

CHAPTER 42**OCCUPATIONAL TRAINING****ARRANGEMENT OF SECTIONS**

SECTION

1. Short title.
2. Interpretation.
3. Establishment of National Training Board.
4. Functions of the Board.
5. Appointment of committees and functions thereof.
6. *Repealed by 1993-11.*
7. Resources of Board.
8. Use of Resources.
9. Directions.
10. Conditions for payment of salaries, pensions, etc.
- 10A. Savings of pension etc.
11. Accounts and audit.
12. Annual Report.
- 12A. Contributions.
- 12B. Collection of Contributions.

SECTION

- 12C. Recovery of training fund contribution.
- 12D. Payment of training levy into Consolidated Fund.
13. Permission to employ apprentices and trainees.
14. Entitlement to enter into a contract of apprenticeship or training.
15. Medical examination.
16. Registration of contracts.
17. Transfer of contracts.
18. Partnerships.
19. Termination or extension of contracts.
20. Enticement of apprentices or trainees.
21. Probationary period.
22. Suspension of apprentice or trainee.

THE LAWS OF BARBADOS

Printed by the Government Printer, Bay Street, St. Michael
by the authority of the Government of Barbados

SECTION

- 23. Record of employment.
- 24. Limitation in regard to method of payment and overtime.
- 25. Certificate.
- 26. Miscellaneous functions of Director.
- 27. Training Schemes.
- 28. Technical and Vocational Education and Training Council Act, applies.
- 29. Supervision of apprentices and trainees.

SECTION

- 30. Appointment and powers of Inspectors.
- 31. Prohibition of disclosure of information.
- 32. Existing contracts of apprenticeship and training.
- 33. Bankruptcy.
- 34. General penalty.
- 35. Regulations.
- 36. Institution of proceedings.
- 37. Application.
- 38. Exemption.

FIRST SCHEDULE

SECOND SCHEDULE

CHAPTER 42

OCCUPATIONAL TRAINING

An Act to provide for the training of persons for, or in, gainful employment in occupations in all branches of economic activity in Barbados.

1979-28.
1980-5.
1982-9.
1985-14.
1985/114.
1987-27.
1993-11.
1993/95.
1996-23.
2000-9.

[1st October, 1979] Commence-
ment.
1979/138.

1. This Act may be cited as the *Occupational Training Act*.

Short title.

2. For the purposes of this Act

Interpreta-
tion.

"apprentice" or "trainee" means a person who enters into a contract of apprenticeship or training in an occupation in respect of which a scheme is in force with an employer for the purpose of receiving occupational training, for a period of not less than 3 years in the case of an apprentice or not more than 4 years in the case of a trainee, or such lesser period as the Board in either case determines under section 26(2);

1982-9.
1987-27.

"Board" means the Barbados Vocational Training Board established by section 3;

1993-11.

"committee" means a committee appointed by the Board under section 5;

"Director" means the Director of Training;

"employer" means a person who has entered into a contract of apprenticeship or training as employer with an apprentice or trainee, and includes the employer's agent, representative, foreman or manager who is placed in authority over the apprentice or trainee;

"inspector" means an inspector of occupational training;

Cap. 371. "medical practitioner" has the meaning assigned to it by section 2 of the *Medical Registration Act*;

"scheme" means a scheme formulated under section 27;

1987-27. "training levy" or "levy" means the training levy imposed by section 12A(1).

Establishment of Barbados Vocational Training Board. Cap. 1. First Schedule. 1980-5. 1993-11. 2000-9.

3. (1) There is established a Board to be known as the Barbados Vocational Training Board, which is a body corporate to which section 21 of the *Interpretation Act* applies.

(2) The *First Schedule* applies to the constitution of the Board and otherwise in relation thereto.

(3) The Minister may by order amend the Schedules.

Functions of the Board.

