ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER H4

HIGHER EDUCATION LICENSING 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 2/2014, in force 21 February 2014
Act 1/2016, in force 12 February 2016
Act 7/2018, in force 13 July 2018
UK. S.I. 2019 No. 852, in force 14 May 2019

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HIGHER EDUCATION LICENSING ACT

TABLE OF CONTENTS

PRELIMINARY

SECTION

1. Interpretation

PART 1

ESTABLISHMENT AND FUNCTIONS
OF HIGHER EDUCATION LICENSING BOARD

2. Establishment of the Board
3. Composition of the Board
4. Chairperson, Deputy Chairperson and interim chairperson
5. Duration and termination of membership
6. Temporary members and vacancies
7. Meetings of the Board
8. Quorum
9. Voting
10. Additional persons to advise Board
11. Protection from liability
12. Secretary to the Board
13. Seal of the Board
14. Functions of the Board

PART 2

LICENSING OF INSTITUTIONS AND ACCREDITATION
OF PROGRAMMES OF STUDY

15. Licensing requirement
16. Application for licensing
17. Additional matters to be considered by the Board
18. Review Committee
19. Request for further information to support application
20. Report to the Minister with respect to application
21. Decision on application
22. Issuance of licence
23. Review of refusal of licensing
24. Validity of licence
25. Exemption from obtaining a licence
26. Accreditation

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27. Duty of Board to carry out assessments and surveillance visits
28. Establishment of Recognition Mark
29. Confidentiality

PART 3

DUTIES OF LICENSED INSTITUTIONS

30. Conditions to be met by licensed institutions

PART 4

VARIATION, SUSPENSION AND REVOCATION OF LICENCE

31. Grounds for variation, suspension or revocation
32. Representations made by licensee
33. Review of variation, suspension and revocation

PART 5

34. Student Permit
35. Exemption from obtaining a Student Permit
36. Duration of a Student Permit
37. Student work and Student Work Permit
38. Variation and revocation of a Student Permit or Student Work Permit
39. Decision final
40. Expiration of Student Permit
41. Powers of the Chief Immigration Officer
42. Penalty

PART 6

MISCELLANEOUS

43. Collection and recovery of fees
44. Regulations
45. Citation

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HIGHER EDUCATION LICENSING ACT

PRELIMINARY

Interpretation

1. In this Act—

"accredit" means the according of recognition by a foreign accrediting body on the basis of an informed evaluation that the programmes of study offered by an institution and any award it confers satisfy standards prescribed or approved by that foreign accrediting body;

"accreditation" means a determination by a foreign accrediting body that a programme of study offered by an institution and any award it confers satisfy standards prescribed or approved by that accrediting body;

"Anguillian" means a person who is regarded as an Anguillian under section 80(2) of the Constitution of Anguilla;

(U.K. S.I. 2019 No. 852, s. 13(c))

"Board" means the Anguilla Higher Education Licensing Board established by section 2;

"Chairperson" means the person who is designated under section 4 as Chairperson of the Board and "Deputy Chairperson" shall be construed accordingly;

"course" means a defined body of knowledge, skills and attitudes designed to be inculcated over a specified period and to which one or more credits may be awarded;

"credit" means a unit of academic measurement for a prescribed course or set of courses for which a particular recognition is awarded;

"foreign accrediting body" means a body recognised by the Board in accordance with section 26;

"higher education" means the teaching and learning process which occurs following completion of secondary schooling or its equivalent and which leads to the award of a sub-baccalaureate qualification, baccalaureate degree or post graduate degree;

"institution" means an educational entity, offering higher education in Anguilla, with a defined structure providing for the administration, governance, delivery and certification of a range of programmes leading to the granting of awards, certificates, degrees, diplomas or any other qualification for which it is accredited;

(Act 1/2016, s. 2)

"licensed institution" means an institution which holds a valid licence issued by the Board pursuant to section 22 or in respect of which such a licence exists;

"licensee" means a person who holds a valid licence issued by the Board pursuant to section 22 and includes a licensed institution;

"member", in relation to the Board, includes any person who is a member of a committee established under section 10(2) or a Review Committee established under section 18;

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"Minister" means the Minister responsible for education;

