

ANTIGUA AND BARBUDA



THE NATIONAL TRAINING AGENCY ACT, 2007

No. of 2007

THE NATIONAL TRAINING AGENCY ACT, 2007

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ANTIGUA AND BARBUDA
THE NATIONAL TRAINING AGENCY ACT, 2007
No. of 2007

AN ACT to provide for the establishment of an agency to be known as The National Training Agency and for incidental and connected purposes.

ENACTED by the Parliament of Antigua and Barbuda as follows:

PRELIMINARY

1. Short title

This Act may be cited as the National Training Agency Act, 2007 and shall come into force on a date fixed by Notice by the Minister published in the Gazette.

2. Interpretation

In this Act

“ABNVQ” means the Antigua and Barbuda National Vocational Qualification;

“Agency” means the Antigua and Barbuda National Training Agency;

“Auditor” means the person appointed to the public office of Director of Audit established under section 97 (1) of the Antigua and Barbuda Constitution;

“Board” means the Board of Directors established by section 8;

“CVQ” means the Caribbean Vocational Qualification;

“Chairperson” means the Chairperson of the Board of Directors and “Deputy Chairperson” shall be construed accordingly;

“Chief Executive Officer” means Chief Executive Officer of the Agency appointed under section 16;

“Executive Secretary” means the Executive Secretary of the Agency appointed under section 19;

“financial year” means the period of twelve months determined by the Board under section 19;

“Minister” means the Minister responsible for Education;

“Ministry” means the Ministry responsible for Education;

“staff” means the technical, administrative and other staff of the Agency;

“training system” means the institutions or departments involved in training, particularly technical and vocational education and training.

PART I

THE AGENCY AND ITS BOARD OF DIRECTORS

3. Establishment and incorporation of the Agency

There shall be established a body corporate to be known as The National Training Agency.

4. Appointment and composition of the Board

(1) The Agency shall be governed by a Board of Directors consisting of eleven members appointed by the Minister, after consultation with members of the Project Steering Committee and the Cabinet, as follows:

- (a) four members who shall be public officers, one of whom may be from the Ministry responsible for Labour and another being the national Technical and Vocational Education and Training Officer or his or her designate;
- (b) seven members who shall be from the private sector, to include a representative from the Trade Union Congress, Banking Association, Antigua and Barbuda Chamber of Commerce, Employers Federation, Contractors Association and the Antigua Hotel and Tourism Association.

(2) The Minister shall appoint a Chairperson and Deputy Chairperson from among persons appointed under subsection (1).

5. Objectives of the Agency

The objectives of the Agency are to establish, promote and maintain national occupational standards, establish an awarding body for National Vocational Qualifications and facilitate the implementation of modern apprenticeship through ABNVQs.

6. Functions of the Agency

(1) The functions of the Agency are to

- (a) promote and coordinate technical and vocational training;
- (b) develop and maintain a national training policy;
- (c) advise on matters related to technical vocational education and training;
- (d) manage a national technical and vocational training system to ensure an adequate supply of trained employees for national development;
- (e) maintain, operate and regulate a system of apprenticeship and traineeship;
- (f) establish and maintain standards in technical vocational education and training;
- (g) ensure that appropriate training courses and places, syllabi, schedules and programmes are available in technical or vocational training centres, in industrial, commercial and public sectors, in state enterprises, private establishments and in other places of employment, education or training to meet the needs of the country and of the population;
- (h) develop and maintain a register of national training facilities and resources, national dictionary of occupations, including self-employment, skill profiles for existing and projected occupational opportunities, learning and training materials such as training manuals, information booklets, learning packages, self-learning packages and audio-visual packages, information on the supply and availability of various skills and on the skills requirements of various trades, industries and technologies;
- (i) define the qualifications system to ensure that no confusion exists regarding qualifications;
- (j) set up a new system of certification (ABNVQs) in a national qualifications framework and cooperate with counterparts at the CARICOM level to set up a regional system of certification (CVQs);
- (k) develop occupational standards based on industry requirements;
- (l) promote a culture of life long learning;
- (m) engage in the other activities that the Board determines in consultation with the Minister.

