



**TURKS AND CAICOS ISLANDS**

**CHAPTER 12.04**  
**UNIVERSITIES, COLLEGES AND**  
**TRAINING INSTITUTES ORDINANCE**

**Revised Edition**  
showing the law as at 31 December 2014

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.

This edition contains a consolidation of the following laws—

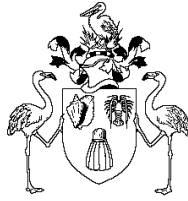
**UNIVERSITIES, COLLEGES AND TRAINING INSTITUTES**

Ordinance 6 of 2009 .. in force 1 July 2013 (L.N. 27/2013)

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No Subsidiary Legislation has been made under this Ordinance





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## CHAPTER 12.04

### UNIVERSITIES, COLLEGES AND TRAINING INSTITUTES ORDINANCE

#### ARRANGEMENT OF SECTIONS

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## CHAPTER 12.04

### UNIVERSITIES, COLLEGES AND TRAINING INSTITUTES

*(Ordinance 6 of 2009)*

AN ORDINANCE TO MAKE FURTHER PROVISION FOR LICENSING OF, AND ATTENDANCE AT, UNIVERSITIES AND COLLEGES; FOR APPLYING THOSE PROVISIONS TO TRAINING INSTITUTES; AND FOR THE PURPOSE OF MAKING FURTHER PROVISION RELATING TO THE HIGHER EDUCATION BOARD.

#### **Commencement**

*[1 July 2013]*

#### **Short title**

1. This Ordinance may be cited as the Universities, Colleges and Training Institutes Ordinance.

#### **Interpretation**

2. In this Ordinance, unless the context otherwise requires –

“appropriate qualification” means a degree, diploma or other academic qualification from a higher education institute;

“Belonger” means a person who has Belonger status under section 3 of the Immigration Ordinance;

“Board” means the Higher Education Advisory Board established under section 14;

“college” means a body providing higher education at the tertiary level or above which does not award degrees at the conclusion of its courses;

“degree” means a bachelor’s degree or higher;

“higher education institute” means a university, college or training institute;

“licence” means a licence issued under section 4(1);

“Minister” means the Minister responsible for education;

“training institute” means an institution which offers skills training but does not award degrees at the conclusion of its courses;

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

### **Requirement for a licence for a higher education institute**

3. No person shall operate a higher education institute either in, or from, the Islands unless there is in existence, in relation to that institute, a current licence issued under section 4(1).

### **Grant of licence**

4. (1) If, on the advice of the Board, the Minister is satisfied that the appropriate criteria referred to in section 15(1)(a) are met by an applicant for a licence to operate a higher education institute, he may grant a licence, being either an initial licence or the renewal of a licence, to the applicant to operate a higher education institute as a university, college or training institute, as the case may be.

(2) An application for a licence or for the renewal of a licence by a higher education institute shall be made to the Minister and shall be in such form as the Minister may determine.

(3) Every initial licence to operate a higher education institute shall be for a period of one year unless at the time of issue the Minister specifies a shorter time.

### **Conditions of licence**

5. (1) The grant of a licence under section 4(1) may be made subject to such conditions as the Minister thinks fit, including the payment of fees for such licence as specified in the Schedule.

(2) Subject to subsection (3), any condition imposed on a licence may be varied or added to by the Minister from time to time.

(3) Before a condition is varied or added to, the Minister shall—

- (a) give written notice to the higher education institute of the proposed variation or addition; and
- (b) take into account any representations made by that institute in relation thereto.

### **Saving for other liabilities**

6. Any conditions which may be attached to a licence shall be without prejudice to the liability of the licensee, the higher education institute, its staff, its students or any other person concerned in its management or control to be subject to such further conditions or obligations as may be laid down by any other written law.

### **Revocation of licence**

7. (1) A licence may be revoked at any time by the Minister if he is satisfied that a higher education institute is in breach of any condition in its licence.

(2) Before the Minister revokes a licence under subsection (1) he shall—



- (a) give written notice to the higher education institute of his intention to revoke the licence; and
- (b) give that institute an opportunity to remedy the breach within such period as the Minister may think fit having regard to the nature of the breach.

### **Offences and penalties**

8. (1) Any person who has any part in the management or control of any higher education institute which operates in, or from, the Islands when there is not in existence in relation to that institute a licence shall be guilty of an offence and is liable on summary conviction to a fine not exceeding \$10,000 and to imprisonment for two years.

(2) Any person who claims to have been granted an appropriate qualification from a higher education institute shall, if at the time of that grant the higher education institute was not licensed, be guilty of an offence and liable on summary conviction to a fine not exceeding \$1,000 and to imprisonment for six months.

