

THE OFFICIAL GAZETTE 9TH JUNE, 2004

LEGAL SUPPLEMENT – C

BILL No. 9 of 2004

Wednesday 9th June, 2004

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

9th June, 2004.

The following Bill will be passed in the National Assembly is published for general information.

S.E. Isaacs,
Clerk of the National Assembly.



GUYANA

BILL No. 9 of 2004

TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING BILL 2004

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**A BILL
Intituled**

AN ACT to provide for the promotion of technical and vocational education and training, and for purposes connected therewith.

Enacted by the Parliament of Guyana:-

A.D. 2004

1. This Act may be cited as the Technical and Vocational Education and Training Act 2004.

Short title.

2. In this Act -

Interpretation.

- (a) "appointed day" means the day on which this Act comes into operation;
- (b) "apprentice" means any person, being fifteen years of age or over, employed in or in connection with any employment-based training mentioned in the regulations, with the objective or purpose of earning or acquiring any skill therein and whether such person is or is not bound to any master by agreement;
- (c) "Council" means the council for Technical and Vocational Education and Training established by section 3;
- (d) "funds" means the funds referred to in section 16;
- (e) "Registered Training Organization" means any employer whom the council has licensed to receive an apprentice under this Act, and includes any partnership, firm or company so licensed;
- (f) A "Supervising Registered Training Organisation" is a registered training Organisation that -
 - (i) is recognized by the Council as meeting the standards published by the Council for employment-based training.
 - (ii) delivers training to an apprentice under a training plan for the apprentice that requires the training to be delivered by a Registered Training Organization; and

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(iii) when the apprentice has successfully completed the training required under the plan, issues the qualification or statement of attainment stated in the plan.

(g) "technical institute" means the New Amsterdam Technical Institute, Essequibo Technical Institute, Government Technical Institute, Guyana Industrial Training Centre, Carnegie School of Home Economics, Linden Technical Institute, or any other industrial or technical training body recognized by the Minister as providing technical and vocational education and training for persons in any training programme mentioned in the regulations;

(h) "trainee" means a person desirous of entering or already engaged in industry or commerce or who is admitted to any technical institute for training in any training programme mentioned in the regulations;

(i) "training" means a course of instructions provided for in the curriculum of any Registered Training Organization or technical institute and undertaken by an apprentice.

Establishment
of the Council for
Technical and
Vocational Educa-
tion and Training

3.(1) There is hereby established the Council for Technical and Vocational Education and Training which shall be a body corporate.

First Schedule.

(2) The provisions of the First Schedule shall have effect as to the constitution and proceedings of the Council and otherwise in relation thereto.

(3) The Minister, may by order, amend the provisions of the First Schedule.

Policy directions.

4. The Minister may give to the Council such directions of a general character as appear to him expedient in relation to the exercise of its functions, and the Council shall give effect to such directions.

Functions of the
Council.

5.(1) The functions of the Council are -

(a) to advise the Minister on the measures required to ensure a comprehensive system of

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technical and vocational education and training that is suited to the development needs of Guyana;

- (b) to establish, develop and monitor schemes for the training of craftsmen and technicians and engineers needed to sustain and enhance economic growth;
 - (c) to develop a national system of Competency Based Modularised Training and initiate its implementation;
 - (d) to expand the scope of industrial training within industry;
 - (e) to monitor and evaluate the delivery of all programmes.
- (2) Without prejudice to the generality of subsection (1), the functions of the Council are -
- (a) to monitor the technical and vocational education and training of apprentices;
 - (b) to undertake curriculum analysis and design and cause to establish training and apprenticeship programmes and vocational qualifications that are relevant to the needs of Guyana and where appropriate the needs of Caricom member states;
 - (c) to establish national training standards and performance testing;
 - (d) to ensure through its inspectorate that curricula, standards, schemes and guidelines formulated by it are implemented by every Registered Training Organization and technical institute;
 - (e) to licence and keep a register of Registered Training Organization which it considers suitable to receive apprentices and to licence and keep a register of public and private technical institutes which offer training that meets the requirements of this Act;

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- (f) to approve Registered Training Organizations as Supervising Registered Training Organizations;
- (g) to monitor all registered technical institutes and other tertiary institutions and regulate their facilities;
- (h) to provide information and vocational guidance to persons about the choices available during their progress from general education to post-secondary technical and vocational education and training;
- (i) to assist persons in finding apprenticeship places in industry and admission to technical institutes;
- (j) to facilitate the provision of the facilities (which may include residential accommodation) for the successful training of those persons whom the Council considers need assistance of such facilities and in doing so shall have regard to any facility otherwise available to those persons;
- (k) to promote the use of the distance mode of delivery for Technical Vocational Education Training programmes;
- (l) to cancel licences and certificates issued under this Act, when in its opinion there is cause to do so;
- (m) to take appropriate steps to increase and improve the training of instructors, examiners and other training functionaries;
- (n) to carry on or assist other persons in carrying on research into technical and vocational education and training or any matter relating to apprenticeship or training for employment in industry;
- (o) to ensure a continuing supply of manpower information on which training decisions may be made;