4. The functions of the Board are

(a) *Repealed by 1993-11*;

(b) to take such steps as it considers necessary for improving the quality and efficiency of occupational training for apprentices and trainees;

(c) *Repealed by 1993-11*;

(d) to protect and promote the welfare of apprentices and trainees;

(e) to take such measures as it considers necessary for ensuring that employers or classes of employers share in the costs of the apprenticeship or other occupational training;

(f) to investigate and, where possible, settle any dispute or other matter arising out of a contract between an apprentice or a trainee and an employer that may be referred to the Board; and

(g) to perform such other functions relating to apprenticeship and other training as may be prescribed.

5. (1) The Board may appoint committees to perform, in relation to occupational training, such of its functions as it delegates in writing.

Appointment of committees and functions thereof. 1993-11. Second Schedule.

(2) The *Second Schedule* applies to the constitution of committees and otherwise in relation thereto.

6. *Repealed by 1993-11.*

7. The resources of the Board are

Resources of Board. 1987-27.

(a) moneys voted by Parliament for the purposes of the Board, and

(b) any other moneys, whether from gifts or otherwise, provided for the purposes of the Board.

8. The Board may use its resources for

Use of Resources. 1987-27.

(a) meeting its obligations,

(b) performing its functions, and

(c) doing anything incidental to paragraphs (a) and (b).

9. The Minister may give directions of a general or specific nature to the Board.

Directions. 1987-27.

10. The Board shall not without the prior approval of the Minister

Conditions for payment of salaries, pensions, etc.

(a) assign a salary in excess of such sum as the Minister determines and notifies in writing to the Board in respect of any office established by the Board,

(b) appoint any person to a post on the staff of the Board to which a salary in excess of the sum determined by the Minister under paragraph (a) is assigned, or

1987-27.

(c) make provision for the payment of pensions, gratuities or other like benefits to officers or employees of the Board in respect of services to the Board.

Savings of
pension etc.
1996-23.

Cap. 25.
L.N. 1947
No. 20.

Accounts
and Audit.
1987-27.

10A. Where a public officer who has pensionable service is transferred to or becomes employed in the service of the Board, his service with the Board shall, whether or not there was a break in service, be aggregated with his service in the public service and his pension shall be calculated in accordance with the *Pensions Act* and the *Pensions Regulations 1947* as if all of his service was service in the public service.

11. (1) The Board shall keep proper accounts of its financial transactions in relation to the administration of its resources in accordance with the directions of the Auditor-General or any auditor appointed under subsection (2) for the purpose of auditing such accounts and shall prepare a statement of accounts in respect of each financial year.

(2) The Board shall, within 3 months after the end of each financial year, submit its account for audit to the Auditor-General or to an auditor appointed for the purpose by the Board with the approval of the Minister.

(3) The Auditor-General shall on the direction of Cabinet, carry out at any time, an investigation into, or audit of, such accounts.

(4) The Board and all other persons concerned with the keeping of its accounts shall grant to the Auditor-General or other auditor appointed to audit the accounts of the Board under subsection (2) access to all books, documents, cash and securities relating to those accounts and shall give him on request all such information as may be within their knowledge in relation to the financial transactions of the Board.

Annual
Report.
1987-27.

12. (1) The Board shall, not later than 6 months after the end of the financial year, submit to the Minister a report containing

- (a) an account of its activities throughout the preceding financial year in such detail as the Minister directs, and
- (b) a statement of the accounts of the Board for that financial year audited in accordance with section 11.

(2) A copy of the statement together with a copy of the auditor's report shall be printed and laid before both Houses of Parliament and published in the *Official Gazette*.

12A. (1) There is chargeable on the insurable earnings of every person gainfully employed in Barbados, whether self-employed or not, and on the insurable wage bill of every employer a contribution to be known as a "training levy" which shall be paid in the manner and at the rates specified in subsections (2) and (3). Contributions.
1987-27.

