

ARRANGEMENT OF SECTIONS

Sections

1. Short title.
2. Interpretation.
3. Establishment of Board.
4. Composition of Board.
5. Tenure.
6. Remuneration.
7. Seal.
8. Meetings.
9. Functions of the Board.
10. Powers of the Board.
11. Secretariat.
12. Executive Director.
13. Eligibility for Accreditation.
14. Basic requirements for Institutions.
15. Application for Registration.
16. Application for Accreditation.
17. Guidelines for Application.
18. Request for further information.
19. Consideration of Application.
20. Outcome of Application.
21. Directions of the Minister.
22. Certificate of Registration or Accreditation.
23. National Qualifications Framework.
24. National Qualifications Register.
25. Revocation of Certification of Accreditation and Appeals.
26. Appeals.
27. Composition of Appeals Committee.
28. Funds of the Board.
29. Accounting and Audit.
30. Register.
31. Offences.
32. Prohibitions.
33. Review.
34. Regulations.
35. Transitional.

Schedules

I assent,



SAMUEL WEYMOUTH TAPLEY SEATON
Governor-General

20th July, 2017.

SAINT CHRISTOPHER AND NEVIS

No. 9 of 2017

AN ACT to provide for the establishment of a National Accreditation Board, to vest in that Board the power to accredit post-secondary institutions and tertiary programmes of study in Saint Christopher and Nevis and elsewhere; to accredit qualifications offered in Saint Christopher and Nevis; to provide for the process and mechanism of accrediting post-secondary and tertiary institutions and programmes of study and to provide for other related matters.

[Published 3rd August 2017, Extra-Ordinary Gazette No. 37 of 2017.]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the National Assembly of Saint Christopher and Nevis and by the authority of the same as follows:

PART 1 PRELIMINARY

1. Short title.

This Act may be cited as the Saint Christopher and Nevis Accreditation of Institutions Act, 2017.

2. Interpretation

In this Act unless the context otherwise requires:

“accreditation” means the procedure for the formal recognition of

- (a) an institution of higher learning or a study programme, by evaluating and determining whether a registered institution, its programmes or awards meet established standards and “accredit” shall be construed accordingly;
- (b) awards from foreign institutions;

“accredited status” means that a registered institution, its programmes or any awards it confers, meet established standards stipulated or approved by the Board and has been issued a certificate of accreditation pursuant to section 22 of this Act;

Saint Christopher and Nevis Accreditation of Institutions Act, 2017 - 9.

- “award” means any degree, diploma, certificate, or other evidence of competence or achievement;
- “Board” means the Accreditation Board of St. Kitts and Nevis established pursuant to Section 3 of this Act;
- “college” means a post-secondary or tertiary institution that offers a variety of programmes primarily at the sub-baccalaureate level geared to meet the needs of the community in which it exists;
- “course” means a defined body of knowledge, skills and aptitudes acquired over a specified period and to which one or more credits may be awarded;
- “credit” means a unit of academic measurement of educational value;
- “distributed learning” means a multi-media method of instructional delivery that includes a mix of web-based instruction, streaming video conferencing, face-to-face classroom time, distance learning through television or video, or other combinations of electronic and traditional educational models;
- “equivalence” means an assessment of the comparative educational value of varying levels of competence and achievement;
- “foreign institution” means an educational organisation that operates solely in an overseas territory;
- “institution” means an organisation that provides for the administration, governance, delivery and certification of a range of educational programmes leading towards the granting of qualifications, awards or credits;
- “medical school” means an institution of tertiary education, offering medical or other health-related programmes, including veterinary medicine, leading towards the granting of diplomas, graduate or post graduate qualifications, awards or credits;
- “Minister” means the Minister responsible for Education;
- “National Qualifications Framework” has the meaning given to it in section 23;
- “National Qualifications Register” means the centralised database that provides information to employers, trainers and trainees on training opportunities, assessment and certification services in technical and vocational education and training;
- “online education” means education programmes in which instruction is delivered primarily using the internet;
- “post-secondary” means all education and training programmes which are not at a tertiary level but are offered to meet the vocational or continuing educational needs of persons above compulsory school age;
- “programme of study” means an approved curriculum comprising a series of courses leading to a technical, vocational or academic qualification or an award;

Saint Christopher and Nevis Accreditation of Institutions Act, 2017 - 9.