7. Powers of the Agency

The Agency may do or perform all the 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 that may lawfully be done or performed by a body corporate.

8. Duties of the Board

(1) The general direction, management and control of the Agency are vested in the Board and the Board shall exercise the powers of the Agency directly or indirectly through its staff, employees and agents.

(2) Without prejudice to the generality of subsection (1), the duties of the Board are to:

- (a) provide for the welfare of the staff of the Agency;
- (b) formulate the policies of the Agency;
- (c) ensure that the policies of the Agency are implemented;
- (d) control and superintend the property of the Agency;
- (e) appoint the technical, 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;
- (f) cause proper accounts of the financial affairs of the Agency to be maintained;
- (g) accept, deposit, or act as trustees or managers of the Agency's property or a legacy, endowment, bequest or gift to the Agency for purposes of education or research or otherwise in furtherance of the work of the Agency and to invest funds representing that property, legacy, endowment, bequest or gift, if not immediately required in such security as the Board may deem fit;
- (h) provide pecuniary benefits for the employees of the Agency on their retirement, resignation, discharge or other termination of service, or in the event of their sickness or injury and for their dependants, and for that purpose effect policies of insurance, establish pension and provident funds or make other provision as may be necessary to secure for those employees and their dependants some or all of the pecuniary benefits to which the provisions of this sub-paragraph relate;
- (i) fix fees and charges for services provided by the Agency and to reduce, waive or refund fees and charges so fixed, generally or in a particular case or class of case;
- (j) negotiate a collective agreement or similar agreement with the representative body of the employees of the Agency;
- (k) inquire into and adjudicate upon disciplinary charges against members of staff;
- (l) advise the Minister respecting amendments to this Act; and
- (m) makes Rules under this Act, with the approval of the Minister.

(3) Where the inquiry and adjudication under paragraph (2)(k) relate to a member of staff who is a public officer on secondment to the Agency, the Board may, according to its findings, direct the Chief Executive Officer 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.

(4) The Schedule has effect in respect to the constitution and other matters relating to the Board.

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

(6) An Order made under subsection (5) shall be subject to negative resolution of the House of Representatives.

9. Powers of the Board

The Board may do anything it considers necessary or convenient to be done for, or in connection with, the exercise of its functions.

10. Board to establish committees

(1) The Board may from time to time establish and abolish the committees that it considers necessary or expedient for the purpose of carrying out its functions under this Act.

(2) A committee established under subsection (1) may consist of persons who are members of Board and persons who are not, but unless otherwise provided by this Act any such committee shall consist of no more than seven persons, of whom no more than three shall be members of the Board, and no fewer than two persons, one of whom shall be a member of the Board.

(3) A committee appointed under subsection (1) 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.

(4) The Board may by resolution reject the report of a committee appointed under subsection (1) or adopt it wholly, or with the modifications, additions or adaptations that the Board determines.

(5) A committee of the Board, including a standing committee, may regulate its own procedure subject to Rules made under this Act or written directions of the Board in this regard.

(6) The members of a committee appointed under subsection (1) shall elect as chairperson a committee member who is a member of the Board, unless it is a Disciplinary Committee, in which case the chairperson shall be a person with legal qualifications.

11. Delegation

(1) Subject to the provisions of this Act, the Board may delegate to an appropriately qualified member or committee of the Board or an appropriately qualified member of staff, the power and authority to carry out on its behalf the duties that the Board determines.

(2) The delegation of 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.

(3) Notwithstanding subsection (1), the Board may not delegate its power to

- (a) advise the Minister respecting amendment to this Act;
- (b) make Rules under this Act, with the approval of the Minister;
- (c) adopt the Agency's annual budget; or
- (d) approve spending of funds available to the Agency by way of bequest, donation or special grant.

12. Protection of the Board

No act done or proceedings taken under this Act shall be questioned on the ground of any omission, defect or irregularity not affecting the merits of the case.

13. Minister may give directions

(1) The Minister may, after consultation with the Board, give the Board

- (a) directions of a general character as to the policy to be followed in the exercise and performance of its functions in matters appearing to the Minister to concern the public interest; and
- (b) directions for the remedying of any serious defect or failure in the successful performance of its functions;

(2) The Board shall give effect to the directions.