(2) An employer who, in respect of a contribution week beginning on or after 6th July, 1981 is liable to pay an employer's contribution under section 15(1) of the *National Insurance and Social Security Act* in respect of persons employed by him shall pay the training levy at the rate of half of one per cent of the insurable wage bill. Cap. 47.

(3) The rate at which the training levy is payable

- (a) in the case of an employee is half of one per cent; and
- (b) in the case of a self-employed person, half of one per cent.

(4) The Minister responsible for finance may by order amend the rates specified in subsections (2) and (3).

(5) All contributions payable under this section shall be paid to the National Insurance Board established by section 3 of the *National Insurance and Social Security Act*.

(6) For the purposes of this section "insurable earnings" means earnings on which the rates of national insurance contributions are based as described in regulation 14 of the *National Insurance and Social Security (Collection of Contributions) Regulations, 1967*. L.N. 48 of
1967.

12B. (1) Subject to subsections (3) to (5), the *National Insurance and Social Security Act* has effect, for the purposes Collection
of Contribu-
tions.
1987-27.

of that Act and for the purposes of this Act in respect of an employer who is liable to pay a training levy in respect of an employee for a contribution week as if

(a) the training levy and the contribution payable under section 15(1) of that Act for that week in respect of the employee constituted one combined contribution payable in respect of that employee for that week, and

(b) the combined contribution referred to in paragraph (a) were payable into the National Insurance Fund;

and in that Act reference to contribution shall be construed accordingly.

Cap. 47. (2) Subject to regulations made under the *National Insurance and Social Security Act*, after 6th July, 1981, subsection (1) applies in relation to regulations made, whether before or after that date, under any provision of that Act to which that subsection applies as it applies in relation to that provision.

Cap. 47. (3) The provisions of section 30 of the *National Insurance and Social Security Act* relating to the payment of contributions into the National Insurance Fund do not apply to subsection (1).

(4) Subsections (1) and (2) do not

Cap. 47. (a) affect the rate of any contribution under section 15(1) of the *National Insurance and Social Security Act*, and

Cap. 47. (b) exempt an employer who pays or is liable to pay an employer's contribution under the *National Insurance and Social Security Act*, or confer any power to exempt such an employer from liability to pay training levy, or

(c) confer any power to modify the rate of training levy in relation to any class of persons.

(5) Notwithstanding subsections (1) to (4), where a person has paid in error

(a) a contribution under the *National Insurance and Social Security Act*,

(b) a training levy,

and he or any other person has received a benefit under that Act, that, under that Act or regulations made thereunder, may be deducted from the contribution paid in error under that Act, nothing in that Act or those regulations shall be construed as authorising the benefit to be deducted from the training levy paid in error.

12C. Section 43 of the *National Insurance and Social Security Act* applies *mutatis mutandis* to this Act as it applies to that Act.

Recovery
of training
fund con-
tribution.
1987-27.

12D. All proceeds of the training levy collected by the National Insurance Board shall be paid into the Consolidated Fund.

Payment of
training
levy into
Consoli-
dated Fund.
1987-27.

13. (1) A person wishing to employ another person as an apprentice or trainee shall apply to the Director.

Permission
to employ
appren-
tices and
trainees.
1987-27.

(2) In granting an application under subsection (1), the Director must specify the maximum number of apprentices or trainees who may be employed at any one time by the applicant.

(3) The Director may not grant an application under this section unless he is satisfied that the applicant's establishment offers reasonable opportunities for the proper training of the number of persons proposed to be employed by him as apprentices or trainees.

(4) A person who is aggrieved by the decision of the Director under this section may appeal to the Board whose decision is final.

(5) A person who fails to comply with subsection (1) is guilty of an offence.

Entitle-
ment to
enter into a
contract
of appren-
ticeship or
training.
1982-9.

14. (1) Subject to subsection (2), a person who

- (a) is 16 years or over;
 - (b) has completed a period of education required by law;
 - (c) has, in the case of an occupation in respect of which a scheme is in force, the qualifications prescribed by that scheme; and
 - (d) is certified to be fit in accordance with section 15,
- is entitled to enter into a contract of apprenticeship or training in any occupation.