“recognise” means to evaluate and approve the quality of foreign awards;

“to register” means to confer legal authority to operate a post-secondary or tertiary level institution in accordance with established standards and criteria;

“Register” means the Register of post-secondary and tertiary institutions and programmes registered or accredited in St. Kitts and Nevis pursuant to section 30;

“technical institution” means a post-secondary or tertiary institution that offers programmes to prepare graduates for technical occupations and grants sub-baccalaureate qualifications, awards or credits in applied disciplines and includes a polytechnic institution;

“technical institution” means an institution that offers technical, vocational or applied programmes of study at the post-secondary level or higher”;

“tertiary education” means the teaching and learning process that occurs following successful completion of secondary schooling or its equivalent and leads to the award of sub-baccalaureate awards, baccalaureate and postgraduate degrees;

“tertiary college” means a tertiary institution that offers a range of academic and technical programmes and grants qualifications, awards or credits but does not have research as a core function;

“transnational institution” means one that has its origin and main campus establishment in an overseas territory and is operating a site in St. Kitts and Nevis;

“university” means a tertiary institution that offers programmes leading towards qualifications or awards at the baccalaureate level and higher and has research as a core function.

PART II

ESTABLISHMENT AND FUNCTIONS OF THE ACCREDITATION BOARD

3. Establishment of Board.

(1) There is established within the Ministry of Education, a Board to be known as the St. Kitts and Nevis Accreditation Board.

(2) The Board shall be a body corporate with perpetual succession and a common seal.

4. Composition of Board.

(1) The Board shall comprise not less than ten and no more than thirteen members appointed by the Minister of Education, after consultation with the Cabinet, and shall consist of one representative from each of the following:

- (a) a representative from the Ministry of Education in St. Kitts;
- (b) a representative from the Ministry of Education in Nevis;

Saint Christopher and Nevis Accreditation of Institutions Act, 2017 - 9.

- (c) Ministry of Finance;
- (d) Ministry of Sustainable Development;
- (e) Ministry of Health;
- (f) a representative of the Nevis Island Administration;
- (g) Ministry of Justice and Legal Affairs;
- (h) Clarence Fitzroy Bryant College;
- (i) Technical and Vocational Education and Training Council;
- (j) the Executive Director;
- (k) one other person that the Minister considers necessary.

(2) The Minister may appoint any two members of the Board, excluding the Executive Director, as Chairperson and Deputy Chairperson of the Board.

(3) Subject to section 12, the Executive Director is an *ex officio* member of the Board and shall function as Secretary to the Board.

5. Tenure.

(1) Subject to subsection (4), a Board member shall be appointed by the Minister by instrument in writing published in the Gazette and shall hold office for a period of three years.

(2) Every member shall be eligible for re-appointment for a maximum of one additional consecutive term.

(3) A member may at any time resign his office by instrument in writing addressed to the Chairperson who shall forthwith cause it to be forwarded to the Minister.

(4) The resignation of a member shall take effect from the date of receipt of the instrument in writing by the Chairperson.

(5) No act or proceeding of the Board may be questioned on account of, or invalidated by, any vacancy in the membership of the Board or by any defect in the appointment of a member.

6. Remuneration.

The Ministry shall pay to the members of the Board, Executive Director, consultants and other staff members, such remuneration and allowances determined and approved by the Minister.

7. Seal.

The Board shall have an official seal which shall be kept by the Executive Director at the office of the Secretariat.

8. Meetings.

The provisions of the Schedules to this Act shall apply to meetings and other matters of the Board as provided for in the Schedules.

