



BELIZE

**NATIONAL ACCREDITATION COUNCIL OF
BELIZE ACT
CHAPTER 39:01**

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CHAPTER 39:01

NATIONAL ACCREDITATION COUNCIL OF BELIZE

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CHAPTER 39:01

NATIONAL ACCREDITATION COUNCIL
OF BELIZE ACT

20 of 2004.
S.I 33 of 2006.

[31st March, 2006]

PART I

Preliminary

1. This Act may be cited as the National Accreditation Council of Belize Act.

Short title.

2. In this Act, unless the context otherwise requires,

Interpretation.

“accredit” means to evaluate and determine whether a registered institution, its programmes or awards meet established standards;

“accreditation” is a status granted to educational institutions or programmes by a competent authority on the basis of an informed evaluation indicating that the programme and courses offered by an institution and its awards meet or exceed stated criteria of educational quality. Usually accreditation is voluntarily sought by institutions and programmes and is conferred by a non-governmental institution (non-profit), peer-reviewed third party;

“A.T.L.I.B.” means the Association of Tertiary Level Institutions in Belize;

“award” means any degree, diploma, certificate or other evidence of competence of achievement;

“Board” means the Board of Directors established under section 4 of the Act;

“C.E.O.” means the Chief Executive Office of the Ministry of Education;

“Community 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;

“Council” means the National Accreditation Council of Belize, established under section 3 of this Act;

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

“Court” means the Supreme Court;

“credit” means a unit of academic measurement of educational value;

“equivalence” means an assessment of the comparative educational value of varying levels of competence and achievement;

“Executive Director” means the Executive Director of the Council appointed under section 5 of this Act;

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

“Junior College” means a tertiary institution that offers the first two years of study terminating in an associate degree;

“Minister” means the Minister responsible for Education;

“Ministry” means the Ministry responsible for Education;

“post-secondary” means all education and training programmes which are not at tertiary level but which are offered to secondary school leavers to meet their vocational or continuing educational needs;

“programme” means an approved curriculum composed of a series of courses leading to certification such as a certificate, diploma, associate degree, bachelor’s degree, master’s degree or doctoral degree;

“provider” means a person or group of persons offering one or more programmes for awards or credits;

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

“Register” means the register of post-secondary and tertiary institutions and programmes registered or accredited in Belize;

“Technical College” or “Technical Institute” means a post-secondary institution that offers programmes that prepare graduates for technical occupations and grants sub-baccalaureate awards to applied disciplines;

“Technical University” means a tertiary institution that has as its major emphasis the preparation of graduates for technological occupations through the award of baccalaureate and post-baccalaureate awards and also conducts research of an applied nature;

“Tertiary College” means a tertiary institution that offers a range of programmes and grants awards mainly at the sub-baccalaureate level;

“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 post-graduate degrees;

“T.V.E.T. “means the Technical, Vocational and Educational Training Project;

“university” means a tertiary institution that offers programmes leading to awards at the baccalaureate or post-baccalaureate level and is characterized as well by a commitment to research that maintains and advances, disseminates and assists the application of knowledge.

PART II

Establishment, Management, Functions and Powers of The Council

Establishment and incorporation of the Council.

3.– (1) There is hereby established for the purposes of this Act a body called the National Accreditation Council.

(2) The Council shall be a body corporate having perpetual succession and a common seal and, subject to the provisions of this Act, shall have power to acquire, hold and dispose of moveable and immovable property of whatever kind and to enter into contracts and do all things necessary for the fulfilment of its objectives.

Board of Directors.

4.–(1) The Council shall be managed by a Board of Directors comprising no more than eleven members appointed by the Minister.

(2) of the appointed members,

- (a) three shall represent tertiary institutions, two of which shall be nominated by A.T.L.I.B., and one shall be nominated by T.V.E.T.;
- (b) two shall be nominated by professional associations involving the discipline of education;
- (c) two shall be nominated by organizations most representative of employers with one being the Belize Chamber of Commerce and Industry;
- (d) one representative from the Ministry;
- (e) two persons nominated by the Minister; and
- (f) the Executive Director.

(3) The appointment of every member of the Board other than the *ex-officio*, members shall be evidenced by an instrument in writing, and

such instrument shall state the period of office of the member which shall not exceed three years.