(3) Directions under subsection (1) given by the Minister shall not apply to the appointment, termination of appointment, promotion or discipline of a member of staff of the Agency.

14. Custody and use of seal

(1) The Agency shall have a seal that is to be kept in the custody of the Chairperson.

(2) The seal of the Agency shall be authenticated by the signatures of the Chairperson or Deputy Chairperson and one other member of the Board.

(3) All documents, other than those required by law to be under seal, made by, and all decisions of the Board shall be signified under the hand of the Chairperson or Deputy Chairperson or a member of the Board authorised to act in that behalf.

15. Remuneration of members of Board and Committees

(1) The members of the Board shall recommend the remuneration and allowances to be paid out of the funds of the Agency for the approval of the Minister.

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

PART II**ADMINISTRATIVE GOVERNANCE OF THE AGENCY****16. Chief Executive Officer of the Agency**

- (1) The Board in conjunction with the Minister shall appoint a Chief Executive Officer of the Agency.
- (2) The Chief Executive Officer is the principal executive officer of the Agency.
- (3) The Chief Executive Officer is the academic and administrative head of the Agency and shall generally supervise and direct the work of the Agency and the staff of the Agency, and shall also perform other functions assigned to him or her by the Board.
- (4) The Chief Executive Officer holds office as a full-time employee for a term not to exceed five years, but he or she is eligible for reappointment at the determination of the Board.
- (5) Subject to the conditions specified under subsection (6), the Board may, with the prior approval of the Minister, remove the Chief Executive Officer from office on the grounds of misconduct, inefficiency or other good cause.
- (6) The Board shall, prior to exercising its power of removal under subsection (5), ensure that
 - (a) the Chief Executive Officer is given due notice of not less than fourteen days that his or her removal is under consideration together with a statement of the charges alleged against him or her; and
 - (b) the Chief Executive Officer is given an opportunity to defend himself or herself in person or, at his or her own expense, by a representative of his or her own choice, against such charges.
- (7) The Chief Executive Officer may terminate his or her appointment by giving three months written notice to the Board.

17. Other officers

The Board shall, after consultation with the Chief Executive Officer, appoint the other persons to be officers of the Agency that it may deem necessary.

18. Duties of the Chief Executive Officer

Without prejudice to any other duties conferred upon the Chief Executive Officer by this Act, the Chief Executive Officer shall be responsible for

- (a) planning the implementation of policy, and for all phases of the operation, administration, supervision, maintenance and promotion of the Agency and its programmes;
- (b) the introduction of measures, mechanisms and procedures necessary for the effective discharge of his or her duties;
- (c) the provision of leadership in matters relating to the programmes of the Agency;
- (d) the promotion of the interests of the Agency both within and outside Antigua and Barbuda; and
- (e) the exercise of other powers conferred on him or her or delegated to him or her by the Board in accordance with this Act or Rules made under this Act.

19. Executive Secretary

- (1) The Board shall appoint an Executive Secretary of the Agency.
- (2) The Executive Secretary shall perform the duties of Secretary to the Agency, more specifically to the Board and a committee to which he or she may be assigned by the Board.

20. Financial Administrator

- (1) The Board shall appoint a Financial Administrator of the Agency.
- (2) The Agency's Financial Administrator shall receive on behalf of the Agency all monies and property payable or deliverable to the Agency and his or her receipt shall be sufficient discharge of the same.
- (3) The Financial Administrator is responsible for the day-to-day administration and control of the financial affairs of the Agency.
- (4) The Financial Administrator shall have the other duties that the Board considers appropriate.

PART III**STAFF OF THE AGENCY****21. Staff generally**

- (1) Subject to this Part, the Agency shall have the number of technical, 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 that may be agreed between the employee and the Board.

22. Appointment of staff

The Chief Executive Officer, technical staff and senior administrative staff shall be appointed by the Board and other members of the staff shall be appointed by the Chief Executive Officer or another person to whom the power is delegated by Board.

23. Minister to assist with staffing arrangements

The Minister shall ensure where necessary that arrangements are made for the services of the staff presently employed by the training system to be made available to the Agency as needed, from the commencement of this Act.

