



BERMUDA

BERMUDA COLLEGE AMENDMENT ACT 2014

2014 : 34

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WHEREAS it is expedient to amend the Bermuda College Act 1974 and to make provision for connected purposes;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

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Citation

1 This Act, which amends the Bermuda College Act 1974 (the “principal Act”), may be cited as the Bermuda College Amendment Act 2014.

Amends section 1

2 Section 1 of the principal Act is amended by inserting the following definition in its proper alphabetical order—

“Academic Council” means the Academic Council established through by-laws made under section 7(2);”.

Amends section 2

3 Section 2(1) of the principal Act is amended in the proviso by inserting after “person” the words “who has been admitted to an aided or maintained school”.

Amends section 3

4 Section 3 of the principal Act is amended—

- (a) in subsection (1) by deleting the words “the Schedule” in the two instances where they occur and substituting “Schedule 1”;
- (b) by inserting the following after subsection (3)—

“(4) The Board may delegate its functions under subsection (2)(d) and (g) to the Academic Council.

(5) The President may designate an employee of the College to act as clerk to the Board.”.

Inserts section 3A

5 The principal Act is amended by inserting the following after section 3—

“Borrowing

3A (1) The College may borrow from the Government or from any other person any money that it may require for the purpose of—

- (a) meeting any expenses incurred by it in connection with any works, the cost of which is properly chargeable to capital;
- (b) the provision of working capital;
- (c) the acquisition of any interests in or property or rights of a company, partnership or other association;
- (d) any other purpose for which capital moneys are properly applicable.

(2) The repayment of any money borrowed under subsection (1) may be secured upon the property of the College by way of mortgage.

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(3) The College shall not exercise its powers under subsections (1) and (2) except with the prior written approval of the Minister and the Minister of Finance, and such approval may be subject to such conditions, if any, as the Minister or the Minister of Finance, as the case may be, considers necessary or expedient.”.

Amends section 4

6 Section 4 of the principal Act is amended—

- (a) in the heading by deleting “Chief” and substituting “Principal”;
- (b) in subsection (1)(b) by inserting before “the principal” the words “a member and”.

Amends section 5

7 Section 5 of the principal Act is amended—

- (a) in the heading by inserting after “Audit” the words “and accounting year”;
- (b) by inserting the following after subsection (2)—

“(3) The accounting year of the College shall be the period of twelve months from 1 April of any year to 31 March of the following year.”.

Amends section 7

8 Section 7 of the principal Act is amended—

- (a) by repealing subsection (2) and replacing it with the following—

“(2) The Board may, with the prior approval of the Minister, make by-laws in accordance with Schedule 2 and which are not inconsistent with this Act.”;

- (b) in subsection (3) by deleting “and by-laws”;
- (c) by inserting the following after subsection (3)—

“(4) The Statutory Instruments Act 1977 shall not apply to by-laws made under this section.”.

Inserts section 7A

9 The principal Act is amended by inserting the following after section 7—

“Power to amend Schedule 2

7A The Minister may, by Order subject to the negative resolution procedure, add to, delete or vary Schedule 2 with respect to the matters which may be provided for through by-laws.”

Amends section 8

10 Section 8(1) of the principal Act is amended—

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- (a) by deleting “four” and substituting “six”;
- (b) by inserting after “College” the words “, the audited accounts with the report of the auditor, and any general directions given by the Minister during the year.”

Amends Schedule

11 The Schedule to the principal Act is amended —

- (a) in the heading by inserting after “Schedule” the word “1”;
- (b) in paragraph 1 by deleting “twelve” and substituting “nine”;
- (c) by repealing paragraph 1A and replacing it with the following—

“1A Every member of the Board shall hold office for a term of up to three years and may from time to time be reappointed for a like term; and the term of office of the members shall be such as to ensure, so far as possible, the expiration in any year of not more than one half of the terms of office of those members.”;

- (d) in paragraph 1B by deleting “such term, not exceeding” and substituting “a term of”;
- (e) by repealing paragraph 2 and replacing it with the following—

“2 Ex officio members of the Board shall be the Permanent Secretary responsible for education, the Chairman of the National Training Board, the Chairman of the Bermuda College Honorary Fellows, a representative of the Bermuda College Faculty Association, and a member of the Student Government Council.”;

- (f) by repealing paragraph 8.

Inserts Schedule 2

12 The principal Act is amended by inserting Schedule 2, set out in this Act, after Schedule 1.

Repeal of Act No. 1987:7

13 The Bermuda College Buildings Reserve Fund Act 1987 is repealed.

Commencement

14 This Act comes into operation on such day as the Minister may appoint by Notice published in the Gazette, and the Minister may appoint different days for different provisions.

SCHEDULE 2

(section 7(2))

MATTERS THAT MAY BE PROVIDED THROUGH BY-LAWS

Meetings

1. The by-laws may provide for meetings of the Board and Committees, and such by-laws may include provisions on—

- (a) the frequency, time, and place for the holding of meetings;
- (b) the manner of holding meetings, including the holding of meetings by electronic means;
- (c) who may call a meeting, the length of notice, and the service of such notice;
- (d) who may preside over meetings;
- (e) the quorum for a meeting, and the procedure to be followed if the number of members present is less than a quorum;
- (f) voting, including—
 - (i) voting by proxy;
 - (ii) voting in the event of a tie;
 - (iii) voting by members who have an interest in an actual or proposed transaction or arrangement with the College;
- (g) who may determine a question arising as to whether a member has a right to participate in the meeting for voting or quorum purposes;
- (h) the recording of minutes of a meeting;
- (i) the procedure for passing a resolution in writing;
- (j) reference to other Rules of Order for instructions on procedures.

Alternate members

2. The by-laws may provide for the appointment of alternate members with respect only to ex officio members.

Committees

3. The by-laws may provide for the establishment of committees, and such by-laws may include provisions on—

- (a) the duties of the committee, including any duties of the Board which have been delegated to a committee or officer thereof, and the extent and limitations of such delegation;
- (b) any reports or recommendations to be made by a Committee or officer to the Board;

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- (c) the temporary filling of vacancies occurring in any committee.

Academic Council

4. The by-laws may provide for the establishment of the Academic Council, its membership, functions, and proceedings.

Policies

5. The by-laws may provide for the establishment of policies, which shall not be inconsistent with any policy directions given by the Minister.

Procedures for evaluation

6. The by-laws may provide the procedures to be followed for evaluating the operation of the College and the work performance of the President.

Officers of the Board

7. The by-laws may provide for Board members to be elected as officers of the Board, and such by-laws may include provisions on the nomination, terms, and duties of officers.

Use of seal

8. The by-laws may provide for use of the seal, and such by-laws may include provisions on the documents to which the seal is to be affixed, the persons who may attest the affixing of the seal, and the recording of the affixing and attestation of the seal.

Means of communication

9. The by-laws may provide for the sending of documents and information, and such by-laws may include provisions on the means by which documents and information may be sent to members, and deemed received.

Reimbursement

10. The by-laws may provide for the reimbursement to members of reasonable expenses properly incurred on behalf of the College, and such by-laws may include provisions on the time and procedure for the submission of expense reports.

Record keeping

11. The by-laws may provide for the keeping of records by the Board, and such by-laws may include provisions on the type of records to be kept by the Board, and the form in which and the length of time such records must be kept.

Code of Ethics

12. The by-laws may provide for a code of ethics for members of the Board.

Resignation of member

13. The by-laws may provide for the resignation of members, and such by-laws may include provisions on the time and procedure for giving a notice of resignation.

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[Assent Date: 22 December 2014]

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