that behalf to the Board.

(3) Without prejudice to the provisions of any other enactment, every application referred to in subsection (2) shall be addressed to the President who shall in writing submit his recommendation in respect of the application to the Board.

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Pensions Act to apply to staff of the College

34. (1) Notwithstanding section 2 of the Pensions Act but subject to subsection (2), Parts 1 to 3 of that Act and the Pensions Regulations shall, on the commencement of this Act, apply *mutatis mutandis* to the staff of the College and to the Board as they apply to public officers and to the Governor and Government.

(2) This section does not apply to members of staff appointed under contract or transferred under section 26.

PART 4

FINANCES AND ACCOUNTS OF THE COLLEGE

Funds and resources of the College

35. The funds and resources of the College shall comprise—

(a) such sums as may be voted for the purposes of the College by the House of Assembly;

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

(c) such sums received by way of fees and charges; and

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

Setting-up grant by Government

36. (1) The Government shall, with the approval of the House of Assembly, grant the College such sum as the Minister of Finance may certify is required to enable the College to commence its functions.

(2) Notwithstanding subsection (1), the Government may make loans and grants to the College out of such sums and on such conditions as may be approved by the House of Assembly.

Borrowing powers of the College

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

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

(3) An approval given by the Minister of Finance in any respect for the purpose of subsection (2) may either be—

(a) general or limited to a particular borrowing or otherwise; and

(b) unconditional or subject to conditions.

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Loans and guarantees

38. (1) Subject to 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 payment of the principal and of interest on any authorised borrowings of the College made otherwise than by way of loan under section 36(2).

(2) Where the Minister of Finance is satisfied that there has been default in the repayment of any principal moneys or interest guaranteed under the provisions of this section, he shall, with the prior approval of the Governor, direct the repayment, out of the Consolidated Fund, of the amount in respect of which there has been the default.

(Act 7/2010, s. 26)

(3) The College 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.

Balancing revenue and expenditure

39. It shall be the duty of the Board to exercise and perform its functions so as to ensure that, taking one year with another, the revenues of the College are sufficient to meet all sums properly chargeable to the College, including, without prejudice to the generality of that expression, provisions in respect of any general directions under section 10.

Accounts, book-keeping and reporting

40. (1) The Board shall keep such books and records of account in such form and manner as the Minister of Finance may direct.

(2) The Board shall, not later than the 30th day of April in each year, prepare and submit to the Chief Auditor in respect of the immediately preceding year—

(a) a statement of assets and liabilities of the College as at the close of the immediately preceding year;

(b) a statement of revenue and expenditure by the College during the immediately preceding year; and

(c) such other statements as may be specified by the Permanent Secretary of the Ministry of Finance.

(3) On receipt of the statement referred to in subsection (2), the Chief Auditor shall examine and audit such statements and shall certify the statements subject to such report, if any, which he may think fit.

(4) The Chief Auditor shall, within a period of 7 months after the close of the year to which the certified statements relate, return to the Board the certified statements together with his report, if any.

(5) On receipt from the Chief Auditor of the certified statements and his report, if any, the Board shall prepare and submit to the Minister of Education and to the Minister of Finance a report of the financial activities of the College during the year to which the certified statements relate together with a copy of the certified statements and the Chief Auditor's report, if any.

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(6) The report of the Board together with a copy of the certified statements and the Chief Auditor's report, if any, shall be laid by the Minister of Education on the table of the House of Assembly as soon as practicable after he receives such reports and statements.

(7) The Chief Auditor may by instrument in writing authorise an auditor to perform the duties of the Chief Auditor specified in this section.

Reserve fund

41. (1) The College shall maintain a reserve fund to meet future anticipated liabilities and commitments in respect of its obligations under this Act.

(2) The Board shall, subject to subsections (3) and (4), make such determinations as the Board considers necessary with respect to—

(a) the management and application of the reserve fund; and

(b) the sums to be carried, from time to time, on the credit of the reserve fund.

(3) No part of the reserve fund shall be applied otherwise than for the functions of the College.

(4) The power of the Minister of Education to give general directions to the Board shall extend to the giving of directions as to any matter relating to the establishment or management of the reserve fund, the carrying of funds on the credit of the reserve fund and the application of the reserve fund, notwithstanding that the directions may be of a specific character.

Exemption from taxes, duties etc.

42. Notwithstanding anything to the contrary in any other enactment, the College is exempt from all taxes and levies on its income and operations and all taxes, duties, administrative fees and rates on its real property, personal property, instruments and documents.

PART 5

MISCELLANEOUS

Student government

43. There shall be a student government initiated by the Board and subject to a constitution approved by it which shall be controlled by students who shall be democratically elected.

(Am. in L.R. 15/12/2010)

Vesting of property

44. Subject to the approval of the Governor in Council—

(a) there is vested in the College all such equipment and other goods being the property of the Government used for the purposes of or in connection with tertiary education prior or up to the date of commencement of this Act, which shall be recorded in an inventory by the Board and entered as assets in the accounts of the College and such assets shall vest in the College by virtue of this section and without further assurance;

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(b) all land with the buildings and works thereon and all equipment and other goods being the property of the Government which may, at any time after the commencement of this Act, be considered necessary by the Board for the carrying out of the functions of the College shall vest in the College by virtue of this section and without further assurance.

Service of documents

45. Service of any document upon the Board shall be executed by delivering it, or sending it by registered post addressed, to the Registrar at the office of the College.

Rules

46. (1) The Board may, subject to the approval of the Governor in Council, make rules generally for the furthering of the functions, work and interests of the College.

(2) The Board may, subject to the approval of the Governor in Council, make rules respecting any or all of the following—

(a) the conduct of meetings of the staff of the College and the Academic Divisions;

(b) the academic integrity of the College;

(c) the remuneration of staff and other members of the College;

(d) the conduct and discipline of students;

(e) the establishment and management of Academic Divisions;

(f) the due custody of moneys forming part of funds and resources of the College;

(g) the grant and conditions of leave for the President and staff of the College;

(h) the entry qualification for admission as a student of the College;

(i) the subjects of instruction, the relative prominence and value to be assigned to each subject or group of subjects and the extra-curricular activities of the College.

(Am. in L.R. 15/12/2010)

Regulations

47. (1) The Governor in Council may, on the recommendation of the Board, make regulations for the better carrying out of the duties and powers of the Board under this Act.

(2) The Governor in Council may, on the recommendation of the Board, make regulations to provide for any or all of the following purposes—

(a) the safety or well-being of persons and the care of the property connected with the undertakings of the College;

(b) the regulation of commercial transactions, including trading, in or upon any premises or the property of the College;

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(c) any other matter which may appear to the Governor in Council to be necessary or expedient for the purposes of giving due effect to the provisions of this Act.

(Am. in L.R. 15/12/2010)

(3) A regulation under this section may be made retroactive to 1 September 2008.

Citation

48. This Act may be cited as the Anguilla Community College Act, Revised Statutes of Anguilla, Chapter A61.

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