(4) Every member of the Board may be eligible for appointment for a second consecutive term but the period of appointment of such member shall not exceed six years.

(5) The Board shall elect a Chairperson and a Vice-Chairperson from among its members.

(6) In the case of the absence or inability to act of the Chairperson, the Vice-Chairperson shall perform the function of the Chairperson, and in the case of the absence or inability to act of both the Chairperson and the Vice-Chairperson, the Minister may appoint any other member to perform the functions of Chairperson or Vice-Chairperson.

(7) The Seal of the Council shall be authenticated by the signatures of the Chairperson and any other member of the Board authorised to act in that behalf and such Seal shall be officially and judicially noticed.

(8) All documents, other than those required by law to be under seal, made by, and all decisions of, the Board may be signified under the hand of the Chairperson or the Executive Secretary.

(9) No act or proceeding of the Board shall be questioned on account of any vacancy in the membership thereof; and no defect in the appointment of any member of the Board shall vitiate any proceedings thereof.

(10) The Board shall have power to regulate its own proceedings.

(11) The Chairperson shall preside at meetings of the board, and if the Chairperson, the Vice-Chairperson and the person appointed under subsection (6) of this section, are absent from a meeting, the members of the Council present shall elect one of their number to preside at the meeting.

(12) The quorum of the Council shall be six members.

(13) The names of all members of the Board as first constituted and every change in the membership thereof shall be published in the *Gazette*.

(14) Where a casual vacancy occurs on the Board by reason of death, resignation or termination of appointment, the Minister shall appoint another person to fill the vacancy for the period of the unexpired term of the vacating member in the same manner in which the appointments to the Board are required by this Act to be made.

(15) An appointed member of the Board may resign his appointment by giving one month's notice in writing to the Minister.

(16) The appointment of any person to the Board and the termination of any person whether by death, resignation, or otherwise shall be notified in the *Gazette*.

(17) The Board may pay to its members, other than the Executive Director, such remuneration and allowances as the Minister may determine.

5.—(1) There shall be an Executive Director of the Council appointed by the Minister after consultation with the Board.

(2) The Executive Director shall be the principal executive officer of the Council and shall be responsible to the Board for the day to day management, administration, direction and control of the Council.

(3) The Executive Director shall be appointed for a term of five years and shall be eligible for reappointment.

(4) The Executive Director shall be paid such remuneration and be given such other terms and conditions of employment as the Minister acting on the advice of the C.E.O. determines.

(5) The Executive Director may resign his appointment by giving six months notice in writing to the Minister.

(6) The Minister may terminate the appointment of the Executive Director by giving six months notice in writing or in the case of serious misconduct, without notice.

Appointment of
Executive Direc-
tor.

(7) The period of notice referred to in subsections (5) and (6) of this section, may be reduced by mutual agreement between the Executive Director and the Board.

(8) The appointment and termination of the appointment of the Executive Director whether by death, resignation or otherwise shall be published in the *Gazette*.

6.—(1) The Board shall meet at least once every quarter and at such Board times as may be necessary to transact the business of the Council.

Procedures and meetings of the Board.

(2) The Chairperson or in his absence the Deputy Chairperson shall preside all meetings of the Board, save that in the case where both the Chairperson and Deputy Chairperson are absent, the members present may choose one of their number not being the Executive Director to preside at the meeting.

(3) The Board may make regulations governing its proceedings and the conduct of its business.

(4) The decisions of the Board shall be by a majority of votes of members present and in the case of an equality of votes, the Chairperson of the meeting at which the vote is taken shall have a second or casting vote.

(5) The Board shall be deemed to be properly constituted for all purposes, notwithstanding any vacancy in its membership or any defect in the appointment of any of its members.

7. A member of the Board or a committee of the Board who is in anyway, whether directly or indirectly, interested in a contract or proposed contract or has vested interest in a matter under consideration by the Board or its committees shall, disclose the fact at the first meeting of the Board or committee at which it is practicable for him to do so, and shall take no part in the consideration of, or vote on, any question relating to such matter.

Declaration of interest.

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

Appointment of committees, etc.

(2) Membership of a committee under this section is not limited to members of the Board.

(3) Subject to the directions of the Board, a committee may determine its own procedure and times and places of its meetings.

