



MONTSERRAT

CHAPTER 16.02

UNIVERSITIES AND COLLEGES (LICENSING AND ACCREDITATION) ACT and Subsidiary Legislation

Revised Edition
showing the law as at 1 January 2019

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

	Page
UNIVERSITIES AND COLLEGES (LICENSING AND ACCREDITATION) ACT	3
Act 2 of 2007 .. in force 1 September 2007 (S.R.O. 60/2007) Amended by Act 9 of 2011 .. in force 27 September 2011 (S.R.O. 40/2011)	
UNIVERSITIES AND COLLEGES (STUDENT PERMITS) REGULATIONS – Section 43	27
S.R.O. 55/1981 .. in force 1 January 1982 Amended by S.R.O. 3/1984 Amended by S.R.O. 3/1986 Amended by S.R.O. 15/2013 .. in force 1 April 2013	
UNIVERSITIES AND COLLEGES (LICENSING AND ACCREDITATION) (APPLICATION FOR LICENCE) REGULATIONS – Section 43	31
S.R.O. 68/2012 .. in force 20 December 2012	



MONTSERRAT

CHAPTER 16.02

UNIVERSITIES AND COLLEGES (LICENSING AND ACCREDITATION) ACT and Subsidiary Legislation

Revised Edition

showing the law as at 1 January 2019

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

UNIVERSITIES AND COLLEGES (LICENSING AND ACCREDITATION) ACT

Act 2 of 2007 .. in force 1 September 2007 (S.R.O. 60/2007)

Amended by Act 9 of 2011 .. in force 27 September 2011 (S.R.O. 40/2011)

UNIVERSITIES AND COLLEGES (STUDENT PERMITS)

REGULATIONS – Section 43

S.R.O. 55/1981 .. in force 1 January 1982

Amended by S.R.O. 3/1984

Amended by S.R.O. 3/1986

Amended by S.R.O. 15/2013 .. in force 1 April 2013

UNIVERSITIES AND COLLEGES (LICENSING AND ACCREDITATION) (APPLICATION FOR LICENCE) REGULATIONS – Section 43

S.R.O. 68/2012 .. in force 20 December 2012

Page

3

27

31

CHAPTER 16.02

**UNIVERSITIES AND COLLEGES
(LICENSING AND ACCREDITATION) ACT**

ARRANGEMENT OF SECTIONS

PART 1

PRELIMINARY

SECTION

1. Short title
2. Interpretation

PART 2

**ESTABLISHMENT AND FUNCTIONS OF THE
HIGHER EDUCATION ADVISORY BOARD**

3. Establishment of Board
4. Remuneration
5. Meetings of the Board
6. Quorum
7. Voting
8. Additional person to attend meetings
9. Confidentiality
10. Protection from liability
11. Appointment of Secretary to the Board
12. Seal of the Board
13. Functions of the Board

PART 3

LICENSING OF INSTITUTIONS

14. Licence required
15. Application for licence
16. Request for further information to support application
17. Additional matters to be considered by the Board
18. Report to the Governor with respect to application
19. Issue of licence
20. Annual fee
21. Revocation or suspension of licence

22. Appeals
23. Validity of licence
24. Offences and penalties

PART 4

ACCREDITATION OF INSTITUTIONS AND PROGRAMMES OF STUDY

25. Grant of accreditation
26. Application for accreditation
27. Request for further information to support application
28. Additional matters to be considered by the Board
29. Report to the Minister with respect to application
30. Decision on application
31. Issuance of certificate of accreditation
32. Appeal
33. Validity of certificate of accreditation
34. Preparation and submission of operational plan
35. Duty of Board to carry out assessments and surveillance visits
36. Establishment of Accreditation Mark
37. Confidentiality

PART 5

DUTIES OF LICENSED AND ACCREDITED CERTIFIED INSTITUTIONS

38. Conditions to be met by licensed and accredited certified institutions

PART 6

REVOCATION OF CERTIFICATION OF ACCREDITATION

39. Grounds for revocation
40. Representations made by holder of certificate of accreditation
41. Action taken by the Minister

PART 7

STUDENT PERMITS

42. Student permits

PART 8

MISCELLANEOUS

- 43. Regulations
 - 44. Savings
- SCHEDULE

CHAPTER 16.02

**UNIVERSITIES AND COLLEGES
(LICENSING AND ACCREDITATION) ACT**

(Acts 2 of 2007 and 9 of 2011)

AN ACT TO PROVIDE FOR THE LICENSING OF INSTITUTIONS, FOR THE PROCESS AND MECHANISM OF ACCREDITING INSTITUTIONS AND PROGRAMME OF STUDY IN MONTSERRAT AND ELSEWHERE AND OTHER RELATED MATTERS.