- (p) to review this Act from time to time and make recommendations to the Minister for any amendments thereto;
- (q) to do all such acts and things as in its opinion are necessary for, or conducive to the proper discharge of its functions.
- 6.(1) The Council may establish regional councils of technical and vocational education and training in any of the regions of Guyana. Establishment of regional councils
- (2) The provisions of the Second Schedule shall have effect as to the constitution and proceedings of any regional council and otherwise in relation thereto. Second Schedule.
- (3) The Minister, may by order, amend the provisions of the Second Schedule.
- 7.(1) The Council may establish committees whenever the need arises to investigate and make recommendations on various aspects of the functions of the Council. Advisory Committees.
- (2) A committee appointed by the Council under subsection (1) may consist of a Chairman who shall be a member of the Council, and not less than three other persons who need not be members of the Council.
8. The Council may in writing delegate such of its functions, as it deems necessary to - Delegation.
- (a) a regional council;
- (b) one or more members of the Council.
9. There may be paid to the members of the Council and the members of any committee or regional council such remuneration, if any, or allowances, as the Minister may determine. Remuneration of the members.
- 10.(1) The Council shall employ a Director of Technical and Vocational Education and Training, (hereinafter referred to as the "Director") and such other officers and employees as it considers necessary for the purpose of carrying out the duties of the Council or any regional council. Employment of staff of the Council, etc.

- (2) The remuneration and other conditions of employment of the Director and other officers and the employees of the Council or any regional council shall be such as may be determined from time to time by the Council with the approval of the Minister.

Functions of
Director.

- 11.(1) The Director shall be the Chief Executive Officer of the council and subject to any general or specific directions of the Council, be responsible to the Council for ensuring that the functions of the Council are properly discharged and objectives achieved.

- (2) Notwithstanding the generality of subsection (1) the duties of the Director shall include responsibilities for -

- (a) monitoring Technical and Vocational Education and Training in Technical Institutions and in industry;
- (b) monitoring and evaluating the delivery of curricula;
- (c) the assessment of the apprenticeship scheme;
- (d) stating the curriculum standards and performance requirements of lecturers and instructors;
- (e) managing the secretariat of the Council;
- (f) managing funds as directed by the Council and preparing quarterly financial reports and accounts for presentation at meetings of the Council;
- (g) causing minutes of meetings to be kept;
- (h) keeping members of the Council informed, particularly by presenting an activity report at each meeting of the Council; and
- (i) giving advice to the Minister on all matters relating to the effective functioning of the Technical and Vocational Education and Training programmes nationally.

(3) The Council may at any time retain the services of necessary staff and may pay such remuneration in respect thereof as the Council with the approval of the Minister, may determine.

12.(1) The Council may, with the approval of the Minister, make such provision, as it thinks fit for the payment of pension, gratuity or other allowance, in respect of the service of the officers and other employees of the Council or any regional council on their retirement therefrom, and until such provision is made by the Council, any such officer or employee shall be entitled to, in respect of his service with the Council or any regional council, pension and gratuity computed in accordance with the law applicable to the grant of pension and gratuity to public officers as if for that purpose the service of the officer or employee with the Council or any regional council were service in the public service.

Superannuation
Benefits.

(2) For the purpose of the performance of its functions, the Council may, with the consent of, the appropriate authority, utilize the services of any public officer or other employee of the Government.

(3) Section 28 of the Public Corporations Act 1988 shall apply *mutatis mutandis* to public officers, persons (not being public officers) holding appointments in the public service and teachers referred to therein, who are seconded, temporarily transferred or transferred to an office with the Council as if the Council were a public corporation.

No. 21 of 1998

(4) In subsection (2) in relation to any public officer or other employee of the Government, means the person or authority vested by law with power to appoint such public officer or employee of the Government to the position he held in the Government at the time when his service is sought to be utilized by the Council.

13. The Council may appoint such members of its staff who are suitably qualified as Inspectors whose duties shall be to visit industries and technical institutes at which any training programme mentioned in the regulations is being carried on or taught, to inspect training process and report to the Council.

Appointment
and powers
of Inspectors.

14. Any inspector appointed under the provisions of the preceding section shall have the right, at all reasonable times to enter such industries or technical institutes for the purpose of carrying out his duties and any master or owner or manager of a technical institute who refuses permission to an Inspector in the performance of his

Obstructing
inspector and
penalty.

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duties shall be liable on summary conviction to a fine of fifteen thousand dollars or imprisonment for one month.

Regulations as to the terms and conditions of apprenticeship and training.

15. The Minister on the advise of the council may make regulations as to the terms and conditions to be observe by Registered Training Organizations and the owners or managers of technical institutes and for the forms of apprenticeship, agreements, and bonds to be used under this Act, and may deregister any organization, owner, apprentice or trainee where a breach is committed.

The funds of the Council.

- 16.(1) The funds of the Council shall consist of -
- (a) any moneys voted by Parliament for the purposes of the Council;
 - (b) moneys stated under this Act to be part of the funds of the Council;
- and
- (c) any other moneys received from fees and any other source for the purpose of the Council.
- (2) The Council shall administer its funds in accordance with this Act in such manner as may be prescribed, by regulations.