(4) Where persons not being members are appointed to committees under this section, the Board may, with the approval of the Minister, determine the remuneration and allowances payable to such persons.

(5) The Board may reject the reports of any committee appointed under this section or adopt it with or without modifications.

(6) The Board may delegate any functions and powers to the Executive Director under such terms and conditions as it may prescribe.

(7) Any delegation of the Board's duties, functions or powers to a committee or to the Executive Director is revocable by the Board at will and such delegation does not preclude the Board from itself discharging the functions delegated.

9. The Board shall appoint a person to be Corporate Secretary and such person shall be the Secretary to the Board and to the Council and shall have such other duties as the Board shall deem fit.

10.—(1) The Seal of the Council shall be kept in the custody of the Corporate Secretary or other duly authorised officer of the Council.

(2) The Seal of the Council shall only be used by authority of the Board, or a committee appointed under section 8 of this Act, and every instrument to which the Seal is affixed shall be signed by a member and countersigned by the Corporate Secretary.

(3) All documents, other than those required by law to be under Seal, and all decisions of the Board may be signified under the hand of the Chairperson, the Executive Director, a member duly authorised, or the Corporate Secretary.

Appointment of
Corporate Secretary.

Custody and use
of Seal.

11. The Council may appoint and employ such other officers as it thinks fit. Provided that,

Appointment of other staff.

- (a) no salary in excess of the prescribed rate shall be assigned to any post; and
- (b) no appointment shall be made to any post to which a salary in excess of the prescribed rate is assigned,

without the prior approval of the Minister.

12.—(1) The functions of the Council shall be to promote the advancement of education in Belize to ensure that the quality of education delivered in Belize meet the standards set by the Council for the qualifications and certificates conferred and that the appropriate standards are being maintained and improved; to protect the interests of students and potential students; and to promote the free movement of skills and knowledge across the region.

Functions of the Council.

(2) Notwithstanding the provisions in any other law, the Council shall be the principal body for conducting and advising on the accreditation and recognition of education and training institutions, providers, programmes and awards both foreign and local and or the promotion of the quality and standard of education and training in Belize.

(3) Notwithstanding the generality of the functions outlined in subsections (1) and (2), of this section, the Council shall in particular be responsible for,

- (a) registering the institutions both local and foreign which offer courses in Belize;
- (b) maintaining a register of approved institutions, providers and courses;
- (c) accrediting and re-crediting programmes of institutions operating in Belize;

- (d) validating new courses and programmes of institutions operating in Belize;
- (e) advising on the recognition of foreign institutions of education and training and their awards;
- (f) determining equivalency of programmes and qualifications in accordance with the regional qualifications framework;
- (g) developing and maintaining a unified credit based system for the tertiary education sector;
- (h) granting credits at the appropriate level for learning assessed by the Council;
- (i) accepting credits granted by other bodies toward its own awards;
- (j) establishing relationships with national, regional, international and external accrediting and quality assurance bodies and keep under review their systems of accreditation, procedures and practices;
- (k) providing authoritative advice on accreditation and related matters including the conferral on institutions of such titles, *inter alia*, as a university, college, polytechnic, community college, technical college or technical university or Centre for Employment Training.
- (l) seeking to enhance the quality of tertiary education and training in Belize and to disseminate good practice by conducting research and training;
- (m) promoting quality assurance culture in the country;
- (n) discharging such other related functions as the Minister may assign to the Council from time to time;

- (o) facilitating the free movement of skills and knowledge within the Caribbean;
- (p) providing to the public information on the quality and recognition of programmes and institutions in order to protect the interest of the consumer and the public;
- (q) advising on issues of intellectual property involving courses developed externally to the institution or country and to provide guidance over copyright; and
- (r) doing all other things necessary, incidental or ancillary to the efficient discharge of its functions.

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

13.—(1) In the exercise of its functions, the Council shall have the power to,

Powers of the Council.