24. Secondment of public officers to the Agency

(1) Where secondment of a public officer to the Agency is approved by the Public Service Commission, subject to the conditions that it may impose, the officer so seconded to the Agency 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 Agency shall continue to be a public officer until the time when he or she resigns, retires, or otherwise leaves the Public Service, but the officer shall during his or her period of secondment to the Agency, 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 Agency 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 Agency shall exercise an option, at least three months prior to the completion of the period of his or her secondment, of either becoming a member of the permanent staff of the Agency or returning to his or her substantive position in the Public Service or another equivalent and suitable position to which he or she may be appointed in the Public Service.

(5) A public officer who exercises his or her option under subsection (4) to

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

(6) Where the officer under subsection (5) exercises the option to return to his or her 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 or her 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.

(7) A public officer on secondment to the Agency shall be employed by the Agency so that his or her remuneration and conditions of service are not less favourable than those that are attached to the appointment in the Public Service.

25. Pension Act to apply

(1) Where a public officer on secondment to the Agency exercises the option to accept permanent employment with the Agency, the provisions of the Pensions Act continue to apply to him or her in relation to his or her service with the Agency as if he or she had continued to be a public officer in respect of his or her pension and gratuity payments.

(2) An officer to whom the Pension 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 or her office or employment with the Agency at the mandatory age of retirement from the Public Service and is eligible for gratuity and pension payments at that age.

26. Continued employment

An officer to whom section 25 applies is eligible, at the pleasure of the Board and on the terms and conditions that it determines, to continue in the employment of the Agency after that person has reached the mandatory age of retirement from the Public Service.

27. Technical and senior administrative staff

(1) Subject to subsection (2), a member of the technical staff shall, on first appointment, be required to serve a probationary period of six months unless the Board dispenses with the requirement to serve a probationary period.

(2) The probationary requirement is not applicable to a person serving on the permanent staff of the Agency at the commencement of this Act or to a public officer who is seconded to the Agency as a member of the technical or senior administrative staff, unless the Board decides otherwise.

(3) Where a member of the technical or senior administrative staff is appointed in the first instance for a probationary period, the Board, at the expiration of the period, may, on the recommendation of the Chief Executive Officer, appoint him or her to a post on the permanent staff of the Agency.

(4) The appointment to the permanent staff of the Agency of a member of the technical or senior administrative staff who was in the first instance appointed for a probationary period shall be deemed to have taken effect from the date of his or her appointment on probation.

(5) The appointment of a member of the technical or senior administrative staff who is serving a probationary period may be terminated by one month's written notice given by the Board to the member or by the member to the Board.

(6) A notice given under subsection (5) shall be transmitted through the Chief Executive Officer.

(7) A member of the technical or senior administrative staff may terminate his or her appointment by giving three months written notice to the Board transmitted through the Chief Executive Officer.

(8) A member of the technical or senior administrative staff of the Board on a full-time basis shall not hold any other appointment or engage in any activity which constitutes a conflict of interest or which, in the opinion of the Board, may interfere with the proper performance of his or her duties as a member of staff or is prejudicial to the welfare of the Agency.

28. Retirement of members of staff

Subject to the terms of his or her contract or the terms of employment, a member of the technical or senior administrative staff shall retire from office on the date on which he or she attains the age of sixty years, unless the Board, on the recommendation of a committee appointed for that purpose, invites the member to continue in office for a period not exceeding five years, after which retirement is compulsory.

29. Discipline

(1) A member of staff may be suspended by the Chief Executive Officer for

- (a) gross neglect of duty; or
- (b) misconduct calculated to injure, or capable of injuring, the reputation of the Agency.

(2) The Chief Executive Officer shall, immediately upon any such suspension, report the same and the circumstances including the reasons for it in writing to the Chairperson, and a copy of the report shall immediately be delivered to the suspended staff member and to the relevant faculty.

(3) The suspended staff may make representations to the Chairperson respecting the suspension within seven days of the suspension.

(4) The Chairperson shall, within ten days of receipt by him or her of the Chief Executive Officer's report, summon a meeting of the Board to inquire into and adjudicate upon the matter.

(5) At a meeting of the Board under subsection (4) the Board may adjudicate on the merits of the case and the term of suspension.