9. Functions of the Board.

- (1) The Board shall be the principal body in St. Kitts and Nevis with responsibility for
 - (a) conducting investigations on the accreditation of post-secondary and tertiary education and training institutions;
 - (b) recognising programmes and awards, whether local or foreign; and
 - (c) promoting standards within post-secondary and tertiary education and training institutions in St. Kitts and Nevis.
- (2) Without prejudice to the generality of the foregoing, the functions of the Board shall be:
 - (a) to consider applications submitted to the Board for registration or accreditation of institutions, pursuant to the provisions of this Act;
 - (b) to review the charters of institutions subject to the provisions of this Act;
 - (c) to investigate, pursuant to the objectives of this Act, any event that occurs at an accredited or registered institution which is likely to impact negatively on the ability of that institution to maintain its educational standards or to otherwise materially comply with the provisions of this Act;
 - (d) to manage the implementation of the National Qualifications Framework and to maintain a National Qualifications Register;
 - (e) to maintain a list of accredited post-secondary and tertiary institutions operating in St. Kitts and Nevis and a list of accredited programmes of study and awards offered in St. Kitts and Nevis;
 - (f) to maintain a list of registered institutions operating in St. Kitts and Nevis and their programmes of study and awards of such institutions;
 - (g) to accredit post-secondary and tertiary institutions operating in St. Kitts and Nevis and their programmes of study and awards of such institutions;
 - (h) to register post-secondary and tertiary institutions, which offer programmes of study in St. Kitts and Nevis;
 - (i) to recognise the awards of foreign and transnational institutions;
 - (j) to determine the equivalency of programmes of study and awards in accordance with the National Qualifications Framework;
 - (k) to establish relationships including joint accreditation exercises with regional and international accrediting and quality assurance bodies and to keep under review their systems of accreditation, procedures and practices;
 - (l) to provide authoritative advice on accreditation and related matters, including the conferment on institutions of such titles as “University”, “Tertiary College”, “Technical Institute”, “Polytechnic”, “Community College”, “Technical College”, “Technical University”, “Medical University”, “Medical School”, “School of Veterinary Medicine”; “online education”;

Saint Christopher and Nevis Accreditation of Institutions Act, 2017 - 9.

- (m) to seek to ensure that the quality of post-secondary and tertiary education delivered in St. Kitts and Nevis meets the standards set by the Board;
- (n) to provide the public with information about the quality and recognition of programmes of study and institutions;
- (o) to promote a culture of quality assurance in post-secondary and tertiary education;
- (p) to protect the interests of students and other relevant stakeholders;
- (q) to undertake audits, reviews and evaluations independently or in co-operation with other bodies as the Board may consider necessary for the discharge of its functions;
- (r) to establish the standards, requirements and regulations with which registered institutions must comply in order to have their programmes of study accredited or validated or to have their awards recognized by the Board;
- (s) to do or cause to be done such other things as the Board considers expedient or necessary for the performance of its functions under this Act;
- (t) to perform such other related functions as the Minister may assign to the Board.

10. Powers of the Board.

(1) Subject to this Act, the Board has the power to do all things necessary or convenient for or in connection with the performance of its functions.

(2) Notwithstanding the generality of subsection (1), the Board shall have the power to

- (a) grant approval of the registration or accreditation of a qualifying institution pursuant to the provisions of this Act and on such terms as the Minister may by Order, prescribe.
- (b) grant recognition to the awards of a qualifying foreign institution;
- (c) withdraw the registration or accreditation status granted to a qualifying institution;
- (d) withdraw the recognition of the awards granted to a qualifying foreign institution.

(3) The withdrawal of registration, accreditation, or the recognition of foreign awards of a qualifying foreign institution shall be for good and sufficient cause, pursuant to the provisions of this Act and on such terms as the Minister may, after consultation with the Board, by Order prescribe.

11. Secretariat.

- (1) There is established a Secretariat for accreditation within the Ministry of Education.
- (2) The functions of the Secretariat shall be as follows:

Saint Christopher and Nevis Accreditation of Institutions Act, 2017 - 9.

- (a) to serve as Secretary to the Board;
- (b) to administer the operations of the Board;
- (c) to act as a focal point for the Board;
- (d) to work with the Board to develop documents to guide the accreditation process including
 - (i) procedures for accreditation;
 - (ii) accreditation standards for new and developing institutions;
 - (iii) guidelines for schools in preparation of institutional self-studies, conduct of site visits and preparation of annual reports to the Board;
 - (iv) questionnaires for monitoring of medical schools;
- (e) provide guidelines and information to schools or institutions engaged in or about to be engaged in the accreditation process;
- (f) maintain and publish a record of all institutions that are registered or accredited by the Board;
- (g) provide advice on the recognition of foreign based institutions and their awards;
- (h) monitor the accreditation cycle for programmes;
- (i) development of databases for internal and external assessors and other relevant experts.

(3) The Secretariat shall be comprised of an Executive Director, at least one quality assurance staff and such other administrative staff as may be determined by the Minister.

(4) The Board may appoint an Assistant Secretary and such other staff, as the Board may deem necessary.

(5) The Board may contract the services of professional persons where it considers it necessary to ensure the efficient functioning of the Secretariat.

12. Executive Director.

(1) Subject to subsection (2), the Governor General, in accordance with procedures for employment in the Public Service, may approve a suitably qualified person as Executive Director.

