



TURKS AND CAICOS ISLANDS

CHAPTER 102
UNIVERSITIES AND COLLEGES ORDINANCE

Revised Edition
showing the law as at 15 May 1998

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Ordinance 1997.

This edition contains a consolidation of the following laws—

UNIVERSITIES AND COLLEGES ORDINANCE

Ordinance 10 of 1981 .. in force 5 October 1992 (L.N. 46/1992)

No Subsidiary Legislation has been made under this Ordinance

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CHAPTER 102

UNIVERSITIES AND COLLEGES ORDINANCE

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CHAPTER 102

UNIVERSITIES AND COLLEGES ORDINANCE

(Ordinance 10 of 1981)

[5 October 1992] Commencement

1. This Ordinance may be cited as the Universities and Colleges Ordinance. Short title

2. In this Ordinance unless the context otherwise requires— Interpretation
“Belonger” means a person belonging to the Islands as defined by the Immigration Ordinance; *Cap. 51*

“Board” means the Higher Education Advisory Board established under section 11(1);

“college” means an institution, by whatever name called, of higher education at the tertiary level or above which does not award degrees (by that name) at the conclusion of its courses;

“institution” means a university or college;

“Minister” means the Minister responsible for education;

“university” means an institution of higher education at the tertiary level and above which awards degrees (by that name) at the conclusion of its courses.

3. (1) The Minister may licence any person resident in the Islands or any body corporate having a place of business in the Islands to operate a university or college and may renew such licence from year to year or at such other intervals as he may determine. Requirement of licence for institution of higher education

(2) No institution shall operate as a university or college in or from the Islands unless there is in existence in relation to such institution a licence issued by the Minister under the provisions of this Ordinance.

4. (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 the Islands when there is not in existence in relation to such institution a licence issued by the Minister under the provisions of section 3(1) shall be guilty of an offence and liable on summary conviction to a fine of \$10,000 and to imprisonment for two years. Offences and penalties

(2) Any person who holds himself out as having received a degree or diploma or other academic qualification from an institution of higher education in the Islands, shall, if there was not in existence in relation to such institution a licence issued by the Minister under the provision of section 3(1) at the time of the receipt of such degree, diploma or other academic qualification, be guilty of an offence and liable on summary conviction to a fine of \$1,000 and to imprisonment for six months.

Condition of
licence

5. (1) The grant of a licence by the Minister under the provisions of section 3(1) shall be made subject to such conditions as the Minister may think fit including the payment of fees for such a licence.

(2) The conditions, or any of them, attached to a licence issued under the provisions of section 3(1) may be varied or added to by the Minister from time to time.

(3) A licence issued under section 3(1) may be revoked at any time by the Minister if he is satisfied that the institution is in breach of the conditions thereof:

Provided that the institution shall be given written notice of any intention so to revoke a licence and an opportunity to remedy any breach within such reasonable period as the Minister may think fit having regard to the nature of the breach.

Saving for other
liabilities

6. Any condition which may be attached to a licence issued under section 3(1) shall be without prejudice to the liability of the licensee to be subject to such further conditions or obligations as may be laid down by any other written law insofar as the institution, its staff, its students or any person concerned in its management or control may be liable to such conditions or obligations.

Student permits

7. (1) The Minister may issue a student permit to any person who wishes to attend as a student of any university or college to which this Ordinance applies.

(2) No person other than a Belonger shall attend as a student at any university or college to which this Ordinance applies unless there is in force in relation to him a valid student permit issued under subsection (1).

(3) Any person who contravenes the provisions of subsection (2) shall be guilty of an offence and liable on summary conviction to a fine of \$2,000 and imprisonment for six months.

(4) Any person who is convicted of an offence under this section may be deemed to be a prohibited immigrant within the meaning of the Immigration Ordinance and may be dealt with as such.

(5) Any university or college to which this Ordinance applies which permits any student to attend as such 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.

(6) The Governor may make regulations prescribing *inter alia*—

- (a) the form and method of application for a student permit;
- (b) the duration and method of renewal of student permit;
- (c) the fees to be paid for a student permit;
- (d) records to be kept of a student permit.

8. Every university or college to which this Ordinance applies shall make a return to the Minister at the commencement of each academic term (by whatever name called) showing:

Annual returns

- (a) the number of students enrolled by name, age, sex, marital status, place of origin, previous qualifications and position on respective courses;
- (b) the number of academic staff and other staff employed by name, age, sex, marital status, place of origin, academic qualifications where appropriate and courses taught or job for which employed.

9. Every university or college to which this Ordinance applies shall by the First day of April in each year furnish the Permanent Secretary, Finance with a complete statement of the financial affairs of such institution for the year ending 31st December previously. The Permanent Secretary, Finance may give directions as to the form of such statement including any audit requirement in respect thereof and may require any books of account or other financial information to be provided by such institution at any time on reasonable notice.

Financial returns

10. The Minister may at any reasonable time, after due notice in writing, given by himself or any public officer appointed for the purpose, inspect the premises of any university or college to which this Ordinance applies, call for any book or record as he thinks fit and generally inform himself of the affairs of such institution so as to ensure that it is complying with the conditions of a licence issued under the provisions of section 3(1).

Inspection by
Minister

11. (1) There shall be a Higher Education Advisory Board consisting of not less than four and not more than six members to

Higher
Education
Advisory Board

be appointed by the Minister. Such members shall serve for a period of one year unless their appointment is earlier terminated by the Minister and shall be eligible for re-appointment.

(2) The Minister shall select a Chairman of the Board from among the appointed members.

(3) A quorum of the Board shall consist of four members but otherwise the Board may regulate its own procedures.

(4) The Board may co-opt one or more specialist in any particular academic discipline to assist in the performance of its functions.

(5) The functions of the Board shall be to advise the Minister on matters relating to universities and colleges operating in or from the Islands and in particular but without prejudice to the foregoing it shall—

- (a) advise on the quality of education at such universities and colleges;
- (b) supervise and monitor the academic operation of every university or college operating in or from the Islands;
- (c) advise every university or college on its educational policies, disciplinary problems, standards of examination, selection of faculty members and similar matters;
- (d) investigate and report to the Minister on any matter relating to higher education in the Islands upon which the Minister may in writing request the advice of the Board.

(6) In the exercise of its functions under this section the Board may at any reasonable time after due notice in writing inspect the premises of any university or college to which this Ordinance applies.

Offences by
certain staff and
students

12. Any person other than a Belonger who is either a student at or is employed by a university or college to which this Ordinance applies who is convicted of any criminal offence by any court in the Islands may be dealt with under the provisions of the Immigration Ordinance in addition to any penalty imposed by the Court for that offence.

Savings for other
laws

13. Nothing in this Ordinance shall be taken to derogate from the provisions of the Immigration Ordinance or any other laws for the time being in force in relation to the admission into the Islands of persons other than Belongers.

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