



GUYANA

ACT No. 11 of 2004

TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING ACT 2004

I assent,


Bharat Jagdeo,
President.

21 July, 2004.

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FIRST SCHEDULE

SECOND SCHEDULE

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
 - (iii) when the apprentice has successfully completed the training required under the plan, issues the

- (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 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;

- (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;
- (c) 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.

Functions of
Director.

- (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.
- 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.

6.(1) Section 20 of the Public Corporations Act 1988 shall mutatis mutandis apply 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 the Council as if the Council were a public corporation.

Superannuation
benefits.
No. 21 of 1988.

(2) The Council may make such provisions as it deems appropriate for the payment of pension, gratuity or other allowances in respect of the service of its officers and other employees on their retirement from their employment with the Council.

7.(1) The Council shall report to the Minister tendering advice on the quality and standards of post-secondary educational provision in Guyana and the fitness or otherwise of institutions to offer educational and training provision, to receive public funds and otherwise practise in Guyana.

Reports
by the
Council.

(2) The Council shall not later than 30 June in every year submit to the Minister a report containing -

- (a) an account of the activities of the Council during the preceding calendar year in such detail as the Minister may require;
- (b) a statement of the accounts of the Council audited pursuant to section 15.

(3) The Minister may require the Council to submit a report on any matter within the competence of the Council.

(4) The Minister shall, as soon as practicable, lay before the National Assembly a copy of the report submitted to the Minister pursuant to subsection (2).

8.(1) The Minister may give to the Council directions of a general character as to the policy to be followed by the Council in the exercise and performance of its functions and the Council shall give effect to any such direction.

Power of
the Minister
to give
directions.

(2) The Council shall provide such facilities to the Minister as will enable the Minister to verify information furnished in pursuance of this section.

**PART III
FINANCIAL PROVISIONS**

Funds and
resources of
the Council.

- 9.(l) The funds and resources of the Council shall consist of
- (a) such monies as may be appropriated by Parliament;
 - (b) special grants or other funds as may, from time to time, be provided by the Government or any other entity or agency, whether national, regional or international, for the financing of special projects and activities;
 - (c) monies received by the Council in connection with the performance of its functions;
 - (d) all other property and assets duly acquired by the Council.

Application of
the funds of
the Council.

10. The Funds of the Council shall be applied in defraying the following expenditure -

- (a) the remuneration, fees and allowances of members of the Council and members of committees established by the Council;
- (b) the emoluments, allowances, fees and superannuation benefits of officers and other 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 of the Council;
- (e) any other expenditure authorised by the Council in the discharge of its functions.

Use of surplus
funds.

11. The Council may accumulate reserves and such reserves and all other funds of the Council not immediately required to be spent in meeting obligations of the Council or the discharge of any of its functions may be invested, from time to time, in such securities as the Council may deem fit.

12. The Council may, for the purpose of discharging its functions under this Act, borrow such sums of money as may be approved by the Minister.

Power to borrow.

13. The Council shall be exempt from stamp duty, corporation tax, customs duties, purchase taxes, value-added taxes, motor vehicle taxes and all other taxes, charges, levies and imports on its income or profit or on assets which it acquires for its own use in carrying out its functions under this Act.

Exemption from taxes.

14. The Council may by resolution make rules for the proper control of the systems of accounting of the Council and for its finances.

Accounting of the Council.

15. The accounts of the Council shall be audited annually by the Auditor General or by an auditor authorised by the Auditor General.

Audit of the accounts of the Council.

PART IV GENERAL

16.(1) Subject to subsection (2), no proceedings shall be instituted personally against a member of the Council in respect of any act done *bona fide* in pursuance of the execution of the functions of that member under this Act.

Protection of members of the Council.

(2) Where a member of the Council is exempt from liability by reason only of subsection (1), the Council is liable to the extent that the Council would be if the member were a servant or agent of the Council so, however, that if in any case the Council is not liable for any act as mentioned aforesaid, then subsection (1) does not have the effect of exempting such member as therein stated.

17.(1) It shall be an offence for any member or any officer or other employee of the Council to -

Offences.

- (a) communicate or reveal any information or matter connected with or related to the functions of the Council to any unauthorised person or body, which that member or officer or other employee is not authorised to communicate or reveal;
- (b) obtain, reproduce or retain possession of any information or matter referred to in paragraph (a), which that member or officer or other employee is not authorized to obtain, reproduce or retain in his possession.