"officer", in relation to the Board, means the Chairperson, Deputy Chairperson or Secretary;

"person" includes a body corporate and an unincorporated body;

"programme of study" means curriculum approved by a foreign accrediting body comprising a series of courses in an academic or vocational specialty leading to an award;

"Secretary" means the member who is designated under section 12 as Secretary to the Board;

"standard" means a defined level of achievement employed as a measurement of the quality of education;

"Student Permit" means a permit issued by the Board which allows a student to enter and reside on Anguilla for the purpose of pursuing higher education studies or training at a licensed institution;

(Act 2/2014, s. 2)

"student work" means work performed by a student who has been granted a Student Work Permit;

(Act 2/2014, s. 2)

"Student Work Permit" means a permit issued to the holder of a Student Permit which allows that person to perform paid student work which is connected to the course of study.

(Act 2/2014, s. 2)

PART 1

ESTABLISHMENT AND FUNCTIONS OF HIGHER EDUCATION LICENSING BOARD

Establishment of the Board

2. There is hereby established a board to be known as the Anguilla Higher Education Licensing Board consisting of 7 members appointed by the Minister.

Composition of the Board

3. (1) In appointing the members, the Minister shall endeavour to ensure that at all times the Board consists of—

(a) the Chief Education Officer;

(b) a representative of the Ministry of Finance and Economic Planning;

(c) a representative of the Ministry of Social Development;

(d) a representative of the Ministry of Lands and Physical Planning;

(e) the Resident Tutor and Head, University of the West Indies School of Continuing Studies, Anguilla;

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(f) a representative of the Attorney General's Chambers; and

(g) a representative of civil society.

(2) A member of the Board—

(a) shall be appointed by the Minister by instrument published in the *Gazette*; and

(b) may be paid such remuneration, allowance or expenses as the Governor in Council may determine.

Chairperson, Deputy Chairperson and interim chairperson

4. (1) The Minister shall designate one of the members to be Chairperson and another to be Deputy Chairperson of the Board.

(2) The Deputy Chairperson may act in place of the Chairperson if the Chairperson is absent or unable to act or the office of Chairperson is vacant.

(3) If, by reason of the absence or incapacity of the Chairperson or Deputy Chairperson or a vacancy in either of those offices, the Board does not have a chairperson, the Board may designate one of its members as an interim chairperson.

Duration and termination of membership

5. (1) The appointment of a member of the Board shall, subject to this section, be for a term not exceeding 5 years and any person ceasing to be a member of the Board in good standing shall be eligible for re-appointment.

(2) A member of the Board 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 the Minister considers it fit to remove the member.

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

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

Temporary members and vacancies

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

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

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

Meetings of the Board

7. (1) The Board shall meet at least once every 6 months 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 may be determined by the Board.

(2) The Chairperson may at any time call a special meeting of the Board to be held within 7 days of a written request for that purpose addressed to the Chairperson by any other member of the Board.

(3) Subject to this Act, the Board may regulate its own proceedings.

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

Quorum

8. A meeting of the Board is duly constituted for all purposes if, at the commencement of the meeting, there is a quorum of not less than 4 members of the Board.

Voting

9. (1) Decisions of the Board shall be taken by a majority of the votes of its members present and voting at the meeting.

(2) The Chairperson of the Board shall have the right to vote and, in cases of equal division of votes, the Chairperson shall have the casting vote.

Additional persons to advise Board

10. (1) The Board may, for the purpose of assisting or advising it, co-opt any person to attend any particular meeting of the Board at which it is proposed to deal with a particular matter, but no such co-opted persons shall have the right to vote.

(2) Without prejudice to subsection (1), the Board may establish committees to advise the Board and at least one member of the Board shall be appointed to each committee so established.

(3) Sections 7(3), 7(4), 8 and 9 apply *mutatis mutandis* to a committee established under subsection (2).

Protection from liability

11. No action or other proceeding shall lie against any member or officer of the Board or any person authorised by the Board for or in respect of an act done or omitted to be done in good faith in the exercise or purported exercise of the functions of such member, officer or authorised person pursuant to this Act.

Secretary to the Board

12. (1) The Chief Education Officer shall be Secretary to the Board.