30. Dismissal of member of staff

(1) Notwithstanding section 29, the Board may dismiss a member of staff if

- (a) the member is given due notice of not less than fourteen days that his or her dismissal is under consideration together with a statement of the charge alleged against him or her; and
- (b) the member is given an opportunity to defend himself or herself in person or, at his or her own expense, by a legal practitioner of his or her own choice, against the charge.

(2) The Board may, prior to giving the member of staff due notice under paragraph (1)(a), appoint a Disciplinary Committee to investigate and report to the Board as to whether there are grounds for dismissal proceedings to be brought before the Board against the member.

(3) On receipt of a report from the Committee under subsection (2), if the Board decides to proceed under subsection (1), the Board shall furnish the member whose dismissal is being considered with a copy of the report.

(4) The report of the Disciplinary Committee may be used by the Board in proceedings under subsection (1), but the Board shall not be restricted to evidence appearing or referred to in such report.

(5) Where the Board fails to comply with the procedure under subsection (1), a decision taken by the Board to dismiss the member is void.

31. Termination in respect of appointment under contract

Notwithstanding subsections 16(7) and 27(5) and (7), where the Chief Executive Officer or a member of the technical or senior administrative staff is appointed and employed under a written contract of service, the terms of the contract in relation to termination have effect in this regard.

PART IV**FINANCE OF THE AGENCY****32. Funds and resources of the Agency**

The funds and resources of the Agency shall consist of

- (a) the sums that are voted for the purpose of the Agency by Parliament;
- (b) all sums borrowed by the Agency for the purpose of meeting any of its obligations or discharging any of its functions;
- (c) sums received by way of service fees; and
- (d) all other sums or property which may in any manner become payable to, or vested in the Agency in respect of any matter incidental to its functions.

33. Borrowing powers of the Agency

(1) Subject to the provisions of subsection (2), the Agency may borrow sums required by it for meeting any of its obligations or discharging any of its functions.

(2) The power of the Board to borrow is exercisable only with the approval of the Minister of Finance as to the amount and the source of the borrowing, and the terms on which the borrowing may be effected.

(3) An approval given by the Minister of Finance in any respect for the purpose of subsection (2) may be either general or limited to a particular borrowing, and may either be unconditional or subject to conditions.

34. Guarantee by Minister of Finance of borrowing by the Agency

(1) With the approval of the House of Representatives, the Minister of Finance may guarantee in the manner and on the conditions as he or she thinks fit, the repayment of the principal and payment of interest in respect of any authorised borrowing by the Agency.

(2) Where the Minister of Finance is satisfied that there has been default in the repayment of the principal monies or payment of interest guaranteed under the provisions of this section, he or she shall direct the repayment or payment as the case may be, out of the Consolidated Fund, of the amount in respect of which there has been the default.

(3) The Agency shall make to the Accountant General, at the times and in the manner that the Minister of Finance may direct, payments of sums that may be so directed in or towards repayment of sums issued in fulfilment of any guarantee given under this section, and payment of interest may be directed as regards different sums and as regards interest for different periods.

35. Accounts and audit

(1) The Board shall keep accounts of the transactions of the Agency to the satisfaction of the Minister of Finance and the accounts shall be audited annually by the auditor appointed by the Board.

(2) The members, officers and employees of the Agency shall grant to the auditor appointed by the Board or a public officer authorized by the Auditor, access to all books, documents, monies and property of the Agency and shall give the Auditor or the officer of the Auditor on request, all such information within their knowledge in relation to the operation of the Agency.

(3) If a person fails or refuses to comply with a request of the Auditor or the relevant officer made pursuant to subsection (2) or otherwise impedes or obstructs the Auditor or the officer in the exercise of his or her functions under this section, the person is guilty of an offence and liable on summary conviction to a fine of one thousand dollars.

36. Annual Report, statement of accounts and estimates

(1) The Board shall submit to the Minister

- (a) within three months after the end of each calendar year, or within the further time that the Minister considers reasonable, a report on the activities of the Agency during that calendar year, and a development plan for the new calendar year;
- (b) on or before 1st October of each year, a statement of the Agency's accounts audited in accordance with the provisions of subsection 35(1), for the financial year ending in that year;
- (c) on or before 31st March of each year, its estimates of revenue and expenditure for the Agency in respect of the next financial year for the approval of the Minister.