(2) Except as otherwise provided, the Executive Director shall be an official within the Ministry of Education, appointed in accordance with procedures for employment in the public service.

(3) The Executive Director shall function as Secretary to the Board and shall receive an allowance for the execution of that duty.

13. Eligibility for Accreditation.

(1) A person who wishes to operate a post-secondary or tertiary institution in St. Kitts and Nevis, shall only do so if such institution is registered or accredited by the Accreditation Board in accordance with the provisions of this Act.

Saint Christopher and Nevis Accreditation of Institutions Act, 2017 - 9.

(2) Any tertiary institution that entered into an agreement with the Government of St. Kitts and Nevis on the basis of which such institution was accredited by the Government of Saint Christopher and Nevis to offer certain degrees or courses prior to the coming into force of this Act, shall be deemed to have been accredited under the provisions of this Act, except that such institution shall continue to comply with the terms of its agreement, this Act and the regulations made thereunder for the purpose of maintaining the required academic standards.

(3) The Board may recommend to the Minister that an injunction be sought from the Court against any institution which holds itself out as an institution accredited by the Government of Saint Christopher and Nevis contrary to the provisions of this Act.

14. Basic Requirements for Institutions.

(1) All institutions applying for registration or accreditation in St. Kitts and Nevis shall be required to have a physical presence in the Federation in the form of a fully functioning, full-time teaching campus and related administrative office;

(2) Institutions offering online education programmes will only be considered for registration or accreditation if the online education programme is linked to programmes associated with a full-time teaching campus located in St. Kitts and Nevis, and supported by a fully functional administrative office within the Federation.

15. Application for Registration.

(1) Where any person is desirous of operating an institution in St. Kitts and Nevis as a post-secondary or tertiary institution, he or she shall apply to the Board to have that institution registered, in the form prescribed by the Minister.

(2) An application for registration shall be subject to any requirements and be accompanied by any particulars as may be prescribed by the Minister.

(3) An application shall be accompanied by the prescribed fee which shall be paid to the Board.

(4) The Board shall acknowledge receipt of the application within fourteen days of receipt and may request further information from the applicant within thirty days of the issuance of the acknowledgement of receipt.

(5) Where the applicant does not submit further information within the time frame specified in the request for that information, then the application shall be considered to have been withdrawn.

(6) Where an applicant has satisfied all of the requirements in relation to an application, the Board shall consider that application and shall provide a response to the applicant within sixty days of

- (a) the acknowledgement of receipt; or
- (b) the receipt of any further information requested by the Board pursuant to subsection (4).

16. Application for Accreditation.

(1) Where any person is desirous of having a registered institution accredited as a post-secondary or tertiary institution in St. Kitts and Nevis and to offer courses on the basis of that accreditation, in accordance with this Act, that person shall apply to the Board in the prescribed form.

(2) Upon receipt of the application referred to in subsection (1), and subject to the provisions of sections 9, 10 and any standards for accreditation prescribed by the Minister, the Board shall consider whether the applicant complies with or meets the relevant requirements for accreditation.

(3) The Board shall not in consideration of an application be restricted to the information contained in the application but may also rely on relevant information that may be available from its own research.

17. Guidelines for Application.

Any institution shall, before submitting its application for accreditation to the Board, adhere to the guidelines for application as may be prescribed by the Minister in consultation with the Board.

18. Request for further Information.

(1) The Board may, by giving notice to the applicant, require the applicant to provide to the Board within fourteen days of receipt of the notice, any further information which the Board may require to make its decision on the application.

(2) Unless an extension of the time for responding to the notice in subsection (1) is granted, the applicant shall be taken to have withdrawn the application if within the time stipulated in the notice the applicant does not comply with the requirements.

19. Consideration of Application.

(1) Any application for accreditation submitted to the Board in accordance with the provisions of this Act shall be considered by the Board in accordance with the provisions of this Act.

(2) For the purpose of streamlining the consideration of applications referred to in subsection (1) of this section, the Board shall appoint committees to be known as Review Committees.

(3) A Review Committee appointed under subsection (2) of this section shall be responsible for reviewing any proposal accompanying an application submitted to the Board by any institution.

(4) A Review Committee shall review an application and conduct a site visit within a period specified by the Board and shall, upon completion of the review, submit a report to the Board in accordance with the guidelines and regulations.

(5) The Board shall make a determination on the application upon receipt of the report of the Review Committee and upon consultation with the Minister.