Commencement

[1 September 2007]

PART 1

PRELIMINARY

Short title

1. This Act may be cited as the Universities and Colleges (Licensing and Accreditation) Act.

Interpretation

2. (1) In this Act, unless the context otherwise requires—

“**accredit**” means the according of recognition by the Minister on the basis of an informed evaluation by the Board, that the programmes of study offered by an institution and any award it confers satisfy standards prescribed or approved by the Board;

“**Accreditation**” means a determination by the Minister on the recommendation of the Board that an institution or a programme of study meets the prescribed standards stipulated by the Board;

“**Board**” means the Higher Education Advisory Board established by section 3;

“**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 qualification is awarded;

“**equivalency**” means a determination by the Board that a particular programme of study has attained a comparable recognised standard;

“**Governor**” means the Governor acting on the advice of Cabinet;

(Amended by Act 9 of 2011)

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

“**institution**” means an educational entity with a defined structure providing for the administration, governance, delivery and certification of a range of programmes leading to the granting of awards or credits;

“**licensed and accredited certified institution**” means an institution which has been licensed by the Governor and has been issued an approval under section 25 or a certificate of accreditation under section 31;

“**Minister**” means the Minister responsible for education;

“**person**” includes a body corporate or an unincorporated body;

“**programme of study**” means an approved curriculum comprising a series of courses in an academic or vocational speciality leading to an award;

“**provider**” means a person offering one or more programmes or courses leading to an award or credit;

“**provisional accreditation**” means a determination by the Minister on the recommendation of the Board that an institution or programme of study offered by an institution does not satisfy all the prescribed standards stipulated by the Board for full accreditation, but present a reliable plan to satisfy the prescribed standards within a specified period after receiving the provisional accreditation;

“**standard**” means a defined level of achievement employed as a measurement of the quality of education;

“**validate**” means to determine after assessment whether a new course leading to an award satisfies the recognised standards for that award and “**validation**” shall be construed accordingly.

(2) Save as may otherwise be expressly provided herein, this Act shall not apply to the University of the West Indies in any of its activities on Montserrat.

PART 2

ESTABLISHMENT AND FUNCTIONS OF THE HIGHER EDUCATION ADVISORY BOARD

Establishment of Board

3. (1) There is hereby established a Board to be known as the Higher Education Advisory Board.

(2) The Board shall consist of the following persons—

- (a) the Permanent Secretary of the Ministry of Education, who shall be the chairperson;
- (b) Director of Education;
- (c) Chief Medical Officer;
- (d) a representative of the Ministry of Finance;
- (e) the Attorney General or Principal Crown Counsel;
- (f) a representative of the private sector;
- (g) a representative of an established recognised University nominated by the Minister;
- (h) a representative of the Montserrat Medical Association.

(3) A member of the Board shall be appointed by the Governor by instrument published in the *Gazette* and shall hold office for such period as the Governor may direct and such member shall be eligible for reappointment.

Remuneration

4. (1) Subject to subsection (2), the Governor shall determine—

- (a) the remuneration, if any, to be paid to members of the Board;
- (b) the additional remuneration, if any, to be paid to the Chairperson and Deputy Chairperson;
- (c) the remuneration, if any, to be paid to persons co-opted under section 8.

(2) Unless the Governor otherwise decides, no public officer or person engaged by the Government under contract who holds a position referred to in section 3(2)(a) to (e), shall be paid any remuneration or additional remuneration referred to in those paragraphs in respect of that position unless his position description or contract so provides.

Meetings of the Board

5. (1) The Board shall meet at such times as may be necessary or expedient for the transaction of its business, and such meetings shall be held at such place and such times and days as may be determined by the Board.

(2) At the first meeting of the Board, the members of the Board may appoint a Deputy Chairperson from amongst its members.

(3) At a meeting of the Board—

- (a) the Chairperson shall preside;
- (b) if the Chairperson is not present the Deputy Chairperson shall preside;

(c) if neither the Chairperson nor the Deputy Chairperson is present, the members present shall choose one of their number to preside.

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

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

(6) 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.

(7) If any member of the Board or other person present at a meeting of the Board is directly or indirectly interested in any matter to be discussed or considered at the meeting, he shall, at the meeting and as soon as it is practicable after the commencement of the meeting, disclose the fact of his interest and shall not take part in the discussion, consideration or voting of such matter.

Quorum

6. 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 5 members of the Board participating in the meeting.

Voting

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

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

Additional person to attend meetings

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

Confidentiality

9. (1) A member of the Board shall at all times preserve and aid in preserving confidentiality with regard to all matters coming to his knowledge in the performance of his duty under this Act.

(2) Except with the written consent of the Board or for the performance of his duties or under a legal obligation, a member of the Board shall not communicate any confidential matter to any person nor permit any person to have access to any records in the possession, custody or control of the Board.

