

**COLLEGE OF SCIENCE, TECHNOLOGY AND
APPLIED ARTS OF TRINIDAD AND TOBAGO ACT**

CHAPTER 39:56

Act
77 of 2000
Amended by
179/2006

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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

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CHAPTER 39:56

**COLLEGE OF SCIENCE, TECHNOLOGY AND
APPLIED ARTS OF TRINIDAD AND TOBAGO ACT**

An Act to provide for the establishment and administration of the College of Science, Technology and Applied Arts of Trinidad and Tobago and for matters connected therewith. 77 of 2000.

[6TH NOVEMBER 2000]

Commencement.
263/2000.

1. This Act may be cited as the College of Science, Technology and Applied Arts of Trinidad and Tobago Act. Short title.

2. In this Act—

Interpretation.

“academic award” means a degree, diploma, certificate and other certification of academic achievement awarded by the College;

“academic staff” means all teaching and non-teaching staff appointed to such academic posts as are designated by the Board;

“Board” means the Board of Trustees appointed under section 4;

“Chairman” means the Chairman of the Board or Chairman of the Senate as the case may be;

“member” means a member of the Board including a person appointed as a temporary member;

“Minister” means the Minister to whom responsibility for tertiary education is assigned;

“non-academic staff” means the full-time employees of the College who are not academic staff;

“pension law” has the meaning assigned to it by the Law Reform (Pensions) Act, except for the reference to the Defence Act; Ch. 23:59.
Ch. 14:01.

“President” means the President of the Republic of Trinidad and Tobago;

- “President of the College” means the President of the College appointed pursuant to section 13;
- Ch. 1:01. “Public Service” has the meaning attributed to it in the Constitution of the Republic of Trinidad and Tobago;
- Schedule. “Scheduled TLIs” means the Tertiary Level Institutions set out in the Schedule;
- “security” includes a mortgage or charge, whether legal or equitable, debenture, guarantee, lien, pledge whether actual or constructive, indemnity, undertaking or other means of security, payment or discharge of a debt or liability or obligation whether present or future, actual or contingent;
- “Senate” means the Faculty Senate constituted under section 16;
- “Service Commission” means the Public Service Commission, the Police Service Commission, the Statutory Authorities’ Service Commission or the Teaching Service Commission;
- “student” means a person enrolled by the College;
- “superannuation benefits” includes pension, gratuity and other allowances;
- “undertaking” means the business of educational instruction engaged in or carried on by any of the Scheduled TLIs or any part of the business so engaged in or carried on.

PART I

**ESTABLISHMENT, MANAGEMENT, FUNCTIONS AND
POWERS OF THE COLLEGE**

Establishment of the College, its composition and objectives.

3. (1) There is hereby established a body corporate to be known as the College of Science Technology and Applied Arts of Trinidad and Tobago (COSTAATT) (hereinafter referred to as “the College”).

(2) The College as incorporated shall be comprised of those institutions listed in the Schedule.

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- (3) The objects of the College are to—
- (a) contribute to national and regional development, social equity and the development of civil society by providing broad-based access to socially responsive and innovative educational programmes and by encouraging scholarly work and applied research;
 - (b) provide programmes that meet internationally acceptable standards, to foster professional and personal development, to prepare students for careers and for advanced study in the areas of science, technology and applied arts;
 - (c) promote a culture of excellence by creating and maintaining an academic climate that fosters innovation, discipline, tolerance of diversity, criticism, self evaluation and peer assessment;
 - (d) promote cross-cultural understanding and mutual respect among peoples;
 - (e) strive to be a centre of excellence for scholarly work and applied research.

4. The College shall be managed by a Board of Trustees Board of Trustees. (hereinafter referred to as “the Board”) for the purpose of exercising and performing such duties as are conferred upon it by this Act and any other written law.