(6) The Review Committees may, in addition to Members of the Board, be composed of such additional persons as the Board may consider fit.

20. Outcome of Application.

(1) Where an application has been made in accordance with section 15, the Board may either

- (a) grant accreditation to the institution; or
- (b) deny accreditation

(2) Where an institution has been denied, the Board shall give reasons for that denial.

(3) The Board may recommend to the Minister that an injunction be sought from the Court against any institution which holds itself out as an institution accredited by the Government of Saint Christopher and Nevis contrary to the provisions of this Act.

21. Directions of the Minister

The Minister may, after consultation with the Chairperson of the Board, give to the Board, in writing, such policy directions as appear to the Minister to be necessary in the public interest.

22. Certificate of Registration or Accreditation

Where the Board approves the application, the Board shall grant to the applicant a certificate of registration or accreditation in such form as may be prescribed.

23. National Qualifications Framework.

(1) There is established a framework known as the National Qualifications Framework, that has the following objectives:

- (a) the consolidation of education and training qualifications under a single regime to facilitate the smooth entrance and progression of learners, both horizontally and vertically within the education system;
- (b) the improvement of access to education in Saint Christopher and Nevis;
- (c) the improvement of the quality of education that is delivered in Saint Christopher and Nevis;
- (d) Subject to section 24, to provide a foundation for the establishment of a National Qualifications Register.

(2) The National Qualifications Framework shall be administered and monitored by the Board which shall be responsible for

- (a) the overall development and implementation of the Framework; and
- (b) making any necessary adjustments so as to ensure the efficient functioning of the education system.

24. National Qualifications Register

(1) There is established a National Qualifications Register which shall be a centralised database that provides information to employers, trainers and trainees on training opportunities and assessment and certification services in technical and vocational education and training.

(2) The Register shall facilitate access to and retrieval of information on learning resources, achievements in assessment of vocational competencies and the recognition of vocational qualifications within the National Qualifications Framework.

PART III**25. Revocation of Certification of Accreditation and Appeals**

(1) The Board may revoke a certificate of accreditation issued pursuant to this Act, where the Board has reasonable grounds to believe that a holder of a certificate of accreditation has breached any of the conditions pursuant to the provisions of this Act or any Regulations made hereunder.

(2) If the Board believes that grounds exist to revoke a certificate of accreditation, the Board shall issue to the holder of the certificate of accreditation a notice stating the following:

- (a) the action which the Board proposes to take pursuant to this Part;
- (b) the ground or grounds for the proposed action;
- (c) an outline of the facts and circumstances forming the basis for the grounds; and
- (d) an invitation to the holder of the certificate of accreditation to show within a specified period reasons why the proposed action should not be taken.

(3) The specified period under subsection (2) (d), shall be a period ending thirty days after the notice is given to the holder of the certificate of accreditation.

(4) The holder of a certificate of accreditation may make written representation with respect to the notice and the Board shall consider all such representations so made.

(5) If, after considering the representations made pursuant to subsection 4, the Board no longer believes that the ground exists to revoke the certificate of accreditation, the Board shall:

- (a) not take further action with respect to the notice; and
- (b) as soon as practicable, give notice to the holder of the certificate of accreditation that no further action will be taken pursuant to the notice.

(6) If after considering the representations made pursuant to subsection 4, the Board believes that the ground exists to revoke the certificate of accreditation, the Board shall revoke the certificate of accreditation.

(7) If the Board decides to revoke the certificate of accreditation, the Board shall as soon as practicable, give notice to the holder of the certificate of accreditation, of its decision.

26. Appeals.

(1) A person who is aggrieved by a decision of the Board pursuant to section 25 of this Act, shall have a right to appeal the decision, if he or she makes an application to the Minister in writing and on payment of the prescribed fee, within thirty days after being given notice of the decision that he or she wants reviewed.

(2) In any other case, a person directly affected by a decision of the Board may appeal on the following grounds:

- (a) that the Board failed to comply with the procedures laid down in this Act or any regulations or rules made under this Act and that the failure amounted to a significant breach of such procedures;
- (b) that the decision of the Board is based on information that is substantially incorrect or is of insufficient weight to support the decision; or
- (c) that the decision of the Board is arbitrary or unreasonable, or inconsistent with or unsupported by the policies of the Board.

(3) On receipt of the application, the Minister shall appoint an Appeals Committee and cause an inquiry to be conducted concerning the matters raised in the application.