(2) The Minister shall table annually in the House of Representatives copies of the Report of the Agency and the audited statement of its accounts mentioned in paragraphs(1)(a) and (b).

37. Minutes of the Board receivable in evidence

Minutes made of meetings of the Board shall, if duly signed by the Chairperson, be receivable in evidence in all legal proceedings without further proof; and every meeting of the Board in respect of which minutes have been so signed is deemed to have been duly convened and held, and all members present at it to have been duly qualified to act.

PART V

TRANSFER OF CERTAIN ASSETS TO THE AGENCY

38. Transfer and vesting of assets

(1) The movable property and undertakings owned by the Government and used by it for the work of the Agency immediately before the date of the coming into force of this Act are transferred to and vested in the Agency 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) extends to the whole of the movable property and undertakings and includes assets, powers, rights, and privileges and all things necessary or ancillary to them which are held or enjoyed in connection with them or appertaining to them, as well as all obligations affecting or relating to any of that movable property or undertakings or other things included.

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

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

40. Savings for proceedings etc. related to movable properties and undertaking

(1) Where anything has been commenced by or under the authority of the Government prior to the date of the coming into force of this Act and the thing commenced relates to movable property or undertakings or a right or liability transferred to the Agency by or under this Act, the thing may be carried on and completed by or as authorised by the Agency.

(2) Where, immediately before the date of the coming into force of this Act, legal proceedings are pending to which the Government is or is entitled to be a party, and the proceedings are related to the movable property or undertakings, or a right or liability transferred by or under this Act, the Agency 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 the proceedings shall not abate by reason of the substitution.

PART VI**MISCELLANEOUS****41. Eligibility**

- (1) Any person is eligible for appointment to an office of, or employment under the Board.
- (2) The Board shall, with the approval of the Minister, publish by Order the qualifications determined under subsection (1).

42. Non-discrimination

- (1) The Agency may not administer a test of religion, politics, race or sex to any person in order to entitle the person to hold office in it or to enjoy any of its advantages, benefits or privileges.
- (2) A person shall not be denied eligibility to hold office in 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.

43. Rules

The Board may, with the approval of the Minister, make Rules to direct and regulate the management and administration of the Agency, and without prejudice to the generality of the foregoing, may make Rules

- (a) respecting the proceedings of the Board and the manner of transacting business;
- (b) prescribing the manner in which documents, cheques and instruments of every description shall be signed, executed or kept for the purposes of its functions;
- (c) respecting for the custody of monies forming part of the funds and resources of the Board;
- (d) providing for the grant and provisions of leave for the Chief Executive Officer and staff of the Agency;
- (e) respecting the conduct and discipline of members of staff;
- (f) respecting the establishment and management of departments or divisions of the Agency;
- (g) respecting provision for insurance coverage; and
- (h) generally for the exercise of its functions and other matters considered relevant to the operation of the Agency.

SCHEDULE**CONSTITUTION AND PROCEDURE OF THE BOARD****1. Duration and termination of membership**

- (1) Except for the first term, in which case the Chairperson and five other members shall be appointed for a three year term, each member of the Board shall serve a two year term.
- (2) Any person ceasing to be a member of the Board in good standing is eligible for reappointment, but except for the Chief Executive Officer, a member shall not hold office for more than three consecutive terms.
- (3) A member of the Board becomes unfit to hold office and his or her appointment shall be revoked by the Minister on the advice of the Board if
 - (a) he or she is medically declared to be of unsound mind;
 - (b) he or she becomes bankrupt; or
 - (c) he or she is convicted of an indictable offence;

(4) The office of a member of the Board shall become vacant if he or she fails without adequate cause to attend three successive meetings.

(5) The Chairperson may at any time resign his or her office by instrument in writing addressed to the Minister and the resignation takes effect as from the date of receipt of the resignation by the Minister.

(6) A member of the Board, other than the Chairperson, may at any time resign his or her office by instrument in writing addressed to the Minister and transmitted through the Chairperson and, from the date of the receipt by the Minister of the instrument, the member ceases to be a member of the Board.