5. (1) The College is a teaching, research and examining Powers of the Board. body and in furtherance thereof the Board shall have power to—

- (a) grant and confer academic awards under such conditions it prescribes;
- (b) revoke academic awards for good cause (for example, academic dishonesty);
- (c) prescribe the conditions under which persons may be admitted as students of the college;
- (d) accept the examinations passed and periods of study spent at other institutions as equivalent to

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its own examination and periods of study in the College and to revoke such acceptance at any time;

- (e) to institute professorships, lectureships, offices and posts as it may consider appropriate, and to appoint and remove persons thereto, prescribe their conditions of service, and provide for their discipline;
- (f) to institute fellowships, scholarships, bursaries and other aids to facilitate study and research;
- (g) to undertake research, consulting and related services;
- (h) to make provisions for the welfare and the discipline of students of the college;
- (i) to set, charge and receive fees;
- (j) to receive and accept legacies, endowments, bequests and other gifts, to receive contributions to the funds of the College, and to invest, borrow and raise money as it deems fit;
- (k) to establish, hire, lease, own, maintain, administer, govern, license and supervise facilities as it deems fit;
- (l) to do all other things as a body corporate can do in accordance with section 21 of the Companies Act;
- (m) to make provisions for the welfare of its staff and their dependants;
- (n) to provide and equip physical facilities;
- (o) to join, co-operate or enter with other institutions in the furtherance of its aims;
- (p) to join or co-operate with any institution of learning, government department, public or private body, company or association to promote mutually beneficial activities consistent with the aims of the College;

Ch. 81:01.

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- (q) to affiliate with or incorporate into the College another institution including acquiring its assets and liabilities for purposes consistent with this Act; and
- (r) to do all such other acts and things as may be required to further the aims of the College.

(2) No personal liability shall attach to a member of a Board for anything done, permitted to be done or omitted to be done in good faith in the course of the Board exercising the powers of the College pursuant to this Act.

6. (1) The Board shall consist of fifteen members selected as follows: Composition of the Board.

- (a) eleven members appointed by the President;
- (b) the President of the College who is *ex officio* a member of the Board;
- (c) a representative designated by the Student Council;
- (d) a representative designated by the Faculty Senate;
- (e) a representative designated by the body representing the non-academic staff.

(2) The members of the Board appointed by the President under subsection (1)(a) shall be selected from amongst persons who have qualifications or wide experience and ability in legal, health, financial, business, information technology, labour relations, education and training matters.

(3) The President shall appoint a Chairman and Vice-Chairman from amongst the members of the Board appointed under subsection (1)(a).

(4) Notwithstanding subsections (1) and (2), vacancies in the membership of the Board or any defect in the appointment or designation of any member shall not affect its legal existence, unless its membership is reduced to less than ten.

Term of office.

7. (1) Subject to subsection (4) members of the Board shall hold office for a term not exceeding three years and are eligible for reappointment.

(2) Where a vacancy occurs by reason of death, resignation or termination of appointment, the President shall appoint another person to fill the vacancy in the same manner in which the appointments to the Board are required by this Act to be made.

(3) The President may appoint a temporary member to the Board where a member has been granted leave of absence or is otherwise temporarily unable to serve on the Board.

(4) A member may resign his appointment by giving one month's notice in writing to the President.

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

(6) A member shall be paid such remuneration and allowances in respect of his office as the President may determine from time to time.

Termination of membership.

8. (1) A person shall cease to be a member of the Board where he—

- (a) has been absent from three consecutive meetings, except where he has been granted leave by the Board;
- (b) has been declared bankrupt;
- (c) is incapacitated by physical or mental illness;
- (d) has been sentenced to a term of imprisonment without the option of a fine or is convicted of any offence involving dishonesty; or
- (e) is otherwise unable or unfit to discharge his functions or to hold office by reason of illness or any other reason.

(2) The President may declare the office of any member to be vacant if he is satisfied by virtue of subsection (1) that such member can no longer hold office.

(3) The President shall declare a vacancy in such manner as he thinks fit, and thereupon that office shall become vacant.

