



**No. 15 of 1995**

**An Act to repeal the College of The Bahamas Act while providing for the continuity of The College as a statutory body corporate with greater autonomy and for matter incidental thereto.**

[Date of Assent – 21<sup>st</sup>. June, 1995]

Enacted by the Parliament of The Bahamas.

**PART 1  
Preliminary**

1. -(1) This Act, may be cited as the College of The Bahamas Act, 1995.

Short title and  
commencement

(2) This Act shall come into operation on such date as the Minister may appoint by notice published in the Gazette.

2. In this Act –

Interpretation.

“Chairman” means the Chairman of the Council appointed by the Governor-General under this Act;

“College” means the College of The Bahamas established by section 3;

“Council” means the Council of the College of established by section 8;

“financial year” means –

- (a) in 1995, the period commencing on the date of the commencement of this Act and ending on the 31<sup>st</sup> day of August, 1995; and
- (b) thereafter, the period of twelve months ending on the 31<sup>st</sup> day of August;

Ch. 35

“Minister” means the Minister responsible for Education;

“President” means the President of the College appointed under section 6;

“public officer” has the meaning assigned thereto in the Pensions Act;

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

“Vice-President” means a Vice-President of the College appointed under section 7

## PART II Establishment and Functions of The College

College of The  
Bahamas

3. The educational institution known as and existing as the College of The Bahamas immediately before the coming into operation of this Act is hereby continued as a body corporate by that name with perpetual succession and a common seal, and shall, in that name, be capable of-
  - (a) suing and being sued;
  - (b) taking, purchasing or otherwise acquiring, holding, charging and disposing of property, movable or immovable; and
  - (c) doing or performing all such other things or acts for the performance of its functions under, and for the furtherance of this Act which may lawfully be done or performed by a body corporate.
  
4.
  - (1) The common seal of the College shall be kept in such custody as the Council directs and shall not be used except upon the order of the Council
  - (2) The common seal of the College shall be authenticated by the signatures of the Chairman of the Council or any other member of the Council duly authorized by the Council in that behalf, and of the Secretary.
  - (3) The common seal of the College when affixed to any document and duly authenticated under this section shall be judicially and officially noticed, and, unless and until the contrary is proved, any necessary order or authorization of the Council under this section shall be presumed to have been duly given.
  
5. The functions of the College shall be-
  - a. to provide instruction, conduct research and disseminate knowledge of a standard required and expected of a college of the highest standard in the Liberal and Creative Arts, the Sciences, Technology and other branches of learning in an environment which fosters academic freedom;

Common seal  
of CollegeFunctions of  
College

- b. to confer degrees and grant diplomas, certificates and other awards and honours as are usually conferred by similar institutions; and
- c. to enter in any association or affiliation with universities, colleges or other institutions of learning, whether within The Bahamas or otherwise, as the College may deem necessary and appropriate.

### **PART III Governance of The College**

6. (1) There shall be a President of the College who shall be appointed by the Council, with the prior approval of the Minister. President
- (2) The President shall be the head of the College and shall generally supervise and direct the academic work of the College, the academic and administrative staff and other staff of the College, and shall also perform such other functions as may from time to time be assigned to him by the Council.
- (3) The Council may, with the prior approval of the Minister, remove the President from office on the ground of misconduct, inefficiency or other good cause.
7. (1) There shall be an Executive Vice President of the College, a Vice-President for Financial Affairs and such other Presidents as the Council may determine, such Vice-Presidents shall be appointed by the Council. Vice-Presidents
- (2) The Vice-President shall, under the direction of the President, be responsible for the general administration of the College, including academic affairs, financial affairs and institutional development of the College, and such other duties as may be assigned to the Vice Presidents by the Presidents or the Council
- (3) Whenever the President is absent from The Bahamas or is for any reason unable to perform the functions of his office, or whenever there is a vacancy in the office of President, the Executive Vice-President shall exercise and perform the functions of the President.

8. (1) There shall be a Council of the College.

- (2) The general direction and control of the College shall be vested in the Council.
- (3) Without prejudice to the generality of subsection (2), the Council shall have power –
- (a) to provide for the welfare of the students of the College;
  - (b) to control and superintend the property and policies of the College
  - (c) to appoint such faculty, administrative and other staff as appears to the Council to be necessary, on such terms and conditions (including salaries, allowances, other remuneration and disciplinary control) as the Council may determine;
  - (d) to accept, deposit, or act as trustee or managers of, any property of the College or any legacy, endowment, bequest or gift to the College for the purposes of education or research or otherwise in furtherance of the work of the College and to invest any funds representing such property, legacy, endowment, bequest or gift, if not immediately required in such security as the Council may deem fit;
  - (e) to determine the programmes and courses of study to be pursued in the College
  - (f) to confer academic degrees and honours;
  - (g) to grant sabbatical and other leave;
  - (h) to fix fees and charges for courses of study, facilities and other services provided by the College and to reduce, waive or refund fees and charges so fixed, generally or in any particular case or class of case;
  - (i) and to make regulations –
    - 1. to direct and regulate the administration of the College;
    - 2. without prejudice to the generality of subparagraph (i), to direct and regulate the conduct, discipline and such other matters affecting the employment of members of the faculty and other staff;
    - 3. for the better carrying out of the provisions of this Act.
- (4) The Schedule shall have effect with respect to the constitution of the Council and otherwise in relation thereto.

