

ANTIGUA AND BARBUDA



**ANTIGUA AND BARBUDA COLLEGE OF ADVANCED STUDIES
(ABCAS) ACT, 2025**

No. 11 of 2025

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**ANTIGUA AND BARBUDA
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(ABCAS) ACT, 2025**

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SCHEDULE

[L.S.]



I Assent,

Clare Roberts,
Deputy Governor-General.

5th June, 2025

**ANTIGUA AND BARBUDA
ANTIGUA AND BARBUDA COLLEGE OF ADVANCED STUDIES
(ABCAS) ACT, 2025**

No. 11 of 2025

AN ACT to establish the Antigua and Barbuda College of Advanced Studies as an institution of higher education and for the teaching and training of persons in Antigua and Barbuda in the fields of study offered by the institution, to manage the institution and to provide for other matters connected therewith.

ENACTED by the Parliament of Antigua and Barbuda as follows—

**PART I
PRELIMINARY**

1. Short Title

This Act may be cited as Antigua and Barbuda College of Advanced Studies (ABCAS) Act, 2025.

2. Interpretation

In this Act –

“Academic Council” or “Council” means the body constituted under section 13;

“Academic Semester” and “academic year” means such periods as prescribed by the Council for the purpose of the academic programmes of the College;

“approved course of study” means any course of study offered by the College;

“Board” means the Board of Trustees established by section 4;

“Bursar” means the Chief Financial Officer of the College appointed pursuant to Section 25;

“Campus Principal” means the Chief Academic Officer for each campus appointed pursuant to section 26;

“College” means the Antigua and Barbuda College of Advanced Studies, also known as ABCAS, established by section 3;

“Fund” means the ABCAS Trust Fund established by section 35;

“Hospitality Industry” means the sectors of economic activity engaged in the provision of services, entertainment, care and accommodation of persons, including tourists;

“Minister” means the Minister with responsibility for education;

“President” and “Vice President” mean the persons appointed under section 21 to hold the offices of President and Vice President, respectively;

“Registrar” means the Director of Administrative Affairs appointed pursuant to Section 24;

PART II

ESTABLISHMENT AND ADMINISTRATIVE STRUCTURE OF ABCAS

3. Establishment and functions of the College

(1) There shall be established a body corporate to be known as the Antigua and Barbuda College of Advanced Studies or ABCAS which shall be a college for higher learning.

(2) The objects of the College are to stimulate and develop the intellectual resources of the people of Antigua and Barbuda and to develop as an institution of continuous and higher education programmes as determined by the Board.

(3) The functions of the college shall be to –

- (a) provide instruction, conduct research and disseminate knowledge as the Board may from time to time determine;
- (b) confer academic degrees, diplomas, certificates and honours on students who qualify for such awards;

- (c) administer the educational institutions under its remit for the purpose of fostering the achievement of excellence in academics, technical and vocational education and training and for adult and continuing education;
- (d) provide courses and programmes for education and training in the fields of general education, teacher education, technology, tourism, health, technical and vocational education and other fields as determined by the Board;
- (e) use the facilities and resources of the college to advance the programs and offering capabilities of the College;
- (f) support and assist in the development of industry, tourism, agriculture and commerce;
- (g) promote the development of community awareness of and appreciation for technical and vocational training and continuing education; and
- (h) consult and co-operate with other institutions, persons, associations, organizations and authorities, whether local, regional and international, in relation to the provision of advanced studies.

4. Establishment of the Board of Trustees

(1) There is hereby established a Board of Trustees which shall be a body corporate within the meaning of the Interpretation Act, Cap. 224.

(2) The Board shall be responsible for managing the affairs of the College and administering the provisions of this Act.

(3) The Chairperson shall have custody of the seal of the Board which shall be affixed to instruments pursuant to a resolution of the Board.

(4) The seal of the Board shall be authenticated by the Chairperson or Deputy Chairperson and the Secretary.

(5) All documents executed by or on behalf of the Board, other than those required by law to be under seal, and all decisions of the Board may be signed under the hand of the Chairperson or the Secretary.

5. Constitution of the Board

(1) The Cabinet shall appoint persons to the Board of Trustees as follows –

- (a) one representative of the Private Sector nominated by the Chamber of Industry and Commerce or similar body;
- (b) one representative from the Ministry of Tourism recommended by the Minister of Tourism;

- (c) one representative from the Ministry of Labour recommended by the Minister of Labour;
- (d) one representative from the Ministry of Health recommended by the Minister of Health;
- (e) one representative from the Ministry of Information Communication Technologies (ICT) Utilities and Energy recommended by the Minister of ICT;
- (f) one representative from the construction industry such as from the Architect's Association, Contractor's Association or Engineer's Association or similar body, and where the associations are unable to agree on a representative, the Associations shall forward the names of the potential representatives to the Cabinet and the Cabinet shall make the decision;
- (g) the Director of Education or his nominee, *ex officio*, who shall not have any voting rights;
- (h) one representative from the Legal Profession;
- (i) one representative from the National Training Agency;
- (j) one person who is known to be a distinguished educator; and
- (k) the President of the College, *ex officio*, who shall not have any voting rights.

(2) The Cabinet shall designate two persons from the Board as the Chairperson and Deputy Chairperson, respectively.

(3) With the exception of *ex officio* members, Board members shall serve a three-year term with the option for re-appointment.

(4) The Registrar of the College shall serve as secretary to the Board and shall have custody of the minutes of all proceedings and decisions of the meetings of the Board, and shall perform such other duties as the Board may, from time to time, determine.