(2) A minor may not enter into a contract of apprenticeship or training except he first obtains the consent of his parent or guardian, or, if there is no parent or guardian, the consent of the Chief Labour Officer.

(3) A minor who enters into a contract of apprenticeship or training is bound by the contract so long as it exists, even after he reaches the age of majority.

Medical
examina-
tion.
1982-9.

15. An employer shall, before employing an apprentice or trainee who is under 18 years of age, obtain from the apprentice or trainee a medical certificate, from a registered medical practitioner, that the apprentice or trainee is fit to be employed in the occupation in which he seeks apprenticeship or training.

Registra-
tion of
contracts.

16. (1) Every contract of apprenticeship or training made after 1st October, 1979, must be in the prescribed form.

(2) An employer who enters into a contract of apprenticeship or training with any person shall, within 28 days thereafter, lodge for registration with the Director in such manner as may be prescribed

- (a) the contract of apprenticeship or training and 2 copies thereof; and

(b) the medical certificate obtained under section 15.

(3) An employer who fails to comply with subsection (2) is guilty of an offence.

(4) A contract of apprenticeship or training made after 1st October, 1979, is not binding until it is registered by the Director.

(5) The Director may refuse to register a contract of apprenticeship or training if, in his opinion,

(a) it is not in the interest of the apprentice or trainee thereunder; or

(b) it is not made in accordance with a scheme.

(6) In coming to a decision under subsection (5), the Director must, in addition to any other matter, have regard to the prospects of the apprentice or trainee obtaining employment at the expiration of the contract in the occupation in which he seeks to be trained.

(7) Where the Director refuses to register a contract of apprenticeship or training under subsection (5), he must, within a period of 14 days after so refusing, communicate his refusal in writing to the employer and the apprentice or trainee.

(8) In every case where the Director registers a contract under this Act, he must

(a) endorse on the contract and on the 2 copies thereof the particulars of registration and return the contract and one copy to the employer; and

(b) file the third copy.

(9) The employer shall give a copy of the contract to the apprentice or trainee.

(10) A person who is aggrieved by the refusal of the Director to register a contract may, within 30 days from the date on which the decision of the Director is communicated to him, appeal to the Board, and the decision of the Board is final.

17. (1) The rights and obligations of an employer under any contract of apprenticeship or training may, with the written Transfer of contracts.

consent of the apprentice or trainee and with the approval of the Director, be transferred to another employer.

(2) The Director may refuse to approve the transfer of the contractual rights and obligations of an employer if, in his opinion, the transfer is not in the interests of the apprentice or trainee.

(3) The transferee shall, within 1 month of the date on which the instrument of transfer is signed by him, lodge the instrument with the Director for registration.

(4) Where a contract is transferred under this section, the transferee has all the rights and obligations under the contract that were vested in the transferor and to which the transferor was subject at the time of the transfer.

(5) A person who fails to comply with subsection (3) is guilty of an offence.

Partner-
ships.

18. Where, under any contract of apprenticeship or training, an apprentice or trainee is employed by persons in partnership, then, unless the apprentice or trainee otherwise elects, his contract of apprenticeship or training does not terminate by reason only of the death or retirement of a partner if the business of the partnership is continued by a surviving or continuing partner, whether alone or jointly with others; and the contractual rights and obligations of the employer are transferred to the person or partners continuing the business.

Termination
or extension
of contracts.

19. (1) Subject to section 21, a contract of apprenticeship or training may be terminated or extended

- (a) by mutual agreement in writing of the parties thereto, with, in the case of an apprentice or trainee who is a minor, the same consent as is required under section 14(2);
- (b) by the Director at the instance of any party thereto if he is satisfied that it is expedient to do so; or
- (c) by the Director at the direction of the Board.