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(2) The duties and responsibilities of the Secretary shall include—

(a) taking and keeping minutes of the Board;

(b) keeping custody of the Seal of the Board;

(c) receiving applications for accreditation and handling correspondence; and

(d) doing such other acts which are incidental to the office of Secretary.

Seal of the Board

13. (1) The Board shall have and use as occasion may require a seal having a device or impression with the inscription "Anguilla Higher Education Licensing Board".

(2) The Seal of the Board shall be—

(a) kept in the custody of the Secretary;

(b) affixed to all documents pursuant to a resolution of the Board in the presence of the Chairperson and any other member of the Board; and

(c) authenticated by the signatures of the Chairperson and the Secretary.

Functions of the Board

14. (1) The functions of the Board are as follows—

(a) to be responsible for safeguarding the Government of Anguilla and public interest in the achievement of acceptable academic standards for higher education and research;

(b) to consider and decide on applications for licensing submitted to the Board pursuant to section 16;

(c) to maintain a record of the institutions that are licensed by the Board and the programmes that are accredited by a foreign accrediting body;

(d) to monitor the quality of higher education programmes offered by institutions and any awards they confer so as to ensure that they meet and maintain the standards prescribed or approved by a foreign accrediting body;

(e) to promote an ethos of quality assurance and quality improvement by supporting the process of accreditation of programmes in institutions by a foreign accrediting body;

(f) to protect the interests of the Government of Anguilla, the public and students;

(g) to establish the standards, requirements and regulations with which an institution must comply in order to be licensed by the Board;

(h) to advise the Minister on the issuance of charters, licences or other authorisations to institutions to operate or to continue their operations or to alter their existing operations on the basis of appropriate audit and evaluation;

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(i) to revoke a licence granted to, or conferred on, any institution if after enquiry the Board considers that there is good and sufficient cause to do so;

(j) to do or cause to be done such other things as the Board considers expedient or necessary for the performance of its functions pursuant to this Act.

(k) to consider and decide on applications for Student Permits and Student Work Permits submitted to the Board by a licensed institution;

(Act 2/2014, s. 3)

(l) to maintain a register of Student Permits and Student Work Permits issued by the Board.

(Act 2/2014, s. 3)

(2) Notwithstanding any other law, the Board shall be the principal body in Anguilla for conducting the licensing of institutions and advising on the standards to be maintained by such institutions.

PART 2

LICENSING OF INSTITUTIONS AND ACCREDITATION OF PROGRAMMES OF STUDY

Licensing requirement

15. (1) A person shall not operate an institution without a licence issued in accordance with section 22.

(2) Any person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of $50,000 and, in the case of continuing offence, to a further fine of $1,000 for each day or part of a day during which the offence continues.

Application for licensing

16. (1) A person who wishes to obtain a licence to operate an institution pursuant to this Act shall pay the prescribed fee to the Comptroller of Inland Revenue and submit an application to the Board in accordance with subsection (2).

(2) The application shall—

(a) be in writing in the form prescribed in the regulations;

(b) include a proposal as regards the programmes to be offered by the institution; and

(c) be accompanied by an official receipt of the payment of the prescribed fee.

(3) Upon receipt of the application, the Board shall consider whether the applicant complies with or meets the relevant requirements prescribed or stated pursuant to this Act.

(4) The Board shall not, in consideration of an application, be restricted to the information contained in the application.

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Additional matters to be considered by the Board

17. In addition to the matters to be considered by the Board pursuant to section 16(3), the Board may in considering an application for licensing take into account the following matters—

(a) the mission of the institution or programme of study and any specialized programme which the institution offers or intends to offer;

(b) the goals and objectives of the institution or programme of study and research;

(c) the conditions under which the goals or objectives of the institution are to be achieved, including an operational plan;

(d) the expected institutional standards and how these standards are to be maintained;

(e) the list of programmes of study or courses which the institution offers or intends to offer and its policy regarding course credits;

(f) any links which the institution establishes and maintains or intends to establish and maintain with other educational entities offering higher education;

(g) any independent accreditation processes, pending or active, to review and assure the achievement and maintenance of acceptable academic standards within any programme;

(h) any arrangements, under negotiation or in place, for the accreditation of any programme course by a foreign accrediting body;