Protection from liability

10. No action or other proceeding shall lie against any member of 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 his functions under the Act.

Appointment of Secretary to the Board

11. (1) The Minister shall appoint a person to be Secretary to the Board.

(2) The Secretary shall be responsible for the taking and keeping of minutes of the Board.

Seal of the Board

12. (1) The Board shall have and use as occasion may require a Seal having a device or impression with the inscription “**Higher Education Advisory Board**”.

(2) The Seal of the Board shall be kept in the custody of the Secretary and shall be affixed to all documents pursuant to a resolution of the Board in the presence of the Chairperson and any other member of the Board.

(3) The Seal shall be authenticated by the signatures of the Chairperson or any other member authorised to act on his behalf.

Functions of the Board

13. (1) Notwithstanding the provision of any other law, the Board shall be responsible for considering and advising on the licensing and accreditation of Institutions, whether local or foreign, and for the promotion of the quality and standard of programme of study and awards offered in Montserrat.

(2) Without prejudice to the generality of the foregoing, the functions of the Board shall be—

- (a)* to consider applications for licences by Institutions seeking to operate or to continue to operate in or from within Montserrat;
- (b)* to advise the Governor 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 an appropriate evaluation;
- (c)* to consider applications for accreditation submitted to the Board under section 26;
- (d)* to advise the Minister on accreditation and re-accreditation of institutions operating in or from within Montserrat and the programmes of study offered;

- (e) to maintain a list of licensed and accredited institutions operating in Montserrat, and a list of programme of study and awards offered by such institutions;
- (f) to establish relationships with external accrediting and quality assurance bodies and keep under review their systems of accreditation, procedures and practices;
- (g) to provide advice on accreditation and related matters;
- (h) to ensure that the quality of all higher education programmes offered in Montserrat meets the standards set by any external accrediting body approved by the Board for any award;
- (i) to ensure the maintenance of the appropriate academic standards, whether set by the Board or by the external accrediting body having jurisdiction to set standards approved by the Board;
- (j) to provide for the validation and recognition of new programmes of study offered by institutions licensed to operate in or from within Montserrat;
- (k) to advise on the recognition of foreign-based institutions and the awards which they offer;
- (l) to determine equivalency of programmes of study and qualifications in accordance with the framework established by the relevant accreditation body;
- (m) to develop and maintain a unified system of credits for institutions;
- (n) to approve credits granted by other recognized bodies;
- (o) to promote a quality assurance ethos and a programme of licensing and accreditation in Montserrat;
- (p) to protect the interests of students;
- (q) to provide the public with information on the means applied to determine the quality and recognition of programmes of study and institutions in order to protect the public interest;
- (r) to undertake audits, reviews and evaluations independently or in co-operation with other bodies as the Board may consider necessary for the discharge of its functions;
- (s) to accept courses or programmes of study successfully completed by students in partial fulfilment of programmes and examinations recognised by the Board;
- (t) to advise the Minister on rate of fees to be prescribed for the purposes of this Act;

- (u) to advise the Governor to revoke a licence granted to, or conferred on any institution or provider if the Board considers that there is good and sufficient cause to do so;
- (v) to advise the Minister under section 39 for the revocation of a certificate of accreditation granted to, or conferred on any institution or provider if the Board considers that there is good and sufficient cause to do so;
- (w) to advise the Governor to deprive persons of awards or distinctions granted to or conferred on them if the Board considers that there is good and sufficient cause to do so; and
- (x) to do or cause to be done such other things as the Board considers expedient or necessary for the performance of its functions under this Act.

(3) The Board may consult with and seek expert advice from any person or authority other than the members in respect of the performance of its functions under this Act.

(4) Notwithstanding any other law, the Board shall be the principal body in Montserrat for conducting and advising on the accreditation and recognition of institutions, programmes of study and awards, whether foreign or local.

PART 3

LICENSING OF INSTITUTIONS

Licence required

14. No institution shall operate as a university or college in or from within Montserrat, unless there is in existence in relation to such institution a licence issued by the Governor under this Act.

Application for licence

15. (1) A person resident in Montserrat or any body corporate having a place of business in Montserrat may apply to the Governor for a licence to operate as a university or college in or from within Montserrat.

(2) An application under subsection (1) must—

- (a) be submitted to the Board;
- (b) contain the information and be in the form prescribed;
- (c) be accompanied by the documentation prescribed; and
- (d) be accompanied by the prescribed fee.

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

Request for further information to support application

16. (1) The Board may, by giving notice to the applicant, require the applicant to provide to the Board within a reasonable time of at least fourteen days as stated in the notice, further information which the Board may reasonably require to make its recommendation to the Governor on the application.