9. (1) Where any public officer holding a pensionable office under the Government, ceases to be the holder of such office by reason of his transfer with his consent to the service of the College and such persons subsequently retires from the service of the College in such circumstances that, had he remained a public officer, he would have been eligible for pension under the Pensions Act, then in any such case subsections (2) and (3) of this section shall effect
- Pension of persons transferred from public service to the College Ch. 35.
- (2) Any pension payable to any such person as is mentioned in subsection (1) by the College to whose service he has been transferred shall be calculated and granted to him in respect of his total service under the Government and with the College taken together and such service shall be reckoned as continuous for pension purposes.
- (3) There shall be payable out of the Consolidated Fund upon the warrant of the Minister of Finance to the College as a contribution to every pension paid in accordance with subsection (2), such amounts as would have been payable to the person concerned by way of pension under the Pensions Act, if such person had retired from the public service and if he had been granted a pension under the Pensions Act upon the date of his ceasing to be a public officer.
- Ch. 35
10. The Minister may give general directions as to the policy to be followed by the Council concerning the administration of the College, as appear to the Minister to be requisite in the public interest, and which directions the Council shall give effect to, but such directions shall not apply to –
- Minister may give directions to Council
- (a) the appointment, termination of appointment, promotion or discipline of any member of the faculty, administration or other staff of the College, other than the President; and
- (b) the admission of any particular student to the College or the evaluation, discipline, academic promotion, certification, or awards to students of the College.
11. The President may exercise disciplinary control over students of the College and may, for the purpose of his power under this section, if he thinks fit, consult any committee appointed by him in that behalf from among the faculty and the students of the College.
- Discipline of students.

#### **PART IV Financial Provisions**

12. The funds and resources of the College shall consist of –

Funds and resources of the College

- (a) such sums as may be voted for the purposes of the College by Parliament
- (b) all fees and charges payable to the College pursuant to section 8 (3) (h);
- (c) 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.

Monies deposited  
to General  
Account

**13.** (1) All moneys received by the College pursuant to section 12(a), (b) and (c) shall be deposited into an account (to be known as “the General Account”) to be maintained by the College with such bank or banks as the Council may determine.

(2) The Vice-President for Financial Affairs shall keep in respect of the General Account, two separate accounts—

(a) an account to be known as “the General Current Account” in which shall be recorded all deposits into and withdrawals from the General Account for application towards defraying current expenditure; and

(b) an account to be known as “the General Capital Account”, in which shall be recorded all deposits into and withdrawals from the General Account for application towards defraying capital expenditure.

Expenditure  
of gifts and  
grants.

**14.** (1) Subject to subsection (2), where any gift, grant or other property is received by the Council on behalf of the College, the College shall inform the Minister of the receipt of that gift, grant or other property and that gift, grant or other property shall be utilized in such manner as the Council may determine.

(2) Where a stipulation has been attached to any such gift, grant or other property such stipulation shall be given effect.

Advances  
to the  
College

**15.** (1) Subject to subsection (2), the Minister of Finance may, at the request of the Council make advances for the purpose of enabling the College to defray expenditure properly chargeable to the capital account, including provision of working capital.

(2) No advance shall be made under this section unless prior approval thereof has been signified by the House of Assembly in accordance with section 17 of the Financial Administration and Audit Act.