(i) the availability of a student's registry, and the admissions policy with the related fees and charges to be levied;

(j) the maintenance of student records;

(k) the availability of student counselling services;

(l) procedures for monitoring and assessing student performance;

(m) in the case of recruitment of staff into a faculty of the institution—

(i) the recruitment procedures,

(ii) the curriculum vitae of staff,

(iii) the general productivity measures relating to staff performance;

(n) examination regulations and procedures of the institution with particular emphasis on—

(i) the setting and marking of written examinations,

(ii) the conduct and assessment of oral examinations,

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(iii) the conduct and assessment of research proposals,

(iv) the conduct of appeals by students, and

(v) the grading systems as a basis of evaluating student performance;

(o) the procedure for selecting external examiners and how such examiners function;

(p) the availability of library and research facilities with particular emphasis on—

(i) the adequacy of such facilities,

(ii) their linkages with other libraries or institutions, whether within or outside the Caribbean;

(q) the physical location or, as the case may be, the proposed physical location of the institution with particular emphasis on—

(i) projections regarding student enrolment and staff size,

(ii) provisions for classrooms, laboratories and offices;

(r) proposals regarding the financing and management of the institution with particular emphasis on—

(i) the charter of the institution,

(ii) the governing body of the institution,

(iii) costs and efficiency of the institution, and

(iv) the reputation, character, commercial standing and financial standing of the sponsor of the institution;

(s) any benefits which may accrue to the local economy.

Review Committee

18. (1) Without prejudice to the generality of section 10(2), when an application for licensing is submitted to the Board in accordance with this Act, the Board shall appoint a committee to be known as a Review Committee comprising—

(a) at least one member of the Board; and

(b) such persons having knowledge and expertise in the programmes offered by the institution whose application is under consideration.

(2) The chairperson of a Review Committee shall be a member of the Board.

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(3) A Review Committee appointed under subsection (1) shall—

(a) be responsible for reviewing any programme proposal accompanying an application submitted to the Board by any institution with reference to established regional and international academic guidelines, models of best practice and standards for accreditation of programmes of study;

(b) request from the relevant applicant, certified evidence from a foreign accrediting body to the effect that the programmes offered by the institution have obtained Initial Provisional Accreditation, Provisional Accreditation or Accredited status;

(c) review such proposal within a period specified by the Board, but, in any event, not exceeding 90 days or such further period as the Board may in writing direct; but during such review mainly deal with the academic and professional aspects of the proposal; and

(d) upon completion of the review, submit a report to the Board.

(4) The Board shall take the report of the Review Committee into account when considering the application for licensing.

(5) Sections 7(3), 7(4), 8 and 9 apply *mutatis mutandis* to every Review Committee.

Request for further information to support application

19. (1) The Board may, by giving notice in writing to the applicant, require the applicant to provide to the Board within a reasonable time of at least 14 days as stated in the notice, further information which the Board may reasonably require to consider.

(2) The applicant is taken to have withdrawn the application if, within the time stipulated in the notice or any extension of such notice, the applicant does not comply with the requirement.

Report to the Minister with respect to application

20. (1) Upon completion of its consideration of the application for licensing, the Board shall submit to the Minister a written report on the application.

(2) The report shall contain the decision of the Board regarding the grant or refusal of the application for licensing and the reasons for the decision taken by the Board.

Decision on application

21. (1) The Board shall, as soon as practicable, provide the applicant with notice in writing of its decision and the reasons for the grant or, as the case may be, the refusal of the application for licensing.

(2) The Board may, in exercise of its functions under this Act, grant a provisional licence for up to one year subject to the fulfilment of certain conditions.

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Issuance of licence

22. (1) Where the application for licensing is approved in full or provisionally, the Board shall forthwith issue to the applicant a licence in such form as may be prescribed, subject to the payment of the prescribed fee and any conditions which may be prescribed.

(2) The licence shall—

(a) state the period of validity of licensing, the conditions, if any, to be fulfilled and whether licensing is full or provisional;

(b) remain the property of the Government of Anguilla; and

(c) be returned to the Board upon its withdrawal, revocation or expiration.

(3) Where an institution in Anguilla is licensed under subsection (1) and accredited under section 26, it shall be authorised to grant awards, certificates, degrees, diplomas, or any other qualification for which it is accredited.