(2) The applicant is taken to have withdrawn the application if within the time stipulated in the notice the applicant does not comply with the requirement unless an extension has been requested and granted.

Additional matters to be considered by the Board

17. In addition to the matters to be considered by the Board under section 15(3) the Board may in considering an application for licensing take into account the following additional matters—

- (a) the mission of the institution or programme of study and any specialized programme which the institution intends to offer or offers;
- (b) the goals and objectives of the institution or programme of study;
- (c) the conditions under which the goals or objectives are to be achieved;
- (d) the expected standards and how these standards are to be maintained;
- (e) the list of programmes of study or courses to be offered and the policy regarding course credits;
- (f) any links with other accredited institutions;
- (g) a student registry, and the admissions policy;
- (h) the maintenance of student records;
- (i) the availability of student counselling services and procedure for monitoring student performance;
- (j) in the case of recruitment of students into an institution—
 - (i) the recruitment procedures;
 - (ii) the curriculum vitae of staff;
 - (iii) the general productivity measures relating to staff performance;

- (k) examination regulations and procedures with particular emphasis on—
 - (i) how written exams are set, marked, and how student appeals are conducted;
 - (ii) how oral exams such as research proposals are conducted;
 - (iii) the grading systems as a basis of evaluating student performance;
- (l) the procedure for selecting external examiners and how such examiners function;
- (m) the availability of library and research facilities with particular emphasis on—
 - (i) the adequacy of such facilities;
 - (ii) their linkages with other libraries and other institutions in the Caribbean and outside the Caribbean;
- (n) 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;
- (o) 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; and
 - (iii) costs and efficiency of the institution;
- (p) any benefits which may accrue to the local economy.

Report to the Governor with respect to application

18. (1) Upon completion of its consideration of the application, the Board shall submit to the Governor a written report on the application.

(2) The report shall contain the recommendation of the Board as to whether the Governor may grant or refuse the application for licensing and if the Board recommends that licensing be granted it may specify conditions which the Governor may impose upon the granting of such licensing.

(3) The Governor shall submit a copy of the recommendation together with the decision taken by the Board, to the applicant.

(4) For the purposes of this section “**recommendation**” includes reasons for a decision taken by the Board.

Issue of licence

19. (1) If the Governor is satisfied, on the recommendation of the Board—

- (a) that an applicant—
 - (i) is a fit and proper person, and
 - (ii) is qualified,
to operate the institution;
- (b) that the applicant satisfies the requirements of this Act in respect of the application and will, upon issuance of the licence, be in compliance with this Act in respect of licensing; and
- (c) that issuing the licence is not against the public interest;

he may issue a licence to the applicant subject to such terms and conditions as may be recommended by the Board.

(2) The Governor may, upon giving reasonable notice to the licensee and on the recommendation of the Board—

- (a) vary or cancel any terms or conditions imposed under subsection (1); or
- (b) impose new terms or conditions.

Annual fee

20. (1) A licensee shall pay the prescribed annual fee within ninety days of the granting of the licence, and on the anniversary date thereafter.

(2) If a licensee fails to pay the annual fee in full on or before the date on which it was due he is liable to pay a late payment penalty as prescribed.

Revocation or suspension of licence

21. (1) The Governor may on the advice of the Board at any time revoke or suspend a licence if it appears to him that the licensee—

- (i) is not a fit and proper person to operate the Institution,
- (ii) is insolvent,
- (iii) has breached or is in breach of any term or condition of his licence,
- (iv) has ceased to operate the Institution, or
- (v) has furnished the Board with any false, inaccurate or misleading information whether on making his application for a licence or subsequent to the issue of the licence.

(2) The Governor may revoke a licence if the licensee fails to pay the prescribed annual fee together with the appropriate late payment penalty in full within three months of the date on which the annual fee was due.

(3) Subject to subsection (4), the period of suspension of a licence under subsection (1) shall not exceed thirty days.

(4) If it is satisfied that it is in the public interest to do so, the Court may, on the application of the licensee, extend the period of suspension of a licence under this section for one or more further periods of thirty days each.

(5) The annual fee and any late payment penalty payable by a licensee under section 20 remains payable notwithstanding that his licence has been suspended.

Appeals

22. (1) An appeal shall lie to the Court from a decision of the Governor to suspend or revoke a licence under section 21.

(2) Unless the Court otherwise orders, an appeal does not operate to suspend the decision of the Governor.

Validity of licence

23. A licence shall be valid for a period of ten years and may be renewed provided the applicant meets the requirements as provided for in this Act and any regulations made under this Act.

Offences and penalties

24. (1) Any person who has any part in the management or control of any institution which purports to operate as a university or college in or from within Montserrat when there is not in existence in relation to such institution a licence issued by the Governor under this Act shall be guilty of an offence and shall be liable to a penalty of \$10,000 or to imprisonment for up to two years.