(2) Where the Director terminates a contract of apprenticeship or training under paragraph (b) or (c) of subsection (1), he must communicate this decision in writing to the employer and to the apprentice or trainee.

(3) The employer shall give notice in writing to the Director of the termination of any contract under paragraph (a) of subsection (1).

(4) An employer who fails to comply with subsection (3) is guilty of an offence.

(5) The Director may not exercise the powers conferred upon him by paragraph (b) of subsection (1) unless he has given both parties to the contract or their representatives an opportunity to be heard by, or to make representations to, him.

(6) The Director must endorse on the filed copy of the contract of apprenticeship or training the fact of its termination or extension.

(7) A person who is aggrieved by the Director's termination or extension of a contract of apprenticeship or training may appeal to the Board within 2 months from the date on which the decision of the Director is communicated to him.

(8) Where the Board sets aside the decision of the Director to terminate a contract, it may make such direction as it thinks fit relating to the payment of any amount due as wages that would have been payable to the apprentice or trainee if the contract had not been terminated, and any amount so directed to be paid may be recovered by the apprentice or trainee from the employer as a civil debt before a magistrate, notwithstanding that the amount sought to be recovered exceeds the normal monetary limit on the jurisdiction of the Magistrate's Court.

(9) The decision of the Board under subsection (8) must be endorsed by the Director upon the filed copy of the contract of apprenticeship or training.

(10) A contract that is terminated under this section, is terminated for all purposes, but without limiting or affecting any right of action that may have accrued before the date of termination.

Enticement
of appren-
tices or
trainees.

20. A person is guilty of an offence and is liable on summary conviction to a fine of \$500 who knowingly

- (a) induces or attempts to induce an apprentice or trainee to leave the service of his employer, or
- (b) employs a person who is bound by a contract of apprenticeship or training to any other person.

Probation-
ary period.

21. (1) Notwithstanding the provisions of any other enactment relating to employment, the first 3 months of every contract of apprenticeship or the first 2 months in the case of a contract of training, is a probationary period during which the contract may be terminated by either party; and any agreement to the contrary is void.

(2) The employer shall within 1 month after the date of termination of the contract give notice in writing to the Director of its termination.

(3) The probationary period may be extended or shortened by the Board.

(4) An employer who fails to comply with subsection (2) is guilty of an offence.

Suspension
of appren-
tice or
trainee.

22. (1) An employer who is satisfied that an apprentice or trainee who has entered into a contract with him has committed a fundamental breach of the terms of the contract or of any conditions of apprenticeship or training applicable to the apprentice or trainee may forthwith suspend the apprentice or trainee.

(2) An employer who suspends an apprentice or trainee shall report the matter in writing to the Director within 3 working days after the suspension; and the Director shall investigate the matter and may confirm or set aside the suspension of the apprentice or trainee, or vary the terms of the suspension.

(3) Whether or not a complaint is made by an employer to the Director, the Director may, where an investigation by him reveals that the apprentice or trainee has *prima facie* committed a fundamental breach of his contract, suspend the apprentice or trainee and report in writing to the Board and to the employer the fact of the suspension.

(4) No wages accrue to an apprentice or trainee during a period of suspension.

(5) Where the Director sets aside the suspension of an apprentice or trainee under subsection (2), the employer shall pay to the apprentice or trainee such wages as may have been withheld from him during the period of suspension.

(6) An employer who fails to comply with subsection (2) is guilty of an offence.

(7) A person who is aggrieved by the Director's action under this section may appeal within 14 days to the Board; and the decision of the Board is final.

23. (1) Every employer of an apprentice or trainee shall keep, in respect of every apprentice or trainee, records of the remuneration paid to, and the time worked by, the apprentice or trainee, together with such other particulars as may be prescribed. Record of employment.

(2) The records must be kept in such form and manner as the Board approves.

(3) A person who employs an apprentice or trainee shall keep records to which this section refers for a period of 3 years after the date of the last entry in the record.

