

GUYANA
ACT No. 12 of 2004
THE NATIONAL, ACCREDITATION COUNCIL ACT 2004

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SCHEDULE

AN ACT to provide for the establishment of the NATIONAL ACCREDITATION COUNCIL to vest in that body the power to grant recognition to "awards obtained in Guyana and elsewhere, to determine the equivalence of all awards for the purpose of establishing acceptable standards within the Caribbean Community and for purposes connected therewith or related thereto.

A.D. 2004

Enacted by the Parliament of Guyana:

PART I

PRELIMINARY

1. This Act may be cited as the National Accreditation Council Act 2004 and shall come into operation on a day to be appointed by the Minister by order.

2. In this Act, unless the context otherwise requires - (interpretations)

"accredit" means to assess and determine whether the courses offered by an institution or provider and its awards meet internationally acceptable standards;

"accreditation" means any assessment to determine whether recognition should be accorded to -an institution or a provider and its courses and awards;

"award" means any degree, diploma, certificate or other evidence of competence;

"college" means a post-secondary or tertiary institution that offers a range of programmes and grants qualification's mainly at the sub-baccalaureate level;

"community college" means a post-secondary or tertiary institution that offers a range of programmes geared to meet the needs of the community in which it exists and grants qualifications mainly at the sub-baccalaureate level;

"Council" means the National Accreditation Council established by section 3;

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

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

"equivalence" means an evaluation to determine the status, level and comparability of different programmes of study;

"Executive Director" means the Executive Director c the Council appointed pursuant to section 5;

"institution" means an organization with a developed structure providing for the administration governance, delivery and certification of a range of programmes leading to the granting of awards or credits;

"Minister" means the Minister assigned responsibility for education;

"polytechnic" or "technical college" means a pos secondary , or tertiary institution that offer programmes that prepare graduates for technical occupations and grants sub-baccalaureate qualifications in applied disciplines;

"programme" 'means an approved curriculum composed of a series of courses in an academic vocational specialty leading to a particular kind of certification in such form as a certificate diploma, associate degree or bachelor's degree;

"provider" means a person or group of persons or institution offering one or more programmes 1 award or credit;

"re-accredit" means to appraise in order to determine whether an institution and its awards that he been accredited continue to meet the recognition standards for accreditation;

"technical university" means a post-secondary or tertiary institution that offers programmes that prepare graduates for technological occupations and grants as its major qualifications, baccalaureate and post graduate degrees and also conducts research with an emphasis on applied research;

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

"university" means a tertiary educational institution that grants as its major qualifications baccalaureate and post graduate degrees and conducts pure and applied research;

"validate" means to determine after assessment whether a new course leading to an award satisfies the recognized standards for that award.

PART II
ESTABLISHMENT OF THE NATIONAL
ACCREDITATION COUNCIL

3.(1) There is hereby established for the purposes of this Act **Establishment of the National •
Accreditation Council.**
the National Accreditation Council which shall be a body corporate.

(2) The provisions of the Schedule shall have effect with **Schedule**
respect to the constitution of the Council and otherwise in relation thereto.

4.(1) Notwithstanding the provisions of any other law, the Council shall be the principal body in Guyana for conducting and advising **Functions of the Council.**
on the accreditation and recognition of educational and training
institutions, providers, programmes and awards, whether foreign or national and for
the promotion of the quality and standard of education and training in Guyana.

(2) The functions of the Council are:

- (a) to provide for the advancement of education, learning, skills and knowledge;
- (b) to ensure that the quality of all post-secondary education delivered meets the standards set by

the Council to the qualifications and certificates conferred or awarded;

(c) to ensure that the appropriate standards set by the Council are being maintained and improved;

(d) to protect the interests of students;

(e) to promote the free movement of skills and knowledge within the Caribbean Community.

Without prejudice to the generality of the provisions of subsections (1) and (2), the functions of the Council are -

(a) to register institutions within and outside of Guyana which offer courses in Guyana;

(b) to maintain a register of approved institutions, providers and courses in Guyana;

(c) to accredit and re-accredit the programmes of institutions operating in Guyana;

(d) to validate and recognize new courses and programmes of institutions operating in Guyana;

(e) to advise on the recognition of foreign institutions of education and training and their awards;

(f¹) to determine equivalency of programmes and qualifications in accordance with the framework established for the Caribbean Community;

(g) to develop and maintain a unified credit base system for the tertiary education sector;

(h) to grant credits at the appropriate level for learning assessed by the Council;

(i) to accept credits granted by other bodies towards its own awards;

(j) to establish relationships with national and external accrediting and quality assurance

THE NATIONAL ACCREDITATION COUNCIL

bodies and to keep under review their systems of accreditation, procedures and practices;

(k) to provide authoritative advice on accreditation and related matters, including the conferment on institutions of such titles, as "university", "colleges", or "technical university".