(2) Any person who holds himself out as having received a degree, diploma or other academic qualification from an institution of higher education in Montserrat to which this Act at the time of the receipt of such degree, diploma or other academic qualification applies, shall, if there was not in existence in relation to such institution a licence issued by the Governor under this Act, be guilty of an offence and shall be liable to a penalty of \$1,000 or six months imprisonment:

Provided that, this subsection shall not apply to any person who received a degree, diploma or other academic qualification from any such institution before the commencement of this Act.

(3) Where an offence under this section is committed by a body corporate, a director or officer of the body corporate who knowingly

authorised, permitted or acquiesced in the commission of the offence also commits an offence and is liable on summary conviction to a fine of \$10,000.

PART 4

ACCREDITATION OF INSTITUTIONS AND PROGRAMMES OF STUDY

Grant of accreditation

25. (1) The Minister, on the recommendation of the Board, may grant approval to any institution that possesses a certificate of accreditation in a particular field of study issued by a recognised external accreditation body listed for that purpose in the Schedule to this Act.

(2) The approval under subsection (1) may be granted in respect of—

(a) full accreditation; or

(b) provisional accreditation subject to fulfilment of certain conditions.

(3) Where the applicant has not been accredited by any recognised accreditation body, the applicant may be referred to a recognised accrediting body to obtain accreditation as a pre-requisite to the renewal of a licence to continue to operate a university or college.

(4) The Schedule to this Act may be amended from time to time by Order of the Governor published in the *Gazette*.

Application for accreditation

26. (1) A person who wishes to be accredited under this Act shall make an application to the Board under subsection (2).

(2) The application shall—

(a) be made to the Board;

(b) be in writing in the prescribed form; and

(c) be accompanied by the prescribed fee.

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

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

Request for further information to support application

27. (1) The Board may, by giving notice to the applicant, require the applicant to provide to the Board within a reasonable time of at least fourteen days as stated in the notice, further information which the Board may reasonably require to make its recommendation to the Minister on the application.

(2) The applicant is taken to have withdrawn the application if within the time stipulated in the notice the applicant does not comply with the requirement unless an extension has been requested and granted.

Additional matters to be considered by the Board

28. In addition to the matters to be considered by the Board under section 26(3) the Board may in considering an application for accreditation take into account the additional matters specified in section 17.

Report to the Minister with respect to application

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

(2) The report shall contain the recommendation of the Board as to whether the Minister may grant or refuse the application for accreditation.

(3) The Board may recommend any of the following—

(a) full accreditation;

(b) provisional accreditation for period of two years renewable on fulfilment of certain conditions;

(c) refusal of accreditation.

(4) For the purposes of this section—

“recommendation” includes reasons for a decision taken by the Board.

Decision on application

30. (1) The Minister shall in accordance with the recommendation made by the Board under section 29, grant or refuse the application for accreditation.

(2) If the Minister grants the application, the Minister shall as soon as practicable provide the Board and the applicant with notice in writing of the decision.

(3) If the Minister refuses the application, the Minister shall as soon as practicable provide the Board and the applicant with notice in writing of the decision.

Issuance of certificate of accreditation

31. (1) Where the Minister approves the application under section 30 the Board shall forthwith grant to the applicant a certificate of accreditation as may be prescribed.

(2) The certificate of accreditation shall state the period of validity of accreditation and shall remain the property of the Board and shall be returned to the Board upon withdrawal, revocation or expiry.

Appeal

32. (1) Under section 30 a person who is aggrieved by a decision of the Minister shall have a right to have the decision reviewed if he makes an application to the Minister within thirty days after being given notice of the decision that he wants reviewed.

(2) On receipt of the application, the Minister shall cause an inquiry to be conducted within thirty days concerning the matters raised in the application by an independent *ad hoc* tribunal appointed by the Governor for that purpose.

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

(4) Under subsection (2) the *ad hoc* tribunal conducting an inquiry shall not be bound by any rules of evidence and may conduct the inquiry and obtain information as the tribunal considers appropriate.

(5) On completing the inquiry, the *ad hoc* tribunal conducting such inquiry shall report to the Minister stating its findings and recommendations and the Minister shall be bound by any findings and recommendations made by such tribunal.

(6) The Minister shall submit in writing to the applicant who has lodged the appeal, the findings and the recommendation of the tribunal.

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

Validity of certificate of accreditation

33. A certificate of accreditation shall be valid for period of five years and may be renewed provided the applicant meets the requirements as provided for in this Act and any regulations made under this Act.

Preparation and submission of operational plan

34. (1) An institution that has been granted approval under section 25 or issued a certified accreditation under this Act, shall within one month of the grant of approval prepare an operational plan to be submitted to the Board.