(5) The names of all members of the Board as first constituted and every change in the membership, thereafter whether by death, resignation, revocation or effluxion of time, shall be published in the *Gazette*.

6. Resignation and removal of Trustees

(1) Any member of the Board, other than the Chairperson, may at any time, resign his office by instrument in writing addressed to the Minister and transmitted through the Chairperson.

(2) A person who resigns ceases to be a member of the Board from the date stated in that person's written instrument of resignation.

(3) The Chairperson may at any time resign his office by instrument in writing addressed to the Minister and such resignation takes effect from the date stated in by the Chairperson's written instrument of resignation.

(4) A member's appointment may be revoked by the Cabinet or by a request in writing to the Cabinet by the body who recommended the appointment of the member.

(5) The revocation of a member under subsection (4) may be on the following grounds –

- (a) absence of the member from at least three (3) consecutive meetings without having been granted leave;
- (b) the member failed to disclose a conflict of interest which left undisclosed could bring the college into disrepute;
- (c) misconduct; and
- (d) it is in the best interest of the College for the member to resign.

(6) Where the appointment of a member is to be revoked under subsection (4), a notice in writing shall be given to the member stating –

- (a) the intention to revoke the member's appointment;
- (b) the ground on which the appointment is being revoked; and
- (c) a date for a hearing not being more than twenty-one (21) days from the receipt of the notice.

(7) Where a vacancy occurs in the membership of the Board, the vacancy shall be filled in the same manner by which the previous member was appointed, and the appointment of the new member shall be for the remainder of the period for which the previous member was appointed.

7. Powers of the Board

The Board may do or perform all acts or things that are necessary for or in connection with, the performance of its functions under and for the furtherance of the provisions of this Act.

8. Functions of the Board

(1) The Board shall administer, manage and control the affairs of the College and in particular shall—

- (a) determine the course of study to be pursued in each campus;
- (b) confer academic degrees, diplomas, certificates and honours;
- (c) establish and maintain high academic standards;
- (d) prescribe qualifications for the award of degrees, diplomas, certificates and honours;
- (e) make rules to govern the conduct and behaviour of staff and students of the College;

- (f) hear and determine appeals made to it by the staff and students against any decision made by the Disciplinary Committee;
- (g) prescribe the methods for evaluating the performance of the teaching and other staff of the College;
- (h) prescribe qualifications for admission of persons to study at the College; and
- (i) review and contract with other institutions, persons, associations, organizations and authorities, whether local, regional and international, in relation to the provision of advanced studies.

(2) Different qualifications may be prescribed for admission to study in the various Campuses of the College.

(3) The College may, notwithstanding the qualifications prescribed for admission, conduct special examination to select candidates for admission to those campuses where there are limited spaces available or where other requirements apply.

9. Duties of the Board

(1) The Board shall have responsibility for the general direction, management and control of ABCAS and shall exercise its powers directly or indirectly through its staff, employees and agents.

(2) Without prejudice to the generality of subsection (1), the Board shall—

- (a) provide for the welfare of the staff and students of the College;
- (b) deal with all human resource matters;
- (c) implement the policies of the College;
- (d) establish the number of faculties, schools, campuses, departments and divisions of the College as it considers necessary or expedient;
- (e) control and superintend the property of the College;
- (f) appoint academic, administrative and other staff that appears to the Board to be necessary, on the terms and conditions (including salaries, allowances, other remuneration and disciplinary control) that the Board may determine;
- (g) cause proper accounts of the financial affairs of the College to be maintained;
- (h) accept, deposit, or act as trustees or managers of the property of the College or a legacy, endowment, bequest or gift to the College for purposes of education or research or otherwise in furtherance of the work of the College and to invest funds representing the property, legacy, endowment, bequest or gift, if not immediately required in security as the Board may deem fit;
- (i) determine new programmes and course of study to be pursued, determine admission standards, set entry qualifications, conduct examinations and confer

academic certificates, diplomas, degrees and honours on the advice of the Academic Council;

- (j) provide pecuniary benefits for the employees of the College on their retirement, resignation, discharge or other termination of service, or in the event of their sickness or injury and for their dependents, and for that purpose effect policies of insurance, establish pension and provident funds or make other provisions that may be necessary to secure for those employees and their dependents some or all of the pecuniary benefits to which the provisions of this sub-paragraph relate;
- (k) on the advice of the Academic Council, grant sabbatical and other leave;
- (l) on the advice of the Academic Council, enter into agreements or arrangements on behalf of the College with other institutions of further education (including universities), for the provision of instruction or the granting of associate degrees, diplomas, certificates and other academic distinctions;
- (m) fix fees and charges for courses of study, facilities and other services provided by the College and award and administer bursaries and scholarships as it deems fit;
- (n) negotiate a collective agreement or similar agreement with the representative body of the employees of the College;
- (o) inquire into and adjudicate upon disciplinary charges against students or members of its academic and other staff;
- (p) advise the Minister respecting amendments to this Act; and
- (q) Where the inquiry and adjudication relate to a member of staff who is a public officer on secondment to the College, the Board may, according to its findings, direct the Director to recommend to the Permanent Secretary of the Ministry that the secondment of the staff member be terminated and the Permanent Secretary shall refer the recommendation to the Public Service Commission.

10. Meetings, quorum and decisions of Board

(1) The Board shall determine the dates for its regular or special meetings; but a regular meeting shall be held at least once in every month.