(4) In the case of the President of the College and other designated members of the Board, the Chairman may, after consultation with the Board declare the office of any such member to be vacant if he is satisfied by virtue of subsection (1) that such member can no longer hold office.

9. (1) The Board shall meet at least once every quarter and at such other times as may be necessary to transact the business of the College. Meetings.

(2) The Chairman, or in his absence the Vice-Chairman, shall preside at all meetings of the Board save that in the case where both the Chairman and Vice-Chairman are absent, the members present may choose one of the appointed members to preside at that meeting.

(3) The decisions of the Board shall be by a majority of votes of its members present and voting and in the case of equality of votes the Chairman of the meeting at which the vote is taken shall have a second and casting vote.

(4) The Board may make rules for the regulation of its proceedings and the conduct of its business.

(5) Seven members of the Board shall constitute a quorum.

10. (1) Minutes in proper form of each meeting of the Board or Senate or any committee thereof, shall be kept under the direction of the Secretary. Minutes.

(2) All decisions, orders, rules and regulations made by the Board relating to the operations of the College shall be recorded in the minutes of the Board.

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Disclosure of
interest of
Board.

11. (1) Every member of the Board shall, on appointment and annually thereafter, submit to the Chairman a declaration that he has no pecuniary interest in any business or any body corporate carrying on any business with the College in the exercise of its business.

(2) A member who has a pecuniary interest in a matter being considered by the Board shall, as soon as possible after the relevant facts come to his knowledge, disclose the nature of this interest before the Board's deliberation on the matter.

(3) A disclosure under subsection (2) shall be recorded in the minutes of the meeting of the Board and after such disclosure the member shall neither be present during any deliberation of the Board nor take part in any decision of the Board, with respect to that matter.

(4) For the purposes of this section, a person who, or a nominee or relative of whom, is a shareholder who owns shares in excess of five per cent or is a partner in a company or other body of persons other than a statutory authority or who is an employee thereof, shall be treated as having a pecuniary interest.

Ch. 45:55.

(5) In this section "relative" means spouse, cohabitant within the meaning of the Cohabital Relationships Act, father, mother, brother, sister, son or daughter of a person.

(6) A member who fails to comply with the provisions of this section is liable on summary conviction to a fine of fifty thousand dollars unless he proves that he was unaware that—

- (a) the matter in which he has an interest was the subject of consideration at the meeting; or
- (b) he had an interest in the matter under consideration at the meeting.

Committees of
the Board.

12. (1) The Board may appoint committees to examine and report to it on any matter whatsoever arising out of or connected with any of its functions under this Act.

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(2) A committee appointed under this section shall consist of at least one Board member and such other persons whose assistance or advice the Board may require.

(3) In relation to the purpose for which it was established, a committee shall have and exercise such of the powers of the Board under this Act as are specified in the terms of reference of the committee.

(4) The Board is not bound by any report submitted to it by any committee appointed under this section and the Board may reject or adopt a report wholly or partly or with such modifications, additions or adaptations as the Board thinks fit.

(5) The Board may dissolve or suspend the operations of any committee at any time.

(6) The Board shall prescribe the composition and procedure of any committee.

13. (1) The Board shall appoint a President of the College, President of the College. for a term not exceeding five years on such terms and conditions as are agreed upon between the Board and the President of the College.

(2) The President of the College shall—

(a) manage the affairs of the College subject to the directions of the Board;

(b) attend all meetings of the Board and take part in its deliberations but he shall have no right to vote.

(3) The appointment of the President of the College and the termination of his appointment, whether by death, resignation or otherwise, shall be published in the *Gazette*.

(4) The President of the College shall be eligible for reappointment.

14. (1) The Board on the recommendation of the President Vice-President. of the College shall appoint a Vice-President of Academic Affairs,

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a Vice-President of Finance and Administration and a Vice-President of Student Affairs and such other Vice-Presidents as it may deem appropriate.

(2) The Board after consultation with the President of the College shall determine the duties and functions of the Vice-Presidents.