(4) An inquiry shall be conducted according to the substantial merits of the case without regard to technicalities.

(5) Pursuant to subsection (3), the Appeals Committee shall not be bound by any rules of evidence and may conduct the inquiry and obtain information as it considers appropriate.

(6) On completing the inquiry, the Appeals Committee shall report to the Minister its findings and recommendations and the Minister shall be bound by any findings and recommendations of the Appeals Committee.

(7) The Minister shall give a written copy of the findings of the inquiry to the applicant who has lodged the appeal, as well as to the Board.

(8) The decision of the inquiry by the Appeals Committee shall be final and shall only be subject to judicial review.

27. Composition of Appeals Committee.

(1) For the purposes of section 26, the Appeals Committee shall be comprised of three persons who

- (a) have adequate experience in educational matters; or
- (b) in the opinion of the Minister, by reason of their profession and training are qualified to be members of the Accreditation Board.

(2) Members of the Appeals Committee shall not be members of the Accreditation Board and shall have no vested interest in the institution filing the appeal.

(3) Hearings before the Appeals Committee shall be conducted in such manner and in accordance with such rules as may be prescribed by the Minister.

PART IV
FINANCIAL AND MISCELLANEOUS PROVISIONS

28. Funds of the Board.

- (1) The funds and resources of the Board shall consist of:
 - (a) such amounts as may be appropriated by Parliament to the Ministry of Education;
 - (b) special grants or other funds as may from time to time be provided by the Government or any other entity or agency, whether national, regional or international, for the financing of special projects and activities undertaken by the Board;
 - (c) monies received by the Board in connection with the performance of its functions.
- (2) The funds of the Board shall be applied in defraying the following expenditure:
 - (a) the remuneration, fees and allowances of members of the Board, members of committees and consultants established by the Board;
 - (b) the emoluments, allowances, fees and superannuation benefits of officers and other employees of the Board;
 - (c) the operating expenses of the Board;
 - (d) any other expenditure authorized by the Board in the discharge of its functions.

29. Accounting and Audit.

- (1) The Board shall keep proper records of accounts in accordance with generally accepted international standards and principles and shall prepare and retain financial statements in respect of each financial year.
- (2) The Board may accumulate reserves and such reserves and all other funds of the Board not immediately required to be spent in meeting the obligations of the Board or the discharge of any of its functions, may be invested, from time to time, in such securities as the Board may, with the approval of the Minister with responsibility for Finance deem fit.
- (3) The Board shall be exempt from stamp duties, corporation taxes, 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.
- (4) The accounts of the Board shall be audited on request of the Minister by the Accountant General or by an auditor authorized by the Accountant General, in accordance with Government's established budgetary processes.

30. Register.

There shall be kept in the Ministry of Education, in such manner as may be prescribed, a Register of all post-secondary and tertiary institutions registered or accredited in St. Kitts and Nevis and all of their accredited programmes and awards.

*Saint Christopher and Nevis Accreditation of Institutions Act, 2017 - 9.***31. Offences.**

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

- (a) communicate or reveal any information or matter connected with or related to the functions of the Board to any unauthorized person or body in accordance with such regulations as may be made under this Act; or
- (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 authorised to reproduce or retain in his or her possession.

(2) Any Board member found to be in breach of subsection (1) above, may be removed from the Board on the discretion of the Minister.

32. Prohibitions

(1) No institution shall carry on the business of post-secondary or tertiary education or use any of the words “university”, “college”, “tertiary college”, “polytechnic”, “community college”, “technical college”, “technical institute” or “technical university”, “medical school”, “medical university”, “school of veterinary medicine” in its name unless registered under this Act and any regulations or rules made under this Act.

(2) A registered institution shall not:

- (a) alter its accredited programmes without prior approval of the Board; or
- (b) misrepresent to the public, either in writing or on its official website, the recognition gained by it for its programmes or awards.

(3) An institution in breach of subsections (1) and (2) shall be informed in writing of the nature of the breach and shall be requested to comply within a stipulated time period.

(4) If the institution fails to comply within the stipulated time, the Board may in accordance with section 25, revoke the registration or accreditation of the institution.

(5) Where the registration or accreditation of an institution is revoked then the Board may remove the name of the institution from the Register and cause that information to be published in the Gazette and in at least two newspapers circulating in St. Kitts and Nevis.