(Act 1/2016, s. 3)

Review of refusal of licensing

23. (1) An applicant referred to in section 21 who is aggrieved by a decision of the Board under that section shall have a right to have the decision reviewed if that applicant makes an application for that purpose to the Board within 30 days after being given notice of the decision.

(2) The Board shall within 14 days of receipt of the application referred to in subsection (1), forward the application to the Minister who shall cause to be conducted an inquiry concerning the matters raised in the application by such person or persons as the Minister appoints in writing for that purpose.

(3) An inquiry shall be conducted according to the substantial merits of the case without regard to technicalities.

(4) The person or persons conducting an inquiry pursuant to subsection (2) may conduct the inquiry and obtain information as such person or persons may consider appropriate.

(5) On completing the inquiry, the person or persons conducting the inquiry shall report to the Minister stating the findings of the inquiry and recommendations, if any, and the Minister shall be bound by such findings and recommendations.

(6) The Minister shall submit, in writing, to the aggrieved applicant referred to in subsection (1) the findings of the inquiry.

(7) The decision of the inquiry shall be final and be subject only to judicial review.

Validity of licence

24. Subject to section 22(2), a licence shall be valid for a period not exceeding 5 years and may be extended on the licensee giving 6 months notice in writing that it wishes to continue its operations, but the licensee must meet the requirements as provided for in this Act and any regulations made under this Act.

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Exemption from obtaining a licence

25. (1) The Anguilla Community College is exempted from obtaining a licence to operate as an institution.

(2) Notwithstanding subsection (1), Part 5 shall apply to students enrolled at the Anguilla Community College.

(Act 2/2014, s. 4)

Accreditation

26. (1) The Caribbean Accreditation Authority for Education in Medicine and Other Health Professions established under an Inter-Governmental Agreement dated 13 November 2003, is hereby authorised to accredit medical programmes and qualifications offered by an institution in Anguilla and for the purposes of this Act shall be recognised by the Board as a foreign accrediting body.

(2) The Governor in Council may, by regulations, authorise any accreditation body or authority to accredit medical programmes and qualifications or non-medical programmes and qualifications offered by an institution in Anguilla and, for the purposes of this Act, such accreditation body or authority shall be recognised by the Board as a foreign accrediting body.

(Act 7/2018, s. 2)

(3) Regulations made under subsection (2), shall have no effect unless and until approved by a resolution of the House of Assembly.

Duty of Board to carry out assessments and surveillance visits

27. The Board, or any person who has been authorised by the Board, shall—

(a) when it believes there is due cause, carry out unscheduled assessment and surveillance visits to any licensed institution at intervals other than those which may be prescribed; and

(b) issue such directions as it considers necessary in relation to the persons comprising the management of the licensed institution.

Establishment of Recognition Mark

28. (1) The Minister shall prescribe a Recognition Mark (hereinafter called "the Mark").

(2) A person shall not use the Mark unless the person is a licensed institution which has obtained from the Board written authorisation to use the Mark.

(3) A licensed institution which wishes to use the Mark may make an application in this regard to the Board in the prescribed form.

(4) When the Board approves an application to use the Mark, the Board shall provide the applicant with a registration number to be inserted on the Mark.

(5) The Mark shall not be used by any person on any document unless the document relates in whole or in part to activities which have been approved by the Board.

(6) The Board may make rules to govern the use of the Mark.

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Confidentiality

29. All information obtained by the Board, its officers or any person who has been authorised by the Board, in the assessment of an institution shall be confidential and shall not, subject to the laws of Anguilla, be divulged without prior written consent of the person providing such information.

PART 3

DUTIES OF LICENSED INSTITUTIONS

Conditions to be met by licensed institutions

30. (1) A licensed institution shall offer all students enrolled at the licensed institution a standard of education that is consistent with the standards to which its programmes have been accredited.

(2) It shall be a condition of approval that a licensed institution offers the Board and any person who has been authorised by the Board such reasonable access to its premises and co-operation, as may be deemed necessary, to enable the Board or any such authorised person to monitor compliance with the terms and conditions of this Act or any regulations made under this Act.

(3) Pursuant to subsection (2), the licensed institution shall make available to the Board or, as the case may be, any such authorised person all information and relevant documents.