(2) The operational plan shall inform the Board in writing of any management and organisational changes including the following along with the applicable documents—

- (a) the name and address of the institution;
- (b) the structure of the organisation;
- (c) change of ownership, if any;
- (d) changes in any member of staff who could affect the performance or competence of the institution;
- (e) any other documents as may be prescribed.

Duty of Board to carry out assessments and surveillance visits

35. The Board or any person, who has been authorised by the Board, may carry out unscheduled surveillance visits to an institution that has been licensed and accredited under this Act or for the purpose of, and in furtherance of, processing an application for licence or accreditation, or renewal of any of them.

Establishment of Accreditation Mark

36. (1) The Minister shall prescribe a Mark which shall be called the Montserrat Accreditation Mark (hereinafter referred to as “**the Mark**”).

(2) A person shall not use the Mark unless he has been issued a certificate of accreditation in accordance with this Act and has obtained a permit from the Board to use the Mark.

(3) A person who has been issued with a certificate of accreditation under section 31 and who wishes to use the Mark may make an application to the Board in the prescribed form.

(4) The Board shall grant a permit to the applicant subject to the payment of a prescribed fee and the conditions which may be prescribed and 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 accredited by the Board.

Confidentiality

37. All information obtained by the Board or a member of the Board in the assessment of an institution shall be confidential and shall not be, subject to the laws of Montserrat, divulged without the prior written consent of the accredited certified institution.

PART 5

DUTIES OF LICENSED AND
ACCREDITED CERTIFIED INSTITUTIONS**Conditions to be met by licensed and accredited certified institutions**

38. (1) A licensed and accredited certified institution or person shall offer to all clients a standard of service that is consistent with the terms and conditions listed under this Part or which may be prescribed and the criteria of competence to which it has been accredited.

(2) It shall be a condition of approval that a licensed and accredited certified institution or person offers the Board and its representatives such reasonable access to its premises and co-operation as may be considered necessary, to enable the Board or its representatives to monitor compliance with this Act or any regulations made under this Act.

(3) Under subsection (2), the licensed and accredited certified institution or person shall make available to the Board or its representatives, all information and relevant documents.

(4) A licensed and accredited certified institution or person shall—

- (a)* at all times comply with the terms and conditions of this Part, and with the criteria of competence prescribed by the Board;
- (b)* only claim that it is accredited in respect of those activities which are approved by the Board and where the institution wishes to operate outside the scope of its accreditation, the institution shall provide on any document or certificate issued in connection with the non-accredited activity, a clear statement to the effect that the activity is not one that has been 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)* not use the certificate of accreditation and shall not make any statement in such a manner as to bring the arrangements for accreditation in disrepute, and shall take any steps as the Board may require necessary to correct; and
- (e)* upon termination or revocation of the term of accreditation, forthwith discontinue its use of reference to accreditation and withdraw all advertising matter which contains any reference to accreditation.

(5) A licensed and accredited certified institution or person who wishes to refer to the fact that it has been accredited by the Minister in its documents, brochures or advertising media shall—

- (a)* in a case which a standard Mark and a registration number has been issued by the Board use the following phrase—

“a licensed and accredited certified institution listed under registration number”;

(b) in any other case, use the following phrase—

“listed in the Montserrat registry of licensed and accredited certified institutions”.

PART 6

REVOCATION OF CERTIFICATION OF ACCREDITATION

Grounds for revocation

39. (1) Subject to section 40, the Board may advise the Minister to revoke a certificate of accreditation issued under this Act, where the Board has reasonable grounds to believe that a holder of a certificate of accreditation has breached any of the conditions under this Act or any regulations made under this Act.

(2) If the Minister acting on the advice of the Board believes that a ground exists to revoke a certificate of accreditation, the Minister shall issue to the holder of the certificate of accreditation a notice stating the following—

- (a) the action which the Minister proposes to take under this Part;
- (b) the ground for the proposed action;
- (c) an outline of the facts and circumstances forming the basis for the grounds; and
- (d) an invitation to the holder of the certificate of accreditation to show within a specified period reasons why the proposed action shall not be taken.

(3) The specified period under subsection (2)(d) shall be a period ending at least thirty days after notice under subsection (2) is given to the holder of the certificate of accreditation.

Representations made by holder of certificate of accreditation

40. The holder of a certificate of accreditation may make written representation with respect to the notice and the Minister shall consider all such representations made by him.

Action taken by the Minister

41. (1) If, after considering the representations made under section 40, the Minister no longer believes that the ground exists to revoke the certificate of accreditation, the Minister—

- (a) shall not take further action with respect to the notice; and

(b) shall, as soon as practicable, give notice to the holder of the certificate of accreditation that no further action will be taken pursuant to the notice.