(6) An institution which fails to comply with subsection (1) or (2) above commits an offence and in addition to any other penalty imposed by this section, is liable on summary conviction to a fine of Twenty Five Thousand Dollars (\$25,000.00) and to a further fine of Five Hundred Dollars (\$500.00) for each day that such offence is continued after written notice of the offence has been given by the Board.

33. Review.

The Board may, with the approval of the Minister, at intervals of three years, cause a review to be undertaken of its functions, in order to assess the impact of the operations of the Board on the society and its efficiency and effectiveness.

34. Regulations.

(1) The Board may, with the approval of the Minister, make regulations for the better carrying out of the provisions of any section under this Act.

(2) Regulations may include, but not be limited to:

- (a) standards that must be satisfied by institutions before they are registered or accredited under this Act;
- (b) procedures for application for registration and accreditation, and other related guidelines, including:
 - (i) time frame for the Board's response to application;
 - (ii) non-discriminatory statement for application process;
 - (iii) any special provisions for cross border education; foreign and transnational institutions;
- (c) requirements for the conduct of due diligence checks;
- (d) procedures for the conduct of site visits, monitoring visits, and submission of related reports;
- (e) process to address failure by institutions to implement the Board's recommendations;
- (f) actions to be taken when the Board's recommendations are not addressed in monitoring reports and are not evident in subsequent site visits by adjusting the institution's accreditation status to indicate:
 - (i) warning,
 - (ii) probation; and
 - (iii) procedures for revoking of accreditation;
 - (iv) any special provisions pertaining to the accreditation of medical schools;
- (g) accreditation of online education programmes;
- (h) any other activity included under Section 9 of this Act.

35. Transitional.

(1) Institutions lawfully performing their functions in St. Kitts and Nevis at the commencement of this Act shall, for the period of two years thereafter, be authorised to continue to perform such functions, provided that no such institution shall advertise or offer to the public any new courses or programmes without the prior approval of the Board.

(2) An institution deemed to be authorised under subsection (1), to continue to perform its functions within the period specified, shall cease to do so thereafter, unless it is registered in accordance with this Act.

SCHEDULE**(Section 8)****MEETINGS, ETC., OF THE BOARD****Meetings.**

1. The Board shall meet at such times as may be necessary or expedient for the transaction of its business, and such meetings shall be held at places, times and days determined by the Board.
2. (1) The Chairperson may at any time call a special meeting of the Board.
(2) The Chairperson shall call a special meeting upon a written request for the special purpose by two members of the Board and such meeting shall be held within seven days from the date of receipt of the request.
3. The Chairperson shall preside at all meetings of the Board and in the absence of the Chairperson, the Deputy Chairperson shall preside. Where either person is absent, the members present shall elect one of their number, not being the Executive Director, to preside at the meeting.
4. Minutes of each meeting of the Board shall be kept by the Secretary and shall be confirmed at the next meeting and a copy of such confirmed minutes shall be forwarded to the Minister within 7 days of its confirmation.

Voting.

5. The decisions of the Board shall be by a simple majority of votes, and in the case of equality of votes, the Chairperson or other person presiding at the meeting shall, in addition to his or her deliberative vote, have a casting vote.

Quorum.

6. The quorum of the Board shall be five members.

Secretary.

7. (1) The Executive Director shall function as Secretary to the Board.
(2) The Secretary shall be responsible for taking and keeping minutes of the Board, and for keeping custody of the Common Seal of the Board.

Training.

8. The Board will organize training for new members of the Board within 6 months of their appointment and on-going training will be provided for Board members.

Committees.

9. (1) The Board may appoint such number of committees as the Board may deem fit and may delegate any of its functions to such committees.

(2) Membership of a committee may include persons who are not members of the Board.

(3) Review Committees may be comprised of independent persons with expertise evidenced by recognised qualifications and proven experience in post-secondary or tertiary education, quality assurance and areas which are relevant to the application under consideration.

Conflict of Interest.

10. A member of the Board or a member of a committee of the Board who is in any manner, whether directly or indirectly, interested in a contract or proposed contract or has any interest in a matter under consideration by the Board or any committee thereof shall disclose that fact at the next meeting of the Board or committee and shall not participate in consideration of, or vote on, any question relating to that matter.

11. Subject to the provisions of this Schedule the Board may regulate its own proceedings.

ANTHONY MICHAEL PERKINS
Speaker

Passed by the National Assembly this 28th day of June, 2017.

JOSÉ LLOYD
Clerk of the National Assembly