(3) A person shall not be guilty of an offence under subsection (2) unless that person knew, at the time of making the claim, that the appropriate qualification was granted to him at a time when the higher education institute was not licensed.

### **Attendance at a higher education institute**

9. (1) No person shall attend as a student at a higher education institute unless -

- (a) that person is a Belonger; or
- (b) that person has permission to reside in the Islands under the Immigration Ordinance.

(2) Any person who knowingly contravenes subsection (1) shall be guilty of an offence and is liable on summary conviction to a fine not exceeding \$2,000.

(3) Any higher education institute that permits any person who does not meet the requirements of subsection (1)(a) or (b) to attend that institute as a student shall be guilty of an offence and is liable on summary conviction to a fine not exceeding \$5,000.

### **Annual return**

10. Within two months of the commencement of each academic year, every higher education institute shall make a return to the Minister in a form approved by the Minister, showing, in relation to that institute—

- (a) the number of students enrolled by name, age, sex, marital status, place of origin, previous qualifications and position on respective courses; and

- (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.

### **Financial returns**

**11.** (1) Every higher education institute shall, within three months of the end of its financial year, furnish to the Minister a complete statement of the financial affairs of such institute.

(2) The Minister 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 that institute at any time on reasonable notice.

### **Annual report on work of higher education institute**

**12.** Every higher education institute shall by 31 July in each year furnish to the Minister a report of the work of that institute in respect of the preceding twelve months.

### **Inspection by the Minister or person authorised**

**13.** (1) To enable the Minister to be satisfied that any higher education institute is complying with the terms of its licence, the Minister, or any person authorised by him in writing, may at any reasonable time inspect the premises of that institute.

(2) Before making any inspection under subsection (1), the Minister shall give notice in writing to that institute of the proposed inspection.

(3) In the course of any inspection under subsection (1) the Minister, or the person authorised by him, as the case may be, may require the institute—

- (a) to produce any record of the institute; and  
(b) to provide such other information about the affairs of the institute as the Minister, or person authorised by him, may require.

(4) The institute shall use its best endeavours to comply with any requirement referred to in subsection (3).

### **Higher Education Advisory Board**

**14.** (1) There shall continue to be a Higher Education Advisory Board.

(2) The Board shall consist of not less than five nor more than seven members appointed by the Minister.

(3) Subject to subsection (7), a person appointed to the Board shall hold office for such term not exceeding three years as is specified in the member's instrument of appointment and shall be eligible for reappointment.

(4) There shall be a chairman of the Board who shall be appointed by the Minister from among the members.

(5) At any meeting of the Board, a quorum is constituted where at least four members are present and the decision of the Board shall be by a majority of votes of the members present and voting, but otherwise the Board shall regulate its own procedures.

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

### **Functions of the Board**

**15.** (1) The functions of the Board shall be to advise the Minister on matters relating to higher education institutes and in particular it shall—

- (a) establish written criteria to be satisfied in relation to every higher education institute, and different criteria may be established for each of the different types of higher education institute;
- (b) advise on the quality of education and training at higher education institutes;
- (c) supervise and monitor the academic operation of higher education institutes;
- (d) advise every higher education institute on its educational policies, disciplinary problems, standards of examination, selection of faculty members and similar matters; and
- (e) investigate and report to the Minister on any matter which relates to tertiary level education and above provided that the Minister has made a written request for that investigation and report.

(2) The Board shall make available copies of the written criteria referred to in subsection (1) (a) to every applicant for a licence under this Ordinance.

(3) In the exercise of its functions under this Ordinance the Board may at any reasonable time, after due notice in writing, inspect the premises of any higher education institute to ensure that it is in compliance with its licence and with the provisions of this Ordinance.

### **Resignation and removal from office**

**16.** (1) The office of a member of the Board becomes vacant if—

- (a) the member dies;
- (b) the member's term of office expires;
- (c) the member resigns by signed notice of resignation delivered to the Minister;
- (d) the member is convicted of an indictable offence; or
- (e) the member is removed from office under subsection (2).

(2) The Minister may remove a member of the Board from office if satisfied that the member—

- (a) is presently incapable of performing his duties;
- (b) has engaged in dishonourable conduct;

- (c) is incompetent; or
- (d) has neglected his duty.

### **Regulations**

17. The Governor may make regulations for carrying out and giving effect to this Ordinance and, without prejudice to the generality of the foregoing, may make regulations for any transitional purpose.

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**SCHEDULE**

*(Section 5)*

**FEE**

Licence fee..... \$5,000

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