2. Temporary members and vacancies

- (1) The Minister may appoint any person to act temporarily in the place of a member of the Board in case of absence or inability of the member to act.
- (2) If vacancy occurs in the membership of the Board, the vacancy shall be filled by the appointment of another member who shall, subject to the provisions of this Act, hold office for the remainder of the period for which the previous member was appointed.
- (3) The appointment must be made in the same manner and from the same category of persons as the appointment of the previous member.

3. Gazetting appointments

The names of all members of the Board as first constituted and every change in the membership of it shall be published in the Gazette.

4. Personal liability of members

No personal liability shall attach to any member of the Board for

- (a) an act or omission of the Board; or
- (b) anything done or permitted in good faith in the course of the operations of the Agency.

5. Chief Executive Officer to attend meetings

The Chief Executive Officer may attend meetings of the Board as an ex-officio member, but does not have the right to vote at them.

6. Responsibilities of the Board

(1) The Board is responsible for the management of the Agency and for the exercise of its functions and powers specified in this Act.

(2) The Board shall be deemed to have delegated to the Chief Executive Officer the functions and powers of the Board necessary to enable him or her to transact efficiently the day-to-day business of the Agency.

(3) The Board may, from time to time, employ the persons necessary for the due performance of the functions of the Agency upon such terms and conditions as it determines.

7. Meetings of the Board

(1) The Board shall meet at least once every month and at other times as may be necessary or expedient for the transaction of its business. The meetings shall be held at the places and times and on the days that the Board may determine.

(2) The Chairperson, or in his or her absence the Deputy Chairperson, shall preside at meetings of the Board.

(3) At a meeting of the Board, in case of the absence or inability to act of both the Chairperson and the Deputy Chairperson, the members of the Board present shall elect one of their members to preside at the meeting.

(4) The decisions of the Board shall be by a majority of votes and in addition to an original vote, in any case in which the voting is equal, the Chairperson, or in his or her absence the Deputy Chairperson or other member presiding at that meeting, shall have a casting vote.

(5) The Minister may attend a meeting of the Board or a committee of it or be represented at that meeting by a person authorised by him or her in that behalf; and the Minister or that person may take part in the proceedings at the meeting but shall not vote on any matter.

(6) The Chairperson may at any time summon a meeting of the Board and shall summon a meeting within seven days

- (a) of a request for that purpose addressed to him or her by four members of the Board; or
- (b) of a direction to that effect addressed to him or her by the Minister.

8. Quorum

At any meeting of the Board, or a committee, a quorum shall be the minimum number constituting a majority of the total number of the members of the Board or committee.

9. Minutes

(1) Minutes of each meeting of the Board or a committee shall duly be kept by the persons the Board may appoint for the purpose and shall be confirmed by the Chairperson or person presiding at the next meeting of the Board or committee.

(2) A copy of the minutes of every meeting of the Board or a committee, as the case, shall be submitted to the Board or the committee at its next meeting.

(3) A copy of the minutes of every meeting of the Board shall be submitted to the Minister within fourteen days after the meeting.

Passed the House of Representatives on
the , 2007.

Passed the Senate on the , 2007.

Speaker.

President.

Clerk to the House of Representatives.

Clerk to the Senate.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of an agency to be known as the Antigua and Barbuda National Training Agency.

Part I provides for the establishment of the Agency and its Board of Directors, in addition to stipulating the objectives, functions and powers of the Agency, whilst stating the duties and powers of the Board.

Part II deals with the administrative governance of the Agency, and states the various Officers to be appointed, namely the Chief Executive Officer, the Executive Secretary and the Financial Administrator.

Part III provides for the appointment of staff as well as other matters such as discipline and dismissal of members of staff.

Part IV sets out the financial requirements of the Agency, and focuses on the funds and resources as well as the borrowing powers of the Agency.

Part V deals with the transfer of certain assets to the Agency, and provides for the construction of laws, judgements and contracts relating to transferred assets.

Part VI has miscellaneous provisions dealing with non- discrimination and the making of rules.

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Justin L. Simon Q.C
Hon. Attorney General
and Minister of Legal
Affairs