- (a) undertake assessment and evaluations, independently or in co-operation with other bodies, as maybe considered necessary for the discharge of its functions;
- (b) establish the requirements which institutions must satisfy in order to be registered with, have their programmes accredited, re-accredited and validated in the case of new programmes or have their awards recognised by the Council;
- (c) advise the Minister on the issuance of licences, charters or other authorisations to institutions and providers to operate or to continue their operations or to alter their existing operations on the basis of an appropriate evaluation;
- (d) do or cause to be done such other incidental act or nothing as the Council considers expedient or

- necessary for the performance of its functions under this Act;
- (e) appoint such bodies as the Council may think fit, consisting either wholly or partly of members of the Council and to delegate to such bodies, with or without restrictions or conditions as it thinks fit, the exercise of any of the Council's functions, except functions relating to finance and the appointment and dismissal of the Chairperson of the Council;
 - (f) supervise and co-ordinate the work of bodies appointed by it and to determine all matters and disputes which may be submitted or referred to it by any such body;
 - (g) act as trustee of any property, legacy, endowment, bequest or gift for the purposes of the Council and, unless expressly forbidden by the terms of the trust, to invest funds arising there from in investments authorised under any legislation relating to the administration of trusts in Belize;
 - (h) determine and receive fees in connection with the exercise of its functions and to receive grants and other payments;
 - (i) appoint any person to hold an honorary office in connection with the Council;
 - (j) deprive institutions or providers of any approval recognition or title granted or conferred on them on the basis of what the Council may deem to be good and sufficient cause;
 - (k) do all such other acts and things as, in the opinion of the Council, are necessary or incidental to the proper performance of its functions.

(2) The Council shall appoint such personnel as it considers necessary on such terms and conditions as it thinks fit.

14.—(1) The Council shall report to the Minister, as often as may be required and not less than annually, giving advice on the quality and standards of post-secondary educational provision in Belize, and the fitness or otherwise of institutions to offer educational and training services, to receive public funds and otherwise practice in Belize.

Reporting relationships of the Council.

(2) The Council shall report to the Minister, as often as may be required and not less than annually, on the discharge of its responsibilities regarding the Caribbean Community (Free Movement of Skilled Persons) Act.

Act No. 45 of 1999.

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

Power of the Minister to issue policy directions.

PART III

Financial Provision, Accounts and Reports

16. The funds and resources of the Council shall consist of,

Financial provisions.

- (a) such amounts as may be appropriate by the National Assembly;
- (b) special grants or funds as may from time to time be provided by Government for the financing of special projects and activities;
- (c) sums arising from grants or donations;
- (d) all moneys received by the Council for or in connection with the carrying out of its functions; and
- (e) all property and assets acquired by the Council.

Use of surplus funds.

17. The Council may build up reserves and such reserves and all other funds of the Council not immediately required to be expended in the meeting of any obligation or the discharge of any functions of the Council may be invested from time to time in such securities as the Board may deem fit.

Borrowing powers.

18.—(1) Subject to this section, the Council may borrow sums required by it for meeting any of its obligations or discharging any of its functions.

(2) The power of the Council to borrow shall be exercisable only with the approval of the Minister responsible for finance as to the amount and sources of such borrowing.

Exemption from tax.

19. The Council shall be exempted from stamp duty, corporation tax, custom duties, purchase taxes, value added taxes, motor vehicle taxes and all other taxes, charges, levies and imposts on its income or profit or on assets which it acquires for its own use.

Application of funds.

20. The funds of the Council shall be applied in defraying the following expenditures,

- (a) the remuneration, fees and allowances of members and members of committees established by the Council;
- (b) the salaries, fees, allowances, gratuities, pensions and other payments of officers and employees of the Council;
- (c) the capital and operating expenses, including maintenance and insurance, of the property of the Council;
- (d) the making and maintenance of investments under section 17 of this Act;
- (e) any other expenditure authorised by the Council in the discharge of its duties and functions.

Accounts.

21.—(1) The Board may make regulations for the proper control of the system of accounting and financing of the Council.

(2) The accounts of the Council shall be audited annually by the Auditor General.

22.—(1) The Council shall within six months of the end of each financial year submit to the Board for consideration and transmission to the Minister a report dealing generally with the activities of the Council during the preceding year and containing such information relating to the operations and policies of the Council as the Minister may from time to time require.

Annual Report.

(2) The Minister shall lay a copy of the Report before the National Assembly.

23.—(1) With the approval of the National Assembly, the Minister responsible for Finance may guarantee, in such manner and on such terms and conditions as he may think fit, the payment of the principal and of interest on any authorized borrowing of the Council.

Guarantee of loans.