(2) The Chairperson shall call an extraordinary meeting –

- (a) upon the written request of five (5) members; or
- (b) upon a written request of the Minister; and
- (c) the Chairperson may call an extraordinary meeting of his or her own motion.

(3) The business which the Board is authorized to transact shall be done at regular or extraordinary meetings of the Board, at which, a quorum is achieved, including the Chairperson or in his or her absence the Deputy Chairman are present.

(4) The quorum of the Board shall be a simple majority of the total appointed membership.

(5) A decision of the Board shall be valid when passed by a simple majority of the members present, and where the votes are equal, the Chairperson shall have a casting vote.

(6) Any measure adopted or a decision made by the Board shall be set forth in writing. .

11. Board to Appoint Standing Committees and Other Committees

The Board shall establish an Academic Council, and a Disciplinary Committee as Standing Committees of the Board and may establish such any other Committees as required by the College.

12. Committees of the Board

(1) A Committee appointed under section 11 shall exercise the powers and functions that the Board determines arising out of or connected with the powers and duties of the Board under this Act.

(2) A Committee established under section 11 may consist entirely of members of the Board, or may consist partly of members of the Board and partly of non-members who by their training, knowledge and expertise are required to fulfil the functions and duties of the Committee.

(3) A Committee shall not exceed nine (9) persons.

(4) The Board may by resolution reject any report of any Committee appointed under section 11 or adopt it wholly, or with such modifications, or adaptations as the Board determines.

(5) A Committee of the Board, including the Standing Committees of the Board, may regulate its own procedure, subject to any written directions of the Board issued from time to time.

(6) The members of a Committee appointed under section 11 shall elect a Head of the Committee from among its members, unless one is appointed by the Board.

(7) Except for its Standing Committees, the Board may abolish any of its Committees.

13. Academic Council

(1) The Academic Council shall consist of—

(a) the President of the College who shall be the Head of the Council;

(b) the Vice President of the College who shall be the Deputy Head of the Council;

(c) the Registrar;

(d) the Campus Principals;

(e) subject to subsection (2), one person from each campus selected by the Campus Principal from the teaching staff at the beginning of each academic year; and

(f) one person appointed by the Board.

(2) A person appointed under paragraph (f) shall serve a two-year term and is eligible for re-appointment.

(3) The decision of the Council shall not be rendered void by reason of there being a vacancy in its membership.

14. Functions of the Academic Council

(1) The functions of the Academic Council are—

- (a) to consider and recommend to the Board applications for recruitment, training appointment and promotion of staff at the College;
- (b) make recommendations to the Board with respect to recruitment and training of staff;
- (c) the oversight and facilitation of academic research;
- (d) to recommend to the Board for approval, the design, re-design and establishment of new programmes and courses of study in the College;
- (e) to recommend to the Board the termination of a course on account of low student registration from that course;
- (f) to establish academic standards in programmes the College for the purpose of maintaining quality assurances;
- (g) to review and approve term semester-based examination results which are submitted by Campus Principals;
- (h) to evaluate the performance of the teaching staff for the purposes of and promotion and dismissal or taking disciplinary action;
- (i) advise the Board as to appropriate qualifications for entry
- (j) prepare educational development plans for the College for consideration by the Board;
- (k) be responsible for moderation, and internal and external certification of academic achievements, subject to any requirements of the Board;
- (l) advise the Board as required by this Act or whenever the Council considers it necessary to do so in the interest of the College.
- (m) to approve all changes to existing and new courses and teaching programmes.

(2) A quorum of the Academic Council shall be a majority of the total appointed membership, but shall include the Head of the Council or the Deputy Head of the Council.

(3) All decisions of the Academic Council shall be made by a simple majority of the members and recorded in the minutes of the said Council.

(4) All decisions of the Academic Council shall be given in writing signed by the President and the Registrar of the Council for submission to the Board of Trustees for final adjudication and adoption.

15. Disciplinary Committee

(1) The Disciplinary Committee shall consist of—

- (a) the Vice President who shall be Chairperson;
- (b) the Registrar;
- (c) two Campus Principals selected from among themselves;
- (d) two senior members of the academic staff elected from among themselves;
- (e) the President of the Student Council or his or her nominee; and
- (f) any other individual(s) deemed appropriate by the Board.

(2) The members of the Disciplinary Committee shall select a Deputy Chairperson from among themselves but the President of the Student Council or his or her nominee shall not be selected as Deputy Chairperson.

(3) Except for the Vice President and the Registrar, the members of the Disciplinary Committee shall not serve for more than two (2) consecutive years.

(4) A quorum of the Disciplinary Committee shall be a simple majority of the total appointed membership including the Chairperson and Deputy Chairperson.

(5) A matter for adjudication may be conducted by at least three members from the Disciplinary Committee as recommended by the Chairperson.

(6) The Board may through the President convene a special committee to adjudicate certain matters.

(7) The President of the Student Council may sit not on a disciplinary hearing against a member of staff.

(8) The Board after consultation with the Disciplinary Committee shall make rules governing disciplinary proceedings.

16. Functions of the Disciplinary Committee

The Disciplinary Committee shall—

- (a) ensure that the rules governing the affairs of the College are effectively complied with;
- (b) inquire into complaints against members of staff and students of the College;
- (c) adjudicate upon complaints against members of staff and students of the College;
- (d) recommend to the Board the type of punishment that may be imposed on any person found guilty by the Disciplinary Committee; and

- (e) submit a confidential report of its proceedings and any decision taken in respect of a disciplinary inquiry under paragraph (b) to the President of the Board; and
- (f) ensure a fair hearing by notifying the accused at least ten (10) working days before the hearing and informing the accused of his or her right to present evidence in his or her defence.