(3) A Vice-President shall be appointed for a term of not more than five years as the Board may determine after consultation with the President of the College and on such terms and conditions as are agreed upon by the Board and the Vice-President.

(4) A Vice-President shall be eligible for reappointment.

Seal.

15. (1) The Seal of the College shall be kept in the custody of the President of the College.

(2) The Seal of the College shall only be used with the authority of the Board and every instrument to which the Seal is affixed shall be signed by a member, on the authorisation of the Board, and countersigned by the President of the College.

(3) All documents other than those required by law to be under Seal, and all decisions of the Board shall be signified under the hand of the Chairman, the President of the College and a member duly authorised by the Board.

Faculty
Senate.

16. (1) There shall be a Faculty Senate of the College which shall consist of—

- (a) the President of the College;
- (b) the Vice-President of Academic Affairs;
- (c) the President of the Student Council or a person nominated by him;
- (d) the Deans of such teaching departments as may be established by the Board;
- (e) the Principal of each Campus;
- (f) the Chair of each teaching department as may be established by the Board;

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- (g) the Chief Librarian of the College;
- (h) one faculty representative elected from amongst the full-time academic staff engaged in the teaching of each programme offered by the College;
- (i) one faculty representative elected from amongst the part-time academic staff of the College.

(2) The Board may designate additional offices which may be included in the Senate.

(3) The Senate may make rules for the regulation of its proceedings and the conduct of its business.

(4) *Ex officio* members shall hold office for so long as they continue to occupy the positions by virtue of which they became members while appointed and co-opted members shall hold office for no more than two years.

(5) Elected members shall not serve for more than two consecutive terms and shall not be eligible for reappointment until at least one term has elapsed.

(6) The President of the College or in his absence the Vice-President of Academic Affairs shall be the Chairman and Vice-Chairman respectively of the Senate.

(7) If, at a meeting of the Senate the Chairman or the Vice-Chairman of the Senate is absent, the members present may elect a Chairman from amongst their number to preside at that meeting.

(8) Notwithstanding subsection (1), vacancies in the membership of the Senate or any defect in the appointment or designation of any member shall not affect its legal existence, unless its membership is reduced to less than six.

(9) For the purposes of this section “Chair” means the person appointed as the head of each department by the Board.

17. (1) Subject to the special or general directions of the Board, the Senate shall be responsible for the academic

Power of the Senate.

administration of the College and shall have the control and authority over research, academic instruction, academic policy examinations and the eligibility of students and persons for academic awards and other honours or distinctions.

(2) Without prejudice to the generality of subsection (1) the Senate shall have the following functions:

- (a) make recommendations to the Board regarding the selection and appointment of senior academic staff including the President of the College, the Vice-Presidents, Principals, Deans and Department Chairs;
- (b) regulate the conduct of examinations, tests and other methods of assessing courses offered by the College;
- (c) consider, develop and revise the courses of study, instruction and education offered by the College;
- (d) determine all issues relating to the academic and other qualifications required of applicants for admission as students to the College and the qualifications and suitability of such persons for the award of certification;
- (e) recommend to the Board the institution of chairs, fellowships, scholarships, bursaries, prizes and other such awards and the suitability of persons for the grant thereof;
- (f) consider and make recommendations to the Board on any matter relating to the College, including the appointment of academic staff, the creation or discontinuance of any academic unit, programme or course of study, the creation, suspension or abolition of any academic post, the status and quality of any certification or training of any other institution and the discipline and welfare of students.

18. (1) The decisions of the Senate shall be by a majority of votes of its members present and voting and in the case of an equality of votes the Chairman of the meeting at which the vote is taken shall have a second or casting vote. Meeting of the Senate.

(2) The quorum of the Senate shall comprise one-half of its membership.

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

19. (1) There shall be an Alumni Association of the College (hereinafter referred to as “the Association”). Alumni Association.

(2) The Association shall be comprised of—

(a) the alumni of the College;

(b) such other persons holding appointments in the College as may be invited by the Association to become members thereof and who have made an application to enroll by completing the requisite forms.