(l) to seek to enhance the quality of tertiary education and training and to disseminate good practice by conducting research and training;

(m) to promote quality assurance culture;

(n) to fix and collect fees in connection with the exercise of its functions;

(o) to provide the public with information on the quality and recognition of programmes and institutions in order to protect the public interest;

(p) to undertake audits, reviews and evaluations independently or in co-operation with other bodies as the Council may consider necessary for the discharge of its functions;

(q) to establish the requirements and the regulations with which institutions and providers must comply in order to be registered with, have their programmes accredited, reaccredited or validated, or have their awards recognized by the Council;

(r) to advise the Minister on the issuance of charters, licenses or other authorizations to institutions and providers to operate or to continue their operations or to alter their existing operations on the basis of an appropriate evaluation;

(s) to establish and administer examinations councils and award in its own right or jointly with any national or international body degrees, certificates, diplomas and other evidence of competence;

- (t) to accept courses successfully completed students in partial fulfillment of programme and examinations recognized by the Council
- (u) to acquire, hold, sell or otherwise dispose any property;
- (v) to accept gifts or donations whether or not subject to any trust;
- (w) to withdraw or cancel approval, recognition title granted to, or conferred on any institution or provider for good and sufficient cause the opinion of the Council;
- (x) to deprive persons of awards of distinction granted to or conferred on them if the Council considers that there is good and sufficient cause to do so;
- (y) to perform such other related functions as the Minister may, from time to time, assign to the Council;
- (z) to do or cause to be done such other things a the Council considers expedient or necessary for the performance of its functions under the Act.

(4) The decision of the Council in Guyana shall prevail in any dispute regarding assessments conducted by other bodies of the accreditation; or recognition of institutions, providers, programmes and awards.

**Appointment of the
Executive Director
and other staff
of the Council.**

S.(1) There shall be an Executive Director of the Council who shall be appointed by the Minister for a term not exceeding five year and the Executive Director shall be eligible for re-appointment.

(2) The Executive Director shall be paid such remuneration (including allowances) and the appointment shall be on such other terms and conditions as the Minister may determine.

(3) The Council may appoint a Secretary and such other officers and employees as the Council may deem necessary and at such remuneration (including allowances) and on such other terms and conditions as the Council may determine

6.(1) Section 20 of the Public Corporations Act 1988 shall mutatis mutandis apply to public officers, persons (not being public officers) holding appointments in the public service, and teachers, referred to therein, who are seconded, temporarily transferred or transferred to the Council as if the Council were a public corporation.

(2) The Council may make such provisions as it deems appropriate for the payment of pension, gratuity or other allowances in respect of the service of its officers and other employees on their retirement from their employment with the Council: i 1.

7.(1) The Council shall report to the Minister tendering advice on the quality and standards of post-secondary educational provision in Guyana and the fitness or otherwise of institutions to offer educational and training provision, to receive public funds and otherwise practice in Guyana.

(2) The Council shall not later than 30 June in every year submit to the Minister a report containing

(a) an account of the activities of the Council during the preceding calendar year in such detail as the Minister may require;

(b) a statement of the accounts of the Council audited pursuant to section 15.

(3) The Minister may require the Council to submit a report on any matter within the competence of the Council.'

(4) The Minister shall, as soon as practicable, lay before the National Assembly a copy of the report submitted to the Minister pursuant to subsection (2).

8.(1) The Minister may give to the Council directions of a general character as to the policy to be followed by the Council in the exercise and performance of its functions and the Council shall give effect to any such direction.

(2) The Council shall provide such facilities to the Minister as will enable the Minister to verify information furnished in pursuance of this section.

PART III

FINANCIAL PROVISIONS

Application of the funds of the Council.

9 (1) funds and resources of the Council shall consist of:

- (a) such monies as may be appropriated by Parliament;
- (b) special grants or other funds as may, from time to time, be provided by the Government or an other entity or agency, whether national regional or international, for the financing of special projects and activities;
- (c) monies received by the Council in connection with the performance of its functions;
- (d) all other property and assets duly acquired by the Council.

10. Funds of the Council shall be applied in defraying the following expenditure

- (a) the remuneration, fees and allowances of members of the Council and members of committees established by the Council;
- (b) the emoluments, allowances, fees and super annuation benefits of officers and other employees of the Council;
- (c) the capital and operating expenses, including maintenance and insurance, of the property of the Council;
- (d) the making and maintenance of investment of the Council;
- (e) any other expenditure authorized by Council in the discharge of its functions.