- (2) It shall be an offence for an institution or provider to -
- (a) conduct or alter its operations without the prior approval of the Council;
 - (b) offer to the public courses that are not registered with the Council;
 - (c) use the word "university", "college", "polytechnic", "community college", "technical college", or "technical university" in its title without having the authority to do so by the Council or any internationally recognised body or authority or by any enactment;
 - (d) misrepresent to the public the recognition claimed for it or for its courses or awards.

(3) An offence under this section is punishable on summary conviction with a fine of two hundred thousand dollars.

Power
to make
regulations.

18.(1) The Council, with the approval of the Minister, may make regulations for the better carrying out of the provisions of this Act.

(2) Regulations made under this section shall be subject to negative resolution of the National Assembly.

Review
of the
operations
of the Council.

19.(1) The Council, with the approval of the Minister at intervals of six years, shall cause a review to be undertaken of the functions of the Council in order to assess the impact of the operations of the Council on the society and its efficiency and effectiveness.

(2) The review pursuant to subsection (1) shall be undertaken in collaboration with the Regional Accreditation Body established for the Caribbean Community and with other recognised like competent authorities.

Transitional
provisions.

20.(1) Institutions and providers lawfully performing their functions at the commencement of this Act shall, for the period of six months thereafter, be deemed to be authorised to continue to perform their respective functions:

Provided that no new course shall be undertaken or advertised to the public by any such institution or provider without the prior approval of the Council.

(2) Any regulations governing the registration of institutions and providers and in force immediately before the commencement of this Act shall, in so far as they are not inconsistent with the provisions of this Act, continue in force.

SCHEDULE

section 3(2)

Constitution
of the
Council.

1.(1) The Council shall comprise not less than ten nor more than fifteen members appointed by the President one of whom shall be appointed the Chairperson and another the Deputy Chairperson.

(2) The members of the Council shall include -

- (a) three persons representing tertiary institutions, including a representative in Guyana of the body known as the Association of Caribbean Tertiary Institutions and a representative in Guyana of the Technical Vocation Education and Training Sector;
- (b) two persons representing bodies established to promote the interests of members of the teaching profession;
- (c) two persons representing bodies espousing the interests of employers;
- (d) one representative of the Ministry responsible for matters falling within the competence of the Council.
- (e) two persons appointed on the recommendation of the Minister.
- (f) the Executive Director who shall be an ex officio member of the Council.

(3) The appointment of every member of the Council, other than the Executive Director, shall be in writing and shall state the term of office of that member, being not more than three years.

(4) Every appointed member of the Council shall be eligible for re-appointment.

(5) A member of the Council may, at any time, in writing resign his membership of the Council which shall take effect from the date of receipt by the Minister of the communication.

(6) Where a vacancy occurs in the membership of the Council by reason of death, resignation or termination of the appointment or by any other cause, the President shall appoint another person to fill the vacancy for the unexpired portion of office of the member who has vacated office and in the same manner in which an appointment to the Council is required by this Act to be made.

(7) An act or a proceeding of the Council shall not be questioned on account of any vacancy in the membership thereof; and a defect in the appointment of any member of the Council shall not vitiate any proceedings thereof.

(8) The seal of the Council shall be authenticated by the signatures of the Chairperson or the Deputy Chairperson and any other member of the Council authorised to act in that behalf and such seal shall be officially and judicially noticed.

(9) The Council shall pay to the members of the Council, other than the Executive Director, such remuneration and allowances, if any, as the President may determine.

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

2.(1) The Chairperson shall preside at meetings of the Council and, in the absence of the Chairperson, the Deputy Chairperson shall preside; in the absence of both of them from any meeting the other members present shall elect one of their number to preside at the meeting.

Meetings of
the Council.

(2) The quorum of the Council shall be one-half of the membership thereof and one, if necessary, in order to attain an uneven number.

(3) Minutes in proper form of each meeting of the Council shall be kept by the Secretary and shall be confirmed by the person presiding at the next meeting and a copy of the confirmed minutes shall be transmitted to the Minister within seven days of such confirmation.

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

Declarations
to interest.

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

Appointment
of committees
and power to
delegate.

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

Passed by the National Assembly on 22nd July, 2004.



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