(2) Where the Minister responsible for Finance is satisfied that there has been default in the repayment of any principal moneys or interest guaranteed under this section, he shall direct the repayment out of the Consolidated Revenue Fund of the amount in respect of which there has been such default and such sum shall be a charge upon the Consolidated Revenue Fund.

PART IV

Staff and Related Matters

24. The Board shall, with the approval of the Minister, enter into arrangements respecting schemes, whether by way of insurance policy or not, or make regulations for pensions, gratuities and other retiring or disability or death or medical benefits relating to employees, and such arrangements or regulations may include provisions for the grant of benefits to the dependents and the legal personal representatives of such employees.

Employee benefits.

25.—(1) Any officer in the public or teaching service and any employee of any (public statutory) body whether such body be national or international may, with the approval of the appropriate authority or body

Transfer on secondment.

and with his consent, be transferred on secondment to the service of the Council or from the service of the Council to the public or teaching service or any other body.

(2) Where such transfer on secondment is effected the Council shall make, with the appropriate authority or body, such arrangements as may be necessary to preserve the rights of the officer or employee transferred to any pension, gratuity or other allowance for which he would have been eligible had he remained in the service of the Government, or of such other body, or of the Council, as the case may be.

(3) Except where the Board may decide otherwise, a period of transfer on secondment shall not in any case exceed five years.

Liability. **26.**—(1) No personal liability shall attach to any member of the Board or committee of the Board, personnel of the Council or person appointed by the Council, for any act or omission done or omitted in good faith.

Secrecy. **27.** Any person employed by the Council who,

- (a) communicates or reveals any information, thing or matter connected with or related to the Council's operations to a person or body to whom he is not authorised on behalf of the Council to so communicate or reveal;
- (b) communicates or reveals any information, advice, or opinion given by the Board or committee of the Board to any person or body to whom he is not authorised on behalf of the Council to so communicate or reveal; or
- (c) obtains, reproduces or retains in his possession any information, matter, thing, advice or opinion referred to in paragraphs (a) and (b), which he is not authorised on behalf of the Council to obtain, reproduce or retain in his possession, commits an offence, and shall on summary conviction be liable to a fine of one thousand dollars, or to a term of imprisonment not exceeding six months or to both such fine and term of imprisonment.

PART V

Miscellaneous

28.—(1) Any person who,

Offences.

- (a) operates or alters the operations of an institution or provider without proper approval;
- (b) offers to the public courses that are not registered with the Council;
- (c) uses the word “university”, “college”, “polytechnic”, “community”, “college”, “technical college”, or “technical university” in the title of an institution or provider without being conferred such title and or degree granting powers by the Council, an Act of the National Assembly or other proper approval in accordance with international practices;
- (d) misrepresents to the public the recognition accorded to it or its courses or its awards, commits an offence.

(2) Where an offence is committed under this section by a body corporate or other legal person, every person who at the material time was a Director, Manager, Secretary or other similar officer of the body corporate, or any person purporting to act in such capacity shall be liable to be proceeded against, and shall on summary conviction be liable to a fine of two thousand dollars, or to a term of imprisonment not exceeding one year, or to both such fine and term of imprisonment.

29. An appeal from any decision of the Council under this Act shall lie to the Court.

Appeals.

30. The Ministry shall provide Secretarial services to the Council.

Secretariat.

31.—(1) Approvals previously granted to institutions and providers to operate in Belize and which are still valid when this Act is passed shall continue to be valid for a period of two years after which such providers and institutions must register their operations with the Council.

Transitional provisions.

(2) Any institution or provider that wishes to operate after this Act is passed shall be required to register with the Council within six months of passage of this Act.

(3) No new course shall be undertaken or advertised to the public without the prior approval of the Council.

Regulations.

32.—(1) The Board may, with the approval of the Minister, make regulations for the purpose of giving full effect to this Act.

(2) Regulations governing the registration of institutions and providers shall continue to be valid in so far as they are compatible with this Act and until the Board makes regulations under subsection (1) of this section.

Review of Council.

33.—(1) The Council, with the approval of the Minister shall have a review undertaken of the Council's operations every six years with a view to determining its impact on society, its effectiveness and efficiency.

(2) This review shall be undertaken in collaboration with the Regional Accreditation Body and other reputable and competent authorities in the field.