(4) A person who fails to comply with subsection (1) or (3) is guilty of an offence.

24. Notwithstanding the provisions of any enactment relating to employment, any term or condition of a contract of apprenticeship or training is void if Limitations in regard to method of payment and overtime.

- (a) it provides that the whole or any part of the wages of an apprentice or trainee is to be based upon the quantity of work done; or
- (b) it requires an apprentice or trainee under the age of 18 years to work overtime.

Certificate.

25. (1) The employer of an apprentice or trainee shall, on the satisfactory completion of the contract of apprenticeship or training, certify the satisfactory completion to the Director in such form and manner as the Board approves.

(2) The certificate referred to in subsection (1) must be countersigned by the Director and Chairman of the Board and given to the apprentice or trainee.

Miscellaneous
functions of
Director.

26. (1) Where, during the term of his contract, an apprentice or trainee is absent from work other than for purposes of leave provided for in the contract for a period of 30 days or more, or for a number of periods amounting in the aggregate to 30 days or more, the Director may order that the term of the contract of apprenticeship or training be extended by the number of days for which the apprentice or trainee has been absent, and the contract shall be extended accordingly.

(2) Where the Board is satisfied that a person has undergone previous technical training relevant to the occupation in which he desires to be trained, the Board may authorise the Director to reduce the period of apprenticeship or training to be served to such lesser period as it specifies.

(3) Where the Board is satisfied that an apprentice or trainee during the period of his contract has acquired, relevant to the occupation in which he is trained, a degree of proficiency that would justify the reduction of the period of apprenticeship or training, the Board may authorise the Director, subject to the approval and consent of the apprentice or trainee and the employer, to reduce the period of apprenticeship or training to such lesser period as the Board specifies; and the Director must comply with such authorisation.

(4) The Director has all the powers of an inspector under section 30.

Training
Schemes.

27. (1) The Board may, with the approval of the Minister and subject to section 29, formulate schemes for regulating the training of apprentices or trainees in any occupation.

(2) A term of any contract of apprenticeship or training registered before the date of coming into force of the scheme may not be revoked or varied by means of a scheme.

(3) Section 17 of the *Technical and Vocational Education and Training Council Act*, applies *mutatis mutandis* for the purposes of giving effect to the provisions of this section as it applies to that Act. Cap. 43.
1993-11.

28. Section 18 of the *Technical and Vocational Education and Training Council Act*, applies *mutatis mutandis* for the purposes of giving effect to the provisions of this Act as it applies to that Act. Technical
and
Vocational
Education
and Training
Council Act,
applies.
Cap. 43.
1993-11.

29. (1) For the purposes of this Act, an employer of apprentices or trainees shall, subject to the approval of the Director, appoint Supervision
of appren-
tices and
trainees.
1982-9.

(a) a person to be responsible for the general supervision of the training of apprentices and trainees; and

(b) a person to be responsible for the day to day guidance of apprentices or trainees in matters related to their occupation, at each work place where apprentices or trainees are regularly employed for a period of not less than 3 months at a time.

(2) Where the Director is not satisfied with the competence of the person appointed as a supervisor of apprentices or trainees, he may, by notice in writing, specify the nature of the training which the Director requires that person to undertake before his appointment may be approved.

(3) An employer who fails to comply with this section is guilty of an offence.

30. (1) The Board may, by instrument in writing, appoint persons to be inspectors for the purposes of this Act. Appointment
and powers
of Inspec-
tors.
1985-14.