(4) A licensed institution which wishes to refer to the fact that it is licensed by the Board in its documents, brochures or advertising media shall—

(a) subject to paragraph (b), use the following phrase "listed in the Anguilla registry of licensed institutions"; and

(b) where written authorisation to use the Mark has been obtained and a registration number has been issued by the Board, use the following phrase "licensed institution registration number_____".

(5) A licensed institution shall—

(a) at all times comply with the terms and conditions of this Part and with such criteria as prescribed by the Board;

(b) operate only in respect of those activities which are approved by the Board;

(c) pay promptly such fees for application, assessment and surveillance and such other services as shall from time to time be determined by the Board;

(d) use the licence in such a manner as not to bring the arrangements for licensing and accreditation into disrepute;

(e) not make any statement or do any act that the Board would of necessity be required to defend or to correct;

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(f) advise the Board in writing of any change in the accreditation status of a programme offered by the institution, within 7 days of the occurrence of such change; and

(g) upon termination or revocation of the term of a licence, forthwith discontinue its use of reference to being licensed and withdraw all advertising matter which contains any reference to licensing or accreditation.

PART 4

VARIATION, SUSPENSION AND REVOCATION OF LICENCE

Grounds for variation, suspension or revocation

31. (1) Subject to section 32, the Board may, by notice to a licensee, vary, suspend or revoke the licence of the licensee where the Board has reasonable grounds to believe that the licensee has breached any of the conditions stated or specified pursuant to this Act or any regulations made under this Act.

(2) If the Board believes that a ground exists to vary, suspend or revoke the licence of the licensee, the Board shall issue to that licensee a notice stating the following—

(a) the action which the Board proposes to take pursuant to this Part;

(b) the grounds for the proposed action;

(c) an outline of the facts and circumstances forming the basis for such grounds;

(d) an invitation to the licensee to show, within a specified period, cause why the proposed action should not be taken.

(3) The specified period under paragraph (2)(d) shall be a period ending at least 30 days after notice pursuant to subsection (2) is given to the licensee.

Representations made by licensee

32. (1) The licensee may, on receipt of a notice under section 31(2), make written representations to the Board and the Board shall consider all such representations made by that licensee.

(2) If, after considering the representations made pursuant to subsection (1) or otherwise, the Board finds that no grounds exist for varying, suspending or revoking the licence, the Board shall—

(a) take no further action with respect to such notice; and

(b) as soon as practicable, inform the licensee in writing that no further action will be taken pursuant to such notice.

(3) If, after considering the representations made pursuant to subsection (1), the Board finds that grounds exist for varying, suspending or revoking the licence, the Board shall—

(a) vary, suspend or revoke the licence, as the case may be; and

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(b) as soon as practicable, provide the licensee with notice in writing of its decision and the reasons for the decision.

Review of variation, suspension and revocation

33. (1) A licensee who is aggrieved by a decision of the Board under section 32(3) varying, suspending or revoking its licence, as the case may be, shall have a right to have the decision reviewed if the aggrieved licensee makes, in writing, an application for that purpose to the Board within 30 days after receipt of notice of such decision.

(2) In relation to the application and review referred to in subsection (1), sections 23(2), (3), (4), (5), (6) and (7) shall apply *mutatis mutandis*.

PART 5

STUDENT PERMITS

Student Permit

34. (1) A person who is not an Anguillian shall not enter or remain in Anguilla for the purpose of pursuing higher education or training in a licenced institution, unless there is in force a valid Student Permit issued to him or her by the Board.

(2) A person who has been accepted by a licensed institution to undertake higher education studies or training may apply to the Board, through the licensed institution, for a Student Permit in the prescribed manner.

(3) Subject to the directions of the Chief Immigration Officer and after considering the prescribed matters, the Board may grant, refuse or defer any application made under subsection (2) if the Board considers that it is reasonable to do so.

(4) For the avoidance of doubt, a Student Permit does not exempt any person who is also required under the Immigration Act and immigration policies from obtaining a visa to enter and remain on Anguilla.