17. Right of appeal against decisions of the Disciplinary Committee

(1) Where the Disciplinary Committee makes an adverse decision against a member or staff or student, the member of staff or student may appeal against the decision to the Board within seven (7) business days of the decision coming to the appellant's notice.

(2) The Board shall appoint a Committee of the Board to hear the appeal within fourteen (14) business days of the filing of an appeal.

(3) The Board shall permit an appellant to have an attorney-at-law, union representative or other person of his choice present at the hearing of an appeal.

(4) The Board may after hearing an appeal—

- (a) confirm, vary or reverse the decision being the subject matter of the appeal; or
- (b) order a rehearing of the matter by the Disciplinary Committee, if it is in the interest of the College to do so.

18. Delegation of powers

(1) The Board may delegate to the President or to any committee established by the Board, the authority to execute on its behalf the powers and responsibilities conferred upon it by this Act.

(2) The delegation of a power or authority under subsection (1) does not prevent or affect the exercise of the power or authority by the Board where the Board considers it necessary.

19. Remuneration of members of the Board

(1) The members of the Board shall receive such remuneration, whether by way of honorarium, salaries or other allowances as approved by the Minister of Finance, after consultation with the Minister.

(2) Where persons, not being members of the Board, are members of a Standing Committee or other committee appointed under this Act, the Board may by resolution determine the remuneration and allowances of such persons, and such sums shall properly be payable out of the funds and resources of the College.

20. Protection of Board and Committee members

(1) A member of—

- (a) the Board; or

(b) a Committee established by the Board,

shall not be personally liable for any act or default of the Board or Committee done or omitted to be done in good faith in the course of performing its functions.

(2) Notwithstanding subsection (1), the Board shall indemnify its members, including the Chairperson, against any liability incurred by them in the performance of their duties, unless the liability arises from conduct involving fraud, reckless disregard of relevant law, financial irregularity, misconduct or a clear breach of responsibilities relative to the Board and, by extension, the College.

PART III

ADMINISTRATIVE STAFF

21. President and Vice President of the College

(1) The Board shall, after consultation with the Minister, appoint the President and Vice President of the College from among applications for the posts, on such terms and conditions as formulated and documented by the Board.

(2) The President shall be the Chief Executive Officer and the Head of the College and shall be the Chairperson of the Academic Council established by Section 13.

(3) Where the President is absent or for any reason is unable to perform his/her functions under this Act, the Vice President shall act and perform the functions of the President.

(4) Where the President and Vice President are absent or unable to perform their duties under this Act the Board may appoint any of the Chief Academic Officers or another suitable person to perform the duties of the President.

(5) The Board may, on the recommendation of the Academic Council, appoint suitably qualified persons as professors, lecturers, instructors and other professional staff to the College on such terms and conditions as formulated and documented by the Board.

(6) The Board shall, after consultation with the President, appoint the administrative and non-professional staff of the College on such terms and conditions as formulated and documented by the Board, and agreed to by the person to be employed.

22. Duties of the President and Vice President

(1) The President shall exercise general authority over the academic staff as well as non-academic staff of the College and shall be responsible for the maintenance of discipline and standards of performance consistent with the aims and objectives of the College.

(2) Without prejudice to anything contained in subsection (1), the President shall be responsible for—

- (a) the implementation of policies governing all phases of the operation, administration, supervision and maintenance of the College;
 - (b) promotion of the College and its programmes;
 - (c) solicitation of financial and other contributions on behalf of the College;
 - (d) promotion of the interests of the College, both within and outside of Antigua and Barbuda;
 - (e) the introduction of measures, mechanisms and procedures as are necessary for the effective discharge of his duties; and
 - (f) the exercise in accordance with this Act, of such other powers conferred on or delegated to him or her by the Board.
- (3) The President may exercise disciplinary control over students attending the College in accordance with rules prescribed by the Board and made known to students generally upon entry to the College.
- (4) The President may, in the exercise of discipline,
- (a) delegate disciplinary control of the students to Campus Principals; and
 - (b) refer matters of gross misconduct to the Disciplinary Committee.
- (5) Disciplinary reports should be filed with the office of the President.

23. Removal of President or Vice President

- (1) The President or the Vice President may be removed from office by the Board after consultation with the Minister, on the grounds of misconduct, inefficiency, or other good cause known to law and deemed by the Board and the Minister to be capable of bringing the College, its programmes, viability and credibility into disrepute.
- (2) The Board shall, prior to exercising its power of removal under subsection (1) ensure that—
- (a) the President or Vice President is given due notice of not less than fourteen (14) business days that his or her removal is being considered together with a statement of the charges alleged against him or her; and
 - (b) the President or Vice President is given an opportunity to be heard and to be represented by a legal practitioner if he or she so desires.
- (3) The President or Vice President may resign his or her position by giving three (3) months' written notice to the Board.

24. Appointment and duties of the Registrar

(1) There shall be a Registrar of the College who shall be appointed by the Board after consultation with the Minister.

(2) The Registrar shall be the Director of Administrative Affairs.

(3) In the capacity of Director of Administrative Affairs, the Registrar shall –

(a) be the Head of the College's operation, concerned with administering the enrolment of students at the College;

(b) keeping a record of students' academic performance;

(c) manage the human and other resources of the College to ensure the highest possible standard of service to students, prospective students and members of staff of the College;

(d) develop campus systems that effectively integrate academic and administrative functions of the College;

(e) be responsible for the validation of data that is flowing into and out of the system; and

(f) the provision of student information in an appropriate form to system users.