(2) Any inspector may, for the purposes of determining whether the provisions of this Act are being complied with

(a) at any reasonable time, enter any premises in which he has reasonable grounds for believing that an apprentice or trainee is, or has within the previous 6 months been, employed;

- (b) examine any person whom he finds on premises entered under paragraph (a) whom he has reasonable grounds for believing to be or to have been, within the preceding 6 months, employed on such premises;
 - (c) require any apprentice or trainee to appear before him at a prescribed place for the purpose of being questioned;
 - (d) require the production or delivery up of any of the records required to be kept by this Act and of any document relating thereto or relating to the business of any person whom the inspector has reasonable grounds for believing is, or was within the preceding 6 months, the employer of an apprentice or trainee; and
 - (e) examine and make extracts from copies of any documents produced or delivered up under paragraph (d).
- (3) An inspector
- (a) shall not enter or inspect a private dwellinghouse without the consent of the occupier thereof;
 - (b) shall, on the occasion of a visit or inspection, notify the employer or his representative of his presence, and produce his certificate of appointment signed by the Chairman of the Board; and
 - (c) shall, if required by the employer, be accompanied during any inspection or examination by the employer or his representative.
- (4) A person is guilty of an offence who
- (a) assaults or obstructs an inspector in the performance of his functions under this section;
 - (b) uses indecent, abusive or insulting language to an inspector in the performance of his functions; or
 - (c) fails to comply with any requirement made by an inspector under this section.

(5) An inspector who exercises, or seeks to exercise, any of the powers specified in subsection (2) must, on being required to do so, produce his certificate of appointment. 1985-14.

31. (1) A person who in his capacity as a member of the Board or as a member of a committee acquires information concerning an employer shall not disclose that information to any person except as permitted under subsection (2). Prohibition of disclosure of information.

(2) Subsection (1) does not apply to the giving of information

(a) where the information is given with the written authorisation of the employer or his legal representative;

(b) where the information is lawfully required to be disclosed by an order of the High Court; or

(c) where the information is lawfully disclosed under this Act or pursuant to another enactment.

(3) A person who fails to comply with subsection (1) is guilty of an offence.

32. A contract of apprenticeship or training that is valid at 1st October, 1979, complies with section 16. Existing contracts of apprenticeship and training.

33. (1) Where, under section 35 of the *Bankruptcy Act*, a contract of apprenticeship or training is discharged by the apprentice or trainee giving the notice required by that section, the trustee in bankruptcy shall, within one month of receiving the notice, notify the Director of the fact of the discharge. Bankruptcy. Cap. 303.

(2) A trustee who fails to comply with subsection (1) is guilty of an offence.

34. A person guilty of an offence under this Act in respect of which no penalty is specifically provided is liable to a fine of \$5 000. General penalty. 1982-9.

Regulations.
Cap. 43.
1993-11.

35. (1) Regulations made under section 25 of the *Technical and Vocational Education and Training Council Act* apply to this Act *mutatis mutandis* for the purpose of giving effect thereto as if they had been made under this Act.

1993-11.
Cap. 43.

(2) Regulations made under this Act before the commencement of the *Technical and Vocational Education and Training Council Act*, shall remain in force until Regulations are made under that Act.

Institution of
proceedings.

36. The Director or an inspector may institute proceedings in court in respect of any offence under this Act or the regulations.

Application.

37. This Act applies to employment in the service of the Crown except employment in the police and defence forces.

Exemption.

38. (1) The Minister may, by order, exempt any person or class of persons from the operation of this Act, or the regulations, or any scheme or direction made thereunder.

(2) An order made under this section is subject to negative resolution.

FIRST SCHEDULE

CONSTITUTION OF THE BARBADOS
VOCATIONAL TRAINING BOARD*(Section 3(2),(3))*

1. (1) The Board shall be comprised of a Chairman, a Deputy Chairman and not more than 8 other persons appointed by the Minister, one of whom shall be the Executive Director of the Technical and Vocational Education and Training Council *ex officio*. 2000-9.

(2) In the case of the inability of any member to act, the Minister may appoint a person to act temporarily in the place of that member. 1985-14.

2. A member of the Board holds office for a term of 3 years unless he dies, resigns or has his appointment revoked before the end of that term, but

(a) a person who is appointed to fill a vacancy created by the death, resignation or removal from office of a former member shall hold office only for the unexpired portion of the term of that former member; and

(b) every member is, on the expiration of the term of his appointment, eligible for re-appointment for a further term.