(3) The Association in consultation with the Board may make Rules regarding the Association by—

(a) prescribing its constitution including its financial affairs and its financial accountability; and

(b) prescribing such other acts or things which may be necessary, expedient, incidental or conducive to the discharge of any of its functions.

(4) For the purposes of this section “alumni” means the graduates of the College.

20. (1) There shall be a Student Council of the College. Student Council.

(2) The Council shall be comprised of persons elected from amongst students enrolled with the College.

(3) The Student Council, after consultation with the Board, may make rules concerning the Student Council by—

- (a) prescribing its constitution including its financial affairs and its financial accountability; and
- (b) prescribing such other acts or things which may be necessary or expedient or incidental or conducive to the discharge of any of its functions.

PART II

FINANCIAL PROVISIONS

Funds.

21. The funds and resources of the College shall consist of—

- (a) such amounts as may be appropriated therefore by Parliament;
- (b) special grants or funds as may from time to time be provided by Government for the financing of special programmes, projects and activities;
- (c) sums arising from grants, covenants, donations, endowments, bequests and other gifts and receipts from other persons including national and international bodies;
- (d) all sums received by or falling due as fees for tuition or as payments for services rendered or the sale of any asset or the provision of facilities;
- (e) sums received from the use of the College's patents, copyright, trademarks or processes;
- (f) sums borrowed by the College;
- (g) all other sums or property that may in any manner become lawfully payable to or vested in the College in respect of any matters incidental to its functions.

Exemption from tax.

22. (1) The College is exempt from the payment of stamp duty, corporation tax, Customs duty, purchase taxes, motor vehicle taxes, and all other taxes, charges, levies and imposts on its income or profit or on assets which it acquires for its own use.

(2) Where—

- (a) goods are imported by the College for and on behalf of the College;
- (b) the commercial sale to the College of goods or services is in the opinion of the Board of Inland Revenue required for the purposes of the College,

the goods and services shall be exempt from Value Added Tax.

23. (1) The Board shall, at least three months before the commencement of each financial year, submit to the Minister, for his approval, estimates of expenditure in such form as the Minister of Finance may prescribe in accordance with GAAP. Estimates of expenditure.

(2) The estimates of expenditure, as approved by the Minister, shall be the expenditure budget of the College for the financial year to which it relates.

24. (1) The Board shall keep proper books of accounts and records, in accordance with GAAP, of all moneys received and expended and shall record the matters in respect of which such sums were received and expended. Accounts and audit.

(2) Within three months after the end of each financial year the Board shall cause to be prepared, in respect of that year—

- (a) a report setting out the activities of the Board; and
- (b) financial statements prepared in accordance with GAAP and any other statement as required by the Minister of Finance.

(3) In instances where the standards included in GAAP are inappropriate or inadequate the Treasury shall provide instructions.

(4) The accounts of the College are public accounts of Trinidad and Tobago for the purposes of section 116 of the Constitution. Ch. 1:01.

(5) As soon as the accounts of the College have been audited, the Auditor General shall submit his report in accordance with section 116 of the Constitution and shall forward a copy of the said report to the Minister.

(6) The Minister shall cause a copy of every such report submitted under subsection (3) to be laid before Parliament.

Ch. 69:01. (7) For the purposes of an audit conducted pursuant to this Act, the Exchequer and Audit Act shall apply as if an audit referred to in this Part is one to which the Act applies.

(8) Nothing in this section precludes the Auditor General or an auditor engaged by the Board from performing a management or comprehensive audit of the activities of the College.

(9) “GAAP” means Generally Accepted Accounting Practice which includes the international accounting standards adopted by the Institute of Chartered Accountants of Trinidad and Tobago.

Financial year. **25.** (1) The financial year of the College shall be the period of twelve months beginning the first day of October in any year to the thirtieth day of September in every year, but the period from the date of commencement of this Act to the end of September next following shall be deemed to be the first financial year.