(4) The Registrar shall perform the duties of Secretary to the College, more specifically to the Board, the Academic Council and any other Committee to which the Registrar may be assigned by the Board.

(5) The Registrar shall not have the right to vote at Board, Council or Committee meetings.

25. Appointment and duties of Chief Financial Officer (Bursar)

(1) There shall be a Bursar of the College who shall be appointed by the Board.

(2) Without prejudice to the powers of the Board or the President of the College, the Bursar is responsible for the day-to-day management, administration and control of the financial affairs of the College.

(3) The Bursar shall perform such other duties as the Board or the President may from time to time assign to the Bursar.

26. Appointment and duties of Campus Principal and Deputy Campus Principal

(1) There shall be a Campus Principal for each campus who shall be appointed by the Board after consultation with the Minister.

(2) The Campus Principals shall serve as the Chief Academic Officer for their designated campus.

(3) The Campus Principal is responsible for managing campus operations, promoting academic excellence, ensuring student success, fostering community engagement, and aligning the campus's goals with the broader mission and strategic priorities of the institution.

(4) The Campus Principals shall report to the Vice President.

(5) The duties of a Campus Principal are –

- (a) to lead the overall academic, operational, and community initiatives of the campus;
- (b) to manage the delivery, quality, and continuous improvement of academic programs, ensuring alignment with accreditation and regulatory requirements;
- (c) to collaborate with the Registrar and Vice President for the provision of student support services such as advising, counselling, and career services, with a focus on increasing engagement, retention and graduation rates;
- (d) to supervise, support, and evaluate campus faculty and staff, fostering a culture of professional growth and collaboration;
- (e) to oversee daily operations, including facilities management, safety, scheduling, and campus resource allocation;
- (f) to collaborate with the Bursar to develop, manage, and monitor the campus budget, ensuring responsible financial stewardship and resource optimization;
- (g) to ensure effective communication, policy implementation, and strategic coordination between the campus and the Board; ensuring effective communication, policy implementation, and strategic coordination;
- (h) to maintain compliance with institutional policies, accreditation standards, and legal regulations, while proactively managing risks;
- (i) to represent the Campus and its interests at college-wide meetings, official functions, and community events; and
- (j) to support institutional goals and to perform such other duties as the Board or the President considers appropriate to the needs of the particular campus.

(6) Each campus shall have a Deputy Campus Principal, who shall in the absence of the Campus Principal perform the functions of the Campus Principal.

PART IV

ACADEMIC STAFF

27. Staff Generally

(1) The College shall have such number of academic, administrative and other staff as the Board determines necessary from time to time.

(2) The employment of persons under subsection (1) shall be subject to the terms and conditions agreed between the employee and the Board.

(3) Staff employed by the Board may agree to participate in a College Thrift Fund.

(4) Notwithstanding subsection (1), staff serving on a permanent basis at the institutions listed in the Schedule at the commencement of this Act shall maintain their pensions and gratuity and there shall be no loss of benefit.

(5) Notwithstanding subsection (4), all staff currently employed at the institutions in the Schedule shall be subject to the terms and conditions as indicated by post held at the College in an agreement between both parties similar to that of a secondment, as indicated by the Board.

(6) Staff appointed on contract terms may apply to the Board, through the President, to have his contract converted to permanent terms.

(7) An application by an officer pursuant to subsection (6) shall be made at least three (3) months before the end of the officers' contract.

(8) The Board may impose any other terms to apply to staff on appointment in terms of this Act.

(9) Where an officer is appointed on permanent terms after he has satisfactorily performed the duties of an office in an acting or temporary capacity or on secondment or contract, the period of probation may be reduced by the length of service in that office before the new appointment; provided that there was no break between his previous service and the new appointment.

(10) An officer on probation may be terminated at any time without notice if the Board is satisfied that it is undesirable that the officer should continue to hold office;

(11) On the termination of an appointment in terms of subsection (10), the Board shall not be required to give the officer any reasons for such termination;

(12) Notwithstanding subsection (11), the Board shall be required to follow the disciplinary procedures stipulated by this Act.

(13) If after the period of probation of an officer and on the recommendation of the President, the Board is satisfied that the officer's service has been satisfactory in an appraisal report, the Board shall confirm the officer's appointment and notify him in writing.

(14) If the Board is not satisfied that the service of an officer on probation has been satisfactory, notwithstanding subsection (9), the Board may extend the period of probation for a further period of three months not exceeding two extensions.

28. Appointment of Academic staff and related matters

(1) Members of staff other than the President, Vice President and senior administrative staff shall be appointed by the Board.

(2) Academic staff shall be appointed by the Board through the recommendation of the President.

(3) A member of the academic staff shall, on first appointment be required to serve a probationary period of three (3) months, unless the Board dispenses with the requirement to serve a probationary period.

(4) The probationary period referred to in subsection (3) shall not apply to persons serving on the permanent staff of the College at the commencement of this Act or to public officers who are seconded to the College.

(5) Where a member of the academic staff is appointed in the first instance for a probationary period, the Board may at the expiration thereof, on the recommendation of the President, appoint him to a post on the permanent staff of the College.

(6) The appointment to the permanent staff of the College of any member of the teaching staff who was in the first instance appointed for a probationary period, shall be deemed to have been appointed from the date of his appointment on probation.

(7) A member of the academic staff of the College who is serving the probationary period mentioned in subsection (3), may resign by providing one month's written notice to the Board.