3. The Minister may grant leave of absence to a member of the Board and may appoint a person to act temporarily in the place of that member.

4. A member of the Board, other than the Chairman, may resign his office by instrument in writing addressed to the Minister, transmitted through the Chairman, and from the date of the receipt of the instrument by the Minister, if no date is specified therein, that member ceases to be a member of the Board.

5. The Chairman may at any time resign his office by instrument in writing addressed to the Minister, and from the date of the receipt of such instrument by the Minister, if no date is specified therein, he ceases to be Chairman and to be a member of the Board.

6. The Chairman, or, in the event of his being absent from Barbados or for any reason unable to act, the Deputy Chairman, is required to call a special meeting within 7 days after receiving a requisition to do so by 4 members of the Board. 1985-14.

7. 4 members of the Board form a quorum. 1985-14.

8. Decisions of the Board are to be by a majority of votes, and where the voting is equal the Chairman, in addition to his original vote, has a casting vote.

1985-14.

9. The Board is required to meet at such times as may be expedient for the transaction of business, and such meeting shall be held at such places and times and on such days as the Board determines.

10. The Director or his representative shall be the Secretary of the Board.

11. Minutes of each meeting are to be duly kept by the Secretary or other person appointed by the Board for the purpose, and are to be confirmed by the Board at its next meeting and signed by the Chairman or other person presiding at that meeting.

12. The Board may co-opt persons to attend any of its meetings for the purpose of assisting or advising it respecting any matters with which it is dealing, but a co-opted member does not have a right to vote.

13. Subject to this Schedule, the Board may regulate its own proceedings.

14. All documents made by, and all decisions of, the Board are to be signified under the hand of the Chairman or any member authorised to act in that behalf, or by the Secretary.

SECOND SCHEDULE*(Sections 3(3), 5(2))**Constitution of Committees*

1. (1) A committee shall consist of not more than 6 persons. 1985-14.

(2) The Board shall, in respect of a committee, appoint one member of that committee to be chairman and another to be deputy chairman respectively.
2. (1) A member of a committee may, with the permission of the chairman of that committee, appoint a person to act for him in case of his absence from a particular meeting.

(2) No person appointed to act as a member of a committee in pursuance of sub-paragraph (1) may appoint a person to act for himself nor may be appointed to act for more than one member; otherwise he may perform all the functions of a member of that committee.
3. A member of a committee shall hold office for a period not exceeding 3 years, but is eligible for re-appointment.
4. Where a vacancy occurs in respect of a committee, the Board may appoint a person to fill that vacancy for the unexpired portion of the period in respect of which the vacancy occurs.
5. The Board may revoke the appointment of a member of a committee who
 - (a) is absent from 3 consecutive meetings of the committee without leave of the Board;
 - (b) is absent from Barbados for 3 months or more without the permission of the Board;
 - (c) is unable to perform his duties as a member of the committee; or
 - (d) fails to comply with a direction given by the Board under section 6(2).
6. The Board may assign a person to be secretary of a committee.
7. A committee shall meet as often as the chairman decides, but at intervals not exceeding 3 months.

8. A quorum consists of 4 members, 3 of whom must be the chairman or deputy chairman, one representative of employers, and one representative of employees.

9. Decisions of a committee are to be by a majority of votes, and where voting is equal, the chairman, in addition to his original vote, has a casting vote.

10. A committee may co-opt persons to attend any of its meetings for the purpose of assisting or advising it with respect to any matter with which it is dealing, but a co-opted person is not entitled to vote and shall not be counted for the purpose of constituting a quorum.

11. A committee may establish a sub-committee to assist in the performance of its functions and may co-opt to serve on any such sub-committee any person whose assistance and advice the committee considers necessary for the purpose for which the sub-committee is established.