(2) The Board may, with the approval of the Minister of Finance, vary the financial year of the College.

Borrowing. **26.** (1) The Board may, for the purpose of discharging its functions under this Act, borrow such sums of money as it may deem expedient.

(2) The Minister with responsibility for Finance may, on behalf of the Government, out of money appropriated by the Parliament for that purpose, lend money to the College on such terms and conditions as he determines, in writing.

(3) The College may, with the approval of the Minister of Finance, borrow money from bodies or persons other than the Government.

(4) Money may be borrowed wholly or partly in foreign currency.

(5) The College may with the approval of the Minister with responsibility for Finance, give security over the whole or

any part of its property for the due performance of its obligations incurred pursuant to this section.

(6) The College is a statutory authority for the purposes of the Guarantee of Loans (Statutory Authorities) Act. Ch. 71:81.

27. The Board shall by resolution make rules and regulations for the proper control of the system of accounting and for the finances of the College. Financial control.

PART III

STAFF AND RELATED MATTERS

28. (1) The Board may employ any person, to perform such tasks that the Board considers necessary for the due performance of its functions and exercise of its powers under this Act, on such terms and conditions as are agreed between the Board and the person and subject to such maximum limit of remuneration as the Minister determines. Employment of staff.

(2) Section 11 applies *mutatis mutandis* to persons employed by the Board under this section.

29. (1) Subject to subsection (2) an officer or employee in the Public Service or in the service of a statutory authority may with the consent of the Board and with the approval of the appropriate Service Commission or other relevant body, consent to be transferred on secondment to the service of the College. Secondment.

(2) Where a transfer on secondment contemplated by subsection (1) is effected, arrangements shall be made to preserve the rights of the officer so transferred to any pension, gratuity or other allowance for which he would have been eligible had he not been seconded to the service of the College.

(3) An officer who opts for secondment under subsection (1) shall, in relation to terms and conditions, be treated no less favourably than if he were not so seconded.

(4) A period of secondment shall not exceed five years in the first instance and may be extended for further periods as the appropriate Service Commission or other relevant body determines.

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(5) An officer in the Public Service, who prior to the commencement of this Act was employed at a Scheduled TLI may—

- (a) be appointed on transfer to the service of the College, subject to the approval of the appropriate Service Commission or other relevant body on such terms and conditions as are acceptable to him and the Board;
- (b) remain in the Public Service; or
- (c) retire voluntarily on such terms and conditions as are agreed upon between the person who exercises this option or his association or trade union and the Chief Personnel Officer.

Transfer to
College.

30. An officer or employee in the Public Service or in the service of a statutory body or a scheduled TLI may with the consent of the Board and with the approval of the appropriate Service Commission or relevant body consent to be appointed on transfer to the service of the College upon such terms and conditions as may be acceptable to him and the Board.

Hourly, daily
and weekly-
rated
employees.

Ch. 88:01.

31. (1) Subject to any written law, every registered collective agreement and registered memorandum of agreement within the meaning assigned to such agreements and memoranda under the Industrial Relations Act, in existence before January 1, 2000 to which the Chief Personnel Officer was a party in relation to hourly, daily and weekly-rated employees employed in the Scheduled TLIs, shall be valid and binding on the Board and the majority trade union which immediately prior to January 1, 2000 represented hourly, daily and weekly-rated employees who were employed in such TLIs and in respect of whom the Chief Personnel Officer was deemed to be the employer under the Industrial Relations Act.

(2) For the purposes of the agreements referred to in subsection (1) and for all other purposes related to the Industrial Relations Act, the Board is deemed to be the successor to the Chief Personnel Officer effective January 1, 2000.

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(3) Subject to the Industrial Relations Act, the majority trade union which immediately prior to January 1, 2000 represented the hourly, daily and weekly-rated employees who were employed in the Scheduled TLIs and in respect of whom the Chief Personnel Officer was deemed to be the employer under the Industrial Relations Act, shall continue to represent such workers.