(8) A notice given under subsection (7) shall be transmitted through the President.

(9) A member of the staff who is employed by the College on a full-time basis shall not hold any other appointment or engage in any activity which creates or constitutes a conflict of interest or which, in the opinion of the Board, may interfere with the proper performance of his duties as a member of the teaching staff or is prejudicial to the welfare of the College.

(10) Staff shall disclose any potential conflicts to the Board.

(11) The Board shall evaluate and manage such disclosures under subsection 10 according to clearly established College policy.

(12) A member of the research staff or any member of staff may, with the prior approval of the Board, seek funding, within and outside of Antigua and Barbuda for the purposes of research and publishing.

29. Employment of academic staff after retirement age

(1) Notwithstanding anything contained in this Act or any other enactment regarding the age of retirement for academic staff, employment beyond retirement age may be granted by the Board in two-year renewal contracts.

(2) Notwithstanding subsection (1), such renewable contracts shall depend on—

- (a) demonstrable and continued excellence in performance;
- (b) the strategic need and critical expertise of the employee; and
- (c) a formal annual review and recommendation by the President, confirmed by the Board.

30. Secondment of public officers to the College

(1) Where secondment of a public officer to the College is approved by the Public Service Commission, subject to the conditions it may impose, the officer seconded to the College shall be employed in accordance with the provisions of this Act, but the service of the seconded officer during the period of the secondment shall, in relation to pension, gratuity or other benefits and rights as a public officer, be treated as continued service in the Public Service.

(2) For the avoidance of doubt, it is hereby declared that an officer seconded from the Public Service to the College shall continue to be a public officer until the time when he resigns, retires, or otherwise leaves the Public Service, but the officer shall during the period of secondment to the College, comply with the provisions of this Act and Rules made under this Act.

(3) The Board may employ a public officer on secondment to the College as a member of staff for a maximum period of two years, except in exceptional circumstances, when the secondment may be extended or renewed.

(4) A public officer who is seconded to the College shall exercise an option of at least three months prior to the completion of the period of secondment of either becoming a member of the permanent staff of the College or returning to his substantive position in the Public Service or another equivalent and suitable position to which he may be appointed in the Public Service.

(5) Where the officer under subsection (4) exercises the option to return to his substantive position and the position no longer exists, the Establishment, Personnel and Training Department shall consult with the officer in order to treat with the officer or his representative with a view to agreeing to a suitable alternative position to which the officer may be appointed by the Public Service Commission or subject to the power of removal by the Commission, to make provision for compensation.

(6) A public officer who exercises an option under subsection (4) to—

- (a) become a member of the permanent staff of the College, shall do so in writing addressed to the Chairperson of the Board and copied to the Permanent Secretary of the Ministry;
- (b) return to the Public Service, shall do so in writing to the Permanent Secretary of the Ministry and copied to the Chairperson of the Board.

31. Pensions Act to apply

(1) Where a public officer on secondment to the College exercises an option to accept permanent employment with the College, the officer shall cease to be a public officer on the date of the acceptance, but the provisions of the Pensions Act shall continue to apply to him in relation to service with the College as if he had continued to be a public officer in respect of his pension and gratuity payments.

(2) An officer to whom the Pensions Act applies under subsection (1) may, subject to subsection (3), hold office for an indeterminate period.

(3) An officer to whom this section applies shall vacate his office or employment with the College at the mandatory age of retirement from the Public Service and is eligible for gratuity and pension payments at that age.

32. Discipline

(1) A member of the staff of the College may be suspended for:

- (a) gross neglect of duty; or
- (b) misconduct with intent to interfere with or capable of injuring the reputation of the College.

(2) The President shall immediately after any such suspension under subsection (1), report the same and the circumstances thereof in writing to the Board, and within seven days of the receipt of the President's report, the Board must hold a meeting to inquire into and adjudicate upon the report.

(3) A member of staff who is an established public servant or who is seconded to the College may be disciplined by the Public Service Commission upon the submission of any report of misconduct which shall be transmitted to the Public Service Commission by the Board in accordance with the Education Act 2008.

(4) A member of staff who is a non-established public servant or who is seconded to the College may be disciplined by the respective Ministry upon the submission of any report of misconduct.

33. Dismissal

(1) The Board may dismiss any permanent member of staff of the College appointed to a post on the permanent staff of the College subject to the following conditions—

- (a) the member of staff shall be given due notice that his dismissal is under consideration together with a copy of the charge alleged against him and any relevant evidence gathered thus far.
- (b) the member of staff shall be given an opportunity to defend himself against any such charge before the Disciplinary Committee;
- (c) the member, if he so desires, shall be permitted to have his attorney-at-law present at the hearing or another representative, at his own expense; and
- (d) the member shall be given at least fourteen (14) business days' notice of the date of the hearing.

(3) Where a member of the staff of the College is appointed and employed under a written contract of service, the terms of such contract of service, in relation to the termination thereof shall have effect in this regard.

(4) Where a member is a seconded officer, his secondment shall become null and void.

(5) Where a member of staff became a member of staff at the commencement of this Act, the Board may request of the Permanent Secretary of the Ministry to reassign the officer to the public service at which point the officer shall continue to be serve as a public officer.