- 16.** At the end of each financial year, any moneys standing to the credit of the College and not required for any current purpose shall, after consultation with the Minister of Finance, be carried to the reserve fund established under section 17. Surplus funds
- 17.** (1) The College shall establish a reserve fund. Reserved Funds
- (2) The management of the said fund, the sums to be carried from time to time to the credit thereof, and the application thereof, shall be as the Council may determine, but no part of the fund shall be applied otherwise than for purposes of the College.
- 18.** (1) It shall be the duty of the College so to discharge its functions as to ensure that its revenues are not less than sufficient to meet all sums properly chargeable to its revenue account (including, without prejudice to the generality of that expression, provisions in respect of its obligations under section 16 and this section) taking one year with another. Balancing of revenue account, and surplus revenue.
- (2) Any excess of the revenue of the College for any financial year over the sums properly chargeable to its revenue account for that year (including the provisions referred to in subsection (1) shall be
- 19.** (1) The College shall keep proper accounts and other records in relation thereto, and shall prepare in respect of each financial year a statement of accounts. Accounts and audit
- (2) The accounts of the College for each financial year shall be audited by auditor to be appointed by the Council
- (3) Three months after the end of each financial year the College shall submit a copy of the audited accounts to the Minister together with a copy of any report made by the auditor.
- (4) The Minister shall lay a copy of every such audited accounts before each House of Parliament, together with a copy of any report made by the auditors on the accounts.
- 20.** The College of The Bahamas Act (hereinafter referred to as the repealed Act) is hereby repealed.
- 21.** (1) In so far as anything was done under a corresponding provision of this Act, it shall not be invalidated by the repeal but shall have effect as if done under that provision.

Repeal of  
Ch. 37.

Transitional  
Provisions.

(2) Where a document refers expressly or by implication to the repealed Act, the reference shall (except where the context otherwise requires) be construed as a reference to the corresponding provision of this Act.

## **SCHEDULE**

### **Constitution and Procedure of The Council**

Constitution  
of College

**1. (1)** The Council shall consist of eleven members appointed by the Governor-General of whom –

- (a) one shall be the President ex-officio
- (b) two shall be public officers, one of whom may be an officer from the Ministry of Education
- (c) one shall be a student of the College selected in accordance with such procedure as may be determined by the student government body;
- (d) one shall be a faculty member of the College, selected in accordance with such procedure as may be determined by the faculty union;
- (e) one shall be the President of the Alumni Association of the College; and
- (f) five shall be persons representing Trade Unions, financial, industrial, commercial, or

(2) In the exercise of his powers of appointment under this paragraph the Governor-General shall ensure that, after initial constitution of the Council, the members of the Council shall not consist entirely of persons appointed to membership of the Council at the same time.

Tenure of  
office

(3) A member of the Council other than the President shall hold office for a period not exceeding three years, and shall not be eligible for re-appointment after two consecutive terms.

(4) The Governor-General shall appoint one of the members of the Council to be the Chairman thereof

Chairman

(5) Any member of the Council may at any time resign his office by instrument in writing addressed to the Governor-General and from the date of receipt by the Governor-General of such instrument such member shall cease to be a member of the Council

Resignation

(6) There shall be a Secretary of the Council who shall be appointed by the Council, and who shall perform such functions at such remuneration and upon such terms and conditions as the Council may determine.

Appointment  
of Secretary

(7) Where the Governor-General is satisfied that a member of the Council –

Dismissal

- (a) has been absent from meetings longer than three consecutive months without the permission of the Council
- (b) has become bankrupt or made arrangement with his creditors;
- (c) is incapacitated by physical or mental illness; or
- (d) is otherwise unable or unfit to discharge the functions of a member of the Council

the Governor-General may declare his office as a member of the Council to be vacant and shall notify the fact in such manner as the Governor-General thinks fit, and thereupon that office shall become vacant.

**7.** (1) If any vacancy occurs in the membership of the Council, such vacancy, shall be filled by the appointment of another member who shall, subject to the provisions of this Schedule, 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 or persons, if any, as the appointment of the previous member.

Vacancies  
and acting  
appointment

(2) If the Governor-General is satisfied that the Chairman or any other member of the Council is unable to act, the Governor-General shall appoint any person to act in his place.

Gazetting of  
appointments

**8.** The names of all members of the Council as first constituted and every change in the membership thereof shall be published in the Gazette.

Documents.

**9.** All documents, other than those required to be under seal, made by, and all decisions of, the Council may be signified under the hands of the Chairman, or any other member authorized to act in that behalf, and the Secretary.

Procedures and  
meetings.

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

(2) The Chairman shall preside at all meetings of the Council at which he is present and, in the case of the Chairman's absence from any meeting, the members present and constituting a quorum shall elect a Chairman from among their number to preside at that meeting.

(3) A quorum of the Council shall be the minimum number constituting a majority of the total number of the Council

(4) The decisions of the Council shall be by a majority of votes and, in addition to an original vote the Chairman or other person presiding at a

meeting shall have a casting vote in any case in which the voting is equal.

(5) Minutes in proper form of each meeting of the Council shall be kept by the Secretary and copy of the minutes of every meeting shall be submitted to the Minister within fourteen days after the meeting.

- 11.** The council shall submit to the Minister an annual report on the work of the College on or before the 31<sup>st</sup> day of December in each year.
- 12.** No member of the Council shall be personally liable for any act or of the Council done or omitted to be done in good faith in the course of the operation of the College.