(Act 2/2014, s. 5)

Exemption from obtaining a Student Permit

35. (1) The Chief Immigration Officer may exempt a non-Anguillian from obtaining a Student Permit, if he or she determines that the non-Anguillian—

(a) has been residing on Anguilla for at least 5 years; and

(b) has not been in breach of any immigration laws or policies.

(2) Any exemption granted under subsection (1) must be made in writing, addressed to the Board and copied to the non-Anguillian.

(Act 2/2014, s. 5 and U.K. S.I. 2019 No. 852, s.13(c))

Duration of a Student Permit

36. A Student Permit may be granted for a period that is equal to the duration of the course of study but such period shall not exceed 3 years.

(Act 2/2014, s. 5)

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Student work and Student Work Permit

37. (1) The holder of a Student Permit may engage in unpaid student work connected to the course of study without being granted specific permission by the Board to do so.

(2) The holder of a Student Permit may apply to the Board for a Student Work Permit to engage in paid student work connected with the course of study in the prescribed manner.

(3) The Board may grant, refuse or defer an application under subsection (2) after consultation with the Labour Commissioner.

(4) If the Labour Commissioner objects to the grant of a Student Work Permit, the Labour Commissioner must forward the objections to the Board in writing.

(5) A Student Work Permit may be granted on such terms and conditions as the Board considers necessary but ends at the time the Student Permit expires.

(Act 2/2014, s. 5)

Variation and revocation of a Student Permit or Student Work Permit

38. The Board may vary or revoke a Student Permit or a Student Work Permit if the Board considers that it is reasonable to do so.

(Act 2/2014, s. 5)

Decision final

39. Any decision of the Board made under sections 34(3), 37(3) or 38 shall be binding and not open to appeal.

(Act 2/2014, s. 5)

Expiration of Student Permit

40. On the expiration of a Student Permit or after the expiration of 3 years since the grant of an initial Student Permit, a student must leave Anguilla unless permission has been granted by the Chief Immigration Officer for an extension of stay in accordance with the Immigration Act and immigration policies.

(Act 2/2014, s. 5)

Powers of the Chief Immigration Officer

41. (1) The Chief Immigration Officer must review and comment on any application for a Student Permit before the permit is granted or renewed by the Board.

(2) The Chief Immigration Officer is empowered to direct that the application for a Student Permit is—

(a) denied; or

(b) deferred until certain named conditions are fulfilled.

(3) If the Chief Immigration Officer directs the denial or deferral of the grant of a Student Permit, the Chief Immigration Officer must inform the Board in writing of the reasons for such direction.

(4) The Board must comply with any direction given by the Chief Immigration Officer under subsection (3) and the Board must immediately inform the student of its decision.

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(5) No appeal can be made against a decision to deny or defer a Student Permit.

(6) When the Chief Immigration Officer reviews an application under subsection (1), the Chief Immigration Officer must respond within 10 working days from the date on which the application is received.

(7) Upon written request, a higher education institution must make available to the Chief Immigration Officer information concerning any non-Anguillian student enrolled at that institution.

(Act 2/2014, s. 5 and U.K. S.I. 2019 No. 852, s.13(c))

Penalty

42. Any person who—

(a) undertakes higher education studies or training at a licensed institution without being granted a Student Permit to do so;

(b) engages in paid student work without being granted a Student Work Permit; or

(c) falsifies any document required to be submitted under this Act;

commits an offence and is liable on summary conviction to a fine of $5,000.

(Act 2/2014, s. 5)

PART 6

MISCELLANEOUS

Collection and recovery of fees

43. (1) The fees for application, assessment, surveillance and such other services payable under this Act shall be paid to the Consolidated Fund.

(2) The Comptroller of Inland Revenue may, for the purposes of collecting fees payable under this Act, designate such public officers as fees collection agents.

(3) Any fees due and unpaid under this Act shall be recovered as if such fees were a debt due to the Crown.

Regulations

44. (1) The Minister may make regulations for giving effect to any of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations—

(a) prescribing matters required or permitted to be prescribed by this Act;

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(b) providing for such matters as may be—

(i) contemplated by or necessary for giving full effect to this Act and for its administration, or

(ii) incidental to or consequential upon any provision of this Act.

Citation

45. This Act may be cited as the Higher Education Licensing Act, Revised Statutes of Anguilla, Chapter H4.

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