PART V**RESOURCES FUNDS AND ACCOUNTS****34. Resources and funding of the College**

(1) The revenue of the College may be generated from the following sources -

- (a) sums appropriated by Parliament annually in support of the College;
- (b) sums collected as fees and charges for services provided by the College;
- (c) all sums borrowed by the Board in accordance with the Act;
- (d) such sums as paid by the government for salaries and other emoluments to staff other than the academic and administrative staff;
- (e) such sums as paid by the government for utilities and other services that are essential to the daily operations; and
- (f) any other revenue generated by the Board from time to time.

(2) The Board shall hold and manage an Operating Account to meet its daily financial activities which shall consist of the funds received under subsection (1).

(3) The Government shall continue to pay and be responsible for the salaries and emoluments of the academic and administrative staff that are transferred to the employment of College on the commencement of this Act.

35. Establishment of Trust Fund

(1) There is hereby established a Special Fund pursuant to section 42(1) of the Finance Administration Act 2006 and the Regulations made pursuant to that Act to be known as the ABCAS Trust Fund.

(2) The revenue of the Fund may be generated from the following sources -

- (a) gifts and bequests;
- (b) public and private donations;
- (c) loans borrowed by the Board for special projects or programs;
- (d) revenues from investments under any programme operated by the Government;
- (e) monies received from private entities; and
- (f) any other sources deemed appropriate by the Board.

(3) There shall be paid into the Trust Fund all sums of money received or acquired by the Board under subsection (2).

(4) With the approval of the Minister of Finance, the Board may open an account with a commercial bank within Antigua and Barbuda into which all monies received under subsection (2) shall be paid.

36. Borrowings by the Board may be guaranteed by the Minister of Finance

(1) The Minister of Finance may pursuant to the Finance Administration Act 2006, guarantee in such manner and on such terms as he may think fit, the repayment of the principal and payment of interest in respect of any borrowing, approved by the Minister.

(2) Where the Minister of Finance is satisfied that there has been a default in the repayment of the principal and interest on any monies borrowed under this Act, he shall direct those provisions be made for the payment thereof.

(3) The Board shall make to the Accountant General, at such times and in such manner as the Minister of Finance may direct, payment of such sums as may be so directed in or towards

payments of any sums issued in fulfilment of any guarantee given under this section, and payment of interest on what is outstanding for the time being in respect of any sums so issued at such rate as the Minister of Finance may direct, and different rates of interest may be directed as regards different sums and as regards interest for different accounts and audit.

37. Accounts and Audit

(1) The Board shall keep accounts of its transactions to the satisfaction of the Minister of Finance and such accounts shall be audited annually by the Director of Audit or some other suitable person or auditing firm or company, appointed by the Minister of Finance, after consultation with the Director of Audit.

(2) The members, officers and servants of the Board shall grant to the Director of Audit or any public officer on the staff of the Director of Audit or some other suitable person or auditing firm or company appointed by the Minister of Finance under subsection (1), access to all books, documents, cash and securities of the Board and shall give [to him] on request, all such information as may be within their knowledge in relation to the operations of the Board.

(3) If any person as mentioned in subsection (2) fails or refuses to comply with any request of the Director of Audit or any member of staff of the Director, or any person appointed by the Minister of Finance to audit the account under this section or otherwise, impedes or obstructs any of them in the exercise of the functions under this section, he commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to a term of imprisonment not exceeding six months.

38. Annual report statement of accounts and estimates

(1) The Board shall submit to the Minister and to the Minister with responsibility for Finance—

- (a) within three months after the end of each academic year, a report on the activities of the College for the recently concluded academic year;
- (b) on or before the 1st of September in each year, a statement of its accounts audited in accordance with the provisions of Part XI of the Finance Administration Act for the most recently concluded financial year ending in such year;
- (c) on or before the 31st of August in each year, its estimates of revenue and expenditure for the College in respect of the next financial year for the approval of the Minister of Finance and the Minister.

(2) Audited accounts for ABCAS shall be laid before Parliament within six (6) months of the end of any financial year.

39. Fees and charges

(1) The College shall in respect of educational services, or facilities offered to any person, impose fees and other charges as may be prescribed by the Board.

(2) Fees and charges collected by the College shall be paid into the Operating Account.

40. Pension and Gratuity

(1) The College shall establish a contributory scheme, such as a thrift fund, for the payment to its academic, administrative, and other staff that retire from the service of the College or otherwise cease to hold office or to be employed by reason of age, infirmity of mind or body or the abolition of an office.

(2) Staff transferred to the employment of the College on the commencement of this Act shall remain eligible for such pensions and gratuities to which they were entitled before the commencement of the Act and shall not suffer any loss of benefits.

41. Exemption from Taxes

Notwithstanding anything contained in any other enactment, the College is exempt from the payment of all duties and taxes applied on all goods and services for educational purposes related to the College's educational objectives.

42. Transfer of certain assets to the College

(1) The property both fixed and moveable and undertakings owned by the Government and used by it for the operation of the amalgamated institutions immediately before the date of the commencement of this Act, are transferred to and vested in the College for the same purpose as they were held and used by the Government immediately before that date.

(2) The transfer and vesting under subsection (1) extend to the whole of the fixed and movable property and undertakings and includes assets, powers, rights, and privileges and all things necessary or ancillary thereto which are held or enjoyed in connection therewith or appertaining thereto, as well as all obligations affecting or relating to any of the aforesaid movable property or undertakings or other things included.

43. Construction of laws, judgments, contracts, etc. relating to transferred assets

Subject to this Act, all laws, judgments, decrees, awards, deeds, bonds, contracts, agreements, instruments, documents, warrants and other arrangement subsisting immediately before the date of the commencement of this Act affecting or relating to any of the movable properties or undertakings transferred to the College by or under this Act have full force and effect against or in favour of the College, and are enforceable fully and effectually, as if instead of the Government, the College has been named in them or had been a party to them and otherwise in substitution of the Government.