32. (1) The Board shall within two years of the date of assent of this Act, establish a pension fund plan. Establishment of pension fund plan.

(2) All employees of the Board excluding employees transferred on secondment shall be members of the pension fund plan.

33. The superannuation benefits which have accrued under a pension law to a person who exercises the option under section 29(5)(a) or who transfers in accordance with the provisions of section 30 shall be preserved at the date of his employment by the Board, and such person shall continue to accrue superannuation benefits under relevant pension law up to the date of commencement of the pension fund plan or the date of his transfer, whichever is later, on the basis of the pay, pensionable emoluments or salary applicable to the office, in the Public Service, statutory authority or scheduled TLI, which he held immediately prior to his employment by the Board. Preservation and accrual of superannuation benefits.

34. (1) Where an employee who had exercised the option under section 29(5)(a) or who had transferred in accordance with the provisions of section 30 and who is eligible for superannuation benefits under a pension law dies or retires or is retrenched or his post in the College is abolished prior to the establishment of the pension fund plan and at the date of his death, retirement, retrenchment or the abolition of his post, he was in receipt of a higher salary than the pay, pensionable emoluments or salary referred to in section 33, the superannuation benefits payable to the employee or his estate shall be based on the higher salary. Payment of superannuation benefits by Board prior to the establishment of the pension fund plan.

(2) The difference between the superannuation benefits payable on the basis of the higher salary referred to at subsection (1)

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and those payable under a pension law on the basis of the pay, pensionable emoluments or salary referred to in section 33, shall be paid by the Board.

Payment of superannuation benefits by pension fund plan.

35. (1) When an employee who had exercised the option under section 29(5)(a) or who had transferred in accordance with the provisions of section 30 and who is eligible for superannuation benefits under a pension law and is a member of the pension fund plan dies, retires or is retrenched or his post in the College is abolished, he or his estate shall be paid superannuation benefits by the pension fund plan at an amount which when combined with the superannuation benefits payable under section 33 is equivalent to the benefits based on his pensionable service in the College and calculated at the final salary applicable to him on the date of his death, retirement, retrenchment or the abolition of his office.

(2) For the purposes of subsection (1) “final salary” has the meaning given to it by the pension fund plan.

Representation.

36. Subject to any written law employees of the College who have transferred from the Public Service or any statutory authority shall, for the purpose of collective bargaining, continue to be represented by the relevant trade union or representative association that formerly represented them.

Preservation of Collective Agreement.

37. Any collective agreement or other agreement applicable to former officers or employees in the Public Service or a statutory authority who exercised the option under section 29(5)(a), shall be valid and binding on the relevant representative association or trade union and the College and shall be deemed to be registered under the Industrial Relations Act.

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Preservation of terms and conditions.

38. Upon the commencement of this Act and subject to any written law a collective agreement or other agreement that immediately prior to the commencement of this Act affected officers or employees who were employed in the public service or a statutory authority shall continue to have effect in relation to such employees employed by the College.

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PART IV
MISCELLANEOUS

39. Upon the commencement of this Act, all property belonging to the scheduled TLIs are respectively transferred to and vested in the College. Vesting of property.

40. (1) Upon the commencement of this Act all assets, rights, privileges, and all liabilities and obligations that the State or scheduled TLIs were entitled or subject to immediately before the commencement of this Act are transferred to and conferred or imposed upon the College. Saving of State and liabilities.

(2) A reference in any deed, contract, bond, security or other document to the State or a scheduled TLI shall be construed as a reference to the College.

(3) Legal proceedings pending immediately before the commencement of this Act by or against the State or a scheduled TLI may be continued on or after that day by or against the State as a party to the proceedings.

41. The Minister may by Order, amend the Schedule subject to negative resolution of Parliament. Amendment to Schedule.

SCHEDULE

Section 2.
[179/2006].

Joint Services Staff College;

NIHERST Colleges (Business Management and Information Technology Division, College of Health Sciences, College of Nursing, General Education Division and School of Languages).