(2) If after considering the representations made under section 40, the Minister believes that the ground exists to revoke the certificate of accreditation, the Minister shall revoke the certificate of accreditation.

(3) If the Minister decides to revoke the certificate of accreditation, he shall as soon as practicable, give notice to the holder of the certificate of accreditation of his decision.

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

PART 7

STUDENT PERMITS

Student permits

42. (1) No person not belonging to Montserrat shall attend as a student at any university or college to which this Act applies unless there is in force in relation to him a valid student permit.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a fine of \$5,000.

(3) Any university or college to which this Act applies that permits any person to attend such institution as a student when there is not in force in relation to him a valid student permit shall be guilty of an offence and liable on summary conviction to a fine of \$5,000.

PART 8

MISCELLANEOUS

Regulations

43. The Governor may make such regulations as are required for the better administration of this Act and in particular—

- (a) for prescribing any matter required or authorised by this Act to be prescribed;
- (b) requiring the payment of a fee in respect of the issue of licences or certificate of accreditation or student permit and prescribing the amounts thereof;
- (c) prescribing the contents of applications or other documents required to be filed with the Board;

- (d) requiring the payment of any other incidental expenses incurred in the processing of application for licensing or accrediting and prescribing the amounts thereof.

Savings

44. (1) (a) Any institution licensed under Universities and Colleges (Licensing and Control) Act and functioning at the date of commencement of this Act is deemed to have been licensed under this Act and any decisions taken by the Minister under Universities and Colleges (Licensing and Control) Act in relation to the Institutions are deemed to have been taken under this Act.

(b) Any student permit issued under Universities and Colleges (Licensing and Control) Act is deemed to have been issued under this Act.

(2) Any regulations made under Universities and Colleges (Licensing and Control) Act shall continue in force until repealed.

SCHEDULE

(Section 25)

Caribbean Accreditation Authority for Education in Medicine
and other Health Professions - CAAM

UNIVERSITIES AND COLLEGES (STUDENT PERMITS) REGULATIONS
– SECTION 43

(S.R.O.s 55/1981, 3/1984, 3/1986 and 15/2013)

Commencement

[1 January 1982]

Short title

1. These Regulations may be cited as the Universities and Colleges (Student Permits) Regulations.

Fees for student permits

2. (1) The fee payable for the first issue and every renewal of a student permit shall be \$500.

(2) No refund will be made for any permit not used subsequent to its issue.

(3) A duplicate of any permit may be issued at a fee of \$25.

(4) The fee payable by a student for attending a fifth semester, January to February, in any year, shall be \$300.

(Substituted by S.R.O. 15/2013)

Date and duration of student permits

3. (1) Student permits shall be issued only in relation to periods commencing 1 January, 1 May and 1 September in any year, and shall expire on 30 April, 31 August and 31 December respectively.

(2) This regulation shall not operate to render lawful attendance by a student at an institution to which the Act applies at any date prior to the issue of a permit in relation to him.

(Substituted by S.R.O. 3/1984)

Application for student permit

4. (1) Application for the issue of a student permit shall be made to the Ministry of Education, Health and Community Service on Form SP1 set out in the Schedule to these Regulations.

(2) Application and payment for a permit in respect of any student or group of students may be made by the institution to be attended by such student or students in writing to the Ministry of Education, Health and Community Service sufficient to provide the information required by Form SP1 in respect of each student in respect of whom such application is made.

Issue of student permits

5. (1) A student permit shall be issued under the hand either of the Minister or of a public officer designated in writing for that purpose by the Minister, upon the Minister or such designated officer being satisfied of the matters contained in the

application for such permit and upon the applicant producing from the Accountant General a receipt for the prescribed fee for such permit.

(2) Every student permit shall be issued in Form SP2 set out in the Schedule to these Regulations or as near thereto as circumstances may permit.

Register of permits

6. (1) The Minister shall keep a register of student's permits issued by him or with his authority, showing the student's name, sex, date of birth, marital status, nationality, institution attended, and course of study and the date of issue of each permit.

(2) The register of extant student permits shall be available for inspection by any student or institution on request in writing.

SCHEDULE

FORM SP1

GOVERNMENT OF MONTSERRAT

UNIVERSITIES AND COLLEGES (LICENSING AND ACCREDITATION) ACT

APPLICATION FOR STUDENT PERMIT

In accordance with the provisions of the Universities and Colleges (Student Permits) Regulations, I hereby apply for a Student Permit in respect of the student whose particulars appear below—

FULL NAME MALE/FEMALE

DATE OF BIRTH MARITAL STATUS

NATIONALITY PASSPORT NO

DATE OF FIRST ENTERING MONTSERRAT

INSTITUTION TO BE ATTENDED

COURSE OF STUDY

COMMENCING ON, 20..... FOR SEMESTERS.