44. Savings for proceedings, etc. related to movable properties and undertakings

(1) Where anything has been commenced by or under the authority of the Government prior to the date of the commencement of this Act and it relates to any of the movable properties or

undertakings or any right or liability transferred to the College by or under this Act, the thing may be carried on and completed by or as authorised, by the College.

(2) Where immediately before the date of the commencement of this Act, any legal proceedings are pending to which the Government is entitled to be a party, and the proceedings are related to any of the movable properties or undertakings, or any right or liability transferred by or under this Act, the College shall, as from that date, be substituted in the proceedings for the Government or shall be made a party to them in like manner as the Government could have become, and such proceedings shall not abate by reason of the substitution.

PART VI

MISCELLANEOUS

45. Eligibility

(1) Any person is eligible for admission as a student of the College who possesses the entry qualifications determined by the Board on the advice of the Academic Council.

(2) Any person is eligible for appointment to an office of, or employment under the Board.

(3) The Board shall publish by the qualifications determined under subsection (1)

46. Non-discrimination

A person shall not be denied admission as a student of the College or be eligible to hold office in it, or to graduate from it, or to enjoy any of its advantages, benefits or privileges, because of a person's religious or political views or beliefs, race or gender

47. Student Council

There shall be a Student Council controlled by students who shall be democratically elected and follow a constitution approved by the College.

48. Rules and Regulations

(1) The Minister, upon recommendation by the Board, may make regulations in order to give effect to the provisions of this Act and for the prudent administration and management of the College.

(2) Without prejudice to subsection (1), and notwithstanding anything in this Act, the Board may, after consultation with any of its relevant standing committees, make rules with respect to—

- (a) academic programmes of the College, including the content of courses;
- (b) admission, conduct and discipline of students;
- (c) the academic year or semester and the holidays to be implemented or recognised by the College;

- (d) examinations to be set by the College;
- (e) fees and charges to be paid for the services and facilities of the College;
- (f) custody of monies forming part of the funds and resources of the College;
- (g) proceedings of the Board and its committees;
- (h) grant and conditions of leave for the staff of the College;
- (i) terms and conditions of the staff of the College, according to categories;
- (j) prescribing the procedure for making appointments to the staff of the College;
- (k) prescribing the type of punishment that may be imposed upon persons found guilty by the Disciplinary Committee of any misconduct under this Act or the rules and regulations made hereunder;
- (l) the ownership and otherwise of research carried out by a member of the academic staff; and
- (m) generally, in order to give effect to the intent and purpose of the Act.

(3) The Board may make rules to regulate its own procedure and for matters connected therewith.

49. Amalgamation

(1) With effect from the appointed day the educational institutions specified in the Schedule shall merge with the College and become a part thereof and governed in accordance with this Act and rules and regulations made hereunder.

(2) For the purposes of subsection (1) “appointed day” means the day specified by notice issued by the Minister and published in the *Gazette*

50. Transitional matters respecting staff

(1) Any government employee at institutions listed in the Schedule at the commencement of this Act shall—

- (a) automatically transfer to the employment of the College retaining existing benefits and pension rights;
- (b) be given notice at the commencement of this Act, but no later than three months of commencement the inability of the College to utilize them as part of the College.

(2) Employees transferring to the College shall have pension rights protected under existing laws, no transferred employee shall suffer a reduction in benefits or entitlements due to amalgamation.

(3) The Government shall continue to pay salaries, wages and other emoluments to staff as part of its funding agreement with the College in Section 34.

(4) The Minister may, by order, provide for further consequential and saving provisions to have effect in connection with any matter arising under the transitional provisions contained in subsections (2) to (4) of this section.

(5) An Order made by the Minister under this section shall be subject to negative resolution, meaning it shall automatically take effect unless annulled by a simple majority of either the House of Parliament within thirty (30) days after it is laid before Parliament.

51. Amendment of Schedule

(1) The Minister, in consultation with the Board, may by Order amend the Schedule.

(2) An Order made under subsection (6) shall be subject to negative resolution of the House of Representatives.

52. Repeal

The following enactments are hereby repealed—

The Hospitality Training Institute Act, 2006, No 18 of 2006.

The Antigua and Barbuda Institute of Continuing Education Act, 2008, No. 10 of 2008.

The Antigua State College Act, 2013, No 20 of 2013

University College of Antigua and Barbuda (CUWI) Act, 2017 No. 33 of 2017

53. Commencement

(1) This Act shall come into operation on such date as the Minister determines by Order published in the *Gazette*.

(2) Different dates may be fixed for the commencement of different parts, sections or Schedules to the Act.

SCHEDULE

The following tertiary educational institutions shall on the date of commencement of this Act together constitute the College as established under section 3 of this Act –

- (a) The Antigua State College (ASC);
- (b) Antigua and Barbuda International Institute of Technology (ABIIT);
- (c) Antigua and Barbuda Hospitality Training Institute (ABHTI);
- (d) The Harrison Centre Antigua and Barbuda School of Continuing Education.

Passed the House of Representatives on
The 15th day of May, 2025.

Passed the Senate on the 30th day of
May, 2025.

Osbert Frederick,
Speaker.

Alicia Williams Grant,
President.

Ondell Constant,
Deputy Clerk to the House of Representatives.

Ondell Constant,
Deputy Clerk to the Senate.