Application of the funds of the Council.

17.(1) Funds of the Council shall be applied to pay the remuneration of the Director, officers and employees of the Council and any regional Council and to the discharge of all liabilities incurred by the Council in the performance of its duties which may include the award of prizes.

- (2) The Council may make grants from the funds of the Council for the financing of any training activity approved by the Minister.

Audit and Report of Activities.

18.(1) The Council shall cause a true and correct account and other records to be kept of all moneys received and expended by it, and such account shall be audited annually by the Auditor General.

- (2) The statement of account shall identify separately the total of all moneys received in the fund and the total of all other moneys received.

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- (3) The Council shall in each year prepare a report of its activities in the last preceding year and shall furnish such report to the Minister not later than the thirtieth day of June.
- (4) A copy of the report of activities together with a copy of the statement of accounts audited shall be printed and laid before the National Assembly not later than the thirtieth day of September in each year.
19. The Council may demand and receive any sum as outlined in the regulations for every licence and certificate issued or endorsed under this Act, and the money so received shall be part of the funds of the Council. Fee for certificate of competency.
20. The Minister on the advise of the council may from time to time make any regulations necessary for the proper discharge of its functions under, and generally for the purposes of, this Act. Regulations.
21. Agreements executed under this Act shall not be liable to stamp duty, and shall be admissible in evidence in all courts of law if they purport to be signed by the Registered Training Organization and the apprentice and the owner or manager of the technical institute in the presence of one witness and countersigned by the Chairman and the Director of the Council, and sealed with the seal of the Council. Execution of Contracts.
22. Any offence created or penalty imposed by this Act, or by any regulations made hereunder, may be prosecuted or recovered under the Summary Jurisdiction Acts. Procedure.
Caps. 3:02, 3:04
8:02, 10:02
23. This Act shall apply to the courses or programmes mentioned in the regulations, and the Minister as advised by the Council may, amend the regulations. Programmes to which the Act applies.

FIRST SCHEDULE**S3(2)****Constitution and proceedings of the Council**

1. The Council shall consist of not less than nine nor more than fifteen members.
- 2.(1) The members shall be appointed by the Minister from among students and other persons -

- (a) nominated by organizations including professional organizations, industry, commerce, employers and labour;
 - (b) from the Ministry of Education and the public, appearing to him as having had experiences of and shown capacity in matters relating to technical and vocational education and training;
- (2) The Director shall be an *ex-officio* member of the Council.
- 3. The members shall be appointed for a period of not less than two years and may be reappointed at the discretion of the Minister.
- 4. The Chairman shall be appointed by the Minister from among members. The Council shall appoint one of its members to be Vice-Chairman of the Council.
- 5. The names of the members, including the Chairman as first constituted and every change in the membership thereof shall be published in the Gazette.
- 6. Any member other than the Chairman may at any time resign his office as such in writing addressed to the Chairman who shall forward the resignation to the Minister.
- 7. The Chairman may at any time resign his office as such in writing addressed to the Minister.
- 8. If the Chairman is absent or is unable to act or if the office is vacant, the Vice-Chairman shall discharge the functions of the Chairman.
- 9. The Council shall meet once every month to ensure the proper discharge of its function under this Act and once every year at a plenary session to afford groups that are not represented on the Council to make their contributions to its work.
- 10. The Council shall regulate its own procedure and may make rules therefore.

SECOND SCHEDULE**S.6.(2)****Constitution and proceedings of a Regional Council**

1. A regional council of Technical and Vocational Education and Training shall consist of not more than five members appointed by the Council, acting with the approval of the Minister from among persons in each region appearing to the Council to be qualified as having had experience and shown capacity in matters relating to technical and vocational education and training.

2. The members of a regional council shall be appointed for a period not less than three years.

3. The Chairman of a regional council shall be appointed by the Council.

4. A regional council shall meet once every month or at such other times as may be necessary.

5. A quarterly meeting comprising the Chairman and officers performing the functions of secretary of the regional councils and the Director shall be held for the purposes of assisting national planning for technical and vocational education and training and in promoting the work of the regional councils, at such place as the council may determine.


6. A regional council may regulate its own procedure.

EXPLANATORY MEMORANDUM

This Bill represents advanced current thinking on technical vocational education and training in Guyana and the Caribbean. The functions of the Council have been crafted to give effect to the following policy aims of the administration -

- (a) the promotion and sustenance of the country's economic development programme by the availability of a cadre of fully trained persons such as technologists, technicians and craftsmen as part of the human resource necessary to impact on production and productivity;
- (b) the intensification of manpower development through apprenticeship schemes and skills up-grading training programmes;
- (c) the promotion of equality of opportunity in technical and vocational education and training to enable men and women irrespective of their geographical location, social class or physical disability to be trained as artisans, technicians and technologists and skilled professionals to totally satisfy the needs of industry and commerce; and
- (d) the development of institutional activities to provide the physical and human capital necessary for the efficient and effective delivery of technical and vocational education and training at all levels.

This Bill also provides the opportunity for the private sector to make a more meaningful contribution to the further development of Technical and Vocational Education nationally.


Minister of Education.