Signature of Applicant

Designation (if other than student)

Date of Application

FORM SP2

GOVERNMENT OF MONTSERRAT

UNIVERSITIES AND COLLEGES (LICENSING AND ACCREDITATION) ACT

STUDENT PERMIT

In accordance with the provisions of the Universities and Colleges (Student Permits) Regulations, this permit is issued in respect of—

FULL NAME MALE/FEMALE

for attendance at (institution)

for one semester.

This permit expires on—

30th April; or

31st August; or

31st December next after the date hereof.

A Treasury Receipt No. for the sum of \$500 has been produced.

Signed

(Minister or designated Officer)

Date

(Amended by S.R.O. 15/2013)

**UNIVERSITIES AND COLLEGES (LICENSING AND ACCREDITATION)
(APPLICATION FOR LICENCE) REGULATIONS – SECTION 43**

(S.R.O. 68/2012)

Commencement

[20 December 2012]

Short title

1. These Regulations may be cited as the Universities and Colleges (Licensing and Accreditation) (Application for Licence) Regulations.

Application for licence

2. (1) An application for a licence to operate a university or college shall be submitted to the Board in the form set out in Schedule 1.

(2) An application shall be accompanied by the information set out in Schedule 2 and any other information requested by the Board under section 16 of the Act.

(3) The application shall be accompanied by a non-refundable fee of US\$5,000.

Annual licence fee and provisional licence fee

3. (1) An annual licence fee of US\$20,000 is payable within ninety days of the granting of the licence and on the anniversary of the day of the granting of the licence.

(2) A provisional licence fee of US\$20,000 is payable within ninety days of the granting of a provisional licence.

Penalty

4. A penalty fee of 5% of the annual licence fee is payable for each month or part of the month that the annual licence fee is past due.

SCHEDULE 1*(Regulation 2(1))***UNIVERSITIES AND COLLEGES
(LICENSING AND ACCREDITATION) ACT****LICENCE APPLICATION FORM**

NAME(S) OF APPLICANT(S):
RESIDENCY STATUS <i>(if the applicant(s) is(are) a person(s)):</i> or REGISTERED ADDRESS <i>(if the applicant(s) is(are) a body corporate(s)):</i> Attach permit of permanent residency or articles of incorporation and certificate of incorporation respectively.
NAME OF PROPOSED INSTITUTION
INTENDED ADDRESS OF INSTITUTION IN MONTSERRAT:
PROFESSIONAL QUALIFICATIONS OF APPLICANT(S) (Attach the supporting certified documentation)	
INSTITUTION	QUALIFICATION
I hereby certify that the information provided above is true and correct to the best of my knowledge and belief.	
Signature of Applicant:
Date of application:

CERTIFICATE OF FITNESS BY REFEREE

I, of,
(Name of Referee) *(Address)*

a(n) certify that
(Occupation)

..... is:
(Name of Applicant)

- suitably qualified to operate a University/College*;
- a fit and proper person to operate a University/College*; and
- not bankrupt.

This certificate is true to the best of my knowledge, information and belief.

Dated this day of, 20...

.....
Referee's signature

Telephone No: (xxx) xxx – xxxx

**Delete if not applicable*

SCHEDULE 2*(Regulation 2(2))***THE APPLICATION FOR A LICENCE TO OPERATE A UNIVERSITY OR COLLEGE MUST BE ACCOMPANIED BY DOCUMENTATION SETTING OUT THE FOLLOWING INFORMATION:**

- (a) the mission of the institution or programme of study and any specialized programme which the institution intends to offer or offers;
- (b) the goals and objectives of the institution or programme of study;
- (c) the conditions under which the goals or objectives are to be achieved;
- (d) the expected standards and how these standards are to be maintained;
- (e) the list of programmes of study or courses to be offered and the policy regarding course credits;
- (f) any links with other accredited institutions;
- (g) student registry information, and the admissions policy;
- (h) the maintenance of student records;
- (i) the availability of student counselling services and procedure for monitoring student performance;
- (j) in the case of recruitment of students into an institution—
 - (i) the recruitment procedures;
 - (ii) the curriculum vitae of staff;
 - (iii) the general productivity measures relating to staff performance;
- (k) examination regulations and procedures with particular emphasis on—
 - (i) how written exams are set, marked, and how student appeals are conducted;
 - (ii) how oral exams such as research proposals are conducted;
 - (iii) the grading systems as a basis of evaluating student performance;
- (l) the procedure for selecting external examiners and how such examiners function;
- (m) the availability of library and research facilities with particular emphasis on—
 - (i) the adequacy of such facilities;
 - (ii) their linkages with other libraries and other institutions in the Caribbean and outside the Caribbean;
- (n) 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;
 - (o) 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; and
 - (iii) costs and efficiency of the institution.
-