11. The Council may accumulate reserves and such reserves and all other funds of the Council not immediately required to spent in meeting obligations of the Council or the discharge of any of functions may be invested, from time to time, in such securities as the Council may deem fit.

12. The Council may, for the purpose of discharging its functions under this Act, borrow such sums of money as may be approved by the Minister.

13. The Council shall be exempt from stamp duty, corporation tax, customs duties, purchase taxes, value-added taxes, motor vehicle taxes and all other taxes, charges, levies and imports on its income or profit or on assets which it acquires for its own use in carrying out its functions under this Act.

14. The Council may by resolution make rules for the proper control of the systems of accounting of the Council and for its finances.

15. The accounts of the Council shall be audited annually by the Auditor General or by an auditor authorized by the Auditor General.

PART IV
GENERAL

16.(i) Subject to subsection (2), no proceedings shall be instituted personally against a member of the Council in respect of any act done *bona; de* in pursuance of the execution of the functions of that member under' his Act.

(2) Where a member of the Council is exempt from liability by reason only of subsection (1), the Council is liable to the extent that the Council would be if the member were a servant or agent of the Council so, however, that if in any case the Council is not liable for any act as mentioned aforesaid, then subsection (1) does not have the effect of exempting such member as therein stated.

17.(1) It shall be an offence for any member or any officer or other employee of the Council to:

- (a) Communicate or reveal any information or matter connected with or related to the functions of the Council to any unauthorized person or body, which that member or officer or other employee, is not authorized to communicate or reveal;
- (b) obtain, reproduce or retain possession of any information or matter referred to in paragraph (a), which that member or officer or other employee is not authorized to obtain, reproduce or retain in his possession.

(2). It shall be an offence for an institution or provider to:

- (a). conduct or alter its operations without the prior approval of the Council;
- (b). offer to the public courses that are no registered with the Council;

©. use the word "university", "college" "polytechnic", community college" "technical college", or "technical university in its title without having the authority to do so(by the Council or any internationally; recognized body or authority or by an; enactment;

(d). misrepresent to the public the recognition claimed for it or for its courses or awards.

3. An offence under this section is punishable on summary conviction with a fine of two hundred thousand dollars.

18. (1). The Council, with the approval of the Minister, may make regulations for the better carrying out of the provisions of this Act.

(2) Regulations made under this section shall be subject to negative resolution of the National Assembly.

19.(1) The Council, with the approval of the Minister at intervals of six years, shall cause a review to be undertaken of the functions of the Council in order to assess the impact of the operations of the Council on the society and its efficiency and effectiveness.

(2) The review pursuant to subsection (1) shall be undertaken in collaboration with the Regional Accreditation Body established for the Caribbean Community and with other recognized like(competent authorities.

20.(1) Institutions and providers lawfully performing the functions at the commencement of this Act shall, for the period of six months thereafter, be deemed to be authorized to continue to perform their respective functions:

Provided that no new course shall be undertaken or advertised to the public by any such institution or provider without the prior approval of the Council.

(2) Any regulations governing the registration of institutions and providers and in force immediately before the commencement of this Act [shall in](#) so far as they are not inconsistent with the provisions of this Act continue in force.

Section 3(2)

1.(1) The **Council** shall comprise not less than ten nor more than fifteen members appointed by the President one of whom shall be appointed the Chairperson and another the Deputy Chairperson.

(2) The members of the Council shall include

- (a) three persons representing tertiary institutions, including a representative in Guyana of the body known as the Association of Caribbean Tertiary Institutions and a representative in Guyana of the Technical Vocation Education and Training Sector;
- (b) two persons representing bodies established to promote the interests of members of the teaching profession;
- (c) two persons representing bodies espousing the interests of employers;
- (d) one representative of the Ministry responsible for matters falling within the competence of the Council.
- (e) two persons appointed on the recommendation of the Minister.
- (f) the Executive Director who shall be an ex officio member of the Council.

(3) The appointment of every member of the Council, other than the Executive Director, shall be in writing and shall state the term of office of that member, being not more than three years.

(4) Every appointed member of the Council shall be eligible for re-appointment.

(5) A member of the Council may, at any time, in writing resign his membership of the Council which shall take effect from the date of receipt by the Minister of the communication.

(6) Where a vacancy occurs in the membership of the Council by reason of death, resignation or termination of the appointment or by any other cause, the President shall appoint another person to fill the vacancy for the unexpired portion of office of the member who has vacated office and in the same manner in which an appointment to the Council is required by this Act to be made.